



CLINTON CITY COUNCIL AGENDA

2267 N 1500 W Clinton, UT 84015

July 14, 2026

Live stream can be found on YouTube at [youtube.com/@ClintonCityUtah](https://www.youtube.com/@ClintonCityUtah)

This meeting may be attended electronically by one or more members.

Mayor
Marie Dougherty

City Council
Spencer Arave
Jennifer Christensen
Chris Danson
Adam Larsen
Dane Searle

7:00 PM REGULAR COUNCIL MEETING

1. Pledge of Allegiance
2. Invocation – Councilmember Chris Danson
3. Roll Call
4. Fire Badge Pinning Ceremony
5. Police Officer Oath of Office
6. New CERT Member Recognition
7. Employee Service Awards
8. Meet the New Parks Manager

PUBLIC INPUT

Any public member who wishes to address the Council will be allowed up to three minutes to make their presentation. According to the Utah State Code, the Council cannot vote on items not advertised on the agenda.

BUSINESS

1. Finance Report, June 2026
2. Public Hearing, Ordinance 26-05, Code Updates to Titles 1 and 2 of the Clinton City Code
3. Fiscal Year 2025-26 Fraud Risk Assessment Report

CONSENT ITEMS

1. Award Bid on Pump House
2. Public Treasurer's Investment Fund Certification of Authorized Individuals Resolution
3. Approval of Minutes: June 23, 2026 City Council Work Session and City Council Meeting
4. Approval of Accounts Payable: None

OTHER BUSINESS

1. Council Reports
2. Mayor's Report
3. Action Item Review

ADJOURN

Dated this 7th day of July 2026
/s/Lisa Titensor, Clinton City Recorder

- **Supporting documentation for this agenda is posted on the Clinton City website at www.clintoncity.com and on the Utah Public Notice Website www.utah.gov/pmn**
- **In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Lisa Titensor, City Recorder, at (801) 614-0700 at least 24 hours prior to the meeting.**
- **This meeting may involve electronic communications for some members of this public body. The anchor location for the meeting shall be the Clinton City Council Chambers at 2267 N 1500 W Clinton UT 84015. Elected Officials at remote locations may be connected to the meeting electronically to participate.**

- *Notice is hereby given that by motion of the Clinton City Council, pursuant to Utah State Code Title 52, Chapter 4 sections 204 & 205, the City Council may vote to hold a closed session for any of the purposes identified in that Chapter.*
- *The order of agenda items may change to accommodate the needs of the city council, staff and/or public*

CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

MEETING DATE:	July 14, 2026				
CONSENT AGENDA		BUSINESS AGENDA	X	RECOGNITION	
PETITIONER(S):	Chief Poulsen				
TYPE OF VOTE:	ROLL CALL		VOICE		
SUBJECT:	Badge Pinning				

FISCAL IMPACT:

Today, we are honored to recognize Ty Andrews as we celebrate his badge pinning and the successful completion of his Fire Inspector certification.

This achievement represents more than completing a class—it demonstrates Ty's commitment to protecting our community through fire prevention, education, and code enforcement. Fire inspections are one of the most important ways we reduce risk before emergencies ever occur, and Ty has embraced that responsibility with professionalism and dedication.

Ty has become an invaluable member of both the Clinton City Fire Department and our Community Development Department. His partnership between our departments ensures that businesses remain compliant with fire and life safety codes, inspections stay current, and our community continues to be a safe place to live, work, and visit.

His efforts not only help protect lives and property but also contribute to the pride we all have in keeping Clinton City looking its very best. Through his attention to detail, strong work ethic, and commitment to public service, Ty plays a vital role in maintaining the safety and appearance of our city.

Ty, thank you for your dedication, your professionalism, and your willingness to serve our community. We are proud of your accomplishment and grateful to have you on our team. Congratulations on earning your Fire Inspector certification and on this well-deserved badge pinning.

CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

MEETING DATE:	July 14, 2026				
CONSENT AGENDA					
PETITIONER(S):	Shawn Stoker				
SUBJECT:	Police Officer Oath of Office				
RECOMMENDATION:	Welcome Saddie Leist as the newest Clinton City Officer				

FISCAL IMPACT:

SUMMARY:

I respectfully recommend that Saddie Leist complete the Oath of Office, authorizing her to function as a police officer in Clinton City.

I am very happy to welcome Officer Leist to Clinton City and the Police Department.

CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

MEETING DATE:	July 14, 2026				
CONSENT AGENDA		BUSINESS AGENDA		RECOGNITION	X
PETITIONER(S):	Connie Valentine, Chief Poulsen				
TYPE OF VOTE:	ROLL CALL		VOICE		
SUBJECT:	CERT Recognition				

FISCAL IMPACT:

The Clinton City Fire Department would like to recognize Aaron and Camellia Malone for their outstanding dedication and commitment in successfully completing all of their Community Emergency Response Team (CERT) training and certification requirements.

Completing the CERT program requires a significant investment of time, effort, and a genuine desire to serve others. Their willingness to prepare themselves to assist during emergencies demonstrates the spirit of volunteerism that helps make our community stronger and more resilient.

Aaron and Camellia will be tremendous assets to our CERT program and to the wonderful residents of Clinton City. Their knowledge, skills, and commitment to public service will enhance our ability to support our community before, during, and after emergencies.

Congratulations, Aaron and Camellia, on this outstanding accomplishment!

CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

MEETING DATE:	July 14, 2026				
CONSENT AGENDA		BUSINESS AGENDA		RECOGNITION	X
PETITIONER(S):	City Manager Trevor Cahoon				
TYPE OF VOTE:	ROLL CALL	N/A	VOICE	N/A	
SUBJECT:	Employee Service Awards				
RECOMMENDATION:	Recognize the following employees for their long time service to Clinton City.				

Fire - FT	BROUGH, RICHARD	05/05/2016	2	10
Police	ALDRIDGE, RONNIE	06/06/2016	2	10
Police	RODRIGUEZ, JOSHUA	5/1/2021	2	5
Public Works	TUCKER, ZACK	4/9/2021	2	5
Treasurer	HUBBARD, STEVEN D	5/11/2001	2	25

CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

MEETING DATE:	7/ 14/2026				
CONSENT AGENDA		BUSINESS AGENDA		RECOGNITION	X
PETITIONER(S):	Brooke Mitchell, Parks and Recreation Director				
TYPE OF VOTE:	ROLL CALL		VOICE		
SUBJECT:	Welcome the New Parks Manager				
RECOMMENDATION:					

SUMMARY: We recently hired Benji Frye as our new Parks Manager. Benji lives in Layton and has 5 children. Benji has been in the Parks field for over 16 years. He started his career in Layton as a Parks Supervisor and worked there for 8 years. He then accepted the position as the Parks and Open Space Manager for Clearfield City and worked there for 8 years, before moving back east to his home state of South Carolina for a short time. Benji has a bachelor's degree from Weber State University and a master's degree from Western Governors University. He served on the Utah Recreation and Parks Association Board of Directors and Leadership Academy for 3 years. Benji managed a \$1.5 million dollar budget while working for Clearfield City. He oversaw maintenance of 281 acres of developed land that included city parks, trails, highway interchanges, detention basins and an urban fishery for Layton City. He has managed crews of 24-38 employees. Benji is experienced in capital project management, budget planning, communication and team leadership. We are excited to have Benji as our new Parks Manager. We know he will do great things for Clinton City.

ATTACHMENTS: None

CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

MEETING DATE:	7/14/2026				
CONSENT AGENDA		BUSINESS AGENDA	X	RECOGNITION	
PETITIONER(S):	Cory Christensen – Finance Director				
TYPE OF VOTE:	ROLL CALL		VOICE		
SUBJECT:	FY26 June Summary Financials				

SUMMARY:

Financial Statement Summary for FY26

- April through June not closed (all revenue and expenses have not been recorded).
- June payroll has not been posted to department GLs.

RECOMMENDATION:

ATTACHMENTS: FY26 June Financial Summary for Council

CLINTON CITY CORPORATION
FUND SUMMARY
FOR THE 12 MONTHS ENDING JUNE 30, 2026

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
TAXES	68,396.85	8,946,955.19	10,764,317.00	1,817,361.81	83.1
LICENSES AND PERMITS	37,225.25	602,380.54	617,850.00	15,469.46	97.5
INTERGOVERNMENTAL REVENUES	1,085.17	1,158,866.58	1,686,400.00	527,533.42	68.7
CHARGES FOR SERVICES	41,374.56	2,017,207.57	2,351,950.00	334,742.43	85.8
FINES AND FORFEITURES	19,838.56	236,403.48	215,000.00	(21,403.48)	110.0
MISCELLANEOUS	13,495.83	387,660.25	439,660.00	51,999.75	88.2
CONTRIBUTIONS AND TRANSFERS	.00	500,000.00	465,985.00	(34,015.00)	107.3
SPECIAL REVENUE	16,951.00	449,674.40	490,200.00	40,525.60	91.7
	<u>198,367.22</u>	<u>14,299,148.01</u>	<u>17,031,362.00</u>	<u>2,732,213.99</u>	<u>84.0</u>
<u>EXPENDITURES</u>					
LEGISLATIVE	3,396.59	120,311.37	133,254.00	12,942.63	90.3
JUDICIAL	377.68	138,107.94	151,433.00	13,325.06	91.2
CITY TREASURER	5,301.10	706,945.23	791,724.00	84,778.77	89.3
CITY MANAGER	6,010.39	576,197.71	658,507.00	82,309.29	87.5
PROFESSIONAL AND TECHNICAL	40,753.11	693,717.72	665,655.00	(28,062.72)	104.2
ELECTIONS	.00	17,911.21	18,600.00	688.79	96.3
CITY BUILDINGS	52,849.77	262,529.41	334,756.00	72,226.59	78.4
COMMUNITY DEVELOPMENT	(13,501.97)	694,979.78	713,495.00	18,515.22	97.4
POLICE DEPARTMENT	28,686.27	3,827,843.36	4,249,720.00	421,876.64	90.1
FIRE DEPARTMENT	14,185.71	2,887,283.74	3,161,174.00	273,890.26	91.3
EMS	14,434.65	178,607.19	239,891.00	61,283.81	74.5
PARAMEDICS DEPARTMENT	.00	47,252.48	58,846.00	11,593.52	80.3
CROSSING GUARDS	.00	88,596.93	79,800.00	(8,796.93)	111.0
DUI PATROL	35.40	18,680.74	20,000.00	1,319.26	93.4
PUBLIC WORKS DEPT.	15,090.54	306,519.55	411,571.00	105,051.45	74.5
STREETS	118,979.50	1,197,179.23	1,471,189.00	274,009.77	81.4
PARKS	47,459.56	651,548.75	804,499.00	152,950.25	81.0
CEMETERY	4,337.85	91,258.40	97,116.00	5,857.60	94.0
RECREATION	6,552.18	528,181.33	677,245.00	149,063.67	78.0
RECREATION PROGRAMS	33,508.32	297,819.68	371,712.00	73,892.32	80.1
HERITAGE DAYS	42,852.33	80,465.17	161,218.00	80,752.83	49.9
TRANSFERS	.00	1,550,938.04	1,744,640.00	193,701.96	88.9
	<u>421,308.98</u>	<u>14,962,874.96</u>	<u>17,016,045.00</u>	<u>2,053,170.04</u>	<u>87.9</u>
	<u>(222,941.76)</u>	<u>(663,726.95)</u>	<u>15,317.00</u>	<u>679,043.95</u>	<u>(4333.</u>

CLINTON CITY CORPORATION
FUND SUMMARY
FOR THE 12 MONTHS ENDING JUNE 30, 2026

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
24 SPECIAL REVENUE-COMMUNITY ART	66.00	944.00	11,733.00	10,789.00	8.1
27 RAP TAX	.00	231,372.97	.00	(231,372.97)	.0
34 PARK CONSTRUCTION PROJECTS	.00	221,920.49	1,352,750.00	1,130,829.51	16.4
38 CAPITAL IMPROVEMENT FUND	.00	1,385,358.00	3,268,524.00	1,883,166.00	42.4
40 RDA REDEVELOPMENT AGENCY	.00	8,494.90	270,000.00	261,505.10	3.2
41 MOTOR POOL FUND	.00	1,076,027.43	1,641,722.00	565,694.57	65.5
42 SANITARY SEWER-SPECIAL SERVICE	22,937.67	270,649.00	275,410.00	4,761.00	98.3
48 1800 N PROJECT FUND	.00	14,500.85	.00	(14,500.85)	.0
51 WATER UTILITY FUND	257,990.34	3,986,481.92	3,647,352.00	(339,129.92)	109.3
52 SEWER UTILITY FUND	253,977.53	3,049,270.40	3,474,915.00	425,644.60	87.8
53 STORM DRAIN UTILITY FUND	80,870.50	1,041,963.19	2,047,546.00	1,005,582.81	50.9
54 WASTE COLLECTION UTILITY FUND	194,951.19	2,337,705.96	2,190,106.00	(147,599.96)	106.7
71 CEMETERY TRUST	4,800.00	64,893.63	35,940.00	(28,953.63)	180.6
	815,593.23	13,689,582.74	18,215,998.00	4,526,415.26	75.2
<u>EXPENDITURES</u>					
24 SPECIAL REVENUE-COMMUNITY ART	368.63	1,801.13	11,733.00	9,931.87	15.4
27 RAP TAX	.00	534.77	.00	(534.77)	.0
34 PARK CONSTRUCTION PROJECTS	.00	48,420.65	1,100,000.00	1,051,579.35	4.4
38 CAPITAL IMPROVEMENT FUND	52,970.89	1,048,336.35	2,693,524.00	1,645,187.65	38.9
40 RDA REDEVELOPMENT AGENCY	.00	5,437.50	270,000.00	264,562.50	2.0
41 MOTOR POOL FUND	67,615.40	1,143,969.44	1,641,722.00	497,752.56	69.7
42 SANITARY SEWER-SPECIAL SERVICE	10,000.87	178,246.95	257,837.00	79,590.05	69.1
48 1800 N PROJECT FUND	3,400.18	46,387.41	.00	(46,387.41)	.0
51 WATER UTILITY FUND	75,718.24	5,244,375.83	3,087,314.00	(2,157,061.83)	169.9
52 SEWER UTILITY FUND	193,783.73	2,861,201.52	3,161,284.00	300,082.48	90.5
53 STORM DRAIN UTILITY FUND	5,709.90	1,015,693.20	1,597,757.00	582,063.80	63.6
54 WASTE COLLECTION UTILITY FUND	143,569.03	2,014,080.57	2,086,703.66	72,623.09	96.5
	553,136.87	13,608,485.32	15,907,874.66	2,299,389.34	85.6
	262,456.36	81,097.42	2,308,123.34	2,227,025.92	3.5

CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

MEETING DATE:	July 14, 2026				
CONSENT AGENDA		BUSINESS AGENDA	X	RECOGNITION	
PETITIONER(S):					
TYPE OF VOTE:	ROLL CALL		VOICE		
SUBJECT:	Ordinance 26-05, Amendments to Title 1 (General Provisions) and Title 2 (Administration) of the Clinton City Code.				
RECOMMENDATION:	Approve Ordinance 26-05 as presented.				

SUMMARY:

This ordinance serves as a legislative maintenance update to Titles 1 and 2 of the Clinton City Code. It incorporates required statutory updates, removes obsolete language, and improves the organization and readability of the Code.

- Updates statutory references to current Utah Code.
- Incorporates legislative changes enacted between 2020 and 2026 applicable to Titles 1 and 2.
- Clarifies administrative procedures and responsibilities.
- Updates references to the Utah Open and Public Meetings Act and GRAMA.
- Updates bonding/crime insurance, municipal administration, and other required provisions.
- Removes obsolete or redundant language while preserving existing City policy.
- Repeals 2-17, which instituted term limits in 2025. The League of Cities and Towns, in consultation with the State Elections Office and Utah Attorney General's Office, advises that municipal term limits are most likely illegal:

State code details the restrictions on a person's right to run for office, saying, "An individual may become a candidate for any municipal office if... "

Justin Lee, former state elections director and current deputy director of the League, wrote, "20A-9-203(1) lays out the requirements for someone to become a candidate for municipal office. The requirements are that an individual be a registered voter and that they meet the residency requirements. The code is not silent as to the requirements to run for office, rather the code is very specific. ...I believe that any other requirement, such as a term limit, goes beyond what the code allows. ...The attorneys I worked with in AG's office always advised that cities shouldn't add any other requirements or disqualifications beyond what is in 20A-9-203(1). If a city gets challenged in court for not letting someone run because they have already held office for a certain amount of time, I will be very interested to see how they defend that."

ATTACHMENTS:

- Ordinance No. 26-05
- Exhibit A – Title 1 Redline
- Exhibit B – Clean version
- Exhibit C – Title 2 Redline
- Exhibit D – Clean version

ORDINANCE NO. 26-05

AN ORDINANCE OF CLINTON CITY, UTAH, AMENDING TITLES 1 (GENERAL PROVISIONS) AND 2 (ADMINISTRATION) OF THE CLINTON CITY CODE; INCORPORATING LEGISLATIVE UPDATES; UPDATING REFERENCES TO CURRENT UTAH LAW; REPEALING CHAPTER 2-17 (TERM LIMITS); PROVIDING FOR CODIFICATION; REPEALING CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The Clinton City Council has conducted a comprehensive review of Titles 1 and 2 of the Clinton City Code to ensure consistency with current Utah law and municipal best practices; and

WHEREAS, The City has identified statutory amendments enacted between 2020 and 2026 that require updates to the City's Code, including revisions affecting municipal administration, public meetings, public records, bonding requirements, and other administrative provisions; and

WHEREAS, The City Council further finds that obsolete, duplicative, and unnecessary language should be removed while preserving local policies and procedures that remain appropriate for Clinton City; and

WHEREAS, Chapter 2-17 of the Clinton City Code, adopted in 2025 establishing municipal term limits, is inconsistent with the City's authority under Utah election law. The Utah League of Cities and Towns, in consultation with the Utah State Elections Office and the Utah Attorney General's Office, has advised municipalities that candidate qualifications for municipal office are governed exclusively by Utah Code Title 20A and that additional local qualifications, including term limits, are likely unenforceable; and

WHEREAS, The City Council finds these amendments promote efficient municipal administration, accurate codification, and continued compliance with Utah law.

NOW, THEREFORE, BE IT ORDAINED...

Section 1.

Title 1 (General Provisions) is amended as set forth in Exhibit A and Exhibit B, attached hereto and incorporated by this reference.

Section 2.

Title 2 (Administration) is amended as set forth in Exhibit C and Exhibit D, attached hereto and incorporated by this reference.

Section 3.

Repeal of Chapter 2-17.

Chapter 2-17 (Term Limits) of the Clinton City Code is hereby repealed in its entirety.

Section 4.

Codification. The City Recorder is authorized to transmit this ordinance and the attached exhibits to the City's codifier. The codifier may make nonsubstantive formatting, numbering, grammar, punctuation, and cross-reference revisions necessary to integrate these amendments into the Clinton City Code, provided such revisions do not alter the legislative intent of this ordinance.

Section 5.

Repealer. All ordinances, resolutions, or parts thereof inconsistent with this ordinance are repealed only to the extent of the conflict.

Section 6. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall remain in full force and effect.

Section 7. Effective Date.

This ordinance shall become effective upon publication as required by Utah law.

Attachments

- Exhibit A – Title 1 Redline
- Exhibit B – Title 1 Clean Version
- Exhibit C – Title 2 Redline
- Exhibit D – Title 2 Clean Version

CLINTON CITY

Marie Dougherty, Mayor

ATTEST:

Lisa Titensor, City Recorder

TITLE 2. ADMINISTRATION

- Chapter 1. General**
- Chapter 2. Municipal Government**
- Chapter 3. Mayor**
- Chapter 4. Meetings - Voting**
- Chapter 5. Public Meetings, Executive Sessions, Records and Publication, Procedure**
- Chapter 6. Office of City Manager**
- Chapter 7. City Officers Generally**
- Chapter 8. Planning Commission**
- Chapter 9. Clinton City Justice Court**
- Chapter 10. Claims Against Municipality**
- Chapter 11. Records Access and Management**
- Chapter 12. City Treasurer**
- Chapter 13. Utility Customer Deposits, Delinquent Accounts and Water Disconnects**
- Chapter 14. Establishment of the Clinton City Community Arts Board**
- Chapter 15. Civil Rights**

Chapter 1. General

- 2-1-1 Legislation
- 2-1-2 Ordinances - Enacting Clause
- 2-1-3 Ordinances - Numbering
- 2-1-4 Purpose of Resolutions
- 2-1-5 Form of Resolution
- 2-1-6 Resolutions Need no Publication Effective Date
- 2-1-7 Bonds for Elected and Appointed City Officials

2-1-1 Legislation. Except as otherwise specifically provided, the City Council shall exercise its legislative powers through ordinances.

History: 9/84

2-1-2 Ordinances - Enacting Clause. The enacting clause of all ordinances of the City shall be in the following form: "Be it ordained by the City Council of Clinton City." No enacting clause shall be used in any section of any ordinance except the first section.

History: 9/84

2-1-3 Ordinances - Numbering.

(1) The Recorder shall, insofar as possible, assign all ordinances of a general nature adopted after these revised ordinances a number. The first number of such an ordinance shall be the last two (2) digits of the year the ordinance is adopted, followed by a dash which is followed by a number which shall be a

sequential, ascending number indicating the order in which such ordinance was adopted during the year.

(2) All ordinances of a local, private or temporary nature, including franchises, grants, dedications, bond issues and tax levies may be maintained in a separate book of "Special Ordinances," properly indexed and organized according to date adopted. These ordinances shall be numbered in the manner indicated in the preceding paragraph.

(3) Failure to comply with this section shall not affect or render invalid any ordinance of this municipality.

History: 8/36, 9/84

2-1-4 Purpose of Resolutions. Unless otherwise required by law, the City Council may exercise all administrative powers by resolution including, but not limited to:

- (1) Establishing water and sewer rates;
- (2) Charges for garbage collection and fees charged for municipal services;
- (3) Establishing the personnel policies and guidelines; and
- (4) Regulating the use and operation of municipal property. Punishment, fines or forfeitures may not be imposed by resolution.

History: 9/84

2-1-5 Form of Resolution. Any resolution passed by the City Council shall be in a form and contain sections substantially similar to that prescribed for ordinances.

History: 9/84

2-1-6 Resolutions Need no Publication Effective Date. Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the City Council may determine, but resolutions may not become effective more than three (3) months from the date of passage.

History: 9/84

2-1-7 Bonds for Elected and Appointed City Officials:

Bonding requirements for elected and appointed City Officials while working in their official capacities, whether for the City Municipality, City Boards or City Special Districts, shall be deemed covered and complete through the City's liability insurance coverage which includes crime/theft insurance. Some common names for such bonds are: fidelity bonds; surety bonds; treasurer's bonds and performance bonds. The purpose of these bonds is to ensure the

safety of public funds in case of theft or other crimes by City Officials. In lieu of the bonds, the crime/theft insurance coverage provides a greater amount of coverage and is universally applied to all Elected and Appointed Officials and employees at the start of their term of service/employment with the City.”

All municipal officers and employees handling public funds or performing fiduciary duties shall be covered by crime insurance in accordance with Utah Code 10-3-831, as amended. Coverage may

be provided through a blanket crime insurance policy applicable to elected officials, appointed officials, board members, district representatives, and employees acting within the scope of their official duties. The City Council shall establish the required amount of coverage by resolution. The purpose of such coverage is to protect public funds and municipal assets from loss due to theft, fraud, dishonesty, or other covered misconduct.

History: 11/18 – Ord. 18-03

Chapter 2. Municipal Government

- 2-2-1 Six-Member Council Form
- 2-2-2 Functions of the Council
- 2-2-3 Council Members - Qualifications - Terms of Office
- 2-2-4 Eligibility and Qualifications
- 2-2-5 Vacancy in Office of Mayor or Council Member

2-2-1 Six-Member Council Form.

(1) The Clinton City form of government shall be known as the six-member Council form, vesting the government of the municipality in the City Council which shall be deemed the governing body of the municipality. The City Council composed of six (6) members, one of whom shall be the Mayor and the remaining five (5) shall be Council members.

(2) The position of City Manager shall continue as outlined prior to the 2008 Utah Code changes on City Councils. City Manager duties, powers and authority are provided in Chapter 6 of this title.

History: 9/84, 12/09 – Ord. 09-21

2-2-2 Functions of the Council.

(1) The City Council is the legislative body of the municipality and exercises the legislative powers, duties, and functions of the municipality while retaining all powers granted by Utah Code 10-3b-105 and 10-3b-303 as amended.

(2) The City Council shall pass ordinances, appropriate funds, review municipal administration, and perform all duties that may be required of it by law.

History: 9/84, 12/09 – Ord. 09-21, 02/26-Ord26-02

2-2-3 Council Members - Qualifications - Terms of Office.

Council members shall be residents of the City and serve terms of office of four (4) years each, or until a successor is qualified. Council members shall have no other compensated employment with the municipality.

History: 9/84

2-2-4 Eligibility and Qualifications.

(1) All elective officers of the City shall be chosen by the registered voters, unless appointed under §2-2-5.

(2) Any person filling an elected City office must be a qualified voter as outlined in UCA§20A-9-201 as

amended.

(3) If any official filling an elected office 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 his or her term of office, the office shall there by become automatically vacant.

History: 8/36, 9/84, 12/09, 10/16 – Ord. 16-02

2-2-5 Vacancy in Office of Mayor or Council Member.

~~(1) If any vacancy occurs in the office of Mayor or Council member of the City, the Council shall appoint a qualified voter in the municipality to fill the unexpired term of office vacated. Before acting to fill the vacancy, the municipal legislative body shall:~~

~~(a) Give public notice of the vacancy at least two weeks before the City Council meets to fill the vacancy;~~

~~(b) Identify in the notice the date, time, and place of the meeting where the vacancy will be filled;~~

~~(c) Identify the person to whom an interested person may submit their application;~~

~~(d) Identify the deadline for application submittal; and,~~

~~(e) In an open meeting, interview each person whose name was submitted for consideration and who meets the qualifications for office regarding the person's qualifications.~~

~~(2) If, for any reason, the City Council does not fill the vacancy within 30 days after the vacancy occurs, the City Council shall fill the vacancy from among the names that have been submitted.~~

~~(a) The two persons having the highest number of votes of the City Council after a first vote is taken shall appear before the City Council and the City Council shall vote again.~~

~~(b) If neither candidate receives a majority vote of the City Council at that time, the vacancy shall be filled by lot in the presence of the City Council.~~

~~(3) A vacancy in the office of Mayor or member of the City Council shall be filled by an interim appointment, followed by an election to fill a two-year term, if:~~

~~(a) The vacancy occurs, or a letter of resignation is received, by the Mayor at least 14 days before the deadline for filing for election in an odd numbered year; and~~

(b) Two years of the vacated term will remain after the first Monday of January following the next municipal election.

(4) In appointing an interim replacement, fulfilling the requirements of § (3) above, the City Council shall:

(a) Comply with the notice requirements of this section; and

(b) In an open meeting, interview each person whose name was submitted for consideration and meets the qualifications for office regarding the person's qualifications.

(5) A member of the Council applying for a Mayoral vacancy may not participate in any part of the process to fill the vacancy.

(6) In a closed meeting, the City Council 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,

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

2-2-5 Vacancy in Office of Mayor or Council Member.

Vacancies in the office of Mayor or City Council member shall be filled in accordance with Utah Code Title 10 and Title 20A, as amended.

History: 8/36, 9/84, 12/09, 4/12, 10/16 – Ord. 16-02

Chapter 3. Mayor

- 2-3-1 Mayor as Presiding Officer - Mayor Pro Tempore
- 2-3-2 No Vote Exceptions
- 2-3-3 No Veto
- 2-3-4 Duties and Powers of Mayor
- 2-3-5 Change of Duties

2-3-1 Mayor as Presiding Officer - Mayor Pro Tempore.

(1) The Mayor shall ~~be the~~ serve as chair and preside at the meetings of the City Council. In the Mayor's absence, or inability or refusal to act, the governing body may elect a member of the governing body to preside over the meeting as Mayor pro tempore, who shall temporarily have all of the powers and duties of the mayor. The election of Mayor pro tempore shall be entered in the minutes of the meeting.

(2) The mayor shall be chief ceremonial officer of the municipality and shall represent the municipality in all of its external relationships.

History: 8/36, 9/84, 12/09, Ord 26-02

2-3-2 No Vote Exceptions. The Mayor shall not vote, except:

- (1) In case of a tie vote of the Council;
- (2) Regarding the appointment or dismissal of City Manager; and
- (3) On any ordinance that enlarges or restricts the mayor's powers, duties, or functions.

History: 9/84, 12/09

2-3-3 No Veto. The mayor shall have no power to veto any act of the governing body unless otherwise specifically authorized by ordinance or state statute.

History: 9/84, 12/09

2-3-4 Duties and Powers of Mayor. The Mayor is the chief executive officer of the City and is the person, on behalf of the City Council, to whom the city manager reports.

The mayor shall:

- (1) Have ultimate responsibility to keep the peace and enforce the laws of the City;
- (2) Have authority to remit a fine or forfeiture;
- (3) Report any commutation or remittance to the City Council at its next meeting after the action;
- (4) Have authority to commute any sentences for violation of any municipal order;
- (5) Have responsibilities for Justice Court Judge vacancies as outlined in Title 2, Chapter 9 and UCA§78A-7-202 et. Seq., as amended.
- (6) Perform all duties prescribed by law, resolution or ordinance;
- (7) Ensure that all laws, ordinances and resolutions are faithfully executed and observed;
- (8) At any reasonable time examine and inspect the books, papers, records or documents of the city or any officer, employee or agent of the City;
- (9) Report to the City Council on the condition of the City and recommend for Council consideration any measures as deemed to be in the best interests of the City;
- (10) When necessary, call on the residents of the city over the age of 21 to assist in enforcing the laws of the state and ordinances of the city; and
- (11) Appoint, with the advice and consent of the Council, members to fill vacancies on commissions or committees of the City.

History: 8/36, 9/84, 12/09, 10/10, 10/16 - Ord 16-02, 2026 - Ord 26-02

2-3-5 Change of Duties. The mayor may, with the concurrence of a majority of the City Council, change the assignment of any member of the governing body who is serving on any commission, board, or committees.

History: 8/36, 9/84

Chapter 4. Meetings - Voting

- 2-4-1 Meetings Generally
- 2-4-2 Special Meetings
- 2-4-3 Quorum
- 2-4-4 Adoption of Procedural Rules; Expulsion of Member
- 2-4-5 Attendance
- 2-4-6 How the Vote is Taken
- 2-4-7 Minimum Vote Required
- 2-4-8 Reconsideration

2-4-1 Meetings Generally. The City Council shall by resolution prescribe the frequency, time and place of the meetings of the City Council; however, at least one (1) meeting shall be held each month. **Meetings shall comply with the Utah Open and Public Meetings Act, Utah Code Title 52, Chapter 4, as amended.**

~~In the absence of other provisions prescribed by resolution, if a meeting day falls on a legal holiday, the regular meeting shall be held on the next business day following. Adjourned meetings shall be held from time to time as circumstances may require.~~

History: 10/37, 9/84, 12/09

2-4-2 Special Meetings.

~~(1) If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the mayor or any two (2) members of the Council. The order shall be entered in the minutes of the City Council. The order shall provide at least three (3) hours' notice of the special meeting and notice thereof shall be served by the recorder or clerk upon each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode.~~

Special meetings shall be called and noticed in accordance with the Utah Open and Public Meetings Act, as amended.

The personal appearance by a member of the Council at any specially called meeting constitutes a waiver of the notice required in this section.

(2) No business shall be transacted in any special meeting except that stated in the call thereof, unless all Council members are present and unanimously consent thereto.

History: 10/37, 9/84, 12/09 – Ord. 09-21;

2-4-3 Quorum. The number of members of the City Council necessary to constitute a quorum is three (3) or more, excluding the mayor. No action of the City Council shall be official or of effect except

when a quorum of the members is present. Fewer than a quorum may adjourn from a meeting if less than a quorum occurs during that meeting. If less than a quorum occurs due to vacancies, the remaining City Council members may meet, after proper notice is given, to fill those vacancies.

History: 10/37, 9/84, 12/09

2-4-4 Adoption of Procedural Rules: The City Council shall, from time to time, make such rules for the government of its proceeding as it may deem necessary and proper and make such rules available at each official meeting as well as on the City's website.

History: 9/84, 12/09, 10/16 - Ord 16-02

2-4-5 Attendance. The City Council shall have the power to compel the attendance of its own members and provide such penalties as it deems necessary for the failure to comply therewith. A meeting with less than a quorum of members may properly meet from time to time and are hereby empowered to compel the attendance of absent members without proper absence excuses and may, when necessary, direct the chief of police to bring in such member or members under arrest. Should any member of the Council, when notified by the chief of police or other proper officer, that his presence is necessary to form a quorum (unless he shall present an excuse satisfactory to the Council at its next regular meeting), or should any member leave the Council when in session without the consent of the Council, when such leaving would break the quorum, shall be fined in any sum not exceeding \$50.00.

History: 9/84, 12/09, 10/16 - Ord 16-02

2-4-6 How the Vote is Taken. A roll call shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the municipality and in any other case at the request of any member of the City Council by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken.

History: 9/84

2-4-7 Minimum Vote Required.

(1) The minimum number of yes votes required to pass any ordinance, resolution or to take any action by the Council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall not be less than three (3).

(2) Any ordinance, resolution or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and, except a meeting may be adjourned to a specific time by a

majority vote of the governing body even though such majority vote is less than that required herein.

(3) A majority of the members of the City Council, regardless of number, may fill any vacancy in the governing body, as prescribed by law.

History: 9/84, 10/16 - Ord 16-02

2-4-8 Reconsideration.

(1) Any request for reconsideration of the vote of an approved Council agenda item must be made by at least one of the City Council members who voted in the majority of the action taken. Such request may be made at the same meeting as the vote or made to the mayor in writing prior to the subsequent meeting in time for its inclusion in the agenda.

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

(3) If the request for reconsideration is voted upon and approved by a majority vote of the City Council, the effect will be as if the original vote was never taken. The item can then be handled in any proper manner desired by the majority vote of the City Council.

History: 9/84, 12/09, 10/13, 10/16 - Ord 16-02

Chapter 5. Public Meetings, Executive Sessions, Records and Publication Procedure

- 2-5-1 Business of the Governing Body Conducted Only in Open Meeting
- 2-5-2 Public Records
- 2-5-3 Penalty for Disorderly Conduct in Public Meetings
- 2-5-4 Authority to Issue Administrative Subpoenas
- 2-5-5 Authorization, Contents, and Manner of Service
- 2-5-6 **Electronic Meetings**

2-5-1 Business of the Governing Body Conducted Only in Open Meeting. All meetings of the governing body of the City shall be held in compliance with the provisions of Chapter 4 of Title 52 of the Utah Code Annotated, relating to open and public meetings.

All meetings of the governing body of the City shall be conducted in accordance with the Utah Open and Public Meetings Act, Utah Code Title 52, Chapter 4, as amended.

History: 9/84

2-5-2 Public Records. The City Council shall keep a journal of its proceedings. The books, records, accounts and documents of the City shall be kept at the office of the Recorder and approved copies shall be open and available to the public during regular business hours for examination and copying. The Council may by resolution establish reasonable charges for providing copies of its public records to individuals, except when by law the municipality must provide the records without cost to the public.

All records shall be managed and disclosed in accordance with the Government Records Access and Management Act (GRAMA), Utah Code Title 63G, Chapter 2, as amended.

History: 9/84

2-5-3 Penalty for Disorderly Conduct in Public Meetings.

- (1) The City Council may fine or expel any member for disorderly conduct on a two-thirds (2/3) vote of the members of the governing body.
- (2) The City Council, on a two-thirds (2/3) vote may expel any person who is disorderly during the meeting of the City Council. This section or any action taken by the City Council pursuant hereto shall

not preclude prosecution under any other provision of law.

History: 9/84, 10/16 - Ord 16-02

2-5-4 Authority to Issue Administrative Subpoenas. Pursuant to authority granted by Section 10-3-610, Utah Code, as amended, or its successor, the City Council may issue administrative subpoenas to compel the attendance, before the City Council, of witnesses and the production of books, records, and other papers and documents and may cause to be examined under oath any person whose testimony is necessary or useful for the good governance of the City. Failure by any person, without adequate excuse, to obey an authorized subpoena served upon him shall be unlawful and punishable as a Class "C" misdemeanor.

History: 9/84, 3/06

2-5-5 Authorization, Contents, and Manner of Service.

(1) The City Council shall authorize by majority vote the serving of an administrative subpoena requiring the attendance of any person to give testimony or produce records, documents or things for inspection, copying, or examination, which would come before the City Council.

(2) Every administrative subpoena shall:

- (a) Be drafted by the city attorney;
- (b) Issue in the name of the City and shall state on its face that it is an administrative subpoena;
- (c) Set forth the possible penalties for failure to respond;
- (d) Command each person to whom it is directed to attend and give testimony at a time and place therein specified which date and time shall not be less than fourteen (14) days from the date of service of the administrative subpoena; and,

(e) Be signed by the mayor.

(3) An administrative subpoena may also command the person to whom it is directed to produce the books, papers, documents or tangible things designated therein.

(4) An administrative subpoena may be served by any peace officer or constable, or by any other person 18 years of age or older at the time of service. Service of an administrative subpoena upon a person named therein shall be made by delivering a copy thereof to such person.

(5) A certificate with a statement as to the date, place and manner of service shall be filed with the City

Manager's office by the person serving the subpoena within seven (7) days of the date of service; however, failure to file this proof of service shall not affect the validity of the service.

History: 03/06, 12/09

2-5-6 Electronic Meetings.

(1) In situations involving emergencies, loss of meeting facilities, other unforeseen circumstances or to facilitate the participation of an absent Mayor or City Council member(s), the City Council may meet electronically to conduct necessary business. In order to facilitate an electronic meeting, a minimum of three (3) members of the City Council (one of whom may be the Mayor) must be physically present at the anchor location where the meeting is held.

(2) The City Council intends that the Clinton City Council chambers, located at 2267 N. 1500 W. be the anchor location for all Council meetings. If an alternative location is to be used, if multiple locations are to be used, or if the public's viewing thereof and participation therein are to be from a remote location, notice of those locations will be given as early as is practical.

(3) Notice of any electronic meeting will be as provided for in State law (UCA 52-4-207). In addition, notice of the meeting will be posted at the anchor location, with the notice also going to a newspaper of general circulation and City website. Notice of the electronic meeting will be provided to the members of the City Council at least twenty-four (24) hours before the meeting, if possible, to facilitate their participation. The notice will also contain a description on how the member or members of the City Council will be connected to the electronic meeting.

(4) To the extent possible, electronic meetings will be conducted in the same manner as regular meetings.

To ensure full participation by all members, additional procedures and guidelines will be employed.

(a) If the meeting is connected telephonically, then a speaker phone will be connected in such a manner that comments made by the member or members participating by telephone will be broadcast through the public address system at the anchor location. To ensure full participation each member present, and those participating electronically, will be given a specific opportunity to make inquiries and participate in the discussion. Votes taken in these circumstances shall be by roll call method, with each member audibly verbalizing their vote. Members not at the anchor location shall be required to identify themselves with every vote provided electronically.

(b) If a member or members are participating by email or instant messaging, the email or instant messaging shall either be projected upon a screen with a person assigned to read aloud, into the public address system, comments made, or if no projection system exists, then a person will be assigned to read said messages into the public address system. The person to do the reading will be assigned by the respective member(s) participating electronically.

The City Council and other public bodies of the city may conduct electronic meetings as authorized by the Utah Open and Public Meetings Act, Utah Code Title 52, Chapter 4, including Utah Code §52-4-207, as amended.

Electronic meetings shall be noticed, conducted, and made accessible to the public in accordance with applicable Utah law and City procedures.

History: 01/14, 10/16 - Ord 16-02

Chapter 6. Office of City Manager

2-6-1	Office of City Manager Created
2-6-2	Appointment and Employment
2-6-3	Term of Office
2-6-4	General Duties
2-6-5	Supervision Over Employees
2-6-6	Contracts
2-6-7	Purchases
2-6-8	Budget Officer
2-6-9	Accounts
2-6-10	Inventories - Property
2-6-11	Reports and Publications
2-6-12	Elections
2-6-13	Collector and Comptroller
2-6-14	Maps - Plats
2-6-15	Offices
2-6-16	Absence from City
2-6-17	Qualifications
2-6-18	Personnel
2-6-19	Legislative Powers and Official Position

2-6-1 Office of City Manager Created. The office of City Manager is hereby created as provided in **Utah Code §§10-3b-105 and 10-3b-303, as amended.**

History: 5/75, 9/84, 12/09

2-6-2 Appointment and Employment. The appointment of the Manager shall be made by a majority vote of the Mayor and City Council. The City Council shall direct the mayor to negotiate a formal employment agreement with the appointee and may set special terms and conditions on such negotiations. Once a formal employment agreement has been negotiated with the appointee, the mayor shall present the agreement to the City Council for its approval. Upon the City Council's approval, the mayor shall sign the agreement on behalf of the City.

Ord. 16-02, 10/16

2-6-3 Term of Office. The Manager shall serve at the pleasure of the Mayor and City Council except that the Manager may be appointed for a term not to exceed three (3) years. The employment agreement may be renewed by the Council at any time. Any person serving as Manager of the City under this section may be removed with or without cause by a majority vote of the Mayor and City Council.

History: 5/75, 9/84, 12/09, 10/16 - Ord 16-02

2-6-4 General Duties.

The City Manager is the chief administrative officer, whose powers, duties, and functions shall be subject to the control of the legislative body, but the City Manager shall report to the Mayor pursuant to Utah Code.

The Manager shall:

(1) Have and exercise all powers and duties assigned to him by the City Council.

(2) Be charged with the enforcement of all laws and ordinances within the municipality insofar as their enforcement is within the powers of the city.

(3) Attend all meetings of the City Council, keep the Council informed as to the affairs of the city, and recommend to the Council such action as may be necessary or expedient for the welfare of the city.

(4) Have and exercise general control and supervision over all activities of the City, including but not limited to all properties and equipment, water courses, roadways, easements, public buildings, and all other such items belonging to, controlled by or under the jurisdiction of the City.

(5) Delegate duties to department heads or other subordinates as deemed appropriate.

History: 5/75, 9/84, 12/09, 10/16 - Ord 16-02, 02/26, Ord 26-02

2-6-5 Supervision Over Employees. The City Manager shall have and exercise all powers which are now or may hereafter be conferred by law upon the City in respect to the employment and removal of employees and shall hire and discharge such employees and shall have and exercise general supervision over all of the employees of the City. Hiring and removal of department heads requires approval from the City Council.

History: 5/75, 9/84, Ord 26-02

Relationship to Officers and Departments.

~~(1) The Manager shall have authority to fill all appointed offices of the City and to remove persons occupying said offices, except department heads, which require approval of the Council.~~

~~(2) Every administrative department of the City shall be under the supervision and control of the City Manager, who shall have the power to appoint or remove any officer in said departments in accordance with the procedure set forth in this section.~~

History: 5/75, 9/84

2-6-6 Contracts. The City Manager shall examine all proposed contracts to which the City may be a party, and shall, with the Recorder, sign on behalf of the City excepting where the City Council directs that some other officer or officers shall do so. It shall be the duty of the City Manager to see to it **that** all terms of any contract to which the City is a party are fully performed by all parties thereof.

2-6-7 Purchases. The City Manager shall be the general purchasing agent of the City, and except where specific provision to the contrary is made by law or by the Council, ~~he~~ shall make all purchases of supplies, materials, and equipment authorized by the Council and in the manner prescribed by and subject to the limitations imposed by law and the City Council. No expense shall be incurred for a purpose requiring a prior appropriation unless the amount of such purchase is covered by an unexpended appropriation for the purpose.

History: 5/75, 9/84

2-6-8 Budget Officer. The City Manager is hereby designated as the budget officer for the City and shall perform or cause to be performed all of the duties of such office as set forth in the Uniform Municipal Fiscal Procedures Act, together with such other duties as the Council may from time to time, by resolution, designate.

History: 5/75, 9/84

2-6-9 Accounts. It shall be the duty of the City Manager to keep current accounts showing at all times the fiscal condition of the City, including the current and anticipated expenses, appropriations, cash on hand, and anticipated revenues of all municipal funds and accounts, and see to the collection of all money due the municipality.

History: 5/75, 9/84

2-6-10 Inventories - Property. The City Manager shall keep a current inventory showing all real and personal property of the City and its location and shall be responsible for the care and custody of all such property, including equipment, buildings, parks, and all other City property, which are not by law assigned to some other officer or body for care and control.

History: 5/75, 9/84

2-6-11 Reports and Publications. The City Manager shall publish, or cause to be published, all notices, ordinances or other documents required by law to be published and to prepare or cause to be prepared all reports which the City or any of the officials thereof are required to prepare.

History: 5/75, 9/84

2-6-12 Elections. The City Manager shall cause to be prepared all notices, ballots, and election supplies necessary in connection with municipal elections.

History: 5/75, 9/84

2-6-13 Collector and Comptroller. The City Manager shall be ex-officio City collector and City comptroller, unless such offices, or either of them, are duly filled by appointment; and he shall perform the duties of each such office in the absence of such appointment to either of them.

History: 5/75, 9/84

2-6-14 Maps - Plats. Unless otherwise provided by ordinance, the City Manager shall cause to be kept a complete set of maps and plats showing the location of all City utilities, other municipal properties, all streets, other public places, and all lots or parcels of land subdivided according to law.

History: 5/75, 9/84

2-6-15 Offices. The City Manager shall maintain an office in the City hall City Hall and shall spend such time in the performance of his performing duties as may be required from time to time by

resolution of the Council.

History: 5/75, 9/84

2-6-16 Absence from City. In the event that the City Manager shall be absent from the City or incapacitated from performing the duties of his position, an officer or other person designated by the Mayor may be authorized to act as Manager during such absence or incapacity, provided, however, that if such absence or incapacity shall extend for a period of ten (10) or more consecutive days, such designation shall be subject to the approval of the City Council.

History: 9/84

2-6-17 Qualifications. The powers, duties, and functions of the office of City Manager shall be carried out by the City Manager, who shall be a qualified person, who need not be an elector, appointed by the Mayor and City Council at a salary to be fixed by resolution of the said Council. Before taking office, the City Manager shall be included in the crime/theft insurance coverage with the City's insurance carrierl".

History: 9/84, 12/09, 11/18 – Ord. 18-03

2-6-18 Personnel. Additional personnel may from time to time be employed within the office of City Manager by action of the City Council.

History: 5/75, 9/84

2-6-19 Legislative Powers and Official Position. The legislative and judicial powers of the Mayor, the Mayor's as chairman of the governing body, and any ex officio position the mayor shall hold shall not be delegated to the manager.

History: 9/84, 12/09

Chapter 7. City Officers Generally

- 2-7-1 Requirement of Oath
- 2-7-2 Form of Oath of Office
- 2-7-3 Oath - Given - Filed
- 2-7-4 Acts of Officials Not Voided
- 2-7-5 Compensation of Officers and Employees
- 2-7-6 City Attorney
- 2-7-7 City Engineer
- 2-7-8 City Recorder
- 2-7-9 Rescinded
- 2-7-10 Rescinded
- 2-7-11 Rescinded
- 2-7-12 Rescinded

2-7-1 Requirement of Oath. All elective and appointed officers of the City shall before assuming the duties of office, file with the City Recorder a constitutional oath of office.

History: 9/84

2-7-2 Form of Oath of Office. Before any officer of the City shall be entitled to assume ~~the days of his~~ office, ~~he~~ the person shall take and subscribe to the following oath: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this state; that I will discharge the duties of my office with fidelity."

History: 9/84

2-7-3 Oath - Given - Filed. The oath of office required in the previous section shall be administered by any judge, justice of the peace, notary public, or by the Recorder of the municipality. Elected officials shall take their oath of office at 12 o'clock noon on the first Monday in January following their election or as soon thereafter as is practicable. Appointed officers shall take their oath at any time before entering upon their duties. All oaths of office shall be filed with the Recorder.

History: 9/84

2-7-4 Acts of Officials Not Voided. No official act by any municipal officer shall be invalid for the reason that ~~he~~ the officer failed to take the oath of office.

History: 9/84

2-7-5 Compensation of Officers and Employees. The salary or compensation of all officers and employees shall be established from time to time by ~~resolution of~~ the City Council in accordance with the procedures required by Utah Code 10-3-818.

History: 9/84, Ord 26-02

2-7-6 City Attorney. The mayor, with the advice and consent of the City Council, may appoint a City Attorney. The City Attorney shall be a regularly licensed attorney and shall perform the duties required ~~of him~~ by the general laws and by the ordinances of the City and such other duties as Council may by ordinance or resolution. The City Attorney may, with the consent and approval of the Council, appoint a deputy to advise the City officers in all legal matters or perform other duties ordinarily performed by the City Attorney.

2-7-7 City Engineer. The Mayor, with the advice and consent of the City Council, may appoint the City Engineer. The City Engineer shall perform the duties required ~~of him~~ by the general laws and by the ordinances of the City and such other duties as Council may by ordinance, minute order or resolution require. Instead of appointing a City Engineer, the Mayor may, upon the advice and consent of the City Council, employ an engineer as a regular City employee to perform such duties as may be prescribed

History: 9/84, 10/16 - Ord 16-02

2-7-8 City Recorder. The City Recorder shall keep an office in the Clinton City Hall Building. The Recorder shall keep the corporate seal and all papers and records of the City, and shall attend and keep the record of the proceedings of the City Council. Copies of all papers filed in the Recorder's office, and transcripts from all records of the City Council, certified by the Recorder under the corporate seal, shall be evidence in all courts as if the original were produced. The Recorder shall cause a certified copy of all ordinances passed by the City Council to be posted in three (3) public places in the City within one (1) week after the passage of such ordinance by the City Council.

History: 9/84, 10/16 - Ord 16-02, 6/21 Ord 21-03

2-7-9 Rescinded

History: 9/84, 10/16 - Ord 16-02, 6/21 – Ord 21-03

2-7-10 Rescinded

History: 9/84, 10/16 - Ord 16-02, 6/21 – Ord 21-03

2-7-11 Rescinded

History: 9/84, 10/16 - Ord 16-02, 6/21 – Ord 21-03

2-7-12 Rescinded

History: 9/84, 10/10, 10/16 - Ord 16-02, 6/21-Ord 21-03

Chapter 8. Planning Commission

- 2-8-1 Purpose and Intent
- 2-8-2 Planning Commission
- 2-8-3 Duties and Powers
- 2-8-4 Appeal Process

2-8-1 Purpose and Intent. The purpose and intent of this ordinance is to establish a City Planning Commission to represent the concerns of a diverse citizenry and the broad interests of the community as a whole, whose activities should be conducted with convenience and accessibility to the general public of the City of Clinton.

History: 11/83

2-8-2 Planning Commission.**(1) Creation - Appointment.**

(a) There is hereby created a Planning Commission for Clinton City, consisting of seven (7) total members whom are appointed by the mayor with the advice and consent of the City Council.

(b) Members of the Commission shall be selected from the qualified electors of the City, based on a variety of backgrounds and locations within the City. Moreover, no more than two (2) members shall share the same professional background or area of expertise.

(c) The City shall publish a notice of all vacant seats and expiring terms on the City's website for at least 14 days, including an application for interested residents. After reviewing all applications, the Mayor interviews the finalists with the assistance of the City Manager or Manager's designee.

(d) The name of the individual(s) the Mayor appoints shall be published in the City Council's meeting agenda in preparation for the council's advice and consent.

(2) **Terms of Office.** Terms of office of the seven (7) citizen members of the Commission shall be staggered at intervals to provide uniformity and continuity of policy and shall expire at the end of February. Such appointed citizen members shall serve for a period of three (3) years and at staggered intervals, but in any event, each member of the Planning Commission shall serve until the expiration of the term for which he is appointed and until a successor is appointed and qualified.

(3) **Oath of Office.** Members of the Planning Commission shall qualify by taking, subscribing, and filing with the City Recorder or authorized appointee an oath of office required by the state constitution.

(4) **Removal and Vacancies.** Members of the Planning Commission may be removed for cause by the mayor, with the advice and consent of the City Council. "Cause" may include but shall not be limited to violations of the state's Public Officers and Employee Ethics Act, conflicts of interest, and failure to attend a minimum of 80% of meetings. Any vacancy occurring on the Commission by reason of death, resignation, or removal shall be filled by the mayor with the advice and consent of the City Council for the unexpired term of such member.

(5) **Compensation.** Planning Commission members shall serve without compensation, except for reasonable expense per meeting attended.

(6) **Staff Expenditure.** The Planning Commission may request appointment of such employees and staff as it may deem necessary; however, any expenditures of the Commission shall be first approved by the City Manager as being within the amount budgeted by the City for such purposes for that year.

(7) **Procedure.** The Planning Commission shall, during its first meeting in ~~January~~ March of each year, elect from its membership a chairman. ~~The chairman shall serve for a term of one (1) year and shall not succeed in said office.~~ The Commission shall also elect other such officers as it may deem necessary and adopt and later change or alter rules and regulations of organization and procedure consistent with the City code and state laws.

(8) **Quorum.** Four (4) voting members of the Planning Commission shall constitute a quorum. Approval of requests presented to the Planning Commission can occur only by a majority of four (4) favorable votes of the quorum.

(9) **Meetings.** The Planning Commission shall meet at least once each month as designated by the Commission in their bylaws. Public hearings of the Planning Commission may be held at such meetings; however, all public hearings shall be held after the regular working hours of the City, upon proper notice to consider any matters within the scope of the Commission's duties as provided by the code or state statute. All meetings and public hearings of the Planning Commission shall be held in a public place designated by the Commission and shall be of sufficient size to ~~insure~~ **ensure** public access to the operations of the Commission.

(10) **Records of Proceedings.** The Commission shall keep records of its proceedings, which shall be available to public inspection.

History: 11/83, 9/84, 2/93, 1/97, 9/16, Ord 24-02

2-8-3 Duties and Powers.

(1) General Plan. It shall be the function and duty of the Planning Commission, after holding public hearings, to recommend to the City Council a General Plan for the physical development of Clinton, as required by the Municipal Land Use, Development, and Management Act, Utah Code Annotated, Chapter 10-9a, and to maintain such plan as needed to reflect current City conditions and needs.

(2) Zoning. It shall be the function and duty of the Planning Commission to recommend to the City Council a zoning plan, including text and map, representing the views of the Planning Commission for City zoning. This zoning plan recommendation shall be made in accordance with the General Plan. After adoption by the City Council, this zoning plan shall be the basis for zoning decisions within the City.

(3) Reports. The Planning Commission may make reports and recommendations relating to the planning and development of the City, to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. The Planning Commission, its members and authorized City employees in the performance of its

functions, may enter upon any land at reasonable times to make examination, survey, place and maintain necessary monuments and marks thereon. In general, the Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote City planning and zoning.

(4) Land Subdivision or Re-subdivision. Following the adoption of an official plan in the manner prescribed in this code, no map or plat of any subdivision presented for record, affecting land within the corporate limits of the City shall be entitled to be recorded or shall be valid unless the subdivision thereon shall provide for streets, alleys, and public grounds in conformity with any requirements applicable thereto of such official plan and City ordinances.

History: 11/83, 9/8, 10/16 - Ord 16-02

2-8-4 Appeal Process. Any person aggrieved by any decision of the Planning Commission shall have the right to make appeals to the Board of Zoning Adjustments and/or to the City Council, as provided by the City code.

History: 11/83, 10/16 - Ord 16-02

Chapter 9. Clinton City Justice Court

- 2-9-1 Creation of Office
- 2-9-2 Appointment
- 2-9-3 Term of Office
- 2-9-4 Compensation
- 2-9-5 Annual Training
- 2-9-6 Justice Court Staff and Facilities
- 2-9-7 Warrants

2-9-1 Creation of Office. There is hereby created the office of Justice Court Judge of the Clinton City Justice Court.

History: 12/37, 9/84, 08/10

2-9-2 Appointment.

(1) Justice Court Nominating Commission:

(a) In the event there is a vacancy in the office of Justice Court Judge of Clinton City Justice Court the Mayor shall select and Council ratify the selection of two individuals to serve on the Davis County Justice Court Nominating Commission. These individuals shall serve as local members of the Commission throughout the selection of a new Justice Court Judge for the Clinton City Justice Court and are released from their commitment upon completion of the selection.

(b) Members to the Commission may not be an elected member of the Clinton City Council or the Mayor.

(c) The Commission shall be staffed by the State Administrative Office of the Courts and follow the procedures outlined in the State Code.

(2) Justice Court Judge:

(a) The Mayor shall select a candidate from a list of nominees provided by the Justice Court Nominating Commission.

(b) The City Council shall ratify the appointment of the Justice Court Judge for the Clinton City Justice Court.

(3) Public Prosecutors:

(a) The Court Clerk shall advertise a request for bids to be submitted by qualified individuals and shall make recommendation to the City Council for selection of the Prosecutor.

(b) The Council shall appoint a Prosecutor by motion and majority vote of the Council.

(c) The Prosecutor shall serve at the convenience of the Council and may be released at any time without cause.

History: 08/10, 10/16 - Ord 16-02

2-9-3 Term of Office.

(1) The term of office of a Justice Court Judge is six (6) years.

(2) Upon the expiration of a Justice Court Judge's term the Judge shall be subject to an unopposed retention election.

History: 08/10

2-9-4 Compensation.

(1) Justice Court Judge:

(a) The Justice Court Judge shall be paid a fixed compensation determined by the Council based on comparative workload expected for the Justice Court Judge to that of a District Judge in Davis County and retirement requirements of the Utah Retirement System.

(b) The Justice Court Judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all Clinton City employees, subject to limitations in State Code.

(c) The salary fixed may not be diminished during the term for which the Justice Court Judge has been appointed or elected.

(d) A copy of the resolution, ordinance, or other document fixing the salary of the Justice Court Judge, and any adjustments, shall be furnished to the state court administrator.

(2) Prosecutor:

(a) Prosecutors shall be paid a fixed compensation based upon an accepted bid proposal.

(b) Prosecutors shall receive an annual salary adjustment at least equal to the average salary adjustment for all Clinton City employees.

History: 12/37, 9/84, 08/10, 10/16 - Ord 16-02

2-9-5 Annual Training. The Justice Court Judge shall attend at least one (1) qualifying seminar or training court supervised by the Judicial Counsel in each calendar year. If the Judge does not attend the required seminars or courses for two (2) consecutive years, the Judge may be removed from office for cause under the provisions of Utah Code Annotated §78A-7-205.

History: 9/84, 08/10, 10/16 - Ord 16-02

2-9-6 Justice Court Staff and Facilities. As long as Clinton City maintains a Justice Court the City shall provide:

- (1) Public prosecutors to perform prosecution duties before the justice court;
- (2) Adequate funding for the costs of defense for persons charged with a public offense who are determined by the Judge to be indigent;
- (3) Security for the Justice Court;
- (4) A facility within the City that is conducive and appropriate to the administration of justice; and,

(5) Adequately compensated clerical personnel to conduct the business of the court.

(6) Adequate funding to meet the educational requirements for the Justice Court Judge and Court Staff as required by the Judicial Counsel in each calendar year.

History: 08/10

2-9-7 Warrants. All warrants issued by the Justice Court are to be directed to the Clinton City Police Department unless use of a Constable has been authorized by the City Council.

History: 08/10, 10/16 - Ord 16-02

Chapter 10. Claims Against Municipality

- 2-10-1 Records Open to Inspection
- 2-10-2 Claim for Injury-Notice-Contents Service-Legal Disability
- 2-10-3 Time for Filing Notice of Claim
- 2-10-4 Denial of Claim for Injury

2-10-1 Records Open to Inspection. The City Council shall keep a journal of its proceedings. The books, records, accounts, and documents of the City shall be kept at the office of the Recorder and approved copies shall be open and available to the public during regular business hours for examination and copying. Except when required by law to provide records without cost to the public, a reasonable charge for providing copies to the public shall be fixed by resolution of the City Council.

History: 9/84

2-10-2 Claim for Injury-Notice-Contents-Service-Legal Disability.

(1) A claim is deemed to arise when the statute of limitations that would apply if the claim were against a private person commences to run.

(2) Any person having a claim for injury against the City or against its employee for an act or omission occurring during the performance of his duties, within the scope of employment, or under color of authority shall, before maintaining an action, file a written notice of claim with the City.

(3) The notice of claim shall set forth a brief statement of the facts, the nature of the claim asserted, and the damages incurred by the claimant so far as he shall know, shall be signed by the person

making the claim or such person's agent, attorney, parent or legal guardian, and shall be directed and delivered to the City Manager within the time prescribed in section 2-10-3.

(4) If, at the time the claim arises, the claimant is under the age of majority, or mentally incompetent or without a legal guardian, or imprisoned, upon application by the claimant and after hearing and notice to the City, a court of competent jurisdiction, in its discretion, may extend the time for service of notice of claim; but in no event shall it grant an extension which exceeds the applicable statute of limitations. In determining whether to grant an extension, the court shall consider whether the delay in serving the notice of claim would substantially prejudice the City in maintaining its defense on the merits.

History: 9/84, 10/16 - Ord 16-02

2-10-3 Time for Filing Notice of Claim. A claim against the City or against its employee for an act or omission occurring in the performance of its duties, within the scope of employment, or under color of authority, is barred unless notice of claim is filed with the City Manager of the City within one (1) year after the claim arises, or before the expiration of any extension of time granted under section 2-10-2.

History: 9/84, 10/16 - Ord 16-02

2-10-4 Denial of Claim for Injury. If the claim is denied, a claimant may institute an action in the district court against the City pursuant to the requirements of applicable state law.

History: 9/84

**Chapter 11. Records Access
and Management**

- 2-11-1 Short Title
- 2-11-2 Adoption of State GRAMA Code
- 2-11-3 Fees

2-11-1 Short Title. This chapter shall be known as the "Clinton City Government Records Access and Management Act".

History: 7/92

2-11-2 Adoption of State GRAMA Code

The City adopts for enforcement the latest version of the Utah State Code Title 63G Chapter 2, known as GRAMA (Government Records Access and Management Act).

History: 10/16 - Ord 16-02

2-11-3 Fees

A reasonable charge for providing copies to the public shall be fixed by Resolution of the City Council (see annual Fee Schedule).

History: 10/16 - Ord 16-02

Chapter 12. City Treasurer

- 2-12-1 City Treasurer
- 2-12-2 Appointment
- 2-12-3 Bond of Treasurer
- 2-12-4 Oath of Office
- 2-12-5 Act of Treasurer not Voided
- 2-12-6 Duties
- 2-12-7 City Treasurer; Duty to Receive all of City's Money; Settlements with City Recorder
- 2-12-8 Receipts for Payments to City

2-12-1 City Treasurer. The Office of Clinton City Treasurer is hereby created in accordance with Utah Code §10-3-916.

Cross-reference: Utah Code §10-3-916, as amended.

History: 1/10

2-12-2 Appointment. The Mayor, with the advice and consent of the City Council, shall appoint the Clinton City Treasurer on or before the First Monday in February following a municipal election. In case of the need for a midterm replacement, this same process shall be followed with the appointment being immediate. The appointed Treasurer shall continue in office until the successor is appointed and qualified.

History: 1/10, 10/16 - Ord 16-02

2-12-3 Bond of Treasurer. ~~The City Treasurer shall be included in the crime/theft insurance coverage provided by the City as allowed by the State Money Management Council."~~

The City Treasurer shall be covered by the City's crime insurance coverage in accordance with Utah Code §10-3-831, as amended.

History: 1/10, 11/18 – Ord. 18-03

2-12-4 Oath of Office. The Clinton City Treasurer, before entering on the duties of the Treasurer shall take, subscribe and file the constitutional oath of

office. The Oath shall be taken after appointment and any time before entering on the duties as Treasurer. The oath of office shall be administered by and filed with the City Recorder.

History: 1/10

2-12-5 Act of Treasurer not Voided. No official act of the Treasurer shall be invalid for the reason that the Treasurer failed to take the oath of office.

History: 1/10

2-12-6 Duties. The duties of the Treasurer shall be set forth by the City Manager and/or City Council as they shall from time to time direct.

History: 10/16 - Ord 16-02

2-12-7 City Treasurer; Duty to Receive all of City's Money; Settlements with City Recorder.

(1) The City Treasurer shall receive all money belonging to the City, including all taxes, licenses and fines and keep an accurate and detailed account thereof, and shall collect special taxes and assessments as provided by law and the code of the City. The City Treasurer shall make a settlement with the Recorder, as the Council may direct at the end of every month, and turn over all warrants, interest coupons, bonds or other evidence of the indebtedness of the City which may have been redeemed by the City Treasurer during the month, taking the receipts of the Recorder therefore, and all such warrants, orders or other evidence of indebtedness shall be cancelled by the City Treasurer and have written or stamped thereon the date of their payment or redemption.

History: 8/36, 9/84, 10/10, 10/16 - Ord 16-02

2-12-8 Receipts for Payments to City. The City Treasurer shall give every person paying money to the City Treasurer a receipt therefore, specifying the date of payment and upon what account paid; and shall file the duplicate of such receipt with the Recorder at the date of the monthly report.

History: 8/36, 9/84, 10/10, 10/16 - Ord 16-02

Chapter 13. Utility Customer Fees, Delinquent Accounts and Water Disconnections

2-13-1	Purpose
2-13-2	City Utilities
2-13-3	City Managed Utilities
2-13-4	City Managed Davis County Fees
2-13-5	Utility Fees
2-13-6	Establishment of Fees
2-13-7	Special Rates
2-13-8	Application for Utility Service Agreement
2-13-9	Non-owner Applicants
2-13-10	Owner Guarantee Agreement for Rental/Lease Premises
2-13-11	Returned Check Fee
2-13-12	Customer Initialization Fee
2-13-13	Customer Deposits
2-13-14	Utility Billing
2-13-15	Accountability of Utility Payment
2-13-16	Service Charge
2-13-17	Property Owner Shutoff Request
2-13-18	Delinquent Accounts – Delinquent Notice and Discontinuance of Service
2-13-19	Administrative Charges
2-13-20	Disconnection of Water
2-13-21	Interest on Delinquent Accounts
2-13-22	Declaration of a Nuisance
2-13-23	Collection by Property Lien
2-13-24	Appeal of Decision, Rates, Fees and Rebates
2-13-25	Use Without Payment Prohibited
2-13-26	Unauthorized Users

2-13-1 Purpose. The purpose of this chapter is to establish the City utilities and a utility billing process and to establish a fee requirement for utility customers; a policy concerning deposits affecting existing customers and disconnected customers; and procedures and policies concerning delinquent accounts, disconnection or discontinuation of utility services, means of collections, and reinstatement of services.

History: 11/87, 11/07, 1/10, 6/11

2-13-2 City Utilities. The following services are established as City Utilities; however, this does not limit the City from establishing other utilities as necessary.

(1) The City shall provide the following services to residences:

(a) Culinary water;

(b) Solid waste (garbage);

(c) **Recycling collection services;**

(d) Storm water removal;

(e) Waste water collection (sanitary sewerage)

(2) The City shall provide the following services to multi-family residential and non-residential land uses:

(a) Culinary water;

(b) Storm water removal;

(c) Waste water collection (sanitary sewerage).

History, 1/10, 10/16 - Ord 16-02

2-13-3 City Managed Utilities. The City may contract with ~~other utilities affiliated with the City and servicing~~ **utilities, governmental entities, special districts, agencies, or service providers** serving areas within the City for the management of their billing process. For the purpose of managing the collection and distribution of these accounts the policies and procedures outlined in this chapter shall apply. The collection of fees is applicable to, but not limited to, all customers of the Managed Utilities within the service areas of the following utilities:

(1) Pressure irrigation water service, Davis and Weber Counties Canal Co. (DWCC)

(2) Waste water collection (sanitary sewerage), Clinton City Sanitary Sewer Special Service District, (SSSSD).

(3) Solid Waste and recycling collection services provided through agreements approved by the City Council; and

(4) Other utility, district, governmental, or contracted services approved by the City Council and administered through the City's utility billing system.

History: 1/10, 6/11, 10/16 - Ord 16-02

2-13-4 City Managed Davis County Fees. The City may establish fees associated with Davis County services provided within the City when the County charges the City for these services. For the purpose of managing the collection and distribution of these the accounts policies and procedures outlined in this chapter shall apply. The collection of fees is applicable to, but not limited to, all potential customers of these Davis County services within the city of the following utilities:

(1) Animal Control

(2) Emergency Dispatch Services

History: 6/11

2-13-5 Utility Fees. Utility fees shall be established based upon and adequate to sustain the cost of the service provided. A minimum service may be established and scaled upward based upon the level or quantity of service given. Fees may be established for direct and indirect services, both tangible and intangible.

History: 1/10

2-13-6 Establishment of Fees. All rates for services associated with the City utility systems, to include but not be limited to fees, deposits, billing, guaranteeing, penalties, fines, inspections, assessments and filing or recording actions shall be established by the City Council, from time to time, and adopted, by resolution, as part of the Clinton City Consolidated Fee Schedule. Pass through fees from other agencies shall be as set by those agencies regardless of the fees published in the Consolidated Fee Schedule.

History: 9/65, 9/84, 1/10

2-13-7 Special Rates. The City Council may from time-to-time fix, by resolution, special rates and conditions for users of exceptionally large amounts of utility service such as large water quantities, discharging wastes of unusual characteristics, or making use thereof under exceptional circumstances upon such terms and conditions that they may deem proper.

History: 9/65, 9/84, 1/10, 6/11

2-13-8 Application for Utility Service - Agreement.

(1) Any owner of property desiring or who is required to secure service shall apply to the City Treasurer by paying a deposit fee in a sum to be fixed by resolution of the City Council and by filing an agreement application provided by the City.

(2) Any owner of property receiving service by a City Utility shall notify the City Treasurer of any change in contact information to include name, mailing address or phone number within ten (10) working days of a change.

History: 9/65, 9/84, 6/11, 10/16 - Ord 16-02

2-13-9 Non-owner Applicants. As of the date of this ordinance, tenant applications shall not be accepted, all utility applications shall be filed by the property owner as outlined in § 2-13-8.

History: 1/10, 6/11

2-13-10 Owner Guarantee Agreement for Rental/Lease Premises. Owners of rental or lease property under lease effective July 1, 2011, shall place on file an agreement with the City indicating that the owner agrees to:

(1) Pay for all utility services furnished by the City for any tenant, or any other occupant of the premises, in case any tenant or occupant fails to pay for the utility services according to applicable City ordinance, rules, and regulations enacted or adopted by the City Council.

(2) Pay for any and all attorney fees, reasonable collection, recording and court costs, and interest for unpaid utility services.

(3) Owner agrees to notify Clinton City if the service address is sold and to whom it is sold.

(4) Any changes in renter after the date of this ordinance § 2-13-9 applies.

History: 6/11

2-13-11 Returned Check Fee.

(1) The City Council shall establish a returned check fee, established as set in § 2-13-5, sufficient to cover the costs to the City related to returned checks or other actions resulting from nonsufficient funds.

(2) If a customer has two (2) returned checks or other actions resulting from nonsufficient funds within twenty-four (24) month period future payments shall be paid in cash, credit card, certified check or money order for an indefinite period of time established by the Treasurer.

History: 6/11, 10/16 - Ord 16-02

2-13-12 Customer Initialization Fee. Any person desiring or who is required to secure services shall pay a connection fee, established as set in § 2-13-6, at the time of their application. Initialization fees are non-refundable.

History: 6/11

2-13-13 Customer Deposits. The following policy shall govern customer utility deposits:

(1) Each application for City utilities shall be accompanied by a deposit prior to receiving service. This deposit can be waived if the applicant has a current prior account history with the City of 24 consecutive months with no delinquent balances.

(2) Any customer who maintains a record of no past-due balances for a period of 24 consecutive months shall have the deposit credited to the account. If all City utility services have been terminated, the City

shall apply the deposit, if any, to the unpaid account balance. Any amount of said deposit remaining after payment of said account shall be returned to the user. If the whereabouts of the user is unknown and no address has been provided to the City, any unclaimed deposit or overpayment on the terminated account shall be applied at the end of the fiscal year to the bad debt account for the enterprise fund. The City is not responsible for payment of interest on deposits.

(3) Any customer who has City utility services disconnected for non-payment of the City utility bill will be required to increase any existing deposit to the current rate, if the amount of the deposit is under an old deposit rate.

(4) Such deposit shall not be considered an advance payment of any service charges, and unpaid deposit accounts may render the service account delinquent. Notwithstanding the existence of such deposit, the user shall not have the right to compel the City to apply such deposit to any account to avoid delinquency. Deposit refunds are only allowed as outlined in §2-13-13.

History: 10/16 - Ord 16-02

2-13-14 Utility Billing. The City Treasurer shall furnish to each active account, once each month or such other regular interval as the City Council shall direct, a written or printed statement which states:

- (1) The amount of the bill for each service assessed.
- (2) The statement shall specify the place of payment and date due.
- (3) The sum total of all charges must be paid by the due date specified on the bill.
- (4) The statement shall be mailed to the property owner unless an alternate address is provided by the property owner on the application required by § 2-13-8.

History: 1/10, 6/11, 10/16 - Ord 16-02

2-13-15 Accountability of Utility Payment. All payments made to the City for utilities provided shall be accredited to the utility bill individually and in the following order: penalties and shutoff fees; expenses incurred by the City including attorney's fees or recording fees; fees to City Managed Davis County Fees; City Managed Utilities; and then to City Utilities in the following order sanitary sewer, storm water, solid waste and lastly to culinary water fees.

History: 1/10, 6/11

2-13-16 Service Charge.

(1) All owners of properties receiving a utility either within or without the City shall be responsible for the payment of the charges associated with the individual utilities servicing the property as established in this Title.

(2) If a customer's property will be vacant for an entire billing cycle or multiple billing cycles, the owner of the property may make arrangements with the Treasurer for minimal fees to be assessed during the continued vacancy of the property. Secondary water charges and storm water removal charges shall not be discontinued during any vacancy. Adjustments shall only be made for complete billing cycles.

(3) The City Manager or other authorized agent of the city may excuse needy persons who are not reasonably capable of paying the monthly charge for residential collection of utilities from the payment of the residential rate for a period of time as may be deemed proper or necessary.

(4) The City Council, by Resolution and based upon significant findings, may excuse a class of individuals for a set period of time.

History: 5/62, 9/84, 12/89, 1/10, 6/11

2-13-17 Property Owner Shutoff Request. Any property owner who is renting a dwelling or other structure utilizing utilities or services outlined in this Chapter may not request that the utilities be discontinued if the property is currently or is planned to remain occupied.

History: 6/11, 10/16 - Ord 16-02

2-13-18 Delinquent Accounts - Delinquent Notice and Discontinuance of Service.

(1) Notice shall be provided as established in § 2-13-14.

(2) The Treasurer, or other authorized agent of the City, is hereby empowered to enforce the payment of all delinquent utility service charges by an action of law in the corporate name of the City. This may include, but is not limited to, disconnecting the water supply, sending the account to a collection agency, initiating action through small claims court, or filing a tax lien.

(3) The following procedures shall be followed in dealing with delinquent utility accounts that are receiving utilities supplied or managed by the City:

(a) Any person or entity who receives a utility supplied or managed by the City and neglects, fails, or refuses to pay the sum total of the City's utility bill within 5 days after the date due as outlined in § 2-13-

14 shall receive a delinquent notice and a notice of intent to disconnect. The bill must be paid by the date specified on this delinquent notice, which is normally 10 to 15 days from the date of issuance of the notice. Failure to make the appropriate payment to the City will result in culinary water disconnection and may include the discontinuance of other services, e.g. secondary water, garbage. The notice shall substantially include the following:

- (i) The date of the notice.
- (ii) The name and mailing address of the customer listed on the monthly utility bill.
- (iii) The amount due, including any finance or administrative charges.
- (iv) A statement that services will be disconnected without further notice unless payment is received before the shut-off date listed in the notice.
- (v) A statement that once service has been disconnected, it will not be resumed until all service charges, shut-off fees, after-hour fees, administrative fees, and delinquent past due amounts have been paid.
- (vi) A statement identifying the amount of the shut-off fee that will be charged in addition to any other fee, fine, or penalty for service which is disconnected due to non-payment of the delinquent account.
- (b) A statement informing renters that the shutoff notice applies to them even though their property owner is responsible for paying the utility bill and instructing renters that it is their responsibility to resolve any issues related to the shutoff with their property owner.
- (c) Notice to property owners shall contain the same information as outlined in § (a) above, however it shall be mailed to the address of record filed in the Treasurer's office as required in § 2-13-8.
- (4) Failure to notify the Treasurer of change of registration information required by § 2-13-8(2) does not exempt a property owner from obligations resulting from a delinquent account or prevent the City from taking action as set in Title.

History: 9/65, 9/84, 6/11

2-13-19 Administrative Charges. Any charges assessed as part of any utility delinquent notice shall be deemed a part of the water utility bill; and unless it is timely paid, the account remains delinquent and pursuant to the procedures outlined above, the water service shall be disconnected. A fee will be assessed, as established in § 2-13-5, to shut off/reconnect water service that has been turned off

for non-payment. A separate after hour's fee may be assessed if water is requested to be reconnected before or after the normal business hours of the City.

History: 11/87, 11/04, 6/11

2-13-20 Disconnection of Water. Any customer who fails to comply with the notice of delinquent account shall be disconnected from the culinary water system on or after the date indicated on the notice to disconnect. Water service shall not be resumed until all fees, charges, and past-due amounts are paid in full. If for economic reasons a customer is unable to pay the balance in full, the City Manager, or other authorized agent of the City, may set up a payment plan. If the customer does not follow through with the payment plan, and the City Manager or authorized agent is not contacted and approval is not given for an additional extension, water services may be disconnected without further notice.

History: 11/87, 11/04

2-13-21 Interest on Delinquent Accounts. All delinquent utility service accounts may be assessed interest at a rate set by resolution of the City Council. In the absence of a resolution providing for interest, interest shall be assessed at the rate pursuant to Utah Code Annotated 15-1-1.

History: 11/87, 11/04, 1/10

2-13-22 Declaration of a Nuisance. A delinquent utility fee is declared a nuisance upon the respective property being serviced by the utility.

History: 1/10, 6/11

2-13-23 Collection by Property Lien. A delinquent utility fee may be placed on the tax bill for the amount of such delinquent fees plus late charges and cost of lien administration and collected as ordinary taxes by the County. Establishment of a notice as outlined in § 2-13-18 is sufficient for a certified copy of the lien to be retained by the City Treasurer, for the amount of the respective assessments against the parcels of land as they appear on the current assessment role. The lien created attaches upon recordation in the office of the County Recorder. The assessment may be collected at the same time and in the same manner as ordinary City real estate property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of City real estate property taxes shall be applicable to such assessment.

Cross-reference: Utah Code §§10-6-139 through 10-6-142, as amended.

History: 1/10, 6/11

2-13-24 Appeal of Decision, Rates, Fees and Rebates.

- (1) Any person or entity that believes that this Title was interpreted or applied erroneously by a member of the City Staff may appeal to the City Manager.
- (2) The City Manager may hear complaints and make corrections of any assessments established in this Title, deemed to be illegal, unequal, or unjust.
- (3) The City Manager may temporarily, if he sees fit, adjust, assess, or rebate all or any part of a fee established in this Chapter, related to the systems established in this Chapter, of any indigent person.
- (4) Appeals shall be submitted to the City Manager, in writing, explaining the circumstances that justify the request along with any fees established as set in §2-13-5.
- (5) The City Manager will respond to the appellant within 30 days of receiving an appeal and inform the Treasurer of action resulting from the appeal.

History: 1/10, 6/11

2-13-25 Use Without Payment Prohibited. It shall be unlawful for any person by himself, family, servants, or agents to utilize the City utilities without paying therefore as herein provided.

History: 8/96

2-13-26 Unauthorized Users. It shall be unlawful for any utility user to permit any person from other premises or any unauthorized persons to use or obtain utility services from his premises utility.

History: 9/65, 9/84, 1/10

Chapter 14. Establishment of the Clinton City Community Arts Board

- 2-14-1 ~~Board Created—Appointment—Term—Purpose—Voting—Meetings~~
- 2-14-2 ~~Removal and Vacancy~~
- 2-14-3 ~~Records and Public Notice~~

2-14-1 Board Created—Appointment—Term—Purposes—Voting—Meetings.

(1) There shall be a Community Arts Board (Arts Board) established consisting of five (5) volunteer members, each of whom shall be appointed to serve by the Mayor, with the advice and consent of the City Council. Each member shall be appointed for two (2) years.

(2) The Arts Board membership shall consist of five (5) citizens of Clinton City over the age of eighteen (18) years of age. Three (3) members shall be required for a quorum, with a minimum of three (3) votes in favor for passage of a recommendation. A City Council member may be assigned by the Mayor as a non-voting liaison to the Arts Board. The City Manager shall staff the Arts Board with such City staff members as may be necessary.

(3) Citizens residing outside of Clinton City may be appointed to a two (2) year term as a nonvoting member by the Mayor, with the advice and consent of the City Council. Non-resident members do not count toward the five (5) members required in Section 1 or to constitute a quorum.

(4) Any resident of Clinton City may participate with the Arts Council as an ad hoc non-voting participant, without the notification of the Mayor or Council.

(5) The mission of the Arts Board is to plan, foster, encourage and promote fine arts, performing arts, community enhancement programs, and other artistic and cultural activities; with the purpose of enriching the lives of Clinton City residents.

(6) The Arts Board shall meet at least quarterly, but may meet as frequently as needed to accomplish their duties and mission.

(7) The Arts Board shall generally function as an independent body, coordinating and correlating with the City, but functioning on their own using volunteers and non-monetary donations as much as possible. Use of the City name for fund raising must be cleared through the City Manager, who may require the request to go before the City Council. All funding must be accounted for as required by City governmental accounting rules.

(8) The Arts Board shall, annually by majority vote, select from their body a chair, vice chair and secretary.

2-14-2 Removal and Vacancy.—

(1) Any member of the Arts Board may be removed by the Mayor, with the advice and consent of the City Council.

(2) If any member does not attend three (3) consecutive meetings, the Arts Board by majority vote, may recommend to the Mayor and City Council to remove the absent member and provide a replacement member for the remainder of the existing term.

2-14-3 Records and Public Notice.

(1) The Arts Board shall keep regular minutes of all of its meetings. Such records shall be open to the public pursuant to the current City and State Codes.

(2) Meetings of the Arts Board must be noticed in accordance with the current State Code pertaining to public meetings.

History: 11/09, 10/16—Ord 16-02; 04/17, Ord 17-01

REPEALED with ORD 24-04 Establishing an Arts and Parks Tax Advisory Committee.

Chapter 15. Civil Rights

- 2-15-1 Short title
- 2-15-2 Declaration of Policy
- 2-15-3 Declaration of Civil Rights
- 2-15-4 Equal Rights in Places of Public Accommodation, Resort or Amusement
- 2-15-5 Exclusion, Segregation and Discrimination Prohibited in Places of Public Accommodation, Resort or Amusement
- 2-15-6 Places of Public Accommodation, Resort or Amusement Defined
- 2-15-7 Extent of Personal Responsibility
- 2-15-8 Penalty for Violation
- 2-15-9 Suspension or Revocation of License

2-15-1 Short Title. This Chapter shall be known as Clinton City Civil Rights Ordinance.

History: 01/99

2-15-2 Declaration of Policy. It is hereby declared to be the policy of Clinton City in the exercise of its police power for the protection of the public welfare, health, safety and peace of the City and the inhabitants thereof, to prohibit discrimination in places of public accommodation, resort or amusement due to race, color, religion, ancestry or national origin.

History: 01/99

2-15-3 Declaration of Civil Right. All persons have the right to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, resort or amusement within the City subject only to the conditions and limitations established by law and applicable alike to all persons. The right is recognized and declared to be a civil right.

History: 01/99

2-15-4 Equal Rights in Places of Public Accommodation, Resort or Amusement. No person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement within the City shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, and no person shall directly or indirectly publish, circulate, issue, display, post or mail or cause to be published, circulated, issued, displayed, posted or mailed within the City any written, painted or printed communication, notice or advertisement to the effect that any of the accommodations,

advantages, facilities and privileges of a place of public accommodations, resort or amusement shall be refused, withheld from or denied to any person on account of race, color, religion, ancestry or national origin, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race, color, religion, ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited. The production of any such written, painted or printed communication, notice or advertisement, purporting to relate to any such place and to be made any person being the owner, lessee, proprietor, superintendent, manager, agent or employee thereof, shall be presumptive evidence in any proceedings that the same was authorized and published by such person.

History: 01/99

2-15-5 Exclusion, Segregation and Discrimination Prohibited in Places of Public Accommodation, Resort or Amusement. Any exclusion or segregation of or discrimination against any person on account of race, color, religion, ancestry or national origin in places of public accommodation, resort or amusement within the City shall be unlawful.

History: 01/99

2-15-6 Places of Public Accommodation, Resort or Amusement Defined. A place of public accommodation, resort or amusement within the meaning of this Chapter shall be deemed to include inns, taverns, roadhouses, motels, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, restaurants, eating houses and any place where food is sold for consumption on the premises, buffets, saloons, barrooms, and any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; dispensaries, clinics, hospitals, bathhouses, theaters, motion picture houses, music halls, concert halls, circuses, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, public libraries, garages, all public conveyances operated on land, water or in the air, as well as the stations and terminals thereof; public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants. Nothing herein contained shall be construed to

include any institution, club or place of accommodation which is in its nature distinctly private.

History: 01/99

2-15-7 Extent of Personal Responsibility. The provisions and requirements of this Chapter shall bind and obligate every owner, lessee, operator, proprietor, manager, agent and employee, whether a natural person, corporation, or unincorporated association, engaged in or exercising control over the operation of any place of public accommodation resort or amusement; provided, that whenever any agent or employee shall so exercise any function or employ any power with which he is charged or entrusted as to violate any provisions of this Chapter, both he and his principal or employer shall be held equally responsible.

History: 01/99

2-15-8 Penalty for Violation. Any person who or any agency, bureau, corporation or association which shall willfully violate any of the provisions of this Chapter or who or which shall aid or cause the violation of any of said provisions shall be deemed guilty of a Class "B" misdemeanor.

History: 01/99

2-15-9 Suspension or Revocation of License. Whenever it shall have been judicially determined that a licensee or person operating or doing business under a license has violated this Chapter in the course of such operation or business two (2) times or more within any 12-month period, the City Council shall suspend or revoke such license as provided in this Title.

History: 01/99, 10/16 - Ord 16-02

Chapter 2-16 Establishment Of Administrative Code Enforcement**2-16-1 Establishment Of Administrative Code Enforcement Program****2-16-2 General Provisions****2-16-3 Definitions****2-16-4 General Authority And Offenses****2-16-5 Administrative Code Enforcement Procedures****2-16-6 Hearing Officer****2-16-7 Hearing Procedures And Orders****2-16-8 Recordation And Cost Recovery****HISTORY**

Adopted by Ord. 24-01 on 5/14/2024

2-16-1 Establishment Of Administrative Code Enforcement Program

There is hereby established in Clinton City the administrative Code Enforcement Program ("ACE Program"). The procedures to be followed in the administration of this program are located in Title 2, Chapter 16 of the City Code. The ACE Program may be used by the City for the administrative enforcement of City Code violations in accordance with the procedures outlined in this Chapter.

2-16-2 General Provisions

This Chapter shall be known as "Administrative Code Enforcement". This Chapter shall also be known as Title 2, Chapter 16 of the Clinton City Code. It may be cited and pleaded under either designation.

1. Declaration of Purpose. The City Council of Clinton City finds that the enforcement of the Clinton City Code throughout Clinton City is an important public service. Code enforcement is vital to the protection of the public's health, safety, welfare, and quality of life. A comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gaining compliance with City ordinances.
2. Scope. The provisions of this Chapter may be applied to all violations of the City Code. The provisions of this Chapter do not invalidate any other title, chapter, or ordinance, but shall be read in conjunction with those titles, chapters, and ordinances as an additional remedy available for enforcement of those ordinances. Criminal Prosecution Right. The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute City ordinance violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution.
3. No Mandatory Duty - Civil Liability. It is the intent of the City Council that in establishing performance standards or establishing the authority to act by a City officer or employee, these standards shall not be construed as creating a mandatory duty if the officer or employee fails to perform his or her directed duty or duties.
4. Acts Include Causing, Aiding, or Abetting. Whenever any act or omission is made unlawful in this Chapter, it shall include causing, permitting, aiding, or abetting such act or omission.
5. Service of Process.

Whenever service is required to be given under this Chapter for enforcement purposes, a Code Enforcement Officer of the Code Enforcement Coordinator (or designees) shall serve the document by any of the following methods, unless otherwise provided:

1. Regular mail, postage prepaid, to the last known address of the owner(s) or other responsible person(s);
 2. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as described in (a) above;
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3. Personal service pursuant to Rule 4 of the *Utah Rules of Civil Procedure*.
2. For violations of Title 28, or any land use ordinance as defined in Utah Code Annotated Section 10-9a-102, whenever service is required to be given under this Title for enforcement purposes, the document shall be served in accordance with Utah Code Annotated § 10-9a-803, as amended, which requires written notice, by mail or hand delivery, of each ordinance violation to the address of the owner of record on file in the office of the county recorder or person designated in writing by the owner of record as the owner's agent for the purpose of receiving notice of an ordinance violation.
 1. Service by regular mail in the manner described above shall be deemed served three business days, not including the day it was mailed, after the date of mailing.
 2. If service complies with the requirements of this Section, it shall be deemed a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Chapter.
 3. The failure to serve all responsible person(s), if one responsible person is served, shall not affect the validity of any proceedings.
6. Constructive Notice of Recorded Documents. Whenever a document is recorded with the County Recorder as authorized or required by this Chapter or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

2-16-3 Definitions

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section, unless a different meaning is specifically defined elsewhere in this Chapter and specifically stated to apply:

Abatement: Any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including demolition, removal, repair, boarding, and securing or replacement of property.

Administrative Citation: A citation issued to a responsible person, which gives notice of a violation and an immediate civil fee for such violation. Administrative Citations are typically used for minor violations.

City: The area within the territorial city limits of Clinton City.

City Code: Any ordinance passed by the City Council and any other title, chapter, ordinance, regulation, or amendment lawfully codified pursuant to Utah law including Utah Code Annotated § 10-3-707.

City Council: "City Council" means the City Council of Clinton City.

Code Enforcement Coordinator: The person who has been designated by the City Manager of Clinton City to coordinate and schedule hearings, mail out notices of hearings, send out notices of costs and itemized bills, and perform other duties as specified in this Chapter.

Code Enforcement Officer: Any person designated by the City Manager with the responsibility to enforce the City Code and ordinances passed by the City Council and who performs the duties specified herein. The Code Enforcement Officer may or may not be a member of the Clinton City Police Department. Code Enforcement Officers include the City Manager, City Building Official, Public Works Director, Community Development Director, City Engineer, City Fire Chief, City Police Chief, and their

designees.

Code Enforcement Performance Bond: A bond posted by a responsible person to ensure compliance with the City Code, applicable state law, a judicial action, or a Hearing Officer Order.

Code Enforcement Tax Lien: A lien recorded to collect outstanding civil penalties, administrative fees, and costs.

Financial Institution: Any entity that holds a recorded mortgage or deed of trust on a property.

Good Cause: Incapacitating illness, death, lack of proper notice, unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance, imminent and irreparable injury, and acts of nature adverse to performing required acts.

Hearing Officer: The Hearing Officer presiding over the Administrative Code Enforcement Program established pursuant to Title 2, Chapter 16 of the City Code.

Hearing Officer Order: An order issued by a Hearing Officer. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Chapter and City ordinances.

Imminent Life or Safety Hazard: Any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

Legal Interest: Any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.

Notice of Compliance: A document issued by the City representing that a property complies with the requirements outlined in a notice of violation, administrative citation, or Hearing Officer Order.

Notice of Satisfaction: A document or form that indicates that all outstanding civil penalties and costs have been either paid in full, or that the City has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.

Notice of Violation: A written notice prepared by a Code Enforcement Officer that informs a responsible person of code violations and orders them to take certain steps to correct the violations.

Property Owner: The owner of real property based on the county recorder's records.

Public Nuisance: Any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons. Also has the same meaning as set forth in Clinton City Code, the Utah Code, or Utah common law.

Responsible Person: A person including the property owner and any person or entity, whether as owner,

agent, or occupant, who commits, aids in committing, contributes to, causes, supports, retains, or permits a City Code violation in the City, regardless of whether that violation occurs on real property. Every successive owner or tenant of a property or premises who fails to correct a City Code violation upon or in the use of property or premises caused by a former owner or tenant is also a responsible person. In cases where there is more than one responsible person, the City may proceed against one, some, or all of them.

Substantial Evidence: Relevant, reliable, factual, and credible evidence that is sufficient to convince a reasonable mind that a violation of the City Code has been committed. Substantial evidence does not mean that all or the majority of the evidence is in support of the decision made.

Written: Includes handwritten, typewritten, photocopied, computer printed, or facsimile.

2-16-4 General Authority And Offenses

1. General Enforcement Authority
 1. Whenever a Code Enforcement Officer finds that a violation of the City Code or City ordinances has occurred or continues to exist, the appropriate administrative enforcement procedure may be used as outlined in this Chapter.
 2. So long as authorized in this Chapter, a Code Enforcement Officer has the authority and power necessary to investigate and to take authorized measures to secure compliance with the provisions of the City Code and City ordinances. These powers may include the power to issue notices of violation and administrative citations, inspect public and private property, abate violations on public and private property, and use whatever judicial and administrative remedies are available under the City Code or applicable state law.
2. Adoption of Policy and Procedures. The Hearing Officer is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, and subpoena powers subject to the requirements of this Chapter, City Code, and state law. The City Council shall determine other matters relating to the Administrative Code Enforcement Hearing Program.
3. Authority to Inspect.
 1. A Code Enforcement Officer is authorized to enter upon property, within constitutional and legal requirements, to ascertain whether the provisions of the City Code or City ordinances are being obeyed and to make any examinations and surveys as may be necessary in the performance of the enforcement duties. This may include the taking of photographs, samples, or other physical evidence.
 2. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. Except as otherwise authorized in this Chapter, if the responsible person refuses to allow a Code Enforcement Officer to enter the property, then the Code Enforcement Officer shall obtain a search warrant or other judicial order.
4. Power to Cite. Each Code Enforcement Officer is authorized to cite any person whenever there is substantial evidence to believe that the person has committed a violation of the City Code or City ordinances.
5. False Information or Refusal Prohibited. It shall be unlawful for any person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with a city employee when in the performance of his or her official duties under the provisions of this Chapter.
6. Failure to Obey a Subpoena. It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and may be prosecuted as an infraction.

2-16-5 Administrative Code Enforcement Procedures

1. Authority. Any condition caused, maintained, or permitted to exist in violation of any provisions
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of the City Code or City ordinances that constitutes a violation may be abated by the City pursuant to the procedures set forth in this Chapter.

2. Notice of Violation.

1. Whenever a Code Enforcement Officer determines that a violation of the City Code or City ordinances has occurred or continues to exist, the Code Enforcement Officer may choose to proceed under these administrative abatement procedures.

2. If the administrative abatement procedure is used, a notice of violation shall be issued to the responsible person(s). The notice of violation shall include the following information:

1. Name of responsible person(s);
2. Street address or location of violation;
3. Date violation observed;
4. All codes or ordinances violated and an explanation as to how the code or ordinance was violated;
5. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;
6. Specific date to correct the violations listed in the notice of violation, which date shall be at least fourteen (14) calendar days from the date of service, unless specified elsewhere in Clinton City Code, such as in 23-11-4 which outlines the correction periods for violations involving sewer, stormwater, or flood irrigation systems.
7. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution, civil penalties, administrative citations, revocation of permits, recordation of the notice of violation on the property, withholding of future municipal permits, abatement of the violation, costs, administrative fees, and any other legal remedies;
8. A statement that civil penalties will begin to accrue or be imposed immediately on expiration of the date to correct violations;
9. The amount of the civil penalty on each violation and a statement as to whether the penalty will accrue daily until the property is brought into compliance;
10. That only one notice of violation is required for any 12-month period, and that civil penalties or fines will begin or be imposed immediately upon any subsequent violations of the notice; and
11. Procedures to request a hearing as provided in this Chapter and consequences for failure to request one.

3. The responsible person may request a hearing on renewed violations by following the same procedure as provided for in the original notice.

4. The notice of violation shall be served by one of the methods of service listed in this Chapter.

5. More than one notice of violation may be issued against the same responsible person if it encompasses different dates or different violations.

3. Failure to Bring Property into Compliance. If the responsible person fails to bring a violation into compliance within the time specified in the Notice of Violation, civil penalties as provided in this Chapter shall be owed to the City.

4. Inspection.

1. It shall be the duty of the responsible person served with a Notice of Violation to request an inspection when his or her property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested.

2. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued.
3. Reinspection fees shall be assessed if more than one inspection is necessary.
5. Abatement of Violation.
 1. Authority to Abate.
 1. A Code Enforcement Officer is authorized to enter upon any property or premises to abate the violation of the City Code and City ordinances.
 2. A Code Enforcement Officer is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs.
 3. If additional abatement is necessary within two years, treble costs may be assessed against the responsible person(s) for the actual abatement.
 2. Procedures for Abatement
 1. Once the procedures set forth in this Chapter have been complied with, the violation may be abated by City personnel or by a private contractor acting under the direction of the City.
 2. These City personnel or private contractors may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or Hearing Officer Order.
 3. If the responsible person abates the violation before the City performs the actual abatement pursuant to a notice of violation, administrative citation, or Hearing Officer Order, a Code Enforcement Officer may still assess all costs incurred by the City against the responsible person.
 4. When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the Code Enforcement Officer overseeing the abatement. The report shall contain the names and addresses of the responsible persons of each parcel and the tax parcel numbers.
 5. The Code Enforcement Coordinator shall serve the notice of costs and the itemized bill of costs through any of the means in Section 2-16-2. The notice shall demand full payment within 20 days to the City Treasurer.
6. Emergency Abatement.
 1. Authority. Whenever the City Manager, Building Official, or Fire Marshal determines that an imminent life or safety hazard exists that requires immediate correction or elimination, the City may exercise the following powers without prior notice to the responsible person:
 1. Order the immediate vacation of any tenants, and prohibit occupancy until all repairs are completed;
 1. Post the premises as unsafe, substandard, or dangerous;
 2. Board, fence, or secure the building or site;
 3. Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;
 4. Make emergency repairs as necessary to eliminate any imminent life or safety hazard; or
 5. Take any other action appropriate to eliminate the emergency.
 2. The City has the authority, based on cause, to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.

3. The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Chapter.
 2. Procedures.
 1. The City shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures outlined in this Chapter.
 2. The City may also pursue any other administrative or judicial remedy to abate any remaining violations.
 3. Notice of Emergency Abatement.
 1. After an emergency abatement, the City shall notify the owner or responsible person of the abatement action taken.
 2. The notice shall be served within ten days of completion of the abatement.
7. Demolitions.
 1. Authority. Whenever the City Manager, Building Official or Fire Marshal determines that a property or building requires demolition, any one of them may, subject to the applicable Uniform Code provisions, order demolition or removal of the offending structure, or exercise any or all of the powers listed in this Chapter, upon appropriate notice to a responsible person pursuant to applicable building codes, fires codes, and state law. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Chapter.
 2. Procedures. Once all the notice requirements of the applicable laws have been met, the property will be abated pursuant to the abatement remedy. Other applicable remedies may also be pursued.
8. Administrative Citations.
 1. Declaration of Purpose.
 1. The City Council finds that there is a need for an alternative method of enforcement for minor violations of the City Code. The City Council further finds that an appropriate method of enforcement for minor violations is an administrative citation program.
 2. The procedures established herein shall be in addition to criminal, civil, administrative, or any other legal remedy established by law that may be pursued to address violations of the City Code or City ordinances.
 2. Authority.
 1. Any person violating any provision of the City Code or City ordinances may be issued an administrative citation by a Code Enforcement Officer as provided in this Section.
 2. A civil penalty shall be assessed by means of an administrative citation issued by the Officer and shall be payable directly to Clinton City.
 3. Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this Chapter.
 3. Procedures.
 1. Upon discovering any violation of the City Code or City ordinances, a Code Enforcement Officer may issue an administrative citation to the responsible person in the manner prescribed in this Section.
 2. The administrative citation shall be issued on a form meeting the requirements of this Chapter.
 3. Once the responsible person(s) has been located, the Code Enforcement Officer shall attempt to obtain the signature of that person(s) on the administrative citation. If the responsible person(s) refuses or fails to sign the administrative

citation, the failure or refusal shall not affect the validity of the citation and subsequent proceedings. If the Code Enforcement Officer is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person(s) in the manner prescribed this Chapter.

4. Except for violations of Title 28 of Clinton City Code, if no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person(s) in the manner prescribed in Section 2-16-2 of this Chapter.
5. The administrative citation shall also contain the signature of the Code Enforcement Officer.
6. The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part, except for violations of Title 28 as specified in Section 2-16-2 of this Chapter.

4. Contents of Administrative Citation. An administrative citation shall include:

1. The date and location of the violations and the approximate time the violations were observed;
2. The Code sections violated and the subject matter of those sections;
3. The amount of penalty imposed for the violations;
4. An explanation as to how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty;
5. Notice of the right and the procedures to request a hearing;
6. The signature of the Code Enforcement Officer and the signature of the responsible person, if he or she can be located, as outlined in this Chapter; and
7. Any other information deemed helpful or necessary by the Code Enforcement Administrator.

9. Civil Penalties, Fines, and Fees.

1. In General. As specified in the notice of violation or administrative citation, civil penalties will be assessed every fourteen (14) calendar days in an escalating manner and, if deemed necessary, may be assessed daily until the violation is corrected or immediately if an administrative citation is issued. Interest shall be assessed per City policy on all outstanding civil penalties balances until the case has been paid in full. The City may use one form for both notices of violation and administrative citations. Payment of the penalties, fines, and fees shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City if the violation is not corrected. Alternative correction periods may be specified elsewhere in Clinton City Code, such as in 23-11-4 which outlines the correction period for violations involving sewer, stormwater, or flood irrigation systems.

2. Amount. Unless specified otherwise in the more specific section of the City Code or the City's Consolidated Fee Schedule, the minimum penalties shall be as follows:

1. Administrative Citations:

1. First Offense: \$100
2. Second Offense (within one calendar year from first offense): \$200
3. Third (or more) Offense (within one calendar year from first offense): \$400

2. Civil Penalties per Notice of Violation or Hearing Officer Order:

1. After the first fourteen (14) calendar day correction period has ended and the violation(s) has not been corrected, the civil penalty total is \$125;
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2. After the second fourteen (14) calendar day correction period has ended and the violation(s) has still not been corrected, the civil penalty total is \$250;
 3. After the final fourteen (14) calendar day correction period has ended and the violation(s) has still not been corrected, the civil penalty total is \$500.
3. Hearing Fee for Default Hearings or Administrative Code Enforcement Hearings: \$100 if Responsible Person is unsuccessful or fails to appear after proper notice.
3. At the discretion of the Code Enforcement Officer or Hearing Officer, the City may impose penalties up to the maximum allowed by Utah Code Annotated § 10-3-703, as amended.
4. Non-Payment of Citation.
 1. If the responsible person fails to make any payments within the time period specified in the notice, the City may send additional notices, file a small claims action, refer the matter to a collection agency, or pursue any remedy in law or equity.
 2. Interest may be assessed on all outstanding amounts at a rate of up to 20% per annum.
 3. The City has the authority to collect all costs associated with the filing of such actions, including administrative fees and service costs.
5. Modification of Civil Penalties.
 1. Upon completion of the required action pursuant to the notice of violation, administrative citation, or administrative enforcement order, the Hearing Officer may modify the civil penalties on a finding of good cause as defined in this Chapter.
 2. Civil penalties may be waived or modified by the Hearing Officer if there is a finding of good cause based on the responsible person's claim of nonconforming use, as defined per state law, or conditional use, as defined by the City Code, and:
 1. The City's ability to verify the claim; or
 2. The responsible person's filing of an application for either use before the date of the Notice of Violation or Administrative Citation.
 3. Reductions and Waivers for Animal Violations.
 1. The Code Enforcement Coordinator and Hearing Officer may grant reductions and waivers of fines for animal violation under the following circumstances:
 1. \$25 reduction may be given for first time offenders with good cause.
 2. Offenders with a history of non-payment should generally not receive a reduction or waiver of fines or fees.
 3. At the City's discretion, flexible monthly plans may be set up according to the responsible person's needs.

2-16-6 Hearing Officer

1. A Hearing Officer shall preside over hearings and proceedings for the ACE Program in the City.
 2. The City Manager shall act as the Hearing Officer unless the position is otherwise appointed by the City Manager. If the position of the Hearing Officer is appointed, the City Manager shall determine, if any, the salary, compensation, and benefits of the Hearing Officer.
 3. The Hearing Officer position may be a merit, volunteer, or contract position and is subject to all personnel rules.
 4. The Hearing Officer may not be disciplined for any decision made while conducting a hearing if
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the decision is lawful and made in accordance with City ordinances, City policy and procedure, and policies and ordinances pertaining to the ACE Program.

5. The Hearing Officer shall be trained and knowledgeable in the City Code, due process, rules of evidence, civil procedure, administrative law and procedure, nuisance law, and zoning law.
6. The Hearing Officer position is not a supervisory position. The Hearing Officer is supervised by the City Manager or designee.
7. Powers of the Hearing Officer.

1. The Hearing Officer has the authority to hold hearings, determine if violations of City ordinances exist, order compliance with City ordinances, and enforce compliance as provided in this Chapter on any matter subject to the provisions of the Chapter.
2. The Hearing Officer may continue a hearing based on good cause, as defined in this Chapter, -shown by one of the parties to the hearing. The Hearing Officer must enter on the record the reason for granting a continuance.
3. The Hearing Officer may issue subpoenas for witnesses, documents, and other evidence where such is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Hearing Officer shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs. In the absence of any adopted policies, the Hearing Officer shall follow the Utah Rules of Civil Procedure.
4. The Hearing Officer has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the following purposes:
 1. Granting a continuance;
 2. Ordering compliance by issuing a Hearing Officer Order using any remedies available under the law; and
 3. Ensuring compliance of that Order, which includes the following powers:
 1. To authorize the City to enter and abate a violation,
 2. To modify an Order issued by the Hearing Officer Order, or
 3. To grant a new hearing where extraordinary circumstances exist.
5. The Hearing Officer has the authority to require the responsible person to post a code enforcement performance bond to ensure compliance with an Order issued by the Hearing Officer.
6. The Hearing Officer is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. Rules and procedures for disqualification and replacement shall be in accordance with the Utah Rules of Civil Procedure.

2-16-7 Hearing Procedures And Orders

1. Declaration of Purpose. The City Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to this Chapter. It is the purpose and intent of the City Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice; an opportunity to participate in the administrative hearing, including the opportunity to call witnesses, present evidence, and cross-examine witnesses; and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.
 2. Policies and Procedures of Hearings. The Hearing Officer may develop policies and procedures to
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regulate the hearing process for any violation of the City Code that is handled pursuant to the administrative abatement procedures, the emergency abatement procedures, the demolition procedures, or the administrative citation procedures. Such policies and procedures shall be consistent with this Chapter and other City ordinances and codes.

3. Request for Administrative Code Enforcement Hearing.
 1. A person served with one of the following documents or notices has the right to request an administrative code enforcement hearing if the request is filed within ten calendar days from the date of service:
 1. Notice of violation;
 2. Notice of itemized bill for costs;
 3. Administrative citations; or
 4. Notice of emergency abatement.
 2. The request for hearing shall be made in writing and filed with the Code Enforcement Coordinator, who then shall provide a copy of the request to the Hearing Officer and serve the request to all parties. The request shall contain the case number, the address of the violation, the signature of the responsible party, and the reason for the hearing including justifications for the offense, defenses, and requests for waiver or reduction in fines.
 3. As soon as practicable after receiving the written notice of the request for hearing, the Code Enforcement Coordinator shall schedule a date, time, and place for the hearing.
 4. Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.
4. Notification of Administrative Code Enforcement Hearing.
 1. Written notice of the date, time, and place of the hearing shall be served by the Code Enforcement Coordinator or Code Enforcement Officer to the responsible person as soon as practicable prior to the date of the hearing.
 2. The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the Hearing Officer. In the absence of such rules, the format and contents of the hearing shall be drafted by the Code Enforcement Coordinator to be consistent with this Chapter.
 3. The notice of hearing shall be served by any of the methods of service listed in this Chapter.
5. Default Hearings and Orders.
 1. If the responsible person fails to request an administrative code enforcement hearing before the expiration of the ten-day deadline, the case shall be set for a default hearing by the Code Enforcement Coordinator. The Code Enforcement Coordinator shall notify the responsible person of the date, time, and place of the hearing by one of the methods listed in this Chapter.
 2. A default hearing shall also be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees, or costs due to the City before collection, if a hearing on that case has not already been held.
 3. At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Chapter, to do one or more of the following:
 1. Waive or reduce the fines which have accumulated;

2. Postpone an abatement action by the City; or
 3. Excuse the responsible person's failure to request a hearing within the ten-day period.
4. If the evidence shows that the violations existed, the Hearing Officer shall enter an order requiring abatement of the violations and the payment of all fines, costs, and fees. Fines and costs shall run until the City issues a notice of compliance stating when the violations were abated. The order by the Hearing Officer shall not suspend further accrual of fines and costs unless specifically stated.
6. Procedures at Administrative Code Enforcement Hearings.
 1. Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request for discovery must be in writing and filed at least ten (10) business days before the hearing. Failure to request discovery shall not be a basis for a continuance.
 2. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing.
 3. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Hearing Officer.
 4. The City bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the City Code or City ordinances.
 5. The standard of proof to be used by the Hearing Officer in deciding the issues at an administrative hearing is whether there is substantial evidence in the record that the violations exist and that the person before the Hearing Officer is the responsible person.
 6. Hearsay evidence, as defined by the Utah Rules of Evidence, may, in the discretion of the Hearing Officer, be admissible so long as such hearsay evidence has independent indicia of reliability.
 7. Each party shall have the opportunity to cross-examine witnesses that are in attendance and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance so long as the declaration is not the only evidence relied upon by the Hearing Officer. Testimony may be given by telephone or other electronic means in the discretion of the Hearing Officer.
 8. All hearings are open to the public. They shall be recorded by audio recording.
 9. Hearings may be held at the location of the violation if the Hearing Officer so chooses, and means are provided for an audio recording of the proceeding.
 10. The responsible person has a right to be represented by an attorney.
 11. No new hearing shall be granted, unless the Hearing Officer determines that extraordinary circumstances exist which justify a new hearing.
7. Failure to Attend Administrative Code Enforcement Hearings.

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is deemed to have waived the right to a hearing, which will result in a default judgment for the City provided that proper notice of the hearing has been provided. The City shall not be required to put on evidence or prove that a violation was committed by the Responsible Person in such an event, and an entry of a default judgment shall have the same effect as if there was a judgment on the merits of the case.

8. Hearing Officer Order.
 1. The parties may enter into a stipulated agreement, which must be signed by both parties or verbally stipulated on the record during the administrative code enforcement hearing.
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This agreement or stipulation shall be entered as the Hearing Officer Order. Entry of this agreement or stipulation shall constitute a waiver of the right to a hearing and the right to appeal.

2. Once all evidence and testimony are completed, the Hearing Officer shall issue a Hearing Officer Order that affirms, modifies, or rejects the notice, citation, or action by the Code Enforcement Officer. The Hearing Officer may increase or decrease the total amount of civil penalties and costs that are due pursuant to the City's fee schedule and the procedures in this Chapter.
 3. The Hearing Officer, with judicial approval, may order the City to enter the property and abate all violations, which may include removing animals kept in violation of the City Code.
 4. The Hearing Officer may revoke a kennel permit, City issued animal license, or the right to possess animals as provided in the City Code.
 5. As part of the Hearing Officer Order, the Hearing Officer may reduce or stay civil penalties on the condition that the responsible person achieve compliance by specified deadlines.
 6. The Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the Hearing Officer Order.
 7. The Hearing Officer may order the responsible person to post a performance bond to ensure compliance with the order.
 8. The Hearing Officer Order shall become final on the date of the signing of the Order.
 9. The Hearing Officer Order shall be served on all parties by any one of the methods listed in this Chapter.
9. Failure to Comply with Order.
1. After the Hearing Officer issues a Hearing Officer Order, the Code Enforcement Officer and Hearing Officer may monitor the violations and determine compliance.
 2. Upon the failure of the responsible person to comply with the terms and deadlines set forth in the Hearing Officer Order, the City may use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.
10. Administrative Enforcement Appeals.
1. Any person adversely affected by any decision made in the exercise of the provisions of this Chapter may file a petition for review of the decision or order to district court within 30 days after the decision is rendered.
 2. No person may challenge in district court the Hearing Officer's decision until that person has exhausted his or her administrative remedies herein.

2-16-8 Recordation And Cost Recovery

1. Recordation of Notices of Violation and Hearing Officer Orders.
 1. Declaration of Purpose.
 1. The City Council finds that there is a need for alternative methods of enforcement for violations of the City Code and City ordinances that are found to exist on real property. The City Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of notices of violation and Hearing Officer Orders.
 2. The procedures established in this shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the City Code or City ordinances.
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2. Authority. Whenever a Code Enforcement Officer or Code Enforcement Coordinator determines that a property or violation has not been brought into compliance as required in this Chapter, the Code Enforcement Coordinator has the authority to record the notice of violation or Hearing Officer Order with the Recorder's Office of Davis County.

3. Procedures for Recordation.

1. If a Code Enforcement Officer issues a notice of violation or administrative citation to a responsible person, and the property remains in violation after the deadline established in the notice of violation or is not corrected after the administrative citation is issued, and no request for an administrative hearing has been filed, the Code Enforcement Coordinator shall record a notice of violation with the Recorder's Office of Davis County.
 2. If an administrative hearing is held, and an order is issued in the City's favor, the Code Enforcement Coordinator shall record the Hearing Officer's Hearing Officer Order with the Recorder's Office of Davis County.
 3. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, a copy of the notice of violation, administrative citation, or order, and any other relevant information.
 4. The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.
4. Service of Notice of Recordation. A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in this Chapter.
5. Failure to Request. The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.

6. Notice of Compliance - Procedures.

1. When the violations have been corrected, the responsible person or property owner may request an inspection of the property from a Code Enforcement Officer.
 2. Upon receipt of a request for inspection, the Code Enforcement Officer shall reinspect the property as soon as practicable to determine whether the violations listed in the notice of violation, administrative citation, or the order have been corrected, whether all necessary permits have been issued, and/or whether final inspections have been performed.
 3. The Code Enforcement Officer, in conjunction with the Code Enforcement Coordinator, shall serve a notice of compliance to the responsible person or property owner in the manner provided in this Chapter if the Code Enforcement Officer determines that:
 1. All violations listed in the recorded notice of violation or order have been corrected;
 2. All necessary permits have been issued and finalized;
 3. All civil penalties, fines, and costs assessed against the property have been paid or satisfied; and/or
 4. The party requesting the notice of compliance has paid all administrative fees and costs.
 4. If a request to issue a notice of compliance is denied, then, upon request, the
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Code Enforcement Officer, in conjunction with the Code Enforcement Coordinator, shall serve the responsible person with a written explanation setting forth the reasons for the Code Enforcement Officer's denial. The written explanation shall be served by any of the methods of service listed in this Chapter.

7. Withholding the Issuance of Municipal Permits and Business Licenses.

1. The City may withhold permits and business licenses until a notice of compliance has been issued by a Code Enforcement Officer.
2. The City may withhold business licenses, permits for kennels, permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, and any permits pertaining to the use and development of the real property or the structure.
3. The City may, in its sole discretion, issue permits or business licenses that are necessary to obtain a notice of compliance or that are necessary to correct serious health and safety violations.

8. Cancellation of Recorded Notice of Violation or Hearing Officer Order.

1. In conjunction with the Code Enforcement Officers, the Code Enforcement Coordinator shall record the notice of compliance with the County Recorder's Office. Recordation of the notice of compliance shall have the effect of canceling the recorded notice of violation, administrative citation, or recorded Hearing Officer Order but shall not cancel any outstanding fines, fees, or costs.

2. Recovery of Costs.

1. Declaration of Purpose.

1. The City Council finds that there is a need to recover costs incurred by Code Enforcement Officers and other City personnel who spend considerable time inspecting and re-inspecting properties throughout the City to ensure compliance with the City Code or City ordinances.
2. The City Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, reinspection fees, filing fees, attorney fees, hearing officer fees, title search, and any additional actual costs incurred by the City for each individual case.
3. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of the City Code or City ordinances.

2. Authority.

1. Whenever actual costs are incurred by the City on a property to obtain compliance with provisions of the City Code and City ordinances, a Code Enforcement Officer or Code Enforcement Coordinator may assess costs against the responsible person.
2. Once a notice of violation has been issued, the property shall be inspected one time if the responsible person requests an inspection in writing. Any additional inspections shall be subject to reinspection fees pursuant to the City fee schedule.

3. Notification of Assessment of Reinspection Fees.

1. Notification of reinspection fees may be provided in the notice of violation
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- served to the responsible person.
2. Reinspection fees assessed or collected pursuant to this Section shall not be included in any other costs assessed.
3. The failure of any responsible person to receive notice of the reinspection fees shall not affect the validity of any other fees imposed under this Section.
4. Failure to Timely Pay Costs. The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in a late fee pursuant to City ordinances.
3. Administrative Fees. The Code Enforcement Officers and Code Enforcement Coordinator are authorized to assess administrative fees for costs incurred in the administration of the code enforcement program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set forth in this Chapter or in the City fee schedule.
4. Injunctions. In addition to any other remedy provided under the City Code or state codes, including criminal prosecution or administrative remedies, any provision of the City Code may be enforced by injunction issued in the Second District Court upon a suit brought by the City.
5. Performance Bonds.
 1. As part of any notice, order, or action, the Hearing Officer has the authority to require any responsible person to post a performance bond to ensure compliance with the City Code, City ordinances, or any judicial action.
 2. If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to the City.
6. Code Enforcement Tax Liens.
 1. Declaration of Purpose. The City Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders and lessen the cost to City taxpayers of code enforcement. The City Council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the City's code enforcement system. The procedures established in this Section shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the City Code or City ordinances.
 2. Tax Liens for Abatement Costs.
 1. Once the City has abated a property for weeds, garbage, refuse, or unsightly or deleterious objects or structures, the Code Enforcement Coordinator shall prepare three copies of the Itemized Statement of Costs incurred in the removal and destruction of the violations and deliver them to the City Treasurer within ten days after completion of the work of removing the violations.
 2. The Code Enforcement Coordinator shall serve the Responsible Person by any of the methods in this Chapter a copy of the Itemized Statement of Costs informing him or her that a code enforcement tax lien is being recorded for actual costs of abatement. Payment shall be due within twenty calendar days from the date of mailing.
 3. Upon receipt of the Itemized Statement of costs, the City Treasurer shall record a Code Enforcement Tax Lien against the property with the county treasurer's office.
 4. The failure of any person with a financial interest in the property to receive the notice of the lien shall not affect the validity of the lien or any proceedings taken

to collect the outstanding costs of abatement.

3. Tax Liens for Judgments. Once a judgment has been obtained from the appropriate court imposing costs, fines, or fees against the responsible person, the Code Enforcement Coordinator may record a code enforcement tax lien against any real property owned by the responsible person.
 4. Cancellation of Code Enforcement Tax Lien.
 1. Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Code Enforcement Coordinator shall either record a notice of satisfaction of judgment, or provide the property owner or financial institution, through any of the means of service in Section 2-16-2, with the notice of satisfaction of judgment so that it can record this notice with the county recorder's office.
 2. The notice of satisfaction of judgment shall include the same information as provided for in the original code enforcement tax lien.
 3. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien.
 7. Recovery of Costs by Writ of Execution. After obtaining a judgment, the City may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ with the applicable court.
 8. Recovery of Costs by Writ of Garnishment. After obtaining a judgment, the City may collect the obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.
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Chapter 17 Term Limits for Elected and Appointed Officials

2-17-1 Definitions

Elected Official: ~~The Mayor and members of the City Council of Clinton City.~~

Appointed Official: ~~Members appointed to the Clinton City Planning Commission and RAP Tax Committee.~~

Term: ~~For Mayor and Councilmembers a term is a four year period of elected service. For Planning Commissioners and RAP Tax Committee Members a term is a three year period of appointed service.~~

Consecutive Terms: ~~Terms served without a full term break in service.~~

Partial Term: ~~Appointment or election to serve more than half of a standard term.~~

Appointed Service (for Mayor/Council): ~~Any time served by appointment before election shall not count toward the term limit.~~

2-17-2 Term Limits~~1. Mayor.~~

~~1. No person shall serve more than two (2) elected four year terms as Mayor. Time served by appointment shall not apply toward this limit.~~

~~2. City Council Member.~~

~~1. No person shall serve more than two (2) elected four year terms as a Councilmember. Time served by appointment shall not apply toward this limit.~~

~~3. Planning Commission Member.~~

~~1. No person shall serve more than three (3) appointed three year terms as a Planning Commissioner.~~

~~4. RAP Tax Committee Member.~~

~~1. No person shall serve more than three (3) appointed three year terms as a member of the RAP Tax Committee.~~

~~5. Partial Terms.~~

~~1. A "partial term" is defined as any term to which an individual is appointed or elected to fill a vacancy before the natural expiration of the original term. Service in a partial term shall not count toward the term limit restrictions of this ordinance.~~

TITLE 2. ADMINISTRATION

- Chapter 1. General
- Chapter 2. Municipal Government
- Chapter 3. Mayor
- Chapter 4. Meetings - Voting
- Chapter 5. Public Meetings, Executive Sessions, Records and Publication, Procedure
- Chapter 6. Office of City Manager
- Chapter 7. City Officers Generally
- Chapter 8. Planning Commission
- Chapter 9. Clinton City Justice Court
- Chapter 10. Claims Against Municipality
- Chapter 11. Records Access and Management
- Chapter 12. City Treasurer
- Chapter 13. Utility Customer Deposits, Delinquent Accounts and Water Disconnects
- Chapter 14. Establishment of the Clinton City Community Arts Board
- Chapter 15. Civil Rights

Chapter 1. General

- 2-1-1 Legislation
- 2-1-2 Ordinances - Enacting Clause
- 2-1-3 Ordinances - Numbering
- 2-1-4 Purpose of Resolutions
- 2-1-5 Form of Resolution
- 2-1-6 Resolutions Need no Publication Effective Date
- 2-1-7 Bonds for Elected and Appointed City Officials

2-1-1 Legislation. Except as otherwise specifically provided, the City Council shall exercise its legislative powers through ordinances.

History: 9/84

2-1-2 Ordinances - Enacting Clause. The enacting clause of all ordinances of the City shall be in the following form: "Be it ordained by the City Council of Clinton City." No enacting clause shall be used in any section of any ordinance except the first section.

History: 9/84

2-1-3 Ordinances - Numbering.

(1) The Recorder shall, insofar as possible, assign all ordinances of a general nature adopted after these revised ordinances a number. The first number of such an ordinance shall be the last two (2) digits of the year the ordinance is adopted, followed by a dash which is followed by a number which shall be a

sequential, ascending number indicating the order in which such ordinance was adopted during the year.

(2) All ordinances of a local, private or temporary nature, including franchises, grants, dedications, bond issues and tax levies may be maintained in a separate book of "Special Ordinances," properly indexed and organized according to date adopted. These ordinances shall be numbered in the manner indicated in the preceding paragraph.

(3) Failure to comply with this section shall not affect or render invalid any ordinance of this municipality.

History: 8/36, 9/84

2-1-4 Purpose of Resolutions. Unless otherwise required by law, the City Council may exercise all administrative powers by resolution including, but not limited to:

- (1) Establishing water and sewer rates;
- (2) Charges for garbage collection and fees charged for municipal services;
- (3) Establishing the personnel policies and guidelines; and

(4) Regulating the use and operation of municipal property. Punishment, fines or forfeitures may not be imposed by resolution.

History: 9/84

2-1-5 Form of Resolution. Any resolution passed by the City Council shall be in a form and contain sections substantially similar to that prescribed for ordinances.

History: 9/84

2-1-6 Resolutions Need no Publication Effective Date. Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the City Council may determine, but resolutions may not become effective more than three (3) months from the date of passage.

History: 9/84

2-1-7 Bonds for Elected and Appointed City*History: 11/18 – Ord. 18-03*

Officials: All municipal officers and employees handling public funds or performing fiduciary duties shall be covered by crime insurance in accordance with Utah Code 10-3-831, as amended. Coverage may be provided through a blanket crime insurance policy applicable to elected officials, appointed officials, board members, district representatives, and employees acting within the scope of their official duties. The City Council shall establish the required amount of coverage by resolution. The purpose of such coverage is to protect public funds and municipal assets from loss due to theft, fraud, dishonesty, or other covered misconduct.

Chapter 2. Municipal Government

- 2-2-1 Six-Member Council Form
- 2-2-2 Functions of the Council
- 2-2-3 Council Members - Qualifications - Terms of Office
- 2-2-4 Eligibility and Qualifications
- 2-2-5 Vacancy in Office of Mayor or Council Member

2-2-1 Six-Member Council Form.

(1) The Clinton City form of government shall be known as the six-member Council form, vesting the government of the municipality in the City Council which shall be deemed the governing body of the municipality. The City Council composed of six (6) members, one of whom shall be the Mayor and the remaining five (5) shall be Council members.

(2) The position of City Manager shall continue as outlined prior to the 2008 Utah Code changes on City Councils. City Manager duties, powers and authority are provided in Chapter 6 of this title.

History: 9/84, 12/09 – Ord. 09-21

2-2-2 Functions of the Council.

(1) The City Council is the legislative body of the municipality and exercises the legislative powers, duties, and functions of the municipality while retaining all powers granted by Utah Code 10-3b-105 and 10-3b-303 as amended.

(2) The City Council shall pass ordinances, appropriate funds, review municipal administration,

and perform all duties that may be required of it by law.

History: 9/84, 12/09 – Ord. 09-21, 02/26-Ord26-02

2-2-3 Council Members - Qualifications - Terms of Office. Council members shall be residents of the City and serve terms of office of four (4) years each, or until a successor is qualified. Council members shall have no other compensated employment with the municipality.

History: 9/84

2-2-4 Eligibility and Qualifications.

(1) All elective officers of the City shall be chosen by the registered voters, unless appointed under §2-2-5.

(2) Any person filling an elected City office must be a qualified voter as outlined in UCA§20A-9-201 as amended.

(3) If any official filling an elected office 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 his or her term of office, the office shall there by become automatically vacant.

History: 8/36, 9/84, 12/09, 10/16 – Ord. 16-02

2-2-5 Vacancy in Office of Mayor or Council Member. Vacancies in the office of Mayor or City Council member shall be filled in accordance with Utah Code Title 10 and Title 20A, as amended.

History: 8/36, 9/84, 12/09, 4/12, 10/16 – Ord. 16-02

Chapter 3. Mayor

- 2-3-1 Mayor as Presiding Officer - Mayor Pro Tempore
- 2-3-2 No Vote Exceptions
- 2-3-3 No Veto
- 2-3-4 Duties and Powers of Mayor
- 2-3-5 Change of Duties

2-3-1 Mayor as Presiding Officer - Mayor Pro Tempore.

(1) The Mayor shall serve as chair and preside at the meetings of the City Council. In the Mayor's absence, or inability or refusal to act, the governing body may elect a member of the governing body to preside over the meeting as Mayor pro tempore, who shall temporarily have all of the powers and duties of the mayor. The election of Mayor pro tempore shall be entered in the minutes of the meeting.

(2) The mayor shall be chief ceremonial officer of the municipality and shall represent the municipality in all of its external relationships.

History: 8/36, 9/84, 12/09, Ord 26-02

2-3-2 No Vote Exceptions. The Mayor shall not vote, except:

- (1) In case of a tie vote of the Council;
- (2) Regarding the appointment or dismissal of City Manager; and
- (3) On any ordinance that enlarges or restricts the mayor's powers, duties, or functions.

History: 9/84, 12/09

2-3-3 No Veto. The mayor shall have no power to veto any act of the governing body unless otherwise specifically authorized by ordinance or state statute.

History: 9/84, 12/09

2-3-4 Duties and Powers of Mayor. The Mayor is the chief executive officer of the City and is the person, on behalf of the City Council, to whom the city manager reports.

The mayor shall:

- (1) Have ultimate responsibility to keep the peace and enforce the laws of the City;
- (2) Have authority to remit a fine or forfeiture;
- (3) Report any commutation or remittance to the City Council at its next meeting after the action;
- (4) Have authority to commute any sentences for violation of any municipal order;
- (5) Have responsibilities for Justice Court Judge vacancies as outlined in Title 2, Chapter 9 and UCA§78A-7-202 et. Seq., as amended.
- (6) Perform all duties prescribed by law, resolution or ordinance;
- (7) Ensure that all laws, ordinances and resolutions are faithfully executed and observed;
- (8) At any reasonable time examine and inspect the books, papers, records or documents of the city or any officer, employee or agent of the City;
- (9) Report to the City Council on the condition of the City and recommend for Council consideration any measures as deemed to be in the best interests of the City;
- (10) When necessary, call on the residents of the city over the age of 21 to assist in enforcing the laws of the state and ordinances of the city; and
- (11) Appoint, with the advice and consent of the Council, members to fill vacancies on commissions or committees of the City.

History: 8/36, 9/84, 12/09, 10/10, 10/16 - Ord 16-02, 2026 - Ord 26-02

2-3-5 Change of Duties. The mayor may, with the concurrence of a majority of the City Council, change the assignment of any member of the governing body who is serving on any commission, board, or committees.

History: 8/36, 9/84

Chapter 4. Meetings - Voting

- 2-4-1 Meetings Generally
- 2-4-2 Special Meetings
- 2-4-3 Quorum
- 2-4-4 Adoption of Procedural Rules; Expulsion of Member
- 2-4-5 Attendance
- 2-4-6 How the Vote is Taken
- 2-4-7 Minimum Vote Required
- 2-4-8 Reconsideration

2-4-1 Meetings Generally. The City Council shall by resolution prescribe the frequency, time and place of the meetings of the City Council; however, at least one (1) meeting shall be held each month. Meetings shall comply with the Utah Open and Public Meetings Act, Utah Code Title 52, Chapter 4, as amended.

History: 10/37, 9/84, 12/09

2-4-2 Special Meetings.

(1) Special meetings shall be called and noticed in accordance with the Utah Open and Public Meetings Act, as amended.

The personal appearance by a member of the Council at any specially called meeting constitutes a waiver of the notice required in this section.

(2) No business shall be transacted in any special meeting except that stated in the call thereof, unless all Council members are present and unanimously consent thereto.

History: 10/37, 9/84, 12/09 – Ord. 09-21;

2-4-3 Quorum. The number of members of the City Council necessary to constitute a quorum is three (3) or more, excluding the mayor. No action of the City Council shall be official or of effect except when a quorum of the members is present. Fewer than a quorum may adjourn from a meeting if less than a quorum occurs during that meeting. If less than a quorum occurs due to vacancies, the remaining City Council members may meet, after proper notice is given, to fill those vacancies.

History: 10/37, 9/84, 12/09

2-4-4 Adoption of Procedural Rules: The City Council shall, from time to time, make such rules for the government of its proceeding as it may deem necessary and proper and make such rules available at each official meeting as well as on the City's website.

History: 9/84, 12/09, 10/16 - Ord 16-02

2-4-5 Attendance. The City Council shall have the power to compel the attendance of its own members and provide such penalties as it deems necessary for the failure to comply therewith. A meeting with less than a quorum of members may properly meet from time to time and are hereby empowered to compel the attendance of absent members without proper absence excuses and may, when necessary, direct the chief of police to bring in such member or members under arrest. Should any member of the Council, when notified by the chief of police or other proper officer, that his presence is necessary to form a quorum (unless he shall present an excuse satisfactory to the Council at its next regular meeting), or should any member leave the Council when in session without the consent of the Council, when such leaving would break the quorum, shall be fined in any sum not exceeding \$50.00.

History: 9/84, 12/09, 10/16 - Ord 16-02

2-4-6 How the Vote is Taken. A roll call shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the municipality and in any other case at the request of any member of the City Council by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken.

History: 9/84

2-4-7 Minimum Vote Required.

(1) The minimum number of yes votes required to pass any ordinance, resolution or to take any action by the Council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall not be less than three (3).

(2) Any ordinance, resolution or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and, except a meeting may be adjourned to a specific time by a majority vote of the governing body even though such majority vote is less than that required herein.

(3) A majority of the members of the City Council, regardless of number, may fill any vacancy in the governing body, as prescribed by law.

History: 9/84, 10/16 - Ord 16-02

2-4-8 Reconsideration.

(1) Any request for reconsideration of the vote of an approved Council agenda item must be made by at least one of the City Council members who voted in the majority of the action taken. Such request may be made at the same meeting as the vote or made to the mayor in writing prior to the subsequent meeting in time for its inclusion in the agenda.

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

(3) If the request for reconsideration is voted upon and approved by a majority vote of the City Council, the effect will be as if the original vote was never taken. The item can then be handled in any proper manner desired by the majority vote of the City Council.

History: 9/84, 12/09, 10/13, 10/16 - Ord 16-02

Chapter 5. Public Meetings, Executive Sessions, Records and Publication Procedure

- 2-5-1 Business of the Governing Body Conducted Only in Open Meeting
- 2-5-2 Public Records
- 2-5-3 Penalty for Disorderly Conduct in Public Meetings
- 2-5-4 Authority to Issue Administrative Subpoenas
- 2-5-5 Authorization, Contents, and Manner of Service
- 2-5-6 Electronic Meetings

2-5-1 Business of the Governing Body Conducted Only in Open Meeting. All meetings of the governing body of the City shall be conducted in accordance with the Utah Open and Public Meetings Act, Utah Code Title 52, Chapter 4, as amended.

History: 9/84

2-5-2 Public Records. All records shall be managed and disclosed in accordance with the Government Records Access and Management Act (GRAMA), Utah Code Title 63G, Chapter 2, as amended.

History: 9/84

2-5-3 Penalty for Disorderly Conduct in Public Meetings.

- (1) The City Council may fine or expel any member for disorderly conduct on a two-thirds (2/3) vote of the members of the governing body.
- (2) The City Council, on a two-thirds (2/3) vote may expel any person who is disorderly during the meeting of the City Council. This section or any action taken by the City Council pursuant hereto shall not preclude prosecution under any other provision of law.

History: 9/84, 10/16 - Ord 16-02

2-5-4 Authority to Issue Administrative Subpoenas. Pursuant to authority granted by Section 10-3-610, Utah Code, as amended, or its successor, the City Council may issue administrative subpoenas to compel the attendance, before the City Council, of witnesses and the production of books, records, and other papers and documents and may cause to be examined under oath any person whose testimony is necessary or useful for the good governance of the City. Failure by any person, without adequate excuse, to obey an authorized subpoena served upon him shall be unlawful and punishable as a Class "C" misdemeanor.

History: 9/84, 3/06

2-5-5 Authorization, Contents, and Manner of Service.

(1) The City Council shall authorize by majority vote the serving of an administrative subpoena requiring the attendance of any person to give testimony or produce records, documents or things for inspection, copying, or examination, which would come before the City Council.

(2) Every administrative subpoena shall:

(a) Be drafted by the city attorney;

(b) Issue in the name of the City and shall state on its face that it is an administrative subpoena;

(c) Set forth the possible penalties for failure to respond;

(d) Command each person to whom it is directed to attend and give testimony at a time and place therein specified which date and time shall not be less than fourteen (14) days from the date of service of the administrative subpoena; and,

(e) Be signed by the mayor.

(3) An administrative subpoena may also command the person to whom it is directed to produce the books, papers, documents or tangible things designated therein.

(4) An administrative subpoena may be served by any peace officer or constable, or by any other person 18 years of age or older at the time of service. Service of an administrative subpoena upon a person named therein shall be made by delivering a copy thereof to such person.

(5) A certificate with a statement as to the date, place and manner of service shall be filed with the City Manager's office by the person serving the subpoena within seven (7) days of the date of service; however, failure to file this proof of service shall not affect the validity of the service.

History: 03/06, 12/09

2-5-6 Electronic Meetings. The City Council and other public bodies of the city may conduct electronic meetings as authorized by the Utah Open and Public Meetings Act, Utah Code Title 52, Chapter 4, including Utah Code §52-4-207, as amended.

Electronic meetings shall be noticed, conducted, and made accessible to the public in accordance with applicable Utah law and City procedures.

History: 01/14, 10/16 - Ord 16-02

Chapter 6. Office of City Manager

2-6-1	Office of City Manager Created
2-6-2	Appointment and Employment
2-6-3	Term of Office
2-6-4	General Duties
2-6-5	Supervision Over Employees
2-6-6	Contracts
2-6-7	Purchases
2-6-8	Budget Officer
2-6-9	Accounts
2-6-10	Inventories - Property
2-6-11	Reports and Publications
2-6-12	Elections
2-6-13	Collector and Comptroller
2-6-14	Maps - Plats
2-6-15	Offices
2-6-16	Absence from City
2-6-17	Qualifications
2-6-18	Personnel
2-6-19	Legislative Powers and Official Position

2-6-1 Office of City Manager Created. The office of City Manager is hereby created as provided in **Utah Code §§10-3b-105 and 10-3b-303, as amended.**

History: 5/75, 9/84, 12/09

2-6-2 Appointment and Employment. The appointment of the Manager shall be made by a majority vote of the Mayor and City Council. The City Council shall direct the mayor to negotiate a formal employment agreement with the appointee and may set special terms and conditions on such negotiations. Once a formal employment agreement has been negotiated with the appointee, the mayor shall present the agreement to the City Council for its approval. Upon the City Council's approval, the mayor shall sign the agreement on behalf of the City.

Ord. 16-02, 10/16

2-6-3 Term of Office. The Manager shall serve at the pleasure of the Mayor and City Council except that the Manager may be appointed for a term not to exceed three (3) years. The employment agreement may be renewed by the Council at any time. Any person serving as Manager of the City under this section may be removed with or without cause by a majority vote of the Mayor and City Council.

History: 5/75, 9/84, 12/09, 10/16 - Ord 16-02

2-6-4 General Duties.

The City Manager is the chief administrative officer, whose powers, duties, and functions shall be subject to the control of the legislative body, but the City

Manager shall report to the Mayor pursuant to Utah Code.

The Manager shall:

(1) Have and exercise all powers and duties assigned to him by the City Council.

(2) Be charged with the enforcement of all laws and ordinances within the municipality insofar as their enforcement is within the powers of the city.

(3) Attend all meetings of the City Council, keep the Council informed as to the affairs of the city, and recommend to the Council such action as may be necessary or expedient for the welfare of the city.

(4) Have and exercise general control and supervision over all activities of the City, including but not limited to all properties and equipment, water courses, roadways, easements, public buildings, and all other such items belonging to, controlled by or under the jurisdiction of the City.

(5) Delegate duties to department heads or other subordinates as deemed appropriate.

History: 5/75, 9/84, 12/09, 10/16 - Ord 16-02, 02/26, Ord 26-02

2-6-5 Supervision Over Employees. The City Manager shall have and exercise all powers which are now or may hereafter be conferred by law upon the City in respect to the employment and removal of employees and shall hire and discharge such employees and shall have and exercise general supervision over all of the employees of the City. Hiring and removal of department heads requires approval from the City Council.

History: 5/75, 9/84, Ord 26-02

2-6-6 Contracts. The City Manager shall examine all proposed contracts to which the City may be a party, and shall, with the Recorder, sign on behalf of the City excepting where the City Council directs that some other officer or officers shall do so. It shall be the duty of the City Manager to see to it **that** all terms of any contract to which the City is a party are fully performed by all parties thereof.

2-6-7 Purchases. The City Manager shall be the general purchasing agent of the City, and except where specific provision to the contrary is made by law or by the Council, ~~he~~ shall make all purchases of supplies, materials, and equipment authorized by the Council and in the manner prescribed by and subject to the limitations imposed by law and the City Council. No expense shall be incurred for a purpose requiring a prior appropriation unless the amount of such purchase is covered by an unexpended appropriation for the purpose.

History: 5/75, 9/84

2-6-8 Budget Officer. The City Manager is hereby designated as the budget officer for the City and shall perform or cause to be performed all of the duties of such office as set forth in the Uniform Municipal Fiscal Procedures Act, together with such other duties as the Council may from time to time, by resolution, designate.

History: 5/75, 9/84

2-6-9 Accounts. It shall be the duty of the City Manager to keep current accounts showing at all times the fiscal condition of the City, including the current and anticipated expenses, appropriations, cash on hand, and anticipated revenues of all municipal funds and accounts, and see to the collection of all money due the municipality.

History: 5/75, 9/84

2-6-10 Inventories - Property. The City Manager shall keep a current inventory showing all real and personal property of the City and its location and shall be responsible for the care and custody of all such property, including equipment, buildings, parks, and all other City property, which are not by law assigned to some other officer or body for care and control.

History: 5/75, 9/84

2-6-11 Reports and Publications. The City Manager shall publish, or cause to be published, all notices, ordinances or other documents required by law to be published and to prepare or cause to be prepared all reports which the City or any of the officials thereof are required to prepare.

History: 5/75, 9/84

2-6-12 Elections. The City Manager shall cause to be prepared all notices, ballots, and election supplies necessary in connection with municipal elections.

History: 5/75, 9/84

2-6-13 Collector and Comptroller. The City Manager shall be ex-officio City collector and City comptroller, unless such offices, or either of them, are duly filled by appointment; and he shall perform the duties of each such office in the absence of such appointment to either of them.

History: 5/75, 9/84

2-6-14 Maps - Plats. Unless otherwise provided by ordinance, the City Manager shall cause to be kept a complete set of maps and plats showing the location of all City utilities, other municipal properties, all streets, other public places, and all lots or parcels of land subdivided according to law.

History: 5/75, 9/84

2-6-15 Offices. The City Manager shall maintain an office in the City hall City Hall and shall spend such time in the performance of his performing duties as may be required from time to time by

resolution of the Council.

History: 5/75, 9/84

2-6-16 Absence from City. In the event that the City Manager shall be absent from the City or incapacitated from performing the duties of his position, an officer or other person designated by the Mayor may be authorized to act as Manager during such absence or incapacity, provided, however, that if such absence or incapacity shall extend for a period of ten (10) or more consecutive days, such designation shall be subject to the approval of the City Council.

History: 9/84

2-6-17 Qualifications. The powers, duties, and functions of the office of City Manager shall be carried out by the City Manager, who shall be a qualified person, who need not be an elector, appointed by the Mayor and City Council at a salary to be fixed by resolution of the said Council. Before taking office, the City Manager shall be included in the crime/theft insurance coverage with the City's insurance carrier1".

History: 9/84, 12/09, 11/18 – Ord. 18-03

2-6-18 Personnel. Additional personnel may from time to time be employed within the office of City Manager by action of the City Council.

History: 5/75, 9/84

2-6-19 Legislative Powers and Official Position. The legislative and judicial powers of the Mayor, the Mayor's as chairman of the governing body, and any ex officio position the mayor shall hold shall not be delegated to the manager.

History: 9/84, 12/09

Chapter 7. City Officers Generally

- 2-7-1 Requirement of Oath
- 2-7-2 Form of Oath of Office
- 2-7-3 Oath - Given - Filed
- 2-7-4 Acts of Officials Not Voided
- 2-7-5 Compensation of Officers and Employees
- 2-7-6 City Attorney
- 2-7-7 City Engineer
- 2-7-8 City Recorder
- 2-7-9 Rescinded
- 2-7-10 Rescinded
- 2-7-11 Rescinded
- 2-7-12 Rescinded

2-7-1 Requirement of Oath. All elective and appointed officers of the City shall before assuming the duties of office, file with the City Recorder a constitutional oath of office.

History: 9/84

2-7-2 Form of Oath of Office. Before any officer of the City shall be entitled to assume ~~the days of his~~ office, ~~he~~ the person shall take and subscribe to the following oath: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this state; that I will discharge the duties of my office with fidelity."

History: 9/84

2-7-3 Oath - Given - Filed. The oath of office required in the previous section shall be administered by any judge, justice of the peace, notary public, or by the Recorder of the municipality. Elected officials shall take their oath of office at 12 o'clock noon on the first Monday in January following their election or as soon thereafter as is practicable. Appointed officers shall take their oath at any time before entering upon their duties. All oaths of office shall be filed with the Recorder.

History: 9/84

2-7-4 Acts of Officials Not Voided. No official act by any municipal officer shall be invalid for the reason that ~~he~~ the officer failed to take the oath of office.

History: 9/84

2-7-5 Compensation of Officers and Employees. The salary or compensation of all officers and employees shall be established from time to time by ~~resolution of~~ the City Council in accordance with the procedures required by Utah Code 10-3-818.

History: 9/84, Ord 26-02

2-7-6 City Attorney. The mayor, with the advice and consent of the City Council, may appoint a City Attorney. The City Attorney shall be a regularly licensed attorney and shall perform the duties required ~~of him~~ by the general laws and by the ordinances of the City and such other duties as Council may by ordinance or resolution. The City Attorney may, with the consent and approval of the Council, appoint a deputy to advise the City officers in all legal matters or perform other duties ordinarily performed by the City Attorney.

2-7-7 City Engineer. The Mayor, with the advice and consent of the City Council, may appoint the City Engineer. The City Engineer shall perform the duties required ~~of him~~ by the general laws and by the ordinances of the City and such other duties as Council may by ordinance, minute order or resolution require. Instead of appointing a City Engineer, the Mayor may, upon the advice and consent of the City Council, employ an engineer as a regular City employee to perform such duties as may be prescribed

History: 9/84, 10/16 - Ord 16-02

2-7-8 City Recorder. The City Recorder shall keep an office in the Clinton City Hall Building. The Recorder shall keep the corporate seal and all papers and records of the City and shall attend and keep the record of the proceedings of the City Council. Copies of all papers filed in the Recorder's office, and transcripts from all records of the City Council, certified by the Recorder under the corporate seal, shall be evidence in all courts as if the original were produced. The Recorder shall cause a certified copy of all ordinances passed by the City Council to be posted in three (3) public places in the City within one (1) week after the passage of such ordinance by the City Council.

History: 9/84, 10/16 - Ord 16-02, 6/21 Ord 21-03

2-7-9 Rescinded

History: 9/84, 10/16 - Ord 16-02, 6/21 – Ord 21-03

2-7-10 Rescinded

History: 9/84, 10/16 - Ord 16-02, 6/21 – Ord 21-03

2-7-11 Rescinded

History: 9/84, 10/16 - Ord 16-02, 6/21 – Ord 21-03

2-7-12 Rescinded

History: 9/84, 10/10, 10/16 - Ord 16-02, 6/21-Ord 21-03

Chapter 8. Planning Commission

- 2-8-1 Purpose and Intent
- 2-8-2 Planning Commission
- 2-8-3 Duties and Powers
- 2-8-4 Appeal Process

2-8-1 Purpose and Intent. The purpose and intent of this ordinance is to establish a City Planning Commission to represent the concerns of a diverse citizenry and the broad interests of the community as a whole, whose activities should be conducted with convenience and accessibility to the general public of the City of Clinton.

History: 11/83

2-8-2 Planning Commission.**(1) Creation - Appointment.**

(a) There is hereby created a Planning Commission for Clinton City, consisting of seven (7) total members whom are appointed by the mayor with the advice and consent of the City Council.

(b) Members of the Commission shall be selected from the qualified electors of the City, based on a variety of backgrounds and locations within the City. Moreover, no more than two (2) members shall share the same professional background or area of expertise.

(c) The City shall publish a notice of all vacant seats and expiring terms on the City's website for at least 14 days, including an application for interested residents. After reviewing all applications, the Mayor interviews the finalists with the assistance of the City Manager or Manager's designee.

(d) The name of the individual(s) the Mayor appoints shall be published in the City Council's meeting agenda in preparation for the council's advice and consent.

(2) **Terms of Office.** Terms of office of the seven (7) citizen members of the Commission shall be staggered at intervals to provide uniformity and continuity of policy and shall expire at the end of February. Such appointed citizen members shall serve for a period of three (3) years and at staggered intervals, but in any event, each member of the Planning Commission shall serve until the expiration of the term for which he is appointed and until a successor is appointed and qualified.

(3) **Oath of Office.** Members of the Planning Commission shall qualify by taking, subscribing, and filing with the City Recorder or authorized appointee an oath of office required by the state constitution.

(4) **Removal and Vacancies.** Members of the Planning Commission may be removed for cause by the mayor, with the advice and consent of the City Council. "Cause" may include but shall not be limited to violations of the state's Public Officers and Employee Ethics Act, conflicts of interest, and failure to attend a minimum of 80% of meetings. Any vacancy occurring on the Commission by reason of death, resignation, or removal shall be filled by the mayor with the advice and consent of the City Council for the unexpired term of such member.

(5) **Compensation.** Planning Commission members shall serve without compensation, except for reasonable expense per meeting attended.

(6) **Staff Expenditure.** The Planning Commission may request appointment of such employees and staff as it may deem necessary; however, any expenditures of the Commission shall be first approved by the City Manager as being within the amount budgeted by the City for such purposes for that year.

(7) **Procedure.** The Planning Commission shall, during its first meeting in ~~January~~ March of each year, elect from its membership a chairman. ~~The chairman shall serve for a term of one (1) year and shall not succeed in said office.~~ The Commission shall also elect other such officers as it may deem necessary and adopt and later change or alter rules and regulations of organization and procedure consistent with the City code and state laws.

(8) **Quorum.** Four (4) voting members of the Planning Commission shall constitute a quorum. Approval of requests presented to the Planning Commission can occur only by a majority of four (4) favorable votes of the quorum.

(9) **Meetings.** The Planning Commission shall meet at least once each month as designated by the Commission in their bylaws. Public hearings of the Planning Commission may be held at such meetings; however, all public hearings shall be held after the regular working hours of the City, upon proper notice to consider any matters within the scope of the Commission's duties as provided by the code or state statute. All meetings and public hearings of the Planning Commission shall be held in a public place designated by the Commission and shall be of sufficient size to ~~insure~~ **ensure** public access to the operations of the Commission.

(10) **Records of Proceedings.** The Commission shall keep records of its proceedings, which shall be available to public inspection.

History: 11/83, 9/84, 2/93, 1/97, 9/16, Ord 24-02

2-8-3 Duties and Powers.

(1) General Plan. It shall be the function and duty of the Planning Commission, after holding public hearings, to recommend to the City Council a General Plan for the physical development of Clinton, as required by the Municipal Land Use, Development, and Management Act, Utah Code Annotated, Chapter 10-9a, and to maintain such plan as needed to reflect current City conditions and needs.

(2) Zoning. It shall be the function and duty of the Planning Commission to recommend to the City Council a zoning plan, including text and map, representing the views of the Planning Commission for City zoning. This zoning plan recommendation shall be made in accordance with the General Plan. After adoption by the City Council, this zoning plan shall be the basis for zoning decisions within the City.

(3) Reports. The Planning Commission may make reports and recommendations relating to the planning and development of the City, to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. The Planning Commission, its members and authorized City employees in the performance of its

functions, may enter upon any land at reasonable times to make examination, survey, place and maintain necessary monuments and marks thereon. In general, the Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote City planning and zoning.

(4) Land Subdivision or Re-subdivision. Following the adoption of an official plan in the manner prescribed in this code, no map or plat of any subdivision presented for record, affecting land within the corporate limits of the City shall be entitled to be recorded or shall be valid unless the subdivision thereon shall provide for streets, alleys, and public grounds in conformity with any requirements applicable thereto of such official plan and City ordinances.

History: 11/83, 9/8, 10/16 - Ord 16-02

2-8-4 Appeal Process. Any person aggrieved by any decision of the Planning Commission shall have the right to make appeals to the Board of Zoning Adjustments and/or to the City Council, as provided by the City code.

History: 11/83, 10/16 - Ord 16-02

Chapter 9. Clinton City Justice Court

- 2-9-1 Creation of Office
- 2-9-2 Appointment
- 2-9-3 Term of Office
- 2-9-4 Compensation
- 2-9-5 Annual Training
- 2-9-6 Justice Court Staff and Facilities
- 2-9-7 Warrants

2-9-1 Creation of Office. There is hereby created the office of Justice Court Judge of the Clinton City Justice Court.

History: 12/37, 9/84, 08/10

2-9-2 Appointment.

(1) Justice Court Nominating Commission:

(a) In the event there is a vacancy in the office of Justice Court Judge of Clinton City Justice Court the Mayor shall select and Council ratify the selection of two individuals to serve on the Davis County Justice Court Nominating Commission. These individuals shall serve as local members of the Commission throughout the selection of a new Justice Court Judge for the Clinton City Justice Court and are released from their commitment upon completion of the selection.

(b) Members to the Commission may not be an elected member of the Clinton City Council or the Mayor.

(c) The Commission shall be staffed by the State Administrative Office of the Courts and follow the procedures outlined in the State Code.

(2) Justice Court Judge:

(a) The Mayor shall select a candidate from a list of nominees provided by the Justice Court Nominating Commission.

(b) The City Council shall ratify the appointment of the Justice Court Judge for the Clinton City Justice Court.

(3) Public Prosecutors:

(a) The Court Clerk shall advertise a request for bids to be submitted by qualified individuals and shall make recommendation to the City Council for selection of the Prosecutor.

(b) The Council shall appoint a Prosecutor by motion and majority vote of the Council.

(c) The Prosecutor shall serve at the convenience of the Council and may be released at any time without cause.

History: 08/10, 10/16 - Ord 16-02

2-9-3 Term of Office.

(1) The term of office of a Justice Court Judge is six (6) years.

(2) Upon the expiration of a Justice Court Judge's term the Judge shall be subject to an unopposed retention election.

History: 08/10

2-9-4 Compensation.

(1) Justice Court Judge:

(a) The Justice Court Judge shall be paid a fixed compensation determined by the Council based on comparative workload expected for the Justice Court Judge to that of a District Judge in Davis County and retirement requirements of the Utah Retirement System.

(b) The Justice Court Judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all Clinton City employees, subject to limitations in State Code.

(c) The salary fixed may not be diminished during the term for which the Justice Court Judge has been appointed or elected.

(d) A copy of the resolution, ordinance, or other document fixing the salary of the Justice Court Judge, and any adjustments, shall be furnished to the state court administrator.

(2) Prosecutor:

(a) Prosecutors shall be paid a fixed compensation based upon an accepted bid proposal.

(b) Prosecutors shall receive an annual salary adjustment at least equal to the average salary adjustment for all Clinton City employees.

History: 12/37, 9/84, 08/10, 10/16 - Ord 16-02

2-9-5 Annual Training. The Justice Court Judge shall attend at least one (1) qualifying seminar or training court supervised by the Judicial Counsel in each calendar year. If the Judge does not attend the required seminars or courses for two (2) consecutive years, the Judge may be removed from office for cause under the provisions of Utah Code Annotated §78A-7-205.

History: 9/84, 08/10, 10/16 - Ord 16-02

2-9-6 Justice Court Staff and Facilities. As long as Clinton City maintains a Justice Court the City shall provide:

- (1) Public prosecutors to perform prosecution duties before the justice court;
- (2) Adequate funding for the costs of defense for persons charged with a public offense who are determined by the Judge to be indigent;
- (3) Security for the Justice Court;
- (4) A facility within the City that is conducive and appropriate to the administration of justice; and,

(5) Adequately compensated clerical personnel to conduct the business of the court.

(6) Adequate funding to meet the educational requirements for the Justice Court Judge and Court Staff as required by the Judicial Counsel in each calendar year.

History: 08/10

2-9-7 Warrants. All warrants issued by the Justice Court are to be directed to the Clinton City Police Department unless use of a Constable has been authorized by the City Council.

History: 08/10, 10/16 - Ord 16-02

Chapter 10. Claims Against Municipality

- 2-10-1 Records Open to Inspection
- 2-10-2 Claim for Injury-Notice-Contents Service-Legal Disability
- 2-10-3 Time for Filing Notice of Claim
- 2-10-4 Denial of Claim for Injury

2-10-1 Records Open to Inspection. The City Council shall keep a journal of its proceedings. The books, records, accounts, and documents of the City shall be kept at the office of the Recorder and approved copies shall be open and available to the public during regular business hours for examination and copying. Except when required by law to provide records without cost to the public, a reasonable charge for providing copies to the public shall be fixed by resolution of the City Council.

History: 9/84

2-10-2 Claim for Injury-Notice-Contents-Service-Legal Disability.

(1) A claim is deemed to arise when the statute of limitations that would apply if the claim were against a private person commences to run.

(2) Any person having a claim for injury against the City or against its employee for an act or omission occurring during the performance of his duties, within the scope of employment, or under color of authority shall, before maintaining an action, file a written notice of claim with the City.

(3) The notice of claim shall set forth a brief statement of the facts, the nature of the claim asserted, and the damages incurred by the claimant so far as he shall know, shall be signed by the person

making the claim or such person's agent, attorney, parent or legal guardian, and shall be directed and delivered to the City Manager within the time prescribed in section 2-10-3.

(4) If, at the time the claim arises, the claimant is under the age of majority, or mentally incompetent or without a legal guardian, or imprisoned, upon application by the claimant and after hearing and notice to the City, a court of competent jurisdiction, in its discretion, may extend the time for service of notice of claim; but in no event shall it grant an extension which exceeds the applicable statute of limitations. In determining whether to grant an extension, the court shall consider whether the delay in serving the notice of claim would substantially prejudice the City in maintaining its defense on the merits.

History: 9/84, 10/16 - Ord 16-02

2-10-3 Time for Filing Notice of Claim. A claim against the City or against its employee for an act or omission occurring in the performance of its duties, within the scope of employment, or under color of authority, is barred unless notice of claim is filed with the City Manager of the City within one (1) year after the claim arises, or before the expiration of any extension of time granted under section 2-10-2.

History: 9/84, 10/16 - Ord 16-02

2-10-4 Denial of Claim for Injury. If the claim is denied, a claimant may institute an action in the district court against the City pursuant to the requirements of applicable state law.

History: 9/84

**Chapter 11. Records Access
and Management**

- 2-11-1 Short Title
- 2-11-2 Adoption of State GRAMA Code
- 2-11-3 Fees

2-11-1 Short Title. This chapter shall be known as the "Clinton City Government Records Access and Management Act".

History: 7/92

2-11-2 Adoption of State GRAMA Code

The City adopts for enforcement the latest version of the Utah State Code Title 63G Chapter 2, known as GRAMA (Government Records Access and Management Act).

History: 10/16 - Ord 16-02

2-11-3 Fees

A reasonable charge for providing copies to the public shall be fixed by Resolution of the City Council (see annual Fee Schedule).

History: 10/16 - Ord 16-02

Chapter 12. City Treasurer

- 2-12-1 City Treasurer
- 2-12-2 Appointment
- 2-12-3 Bond of Treasurer
- 2-12-4 Oath of Office
- 2-12-5 Act of Treasurer not Voided
- 2-12-6 Duties
- 2-12-7 City Treasurer; Duty to Receive all of City's Money; Settlements with City Recorder
- 2-12-8 Receipts for Payments to City

2-12-1 City Treasurer. The Office of Clinton City Treasurer is hereby created in accordance with Utah Code §10-3-916.

History: 1/10

2-12-2 Appointment. The Mayor, with the advice and consent of the City Council, shall appoint the Clinton City Treasurer on or before the First Monday in February following a municipal election. In case of the need for a midterm replacement, this same process shall be followed with the appointment being immediate. The appointed Treasurer shall continue in office until the successor is appointed and qualified.

History: 1/10, 10/16 - Ord 16-02

2-12-3 Bond of Treasurer. The City Treasurer shall be covered by the City's crime insurance coverage in accordance with Utah Code §10-3-831, as amended.

History: 1/10, 11/18 – Ord. 18-03

2-12-4 Oath of Office. The Clinton City Treasurer, before entering on the duties of the Treasurer shall take, subscribe and file the constitutional oath of office. The Oath shall be taken after appointment and any time before entering on the duties as Treasurer. The oath of office shall be administered by and filed with the City Recorder.

History: 1/10

2-12-5 Act of Treasurer not Voided. No official act of the Treasurer shall be invalid for the reason that the Treasurer failed to take the oath of office.

History: 1/10

2-12-6 Duties. The duties of the Treasurer shall be set forth by the City Manager and/or City Council as they shall from time to time direct.

History: 10/16 - Ord 16-02

2-12-7 City Treasurer; Duty to Receive all of City's Money; Settlements with City Recorder.

(1) The City Treasurer shall receive all money belonging to the City, including all taxes, licenses and fines and keep an accurate and detailed account thereof, and shall collect special taxes and assessments as provided by law and the code of the City. The City Treasurer shall make a settlement with the Recorder, as the Council may direct at the end of every month, and turn over all warrants, interest coupons, bonds or other evidence of the indebtedness of the City which may have been redeemed by the City Treasurer during the month, taking the receipts of the Recorder therefore, and all such warrants, orders or other evidence of indebtedness shall be cancelled by the City Treasurer and have written or stamped thereon the date of their payment or redemption.

History: 8/36, 9/84, 10/10, 10/16 - Ord 16-02

2-12-8 Receipts for Payments to City. The City Treasurer shall give every person paying money to the City Treasurer a receipt therefore, specifying the date of payment and upon what account paid; and shall file the duplicate of such receipt with the Recorder at the date of the monthly report.

History: 8/36, 9/84, 10/10, 10/16 - Ord 16-02

Chapter 13. Utility Customer Fees, Delinquent Accounts and Water Disconnections

- 2-13-1 Purpose
- 2-13-2 City Utilities
- 2-13-3 City Managed Utilities
- 2-13-4 City Managed Davis County Fees
- 2-13-5 Utility Fees
- 2-13-6 Establishment of Fees
- 2-13-7 Special Rates
- 2-13-8 Application for Utility Service Agreement
- 2-13-9 Non-owner Applicants
- 2-13-10 Owner Guarantee Agreement for Rental/Lease Premises
- 2-13-11 Returned Check Fee
- 2-13-12 Customer Initialization Fee
- 2-13-13 Customer Deposits
- 2-13-14 Utility Billing
- 2-13-15 Accountability of Utility Payment
- 2-13-16 Service Charge
- 2-13-17 Property Owner Shutoff Request
- 2-13-18 Delinquent Accounts – Delinquent Notice and Discontinuance of Service
- 2-13-19 Administrative Charges
- 2-13-20 Disconnection of Water
- 2-13-21 Interest on Delinquent Accounts
- 2-13-22 Declaration of a Nuisance
- 2-13-23 Collection by Property Lien
- 2-13-24 Appeal of Decision, Rates, Fees and Rebates
- 2-13-25 Use Without Payment Prohibited
- 2-13-26 Unauthorized Users

2-13-1 Purpose. The purpose of this chapter is to establish the City utilities and a utility billing process and to establish a fee requirement for utility customers; a policy concerning deposits affecting existing customers and disconnected customers; and procedures and policies concerning delinquent accounts, disconnection or discontinuation of utility services, means of collections, and reinstatement of services.

History: 11/87, 11/07, 1/10, 6/11

2-13-2 City Utilities. The following services are established as City Utilities; however, this does not limit the City from establishing other utilities as necessary.

(1) The City shall provide the following services to residences:

- (a) Culinary water;
- (b) Solid waste (garbage);

(c) **Recycling collection services;**

(d) Storm water removal;

(e) Waste water collection (sanitary sewerage)

(2) The City shall provide the following services to multi-family residential and non-residential land uses:

- (a) Culinary water;
- (b) Storm water removal;
- (c) Waste water collection (sanitary sewerage).

History, 1/10, 10/16 - Ord 16-02

2-13-3 City Managed Utilities. The City may contract with utilities, governmental entities, special districts, agencies, or service providers serving areas within the City for the management of their billing process. For the purpose of managing the collection and distribution of these accounts the policies and procedures outlined in this chapter shall apply. The collection of fees is applicable to, but not limited to, all customers of the Managed Utilities within the service areas of the following utilities:

- (1) Pressure irrigation water service, Davis and Weber Counties Canal Co. (DWCC)
- (2) Waste water collection (sanitary sewerage), Clinton City Sanitary Sewer Special Service District, (SSSSD).
- (3) Solid Waste and recycling collection services provided through agreements approved by the City Council; and
- (4) Other utility, district, governmental, or contracted services approved by the City Council and administered through the City's utility billing system.

History: 1/10, 6/11, 10/16 - Ord 16-02

2-13-4 City Managed Davis County Fees. The City may establish fees associated with Davis County services provided within the City when the County charges the City for these services. For the purpose of managing the collection and distribution of these the accounts policies and procedures outlined in this chapter shall apply. The collection of fees is applicable to, but not limited to, all potential customers of these Davis County services within the city of the following utilities:

- (1) Animal Control
- (2) Emergency Dispatch Services

History: 6/11

2-13-5 Utility Fees. Utility fees shall be established based upon and adequate to sustain the cost of the service provided. A minimum service may be established and scaled upward based upon the level or quantity of service given. Fees may be established for direct and indirect services, both tangible and intangible.

History: 1/10

2-13-6 Establishment of Fees. All rates for services associated with the City utility systems, to include but not be limited to fees, deposits, billing, guaranteeing, penalties, fines, inspections, assessments and filing or recording actions shall be established by the City Council, from time to time, and adopted, by resolution, as part of the Clinton City Consolidated Fee Schedule. Pass through fees from other agencies shall be as set by those agencies regardless of the fees published in the Consolidated Fee Schedule.

History: 9/65, 9/84, 1/10

2-13-7 Special Rates. The City Council may from time-to-time fix, by resolution, special rates and conditions for users of exceptionally large amounts of utility service such as large water quantities, discharging wastes of unusual characteristics, or making use thereof under exceptional circumstances upon such terms and conditions that they may deem proper.

History: 9/65, 9/84, 1/10, 6/11

2-13-8 Application for Utility Service - Agreement.

(1) Any owner of property desiring or who is required to secure service shall apply to the City Treasurer by paying a deposit fee in a sum to be fixed by resolution of the City Council and by filing an agreement application provided by the City.

(2) Any owner of property receiving service by a City Utility shall notify the City Treasurer of any change in contact information to include name, mailing address or phone number within ten (10) working days of a change.

History: 9/65, 9/84, 6/11, 10/16 - Ord 16-02

2-13-9 Non-owner Applicants. As of the date of this ordinance, tenant applications shall not be accepted, all utility applications shall be filed by the property owner as outlined in § 2-13-8.

History: 1/10, 6/11

2-13-10 Owner Guarantee Agreement for Rental/Lease Premises. Owners of rental or lease

property under lease effective July 1, 2011, shall place on file an agreement with the City indicating that the owner agrees to:

(1) Pay for all utility services furnished by the City for any tenant, or any other occupant of the premises, in case any tenant or occupant fails to pay for the utility services according to applicable City ordinance, rules, and regulations enacted or adopted by the City Council.

(2) Pay for any and all attorney fees, reasonable collection, recording and court costs, and interest for unpaid utility services.

(3) Owner agrees to notify Clinton City if the service address is sold and to whom it is sold.

(4) Any changes in renter after the date of this ordinance § 2-13-9 applies.

History: 6/11

2-13-11 Returned Check Fee.

(1) The City Council shall establish a returned check fee, established as set in § 2-13-5, sufficient to cover the costs to the City related to returned checks or other actions resulting from nonsufficient funds.

(2) If a customer has two (2) returned checks or other actions resulting from nonsufficient funds within twenty-four (24) month period future payments shall be paid in cash, credit card, certified check or money order for an indefinite period of time established by the Treasurer.

History: 6/11, 10/16 - Ord 16-02

2-13-12 Customer Initialization Fee. Any person desiring or who is required to secure services shall pay a connection fee, established as set in § 2-13-6, at the time of their application. Initialization fees are non-refundable.

History: 6/11

2-13-13 Customer Deposits. The following policy shall govern customer utility deposits:

(1) Each application for City utilities shall be accompanied by a deposit prior to receiving service. This deposit can be waived if the applicant has a current prior account history with the City of 24 consecutive months with no delinquent balances.

(2) Any customer who maintains a record of no past-due balances for a period of 24 consecutive months shall have the deposit credited to the account. If all City utility services have been terminated, the City shall apply the deposit, if any, to the unpaid account balance. Any amount of said deposit remaining after

payment of said account shall be returned to the user. If the whereabouts of the user is unknown and no address has been provided to the City, any unclaimed deposit or overpayment on the terminated account shall be applied at the end of the fiscal year to the bad debt account for the enterprise fund. The City is not responsible for payment of interest on deposits.

(3) Any customer who has City utility services disconnected for non-payment of the City utility bill will be required to increase any existing deposit to the current rate, if the amount of the deposit is under an old deposit rate.

(4) Such deposit shall not be considered an advance payment of any service charges, and unpaid deposit accounts may render the service account delinquent. Notwithstanding the existence of such deposit, the user shall not have the right to compel the City to apply such deposit to any account to avoid delinquency. Deposit refunds are only allowed as outlined in §2-13-13.

History: 10/16 - Ord 16-02

2-13-14 Utility Billing. The City Treasurer shall furnish to each active account, once each month or such other regular interval as the City Council shall direct, a written or printed statement which states:

- (1) The amount of the bill for each service assessed.
- (2) The statement shall specify the place of payment and date due.
- (3) The sum total of all charges must be paid by the due date specified on the bill.
- (4) The statement shall be mailed to the property owner unless an alternate address is provided by the property owner on the application required by § 2-13-8.

History: 1/10, 6/11, 10/16 - Ord 16-02

2-13-15 Accountability of Utility Payment. All payments made to the City for utilities provided shall be accredited to the utility bill individually and in the following order: penalties and shutoff fees; expenses incurred by the City including attorney's fees or recording fees; fees to City Managed Davis County Fees; City Managed Utilities; and then to City Utilities in the following order sanitary sewer, storm water, solid waste and lastly to culinary water fees.

History: 1/10, 6/11

2-13-16 Service Charge.

(1) All owners of properties receiving a utility either within or without the City shall be responsible for the payment of the charges associated with the individual

utilities servicing the property as established in this Title.

(2) If a customer's property will be vacant for an entire billing cycle or multiple billing cycles, the owner of the property may make arrangements with the Treasurer for minimal fees to be assessed during the continued vacancy of the property. Secondary water charges and storm water removal charges shall not be discontinued during any vacancy. Adjustments shall only be made for complete billing cycles.

(3) The City Manager or other authorized agent of the city may excuse needy persons who are not reasonably capable of paying the monthly charge for residential collection of utilities from the payment of the residential rate for a period of time as may be deemed proper or necessary.

(4) The City Council, by Resolution and based upon significant findings, may excuse a class of individuals for a set period of time.

History: 5/62, 9/84, 12/89, 1/10, 6/11

2-13-17 Property Owner Shutoff Request. Any property owner who is renting a dwelling or other structure utilizing utilities or services outlined in this Chapter may not request that the utilities be discontinued if the property is currently or is planned to remain occupied.

History: 6/11, 10/16 - Ord 16-02

2-13-18 Delinquent Accounts - Delinquent Notice and Discontinuance of Service.

(1) Notice shall be provided as established in § 2-13-14.

(2) The Treasurer, or other authorized agent of the City, is hereby empowered to enforce the payment of all delinquent utility service charges by an action of law in the corporate name of the City. This may include, but is not limited to, disconnecting the water supply, sending the account to a collection agency, initiating action through small claims court, or filing a tax lien.

(3) The following procedures shall be followed in dealing with delinquent utility accounts that are receiving utilities supplied or managed by the City:

(a) Any person or entity who receives a utility supplied or managed by the City and neglects, fails, or refuses to pay the sum total of the City's utility bill within 5 days after the date due as outlined in § 2-13-14 shall receive a delinquent notice and a notice of intent to disconnect. The bill must be paid by the date specified on this delinquent notice, which is

normally 10 to 15 days from the date of issuance of the notice. Failure to make the appropriate payment to the City will result in culinary water disconnection and may include the discontinuance of other services, e.g. secondary water, garbage. The notice shall substantially include the following:

- (i) The date of the notice.
- (ii) The name and mailing address of the customer listed on the monthly utility bill.
- (iii) The amount due, including any finance or administrative charges.
- (iv) A statement that services will be disconnected without further notice unless payment is received before the shut-off date listed in the notice.
- (v) A statement that once service has been disconnected, it will not be resumed until all service charges, shut-off fees, after-hour fees, administrative fees, and delinquent past due amounts have been paid.
- (vi) A statement identifying the amount of the shut-off fee that will be charged in addition to any other fee, fine, or penalty for service which is disconnected due to non-payment of the delinquent account.
- (b) A statement informing renters that the shutoff notice applies to them even though their property owner is responsible for paying the utility bill and instructing renters that it is their responsibility to resolve any issues related to the shutoff with their property owner.
- (c) Notice to property owners shall contain the same information as outlined in § (a) above, however it shall be mailed to the address of record filed in the Treasurer's office as required in § 2-13-8.
- (4) Failure to notify the Treasurer of change of registration information required by § 2-13-8(2) does not exempt a property owner from obligations resulting from a delinquent account or prevent the City from taking action as set in Title.

History: 9/65, 9/84, 6/11

2-13-19 Administrative Charges. Any charges assessed as part of any utility delinquent notice shall be deemed a part of the water utility bill; and unless it is timely paid, the account remains delinquent and pursuant to the procedures outlined above, the water service shall be disconnected. A fee will be assessed, as established in § 2-13-5, to shut off/reconnect water service that has been turned off for non-payment. A separate after hour's fee may be assessed if water is requested to be reconnected before or after the normal business hours of the City.

History: 11/87, 11/04, 6/11

2-13-20 Disconnection of Water. Any customer who fails to comply with the notice of delinquent account shall be disconnected from the culinary water system on or after the date indicated on the notice to disconnect. Water service shall not be resumed until all fees, charges, and past-due amounts are paid in full. If for economic reasons a customer is unable to pay the balance in full, the City Manager, or other authorized agent of the City, may set up a payment plan. If the customer does not follow through with the payment plan, and the City Manager or authorized agent is not contacted and approval is not given for an additional extension, water services may be disconnected without further notice.

History: 11/87, 11/04

2-13-21 Interest on Delinquent Accounts. All delinquent utility service accounts may be assessed interest at a rate set by resolution of the City Council. In the absence of a resolution providing for interest, interest shall be assessed at the rate pursuant to Utah Code Annotated 15-1-1.

History: 11/87, 11/04, 1/10

2-13-22 Declaration of a Nuisance. A delinquent utility fee is declared a nuisance upon the respective property being serviced by the utility.

History: 1/10, 6/11

2-13-23 Collection by Property Lien. A delinquent utility fee may be placed on the tax bill for the amount of such delinquent fees plus late charges and cost of lien administration and collected as ordinary taxes by the County. Establishment of a notice as outlined in § 2-13-18 is sufficient for a certified copy of the lien to be retained by the City Treasurer, for the amount of the respective assessments against the parcels of land as they appear on the current assessment role. The lien created attaches upon recordation in the office of the County Recorder. The assessment may be collected at the same time and in the same manner as ordinary City real estate property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of City real estate property taxes shall be applicable to such assessment.

History: 1/10, 6/11

2-13-24 Appeal of Decision, Rates, Fees and Rebates.

- (1) Any person or entity that believes that this Title was interpreted or applied erroneously by a member of the City Staff may appeal to the City Manager.
- (2) The City Manager may hear complaints and make corrections of any assessments established in this Title, deemed to be illegal, unequal, or unjust.
- (3) The City Manager may temporarily, if he sees fit, adjust, assess, or rebate all or any part of a fee established in this Chapter, related to the systems established in this Chapter, of any indigent person.
- (4) Appeals shall be submitted to the City Manager, in writing, explaining the circumstances that justify the request along with any fees established as set in §2-13-5.
- (5) The City Manager will respond to the appellant within 30 days of receiving an appeal and inform the Treasurer of action resulting from the appeal.

History: 1/10, 6/11

2-13-25 Use Without Payment Prohibited. It shall be unlawful for any person by himself, family, servants, or agents to utilize the City utilities without paying therefore as herein provided.

History: 8/96

2-13-26 Unauthorized Users. It shall be unlawful for any utility user to permit any person from other premises or any unauthorized persons to use or obtain utility services from his premises utility.

History: 9/65, 9/84, 1/10

Chapter 14. Establishment of the Clinton City Community Arts Board

- 2-14-1 ~~Board Created—Appointment—Term—Purpose—Voting—Meetings~~
- 2-14-2 ~~Removal and Vacancy~~
- 2-14-3 ~~Records and Public Notice~~

2-14-1 ~~Board Created—Appointment—Term—Purposes—Voting—Meetings.~~

(1) There shall be a Community Arts Board (Arts Board) established consisting of five (5) volunteer members, each of whom shall be appointed to serve by the Mayor, with the advice and consent of the City Council. Each member shall be appointed for two (2) years.

(2) The Arts Board membership shall consist of five (5) citizens of Clinton City over the age of eighteen (18) years of age. Three (3) members shall be required for a quorum, with a minimum of three (3) votes in favor for passage of a recommendation. A City Council member may be assigned by the Mayor as a non-voting liaison to the Arts Board. The City Manager shall staff the Arts Board with such City staff members as may be necessary.

(3) Citizens residing outside of Clinton City may be appointed to a two (2) year term as a nonvoting member by the Mayor, with the advice and consent of the City Council. Non-resident members do not count toward the five (5) members required in Section 1 or to constitute a quorum.

(4) Any resident of Clinton City may participate with the Arts Council as an ad hoc non-voting participant, without the notification of the Mayor or Council.

(5) The mission of the Arts Board is to plan, foster, encourage and promote fine arts, performing arts, community enhancement programs, and other artistic and cultural activities; with the purpose of enriching the lives of Clinton City residents.

(6) The Arts Board shall meet at least quarterly, but may meet as frequently as needed to accomplish their duties and mission.

(7) The Arts Board shall generally function as an independent body, coordinating and correlating with the City, but functioning on their own using volunteers and non-monetary donations as much as possible. Use of the City name for fund raising must be cleared through the City Manager, who may require the request to go before the City Council. All funding must be accounted for as required by City governmental accounting rules.

(8) The Arts Board shall, annually by majority vote, select from their body a chair, vice chair and secretary.

2-14-2 ~~Removal and Vacancy.~~

(1) Any member of the Arts Board may be removed by the Mayor, with the advice and consent of the City Council.

(2) If any member does not attend three (3) consecutive meetings, the Arts Board by majority vote, may recommend to the Mayor and City Council to remove the absent member and provide a replacement member for the remainder of the existing term.

2-14-3 ~~Records and Public Notice.~~

(1) The Arts Board shall keep regular minutes of all of its meetings. Such records shall be open to the public pursuant to the current City and State Codes.

(2) Meetings of the Arts Board must be noticed in accordance with the current State Code pertaining to public meetings.

History: 11/09, 10/16—Ord 16-02; 04/17, Ord 17-01

REPEALED with ORD 24-04 Establishing an Arts and Parks Tax Advisory Committee.

Chapter 15. Civil Rights

- 2-15-1 Short title
- 2-15-2 Declaration of Policy
- 2-15-3 Declaration of Civil Rights
- 2-15-4 Equal Rights in Places of Public Accommodation, Resort or Amusement
- 2-15-5 Exclusion, Segregation and Discrimination Prohibited in Places of Public Accommodation, Resort or Amusement
- 2-15-6 Places of Public Accommodation, Resort or Amusement Defined
- 2-15-7 Extent of Personal Responsibility
- 2-15-8 Penalty for Violation
- 2-15-9 Suspension or Revocation of License

2-15-1 Short Title. This Chapter shall be known as Clinton City Civil Rights Ordinance.

History: 01/99

2-15-2 Declaration of Policy. It is hereby declared to be the policy of Clinton City in the exercise of its police power for the protection of the public welfare, health, safety and peace of the City and the inhabitants thereof, to prohibit discrimination in places of public accommodation, resort or amusement due to race, color, religion, ancestry or national origin.

History: 01/99

2-15-3 Declaration of Civil Right. All persons have the right to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, resort or amusement within the City subject only to the conditions and limitations established by law and applicable alike to all persons. The right is recognized and declared to be a civil right.

History: 01/99

2-15-4 Equal Rights in Places of Public Accommodation, Resort or Amusement. No person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement within the City shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, and no person shall directly or indirectly publish, circulate, issue, display, post or mail or cause to be published, circulated, issued, displayed, posted or mailed within the City any written, painted or printed communication, notice or advertisement to the effect that any of the accommodations,

advantages, facilities and privileges of a place of public accommodations, resort or amusement shall be refused, withheld from or denied to any person on account of race, color, religion, ancestry or national origin, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race, color, religion, ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited. The production of any such written, painted or printed communication, notice or advertisement, purporting to relate to any such place and to be made any person being the owner, lessee, proprietor, superintendent, manager, agent or employee thereof, shall be presumptive evidence in any proceedings that the same was authorized and published by such person.

History: 01/99

2-15-5 Exclusion, Segregation and Discrimination Prohibited in Places of Public Accommodation, Resort or Amusement. Any exclusion or segregation of or discrimination against any person on account of race, color, religion, ancestry or national origin in places of public accommodation, resort or amusement within the City shall be unlawful.

History: 01/99

2-15-6 Places of Public Accommodation, Resort or Amusement Defined. A place of public accommodation, resort or amusement within the meaning of this Chapter shall be deemed to include inns, taverns, roadhouses, motels, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, restaurants, eating houses and any place where food is sold for consumption on the premises, buffets, saloons, barrooms, and any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; dispensaries, clinics, hospitals, bathhouses, theaters, motion picture houses, music halls, concert halls, circuses, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, public libraries, garages, all public conveyances operated on land, water or in the air, as well as the stations and terminals thereof; public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants. Nothing herein contained shall be construed to

include any institution, club or place of accommodation which is in its nature distinctly private.

History: 01/99

2-15-7 Extent of Personal Responsibility. The provisions and requirements of this Chapter shall bind and obligate every owner, lessee, operator, proprietor, manager, agent and employee, whether a natural person, corporation, or unincorporated association, engaged in or exercising control over the operation of any place of public accommodation resort or amusement; provided, that whenever any agent or employee shall so exercise any function or employ any power with which he is charged or entrusted as to violate any provisions of this Chapter, both he and his principal or employer shall be held equally responsible.

History: 01/99

2-15-8 Penalty for Violation. Any person who or any agency, bureau, corporation or association which shall willfully violate any of the provisions of this Chapter or who or which shall aid or cause the violation of any of said provisions shall be deemed guilty of a Class "B" misdemeanor.

History: 01/99

2-15-9 Suspension or Revocation of License. Whenever it shall have been judicially determined that a licensee or person operating or doing business under a license has violated this Chapter in the course of such operation or business two (2) times or more within any 12-month period, the City Council shall suspend or revoke such license as provided in this Title.

History: 01/99, 10/16 - Ord 16-02

Chapter 2-16 Establishment Of Administrative Code Enforcement**2-16-1 Establishment Of Administrative Code Enforcement Program****2-16-2 General Provisions****2-16-3 Definitions****2-16-4 General Authority And Offenses****2-16-5 Administrative Code Enforcement Procedures****2-16-6 Hearing Officer****2-16-7 Hearing Procedures And Orders****2-16-8 Recordation And Cost Recovery****HISTORY**

Adopted by Ord. 24-01 on 5/14/2024

2-16-1 Establishment Of Administrative Code Enforcement Program

There is hereby established in Clinton City the administrative Code Enforcement Program ("ACE Program"). The procedures to be followed in the administration of this program are located in Title 2, Chapter 16 of the City Code. The ACE Program may be used by the City for the administrative enforcement of City Code violations in accordance with the procedures outlined in this Chapter.

2-16-2 General Provisions

This Chapter shall be known as "Administrative Code Enforcement". This Chapter shall also be known as Title 2, Chapter 16 of the Clinton City Code. It may be cited and pleaded under either designation.

1. Declaration of Purpose. The City Council of Clinton City finds that the enforcement of the Clinton City Code throughout Clinton City is an important public service. Code enforcement is vital to the protection of the public's health, safety, welfare, and quality of life. A comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gaining compliance with City ordinances.
2. Scope. The provisions of this Chapter may be applied to all violations of the City Code. The provisions of this Chapter do not invalidate any other title, chapter, or ordinance, but shall be read in conjunction with those titles, chapters, and ordinances as an additional remedy available for enforcement of those ordinances. Criminal Prosecution Right. The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute City ordinance violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution.
3. No Mandatory Duty - Civil Liability. It is the intent of the City Council that in establishing performance standards or establishing the authority to act by a City officer or employee, these standards shall not be construed as creating a mandatory duty if the officer or employee fails to perform his or her directed duty or duties.
4. Acts Include Causing, Aiding, or Abetting. Whenever any act or omission is made unlawful in this Chapter, it shall include causing, permitting, aiding, or abetting such act or omission.
5. Service of Process.

Whenever service is required to be given under this Chapter for enforcement purposes, a Code Enforcement Officer of the Code Enforcement Coordinator (or designees) shall serve the document by any of the following methods, unless otherwise provided:

1. Regular mail, postage prepaid, to the last known address of the owner(s) or other responsible person(s);
 2. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as described in (a) above;
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3. Personal service pursuant to Rule 4 of the *Utah Rules of Civil Procedure*.
2. For violations of Title 28, or any land use ordinance as defined in Utah Code Annotated Section 10-9a-102, whenever service is required to be given under this Title for enforcement purposes, the document shall be served in accordance with Utah Code Annotated § 10-9a-803, as amended, which requires written notice, by mail or hand delivery, of each ordinance violation to the address of the owner of record on file in the office of the county recorder or person designated in writing by the owner of record as the owner's agent for the purpose of receiving notice of an ordinance violation.
 1. Service by regular mail in the manner described above shall be deemed served three business days, not including the day it was mailed, after the date of mailing.
 2. If service complies with the requirements of this Section, it shall be deemed a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Chapter.
 3. The failure to serve all responsible person(s), if one responsible person is served, shall not affect the validity of any proceedings.
6. Constructive Notice of Recorded Documents. Whenever a document is recorded with the County Recorder as authorized or required by this Chapter or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

2-16-3 Definitions

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section, unless a different meaning is specifically defined elsewhere in this Chapter and specifically stated to apply:

Abatement: Any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including demolition, removal, repair, boarding, and securing or replacement of property.

Administrative Citation: A citation issued to a responsible person, which gives notice of a violation and an immediate civil fee for such violation. Administrative Citations are typically used for minor violations.

City: The area within the territorial city limits of Clinton City.

City Code: Any ordinance passed by the City Council and any other title, chapter, ordinance, regulation, or amendment lawfully codified pursuant to Utah law including Utah Code Annotated § 10-3-707.

City Council: "City Council" means the City Council of Clinton City.

Code Enforcement Coordinator: The person who has been designated by the City Manager of Clinton City to coordinate and schedule hearings, mail out notices of hearings, send out notices of costs and itemized bills, and perform other duties as specified in this Chapter.

Code Enforcement Officer: Any person designated by the City Manager with the responsibility to enforce the City Code and ordinances passed by the City Council and who performs the duties specified herein. The Code Enforcement Officer may or may not be a member of the Clinton City Police Department. Code Enforcement Officers include the City Manager, City Building Official, Public Works Director, Community Development Director, City Engineer, City Fire Chief, City Police Chief, and their

designees.

Code Enforcement Performance Bond: A bond posted by a responsible person to ensure compliance with the City Code, applicable state law, a judicial action, or a Hearing Officer Order.

Code Enforcement Tax Lien: A lien recorded to collect outstanding civil penalties, administrative fees, and costs.

Financial Institution: Any entity that holds a recorded mortgage or deed of trust on a property.

Good Cause: Incapacitating illness, death, lack of proper notice, unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance, imminent and irreparable injury, and acts of nature adverse to performing required acts.

Hearing Officer: The Hearing Officer presiding over the Administrative Code Enforcement Program established pursuant to Title 2, Chapter 16 of the City Code.

Hearing Officer Order: An order issued by a Hearing Officer. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Chapter and City ordinances.

Imminent Life or Safety Hazard: Any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

Legal Interest: Any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.

Notice of Compliance: A document issued by the City representing that a property complies with the requirements outlined in a notice of violation, administrative citation, or Hearing Officer Order.

Notice of Satisfaction: A document or form that indicates that all outstanding civil penalties and costs have been either paid in full, or that the City has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.

Notice of Violation: A written notice prepared by a Code Enforcement Officer that informs a responsible person of code violations and orders them to take certain steps to correct the violations.

Property Owner: The owner of real property based on the county recorder's records.

Public Nuisance: Any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons. Also has the same meaning as set forth in Clinton City Code, the Utah Code, or Utah common law.

Responsible Person: A person including the property owner and any person or entity, whether as owner,

agent, or occupant, who commits, aids in committing, contributes to, causes, supports, retains, or permits a City Code violation in the City, regardless of whether that violation occurs on real property. Every successive owner or tenant of a property or premises who fails to correct a City Code violation upon or in the use of property or premises caused by a former owner or tenant is also a responsible person. In cases where there is more than one responsible person, the City may proceed against one, some, or all of them.

Substantial Evidence: Relevant, reliable, factual, and credible evidence that is sufficient to convince a reasonable mind that a violation of the City Code has been committed. Substantial evidence does not mean that all or the majority of the evidence is in support of the decision made.

Written: Includes handwritten, typewritten, photocopied, computer printed, or facsimile.

2-16-4 General Authority And Offenses

1. General Enforcement Authority
 1. Whenever a Code Enforcement Officer finds that a violation of the City Code or City ordinances has occurred or continues to exist, the appropriate administrative enforcement procedure may be used as outlined in this Chapter.
 2. So long as authorized in this Chapter, a Code Enforcement Officer has the authority and power necessary to investigate and to take authorized measures to secure compliance with the provisions of the City Code and City ordinances. These powers may include the power to issue notices of violation and administrative citations, inspect public and private property, abate violations on public and private property, and use whatever judicial and administrative remedies are available under the City Code or applicable state law.
2. Adoption of Policy and Procedures. The Hearing Officer is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, and subpoena powers subject to the requirements of this Chapter, City Code, and state law. The City Council shall determine other matters relating to the Administrative Code Enforcement Hearing Program.
3. Authority to Inspect.
 1. A Code Enforcement Officer is authorized to enter upon property, within constitutional and legal requirements, to ascertain whether the provisions of the City Code or City ordinances are being obeyed and to make any examinations and surveys as may be necessary in the performance of the enforcement duties. This may include the taking of photographs, samples, or other physical evidence.
 2. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. Except as otherwise authorized in this Chapter, if the responsible person refuses to allow a Code Enforcement Officer to enter the property, then the Code Enforcement Officer shall obtain a search warrant or other judicial order.
4. Power to Cite. Each Code Enforcement Officer is authorized to cite any person whenever there is substantial evidence to believe that the person has committed a violation of the City Code or City ordinances.
5. False Information or Refusal Prohibited. It shall be unlawful for any person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with a city employee when in the performance of his or her official duties under the provisions of this Chapter.
6. Failure to Obey a Subpoena. It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and may be prosecuted as an infraction.

2-16-5 Administrative Code Enforcement Procedures

1. Authority. Any condition caused, maintained, or permitted to exist in violation of any provisions
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of the City Code or City ordinances that constitutes a violation may be abated by the City pursuant to the procedures set forth in this Chapter.

2. Notice of Violation.

1. Whenever a Code Enforcement Officer determines that a violation of the City Code or City ordinances has occurred or continues to exist, the Code Enforcement Officer may choose to proceed under these administrative abatement procedures.

2. If the administrative abatement procedure is used, a notice of violation shall be issued to the responsible person(s). The notice of violation shall include the following information:

1. Name of responsible person(s);
2. Street address or location of violation;
3. Date violation observed;
4. All codes or ordinances violated and an explanation as to how the code or ordinance was violated;
5. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;
6. Specific date to correct the violations listed in the notice of violation, which date shall be at least fourteen (14) calendar days from the date of service, unless specified elsewhere in Clinton City Code, such as in 23-11-4 which outlines the correction periods for violations involving sewer, stormwater, or flood irrigation systems.
7. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution, civil penalties, administrative citations, revocation of permits, recordation of the notice of violation on the property, withholding of future municipal permits, abatement of the violation, costs, administrative fees, and any other legal remedies;
8. A statement that civil penalties will begin to accrue or be imposed immediately on expiration of the date to correct violations;
9. The amount of the civil penalty on each violation and a statement as to whether the penalty will accrue daily until the property is brought into compliance;
10. That only one notice of violation is required for any 12-month period, and that civil penalties or fines will begin or be imposed immediately upon any subsequent violations of the notice; and
11. Procedures to request a hearing as provided in this Chapter and consequences for failure to request one.

3. The responsible person may request a hearing on renewed violations by following the same procedure as provided for in the original notice.

4. The notice of violation shall be served by one of the methods of service listed in this Chapter.

5. More than one notice of violation may be issued against the same responsible person if it encompasses different dates or different violations.

3. Failure to Bring Property into Compliance. If the responsible person fails to bring a violation into compliance within the time specified in the Notice of Violation, civil penalties as provided in this Chapter shall be owed to the City.

4. Inspection.

1. It shall be the duty of the responsible person served with a Notice of Violation to request an inspection when his or her property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested.

2. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued.
3. Reinspection fees shall be assessed if more than one inspection is necessary.
5. Abatement of Violation.
 1. Authority to Abate.
 1. A Code Enforcement Officer is authorized to enter upon any property or premises to abate the violation of the City Code and City ordinances.
 2. A Code Enforcement Officer is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs.
 3. If additional abatement is necessary within two years, treble costs may be assessed against the responsible person(s) for the actual abatement.
 2. Procedures for Abatement
 1. Once the procedures set forth in this Chapter have been complied with, the violation may be abated by City personnel or by a private contractor acting under the direction of the City.
 2. These City personnel or private contractors may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or Hearing Officer Order.
 3. If the responsible person abates the violation before the City performs the actual abatement pursuant to a notice of violation, administrative citation, or Hearing Officer Order, a Code Enforcement Officer may still assess all costs incurred by the City against the responsible person.
 4. When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the Code Enforcement Officer overseeing the abatement. The report shall contain the names and addresses of the responsible persons of each parcel and the tax parcel numbers.
 5. The Code Enforcement Coordinator shall serve the notice of costs and the itemized bill of costs through any of the means in Section 2-16-2. The notice shall demand full payment within 20 days to the City Treasurer.
6. Emergency Abatement.
 1. Authority. Whenever the City Manager, Building Official, or Fire Marshal determines that an imminent life or safety hazard exists that requires immediate correction or elimination, the City may exercise the following powers without prior notice to the responsible person:
 1. Order the immediate vacation of any tenants, and prohibit occupancy until all repairs are completed;
 1. Post the premises as unsafe, substandard, or dangerous;
 2. Board, fence, or secure the building or site;
 3. Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;
 4. Make emergency repairs as necessary to eliminate any imminent life or safety hazard; or
 5. Take any other action appropriate to eliminate the emergency.
 2. The City has the authority, based on cause, to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.

3. The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Chapter.
 2. Procedures.
 1. The City shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures outlined in this Chapter.
 2. The City may also pursue any other administrative or judicial remedy to abate any remaining violations.
 3. Notice of Emergency Abatement.
 1. After an emergency abatement, the City shall notify the owner or responsible person of the abatement action taken.
 2. The notice shall be served within ten days of completion of the abatement.
7. Demolitions.
 1. Authority. Whenever the City Manager, Building Official or Fire Marshal determines that a property or building requires demolition, any one of them may, subject to the applicable Uniform Code provisions, order demolition or removal of the offending structure, or exercise any or all of the powers listed in this Chapter, upon appropriate notice to a responsible person pursuant to applicable building codes, fires codes, and state law. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Chapter.
 2. Procedures. Once all the notice requirements of the applicable laws have been met, the property will be abated pursuant to the abatement remedy. Other applicable remedies may also be pursued.
8. Administrative Citations.
 1. Declaration of Purpose.
 1. The City Council finds that there is a need for an alternative method of enforcement for minor violations of the City Code. The City Council further finds that an appropriate method of enforcement for minor violations is an administrative citation program.
 2. The procedures established herein shall be in addition to criminal, civil, administrative, or any other legal remedy established by law that may be pursued to address violations of the City Code or City ordinances.
 2. Authority.
 1. Any person violating any provision of the City Code or City ordinances may be issued an administrative citation by a Code Enforcement Officer as provided in this Section.
 2. A civil penalty shall be assessed by means of an administrative citation issued by the Officer and shall be payable directly to Clinton City.
 3. Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this Chapter.
 3. Procedures.
 1. Upon discovering any violation of the City Code or City ordinances, a Code Enforcement Officer may issue an administrative citation to the responsible person in the manner prescribed in this Section.
 2. The administrative citation shall be issued on a form meeting the requirements of this Chapter.
 3. Once the responsible person(s) has been located, the Code Enforcement Officer shall attempt to obtain the signature of that person(s) on the administrative citation. If the responsible person(s) refuses or fails to sign the administrative

citation, the failure or refusal shall not affect the validity of the citation and subsequent proceedings. If the Code Enforcement Officer is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person(s) in the manner prescribed this Chapter.

4. Except for violations of Title 28 of Clinton City Code, if no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person(s) in the manner prescribed in Section 2-16-2 of this Chapter.
5. The administrative citation shall also contain the signature of the Code Enforcement Officer.
6. The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part, except for violations of Title 28 as specified in Section 2-16-2 of this Chapter.

4. Contents of Administrative Citation. An administrative citation shall include:

1. The date and location of the violations and the approximate time the violations were observed;
2. The Code sections violated and the subject matter of those sections;
3. The amount of penalty imposed for the violations;
4. An explanation as to how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty;
5. Notice of the right and the procedures to request a hearing;
6. The signature of the Code Enforcement Officer and the signature of the responsible person, if he or she can be located, as outlined in this Chapter; and
7. Any other information deemed helpful or necessary by the Code Enforcement Administrator.

9. Civil Penalties, Fines, and Fees.

1. In General. As specified in the notice of violation or administrative citation, civil penalties will be assessed every fourteen (14) calendar days in an escalating manner and, if deemed necessary, may be assessed daily until the violation is corrected or immediately if an administrative citation is issued. Interest shall be assessed per City policy on all outstanding civil penalties balances until the case has been paid in full. The City may use one form for both notices of violation and administrative citations. Payment of the penalties, fines, and fees shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City if the violation is not corrected. Alternative correction periods may be specified elsewhere in Clinton City Code, such as in 23-11-4 which outlines the correction period for violations involving sewer, stormwater, or flood irrigation systems.

2. Amount. Unless specified otherwise in the more specific section of the City Code or the City's Consolidated Fee Schedule, the minimum penalties shall be as follows:

1. Administrative Citations:

1. First Offense: \$100
2. Second Offense (within one calendar year from first offense): \$200
3. Third (or more) Offense (within one calendar year from first offense): \$400

2. Civil Penalties per Notice of Violation or Hearing Officer Order:

1. After the first fourteen (14) calendar day correction period has ended and the violation(s) has not been corrected, the civil penalty total is \$125;
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2. After the second fourteen (14) calendar day correction period has ended and the violation(s) has still not been corrected, the civil penalty total is \$250;
 3. After the final fourteen (14) calendar day correction period has ended and the violation(s) has still not been corrected, the civil penalty total is \$500.
3. Hearing Fee for Default Hearings or Administrative Code Enforcement Hearings: \$100 if Responsible Person is unsuccessful or fails to appear after proper notice.
3. At the discretion of the Code Enforcement Officer or Hearing Officer, the City may impose penalties up to the maximum allowed by Utah Code Annotated § 10-3-703, as amended.
4. Non-Payment of Citation.
 1. If the responsible person fails to make any payments within the time period specified in the notice, the City may send additional notices, file a small claims action, refer the matter to a collection agency, or pursue any remedy in law or equity.
 2. Interest may be assessed on all outstanding amounts at a rate of up to 20% per annum.
 3. The City has the authority to collect all costs associated with the filing of such actions, including administrative fees and service costs.
5. Modification of Civil Penalties.
 1. Upon completion of the required action pursuant to the notice of violation, administrative citation, or administrative enforcement order, the Hearing Officer may modify the civil penalties on a finding of good cause as defined in this Chapter.
 2. Civil penalties may be waived or modified by the Hearing Officer if there is a finding of good cause based on the responsible person's claim of nonconforming use, as defined per state law, or conditional use, as defined by the City Code, and:
 1. The City's ability to verify the claim; or
 2. The responsible person's filing of an application for either use before the date of the Notice of Violation or Administrative Citation.
 3. Reductions and Waivers for Animal Violations.
 1. The Code Enforcement Coordinator and Hearing Officer may grant reductions and waivers of fines for animal violation under the following circumstances:
 1. \$25 reduction may be given for first time offenders with good cause.
 2. Offenders with a history of non-payment should generally not receive a reduction or waiver of fines or fees.
 3. At the City's discretion, flexible monthly plans may be set up according to the responsible person's needs.

2-16-6 Hearing Officer

1. A Hearing Officer shall preside over hearings and proceedings for the ACE Program in the City.
 2. The City Manager shall act as the Hearing Officer unless the position is otherwise appointed by the City Manager. If the position of the Hearing Officer is appointed, the City Manager shall determine, if any, the salary, compensation, and benefits of the Hearing Officer.
 3. The Hearing Officer position may be a merit, volunteer, or contract position and is subject to all personnel rules.
 4. The Hearing Officer may not be disciplined for any decision made while conducting a hearing if
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the decision is lawful and made in accordance with City ordinances, City policy and procedure, and policies and ordinances pertaining to the ACE Program.

5. The Hearing Officer shall be trained and knowledgeable in the City Code, due process, rules of evidence, civil procedure, administrative law and procedure, nuisance law, and zoning law.
6. The Hearing Officer position is not a supervisory position. The Hearing Officer is supervised by the City Manager or designee.
7. Powers of the Hearing Officer.

1. The Hearing Officer has the authority to hold hearings, determine if violations of City ordinances exist, order compliance with City ordinances, and enforce compliance as provided in this Chapter on any matter subject to the provisions of the Chapter.
2. The Hearing Officer may continue a hearing based on good cause, as defined in this Chapter, -shown by one of the parties to the hearing. The Hearing Officer must enter on the record the reason for granting a continuance.
3. The Hearing Officer may issue subpoenas for witnesses, documents, and other evidence where such is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Hearing Officer shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs. In the absence of any adopted policies, the Hearing Officer shall follow the Utah Rules of Civil Procedure.
4. The Hearing Officer has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the following purposes:
 1. Granting a continuance;
 2. Ordering compliance by issuing a Hearing Officer Order using any remedies available under the law; and
 3. Ensuring compliance of that Order, which includes the following powers:
 1. To authorize the City to enter and abate a violation,
 2. To modify an Order issued by the Hearing Officer Order, or
 3. To grant a new hearing where extraordinary circumstances exist.
5. The Hearing Officer has the authority to require the responsible person to post a code enforcement performance bond to ensure compliance with an Order issued by the Hearing Officer.
6. The Hearing Officer is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. Rules and procedures for disqualification and replacement shall be in accordance with the Utah Rules of Civil Procedure.

2-16-7 Hearing Procedures And Orders

1. Declaration of Purpose. The City Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to this Chapter. It is the purpose and intent of the City Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice; an opportunity to participate in the administrative hearing, including the opportunity to call witnesses, present evidence, and cross-examine witnesses; and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.
 2. Policies and Procedures of Hearings. The Hearing Officer may develop policies and procedures to
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regulate the hearing process for any violation of the City Code that is handled pursuant to the administrative abatement procedures, the emergency abatement procedures, the demolition procedures, or the administrative citation procedures. Such policies and procedures shall be consistent with this Chapter and other City ordinances and codes.

3. Request for Administrative Code Enforcement Hearing.
 1. A person served with one of the following documents or notices has the right to request an administrative code enforcement hearing if the request is filed within ten calendar days from the date of service:
 1. Notice of violation;
 2. Notice of itemized bill for costs;
 3. Administrative citations; or
 4. Notice of emergency abatement.
 2. The request for hearing shall be made in writing and filed with the Code Enforcement Coordinator, who then shall provide a copy of the request to the Hearing Officer and serve the request to all parties. The request shall contain the case number, the address of the violation, the signature of the responsible party, and the reason for the hearing including justifications for the offense, defenses, and requests for waiver or reduction in fines.
 3. As soon as practicable after receiving the written notice of the request for hearing, the Code Enforcement Coordinator shall schedule a date, time, and place for the hearing.
 4. Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.
4. Notification of Administrative Code Enforcement Hearing.
 1. Written notice of the date, time, and place of the hearing shall be served by the Code Enforcement Coordinator or Code Enforcement Officer to the responsible person as soon as practicable prior to the date of the hearing.
 2. The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the Hearing Officer. In the absence of such rules, the format and contents of the hearing shall be drafted by the Code Enforcement Coordinator to be consistent with this Chapter.
 3. The notice of hearing shall be served by any of the methods of service listed in this Chapter.
5. Default Hearings and Orders.
 1. If the responsible person fails to request an administrative code enforcement hearing before the expiration of the ten-day deadline, the case shall be set for a default hearing by the Code Enforcement Coordinator. The Code Enforcement Coordinator shall notify the responsible person of the date, time, and place of the hearing by one of the methods listed in this Chapter.
 2. A default hearing shall also be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees, or costs due to the City before collection, if a hearing on that case has not already been held.
 3. At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Chapter, to do one or more of the following:
 1. Waive or reduce the fines which have accumulated;

2. Postpone an abatement action by the City; or
 3. Excuse the responsible person's failure to request a hearing within the ten-day period.
4. If the evidence shows that the violations existed, the Hearing Officer shall enter an order requiring abatement of the violations and the payment of all fines, costs, and fees. Fines and costs shall run until the City issues a notice of compliance stating when the violations were abated. The order by the Hearing Officer shall not suspend further accrual of fines and costs unless specifically stated.
6. Procedures at Administrative Code Enforcement Hearings.
 1. Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request for discovery must be in writing and filed at least ten (10) business days before the hearing. Failure to request discovery shall not be a basis for a continuance.
 2. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing.
 3. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Hearing Officer.
 4. The City bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the City Code or City ordinances.
 5. The standard of proof to be used by the Hearing Officer in deciding the issues at an administrative hearing is whether there is substantial evidence in the record that the violations exist and that the person before the Hearing Officer is the responsible person.
 6. Hearsay evidence, as defined by the Utah Rules of Evidence, may, in the discretion of the Hearing Officer, be admissible so long as such hearsay evidence has independent indicia of reliability.
 7. Each party shall have the opportunity to cross-examine witnesses that are in attendance and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance so long as the declaration is not the only evidence relied upon by the Hearing Officer. Testimony may be given by telephone or other electronic means in the discretion of the Hearing Officer.
 8. All hearings are open to the public. They shall be recorded by audio recording.
 9. Hearings may be held at the location of the violation if the Hearing Officer so chooses, and means are provided for an audio recording of the proceeding.
 10. The responsible person has a right to be represented by an attorney.
 11. No new hearing shall be granted, unless the Hearing Officer determines that extraordinary circumstances exist which justify a new hearing.
7. Failure to Attend Administrative Code Enforcement Hearings.

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is deemed to have waived the right to a hearing, which will result in a default judgment for the City provided that proper notice of the hearing has been provided. The City shall not be required to put on evidence or prove that a violation was committed by the Responsible Person in such an event, and an entry of a default judgment shall have the same effect as if there was a judgment on the merits of the case.

8. Hearing Officer Order.
 1. The parties may enter into a stipulated agreement, which must be signed by both parties or verbally stipulated on the record during the administrative code enforcement hearing.
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This agreement or stipulation shall be entered as the Hearing Officer Order. Entry of this agreement or stipulation shall constitute a waiver of the right to a hearing and the right to appeal.

2. Once all evidence and testimony are completed, the Hearing Officer shall issue a Hearing Officer Order that affirms, modifies, or rejects the notice, citation, or action by the Code Enforcement Officer. The Hearing Officer may increase or decrease the total amount of civil penalties and costs that are due pursuant to the City's fee schedule and the procedures in this Chapter.
 3. The Hearing Officer, with judicial approval, may order the City to enter the property and abate all violations, which may include removing animals kept in violation of the City Code.
 4. The Hearing Officer may revoke a kennel permit, City issued animal license, or the right to possess animals as provided in the City Code.
 5. As part of the Hearing Officer Order, the Hearing Officer may reduce or stay civil penalties on the condition that the responsible person achieve compliance by specified deadlines.
 6. The Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the Hearing Officer Order.
 7. The Hearing Officer may order the responsible person to post a performance bond to ensure compliance with the order.
 8. The Hearing Officer Order shall become final on the date of the signing of the Order.
 9. The Hearing Officer Order shall be served on all parties by any one of the methods listed in this Chapter.
9. Failure to Comply with Order.
1. After the Hearing Officer issues a Hearing Officer Order, the Code Enforcement Officer and Hearing Officer may monitor the violations and determine compliance.
 2. Upon the failure of the responsible person to comply with the terms and deadlines set forth in the Hearing Officer Order, the City may use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.
10. Administrative Enforcement Appeals.
1. Any person adversely affected by any decision made in the exercise of the provisions of this Chapter may file a petition for review of the decision or order to district court within 30 days after the decision is rendered.
 2. No person may challenge in district court the Hearing Officer's decision until that person has exhausted his or her administrative remedies herein.

2-16-8 Recordation And Cost Recovery

1. Recordation of Notices of Violation and Hearing Officer Orders.
 1. Declaration of Purpose.
 1. The City Council finds that there is a need for alternative methods of enforcement for violations of the City Code and City ordinances that are found to exist on real property. The City Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of notices of violation and Hearing Officer Orders.
 2. The procedures established in this shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the City Code or City ordinances.
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2. Authority. Whenever a Code Enforcement Officer or Code Enforcement Coordinator determines that a property or violation has not been brought into compliance as required in this Chapter, the Code Enforcement Coordinator has the authority to record the notice of violation or Hearing Officer Order with the Recorder's Office of Davis County.

3. Procedures for Recordation.

1. If a Code Enforcement Officer issues a notice of violation or administrative citation to a responsible person, and the property remains in violation after the deadline established in the notice of violation or is not corrected after the administrative citation is issued, and no request for an administrative hearing has been filed, the Code Enforcement Coordinator shall record a notice of violation with the Recorder's Office of Davis County.
 2. If an administrative hearing is held, and an order is issued in the City's favor, the Code Enforcement Coordinator shall record the Hearing Officer's Hearing Officer Order with the Recorder's Office of Davis County.
 3. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, a copy of the notice of violation, administrative citation, or order, and any other relevant information.
 4. The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.
4. Service of Notice of Recordation. A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in this Chapter.
5. Failure to Request. The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.

6. Notice of Compliance - Procedures.

1. When the violations have been corrected, the responsible person or property owner may request an inspection of the property from a Code Enforcement Officer.
 2. Upon receipt of a request for inspection, the Code Enforcement Officer shall reinspect the property as soon as practicable to determine whether the violations listed in the notice of violation, administrative citation, or the order have been corrected, whether all necessary permits have been issued, and/or whether final inspections have been performed.
 3. The Code Enforcement Officer, in conjunction with the Code Enforcement Coordinator, shall serve a notice of compliance to the responsible person or property owner in the manner provided in this Chapter if the Code Enforcement Officer determines that:
 1. All violations listed in the recorded notice of violation or order have been corrected;
 2. All necessary permits have been issued and finalized;
 3. All civil penalties, fines, and costs assessed against the property have been paid or satisfied; and/or
 4. The party requesting the notice of compliance has paid all administrative fees and costs.
 4. If a request to issue a notice of compliance is denied, then, upon request, the
-

Code Enforcement Officer, in conjunction with the Code Enforcement Coordinator, shall serve the responsible person with a written explanation setting forth the reasons for the Code Enforcement Officer's denial. The written explanation shall be served by any of the methods of service listed in this Chapter.

7. Withholding the Issuance of Municipal Permits and Business Licenses.

1. The City may withhold permits and business licenses until a notice of compliance has been issued by a Code Enforcement Officer.
2. The City may withhold business licenses, permits for kennels, permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, and any permits pertaining to the use and development of the real property or the structure.
3. The City may, in its sole discretion, issue permits or business licenses that are necessary to obtain a notice of compliance or that are necessary to correct serious health and safety violations.

8. Cancellation of Recorded Notice of Violation or Hearing Officer Order.

1. In conjunction with the Code Enforcement Officers, the Code Enforcement Coordinator shall record the notice of compliance with the County Recorder's Office. Recordation of the notice of compliance shall have the effect of canceling the recorded notice of violation, administrative citation, or recorded Hearing Officer Order but shall not cancel any outstanding fines, fees, or costs.

2. Recovery of Costs.

1. Declaration of Purpose.

1. The City Council finds that there is a need to recover costs incurred by Code Enforcement Officers and other City personnel who spend considerable time inspecting and re-inspecting properties throughout the City to ensure compliance with the City Code or City ordinances.
2. The City Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, reinspection fees, filing fees, attorney fees, hearing officer fees, title search, and any additional actual costs incurred by the City for each individual case.
3. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of the City Code or City ordinances.

2. Authority.

1. Whenever actual costs are incurred by the City on a property to obtain compliance with provisions of the City Code and City ordinances, a Code Enforcement Officer or Code Enforcement Coordinator may assess costs against the responsible person.
2. Once a notice of violation has been issued, the property shall be inspected one time if the responsible person requests an inspection in writing. Any additional inspections shall be subject to reinspection fees pursuant to the City fee schedule.

3. Notification of Assessment of Reinspection Fees.

1. Notification of reinspection fees may be provided in the notice of violation
-

- served to the responsible person.
2. Reinspection fees assessed or collected pursuant to this Section shall not be included in any other costs assessed.
3. The failure of any responsible person to receive notice of the reinspection fees shall not affect the validity of any other fees imposed under this Section.
4. Failure to Timely Pay Costs. The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in a late fee pursuant to City ordinances.
3. Administrative Fees. The Code Enforcement Officers and Code Enforcement Coordinator are authorized to assess administrative fees for costs incurred in the administration of the code enforcement program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set forth in this Chapter or in the City fee schedule.
4. Injunctions. In addition to any other remedy provided under the City Code or state codes, including criminal prosecution or administrative remedies, any provision of the City Code may be enforced by injunction issued in the Second District Court upon a suit brought by the City.
5. Performance Bonds.
 1. As part of any notice, order, or action, the Hearing Officer has the authority to require any responsible person to post a performance bond to ensure compliance with the City Code, City ordinances, or any judicial action.
 2. If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to the City.
6. Code Enforcement Tax Liens.
 1. Declaration of Purpose. The City Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders and lessen the cost to City taxpayers of code enforcement. The City Council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the City's code enforcement system. The procedures established in this Section shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the City Code or City ordinances.
 2. Tax Liens for Abatement Costs.
 1. Once the City has abated a property for weeds, garbage, refuse, or unsightly or deleterious objects or structures, the Code Enforcement Coordinator shall prepare three copies of the Itemized Statement of Costs incurred in the removal and destruction of the violations and deliver them to the City Treasurer within ten days after completion of the work of removing the violations.
 2. The Code Enforcement Coordinator shall serve the Responsible Person by any of the methods in this Chapter a copy of the Itemized Statement of Costs informing him or her that a code enforcement tax lien is being recorded for actual costs of abatement. Payment shall be due within twenty calendar days from the date of mailing.
 3. Upon receipt of the Itemized Statement of costs, the City Treasurer shall record a Code Enforcement Tax Lien against the property with the county treasurer's office.
 4. The failure of any person with a financial interest in the property to receive the notice of the lien shall not affect the validity of the lien or any proceedings taken

to collect the outstanding costs of abatement.

3. Tax Liens for Judgments. Once a judgment has been obtained from the appropriate court imposing costs, fines, or fees against the responsible person, the Code Enforcement Coordinator may record a code enforcement tax lien against any real property owned by the responsible person.
 4. Cancellation of Code Enforcement Tax Lien.
 1. Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Code Enforcement Coordinator shall either record a notice of satisfaction of judgment, or provide the property owner or financial institution, through any of the means of service in Section 2-16-2, with the notice of satisfaction of judgment so that it can record this notice with the county recorder's office.
 2. The notice of satisfaction of judgment shall include the same information as provided for in the original code enforcement tax lien.
 3. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien.
 7. Recovery of Costs by Writ of Execution. After obtaining a judgment, the City may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ with the applicable court.
 8. Recovery of Costs by Writ of Garnishment. After obtaining a judgment, the City may collect the obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.
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Chapter 17 Term Limits for Elected and Appointed Officials

2-17-1 Definitions

Elected Official: ~~The Mayor and members of the City Council of Clinton City.~~

Appointed Official: ~~Members appointed to the Clinton City Planning Commission and RAP Tax Committee.~~

Term: ~~For Mayor and Councilmembers a term is a four-year period of elected service. For Planning Commissioners and RAP Tax Committee Members a term is a three-year period of appointed service.~~

Consecutive Terms: ~~Terms served without a full term break in service.~~

Partial Term: ~~Appointment or election to serve more than half of a standard term.~~

Appointed Service (for Mayor/Council): ~~Any time served by appointment before election shall not count toward the term limit.~~

2-17-2 Term Limits~~1. Mayor.~~

~~1. No person shall serve more than two (2) elected four year terms as Mayor. Time served by appointment shall not apply toward this limit.~~

~~2. City Council Member.~~

~~1. No person shall serve more than two (2) elected four year terms as a Councilmember. Time served by appointment shall not apply toward this limit.~~

~~3. Planning Commission Member.~~

~~1. No person shall serve more than three (3) appointed three year terms as a Planning Commissioner.~~

~~4. RAP Tax Committee Member.~~

~~1. No person shall serve more than three (3) appointed three year terms as a member of the RAP Tax Committee.~~

~~5. Partial Terms.~~

~~1. A "partial term" is defined as any term to which an individual is appointed or elected to fill a vacancy before the natural expiration of the original term. Service in a partial term shall not count toward the term limit restrictions of this ordinance.~~

CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

MEETING DATE:	July 14, 2026				
CONSENT AGENDA		BUSINESS AGENDA		RECOGNITION	
PETITIONER(S):	Cory Christensen, Finance Director				
TYPE OF VOTE:	ROLL CALL	N/A	VOICE	N/A	
SUBJECT:	FY26 Fraud Risk Assessment				

FISCAL IMPACT:

SUMMARY: The Office of the State Auditor mandates each municipality conduct a fraud risk assessment during each fiscal year and submit the results to them by December 30th. The assessment questionnaire is intended to evaluate the existence of internal controls to detect the misuse of public funds.

RECOMMENDATION:

ATTACHMENTS: FY26 Fraud Risk Assessment Questionnaire



OFFICE OF THE
STATE AUDITOR

Questionnaire

Revised December 2020

Fraud Risk Assessment

INSTRUCTIONS:

- Reference the *Fraud Risk Assessment Implementation Guide* to determine which of the following recommended measures have been implemented.
- Indicate successful implementation by marking "Yes" on each of the questions in the table. Partial points may not be earned on any individual question.
- Total the points of the questions marked "Yes" and enter the total on the "Total Points Earned" line.
- Based on the points earned, circle/highlight the risk level on the "Risk Level" line.
- Enter on the lines indicated the entity name, fiscal year for which the Fraud Risk Assessment was completed, and date the Fraud Risk Assessment was completed.
- Print CAO and CFO names on the lines indicated, then have the CAO and CFO provide required signatures on the lines indicated.

Fraud Risk Assessment

Continued

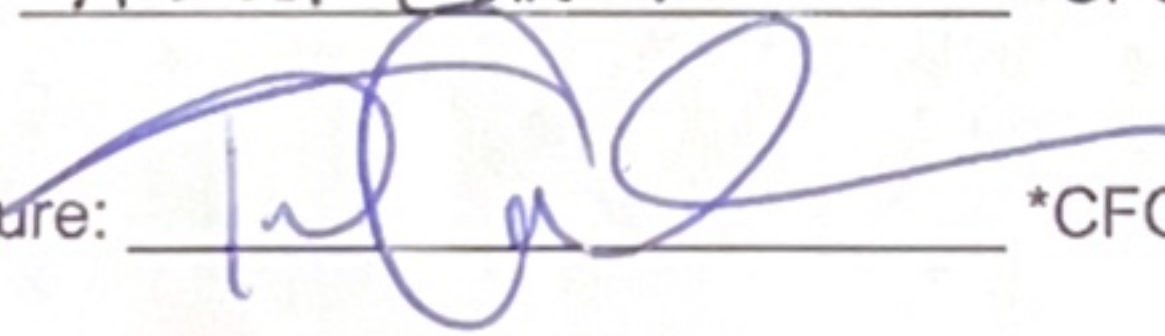
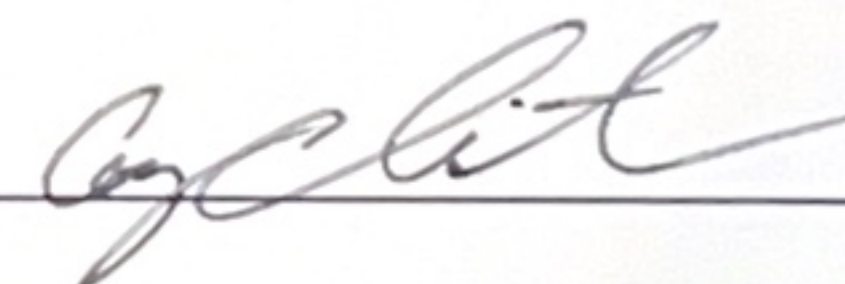
*Total Points Earned: 305 /395 *Risk Level: Very Low Low Moderate High Very High
> 355 316-355 276-315 200-275 < 200

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

*Entity Name: CLINTON CITY

*Completed for Fiscal Year Ending: 6/30/2026 *Completion Date: 6/22/2026

*CAO Name: TREVOR CAHOON *CFO Name: CORY CHRISTENSEN

*CAO Signature:  *CFO Signature: 

*Required

Basic Separation of Duties

See the following page for instructions and definitions.

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

* MC = Mitigating Control

Basic Separation of Duties

Continued

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

😊 If all of the questions were answered "Yes" or "No" with mitigating controls ("MC") in place, or "N/A," the entity has achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will be answered "Yes." 200 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

😞 If any of the questions were answered "No," and mitigating controls are not in place, the entity has not achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will remain blank. 0 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

Definitions:

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

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

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

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

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

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

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



Fraud Risk Assessment

Refer to the Implementation Guide for more detailed explanations of concepts and criteria. See resources.auditor.utah.gov/s/article/Fraud-Risk-Assessment-Implementation-Guide

To complete the assessment, identify or obtain the following:

1. Name of the Board/Council Chair MARIE DOUGHERTY, MAYOR
2. Name of the Clerk/Finance Officer CORY CHASTENSEN, FINANCE DIRECTOR
3. Name of the Treasurer STEVEN HUBBARD, TREASURER
4. Copies of credit/purchasing card statements, payments and supporting documentation.
5. Copies of bank reconciliations for all bank accounts and related bank statements.
6. Copies of the following policies if they existed during the assessment period:
 - a. Conflict of Interest
 - b. Procurement
 - c. Ethical Behavior
 - d. Reporting fraud and abuse
 - e. Travel
 - f. Credit/Purchasing Cards
 - g. Personal use of entity assets
 - h. IT and computer security
 - i. Cash receipting and deposits
7. Copy of the CPA's license, if there is a CPA who is a member of the staff. Provide the contract for a contract accountant who is a CPA. Do not provide the independent auditor's CPA license. The independent auditor is not management.
8. Copy of the diploma if a member of the staff has a bachelor's degree in accounting (not required if documentation was provided for number 7 above).
9. Copies of the commitment to ethical behavior by the officials/officers of the entity.
10. Copies of the training certificate for the Office of the State Auditor board member training completed during the last 4 years.
11. Documentation (certificates, agendas, etc.) demonstrating that a member of the management team had at least 40 hours of financial training during the last year.
12. Copy of the internal audit plan for the assessment period.
13. Name of the internal auditor and a list of duties. If contractually performed, provide a copy of the contract.
14. Copies of any internal audit reports issued during the assessment period or last year, whichever is longer.
15. Copy of the audit committee charter.
16. A list of audit committee members during the assessment period.
17. Minutes or agendas for audit committee meetings. If meetings are confidential, a list of action items from those meetings will suffice.

CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

MEETING DATE:	7/14/2026
CONSENT AGENDA	x
BUSINESS AGENDA	
PETITIONER(S):	Dave Williams, Bryce Wilcox
TYPE OF VOTE:	Roll Call
SUBJECT:	Award bid for Well#2 and booster station

RECOMMENDATION: Award bid to MJM Construction for the well#2 and booster station

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FISCAL IMPACT: \$2,299,834.89 From grant funding and other water funds reserved for this project.

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SUMMARY: Clinton City's water demand has been increasing over the years. We now rely on producing more water. Clinton City finished drilling a new well at the end of last year. This equipment is to get the water into our system. This bid includes a well pump, booster pumps, pump house building, connection to our water system and the controls for the pump.

This bid was put out publicly and we had 7 bidders. MJM Construction was the low bid. JUB has worked with them on other projects. The bid was right in line with the engineers estimate

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ATTACHMENTS: Bid tabulations

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J-U-B ENGINEERS, INC.



Bid Tabulation

Client: Clinton City Corporation
Project: Well #2 Equippping and Booster Station
Project No.: 55-24-035
Date: July 7, 2026

Well Equippping and Booster Station				Whitaker Construction		Corrio Construction		MJM Construction		COP Construction		Patriot Construction		Great Basin		Landmark Excavating	
Item #	Description	Unit	Estimated Quantity	Bid Unit Price 1	Bid Total Price 1	Bid Unit Price 2	Bid Total Price 2	Bid Unit Price 3	Bid Total Price 3	Bid Unit Price 4	Bid Total Price 4	Bid Unit Price 5	Bid Total Price 5	Bid Unit Price 6	Bid Total Price 6	Bid Unit Price 7	Bid Total Price 7
1	Mobilization and Demobilization	LS	1.00	\$ 287,000.00	\$ 287,000.00	\$ 157,693.00	\$ 157,693.00	\$ 78,000.00	\$ 78,000.00	\$ 180,000.00	\$ 180,000.00	\$ 68,500.00	\$ 68,500.00	\$ 106,032.00	\$ 106,032.00	\$ 48,920.00	\$ 48,920.00
2	Temporary Control/ Storm Water Pollution Protection Plan	LS	1.00	\$ 19,800.00	\$ 19,800.00	\$ 16,843.00	\$ 16,843.00	\$ 7,500.00	\$ 7,500.00	\$ 24,000.00	\$ 24,000.00	\$ 7,500.00	\$ 7,500.00	\$ 15,290.00	\$ 15,290.00	\$ 69,540.00	\$ 69,540.00
3	Site Clearing/Demolition	LS	1.00	\$ 4,480.00	\$ 4,480.00	\$ 24,234.00	\$ 24,234.00	\$ 2,500.00	\$ 2,500.00	\$ 100,000.00	\$ 100,000.00	\$ 14,800.00	\$ 14,800.00	\$ 11,880.00	\$ 11,880.00	\$ 2,360.00	\$ 2,360.00
4	Quality Control & Material Testing	LS	1.00	\$ 8,720.00	\$ 8,720.00	\$ 13,921.00	\$ 13,921.00	\$ 12,000.00	\$ 12,000.00	\$ 16,000.00	\$ 16,000.00	\$ 10,500.00	\$ 10,500.00	\$ 9,009.00	\$ 9,009.00	\$ 15,650.00	\$ 15,650.00
5	Startup and Commissioning	LS	1.00	\$ 9,430.00	\$ 9,430.00	\$ 13,223.00	\$ 13,223.00	\$ 7,500.00	\$ 7,500.00	\$ 40,000.00	\$ 40,000.00	\$ 2,420.00	\$ 2,420.00	\$ 4,840.00	\$ 4,840.00	\$ 6,045.00	\$ 6,045.00
Well and Booster Station Site																	
6	HMA	Ton	250.00	\$ 160.00	\$ 40,000.00	\$ 249.79	\$ 62,447.50	\$ 160.00	\$ 40,000.00	\$ 230.00	\$ 57,500.00	\$ 85.80	\$ 21,450.00	\$ 160.00	\$ 40,000.00	\$ 222.00	\$ 55,500.00
7	Concrete Pad and Sidewalk	SF	405.00	\$ 20.50	\$ 8,302.50	\$ 16.86	\$ 6,828.30	\$ 14.00	\$ 5,670.00	\$ 27.00	\$ 10,935.00	\$ 11.05	\$ 4,475.25	\$ 24.00	\$ 9,720.00	\$ 17.00	\$ 6,885.00
8	Concrete Driveway Approach	LS	1.00	\$ 2,740.00	\$ 2,740.00	\$ 8,951.00	\$ 8,951.00	\$ 1,500.00	\$ 1,500.00	\$ 7,600.00	\$ 7,600.00	\$ 3,250.00	\$ 3,250.00	\$ 3,938.00	\$ 3,938.00	\$ 7,105.00	\$ 7,105.00
9	Concrete Curb	LF	470.00	\$ 21.50	\$ 10,105.00	\$ 58.22	\$ 27,363.40	\$ 52.00	\$ 24,440.00	\$ 78.00	\$ 36,660.00	\$ 25.80	\$ 12,126.00	\$ 46.00	\$ 21,620.00	\$ 33.00	\$ 15,510.00
10	Concrete Curb and Gutter	LF	45.00	\$ 71.50	\$ 3,217.50	\$ 140.84	\$ 6,337.80	\$ 65.00	\$ 2,925.00	\$ 160.00	\$ 7,200.00	\$ 55.00	\$ 2,475.00	\$ 67.00	\$ 3,015.00	\$ 85.50	\$ 3,847.50
11	Import Pipe Foundation (Type A1)	Ton	230.00	\$ 37.50	\$ 8,625.00	\$ 106.03	\$ 24,386.90	\$ 32.00	\$ 7,360.00	\$ 130.00	\$ 29,900.00	\$ 9.75	\$ 2,242.50	\$ 33.00	\$ 7,590.00	\$ 53.00	\$ 12,190.00
12	Import Pipe Bedding (Type A2)	Ton	660.00	\$ 16.00	\$ 10,560.00	\$ 72.31	\$ 47,724.60	\$ 28.00	\$ 18,480.00	\$ 100.00	\$ 66,000.00	\$ 14.50	\$ 9,570.00	\$ 23.25	\$ 15,345.00	\$ 47.50	\$ 31,350.00
13	Import Backfill (Type A3)	Ton	920.00	\$ 16.00	\$ 14,720.00	\$ 66.55	\$ 61,226.00	\$ 32.00	\$ 29,440.00	\$ 92.00	\$ 84,640.00	\$ 48.78	\$ 44,877.60	\$ 35.00	\$ 32,200.00	\$ 55.50	\$ 51,060.00
14	Untreated Base Course (Type A4)	Ton	600.00	\$ 26.00	\$ 15,600.00	\$ 75.47	\$ 45,282.00	\$ 28.00	\$ 16,800.00	\$ 50.00	\$ 30,000.00	\$ 88.02	\$ 52,812.00	\$ 39.00	\$ 23,400.00	\$ 39.00	\$ 23,400.00
15	1" Crushed Gravel Landscape (Type A6)	SF	685.00	\$ 3.00	\$ 2,055.00	\$ 8.61	\$ 5,897.85	\$ 0.50	\$ 342.50	\$ 28.00	\$ 19,180.00	\$ 4.25	\$ 2,911.25	\$ 7.00	\$ 4,795.00	\$ 1.30	\$ 890.50
16	16" PVC C900 Pipe, Fittings, and Appurtenances	LF	30.00	\$ 445.00	\$ 13,350.00	\$ 377.53	\$ 11,325.90	\$ 120.00	\$ 3,600.00	\$ 320.00	\$ 9,600.00	\$ 305.00	\$ 9,150.00	\$ 134.00	\$ 4,020.00	\$ 207.00	\$ 6,210.00
17	12" PVC C900 Pipe, Fittings, and Appurtenances	LF	1,100.00	\$ 110.00	\$ 121,000.00	\$ 95.70	\$ 105,270.00	\$ 65.00	\$ 71,500.00	\$ 130.00	\$ 143,000.00	\$ 88.96	\$ 97,856.00	\$ 98.00	\$ 107,800.00	\$ 143.00	\$ 157,300.00
18	10" PVC C900 Pipe, Fittings, and Appurtenances	LF	20.00	\$ 360.00	\$ 7,200.00	\$ 235.15	\$ 4,703.00	\$ 262.00	\$ 5,240.00	\$ 350.00	\$ 7,000.00	\$ 185.00	\$ 3,700.00	\$ 255.00	\$ 5,100.00	\$ 406.00	\$ 8,120.00
19	12" Gate Valve	EA	5.00	\$ 6,360.00	\$ 31,800.00	\$ 6,206.40	\$ 31,032.00	\$ 6,000.00	\$ 30,000.00	\$ 6,500.00	\$ 32,500.00	\$ 5,745.00	\$ 28,725.00	\$ 6,250.00	\$ 31,250.00	\$ 7,155.00	\$ 35,775.00
20	3/4" Water Service Lateral and Service Tap	LF	65.00	\$ 53.50	\$ 3,477.50	\$ 134.12	\$ 8,717.80	\$ 70.00	\$ 4,550.00	\$ 140.00	\$ 9,100.00	\$ 50.75	\$ 3,298.75	\$ 49.00	\$ 3,185.00	\$ 296.00	\$ 19,240.00
21	Remove & Replace 3/4" Water Service Meter	EA	2.00	\$ 1,480.00	\$ 2,960.00	\$ 2,613.00	\$ 5,226.00	\$ 1,800.00	\$ 3,600.00	\$ 5,500.00	\$ 11,000.00	\$ 2,200.00	\$ 4,400.00	\$ 2,887.00	\$ 5,774.00	\$ 1,760.00	\$ 3,520.00
22	Reconnect Exist. Fire Hydrant Assembly	EA	1.00	\$ 6,440.00	\$ 6,440.00	\$ 5,284.00	\$ 5,284.00	\$ 7,300.00	\$ 7,300.00	\$ 7,700.00	\$ 7,700.00	\$ 4,876.00	\$ 4,876.00	\$ 5,385.00	\$ 5,385.00	\$ 6,050.00	\$ 6,050.00
23	Connect to Existing Waterline	EA	4.00	\$ 4,180.00	\$ 16,720.00	\$ 2,979.75	\$ 11,919.00	\$ 2,500.00	\$ 10,000.00	\$ 9,600.00	\$ 38,400.00	\$ 2,221.00	\$ 8,884.00	\$ 4,279.00	\$ 17,116.00	\$ 4,250.00	\$ 17,000.00
24	Cut, Cap, and Abandon Existing Waterline	EA	3.00	\$ 1,560.00	\$ 4,680.00	\$ 1,214.33	\$ 3,642.99	\$ 900.00	\$ 2,700.00	\$ 3,800.00	\$ 11,400.00	\$ 1,287.00	\$ 3,861.00	\$ 674.00	\$ 2,022.00	\$ 1,235.00	\$ 3,705.00
25	18" Corrugated HDPE Pump to Waste Pipe	LF	130.00	\$ 81.50	\$ 10,595.00	\$ 60.62	\$ 7,880.60	\$ 67.00	\$ 8,710.00	\$ 130.00	\$ 16,900.00	\$ 38.76	\$ 5,038.80	\$ 70.00	\$ 9,100.00	\$ 131.00	\$ 17,030.00
26	5' x 5' Pre-Cast Storm Drain Box	EA	1.00	\$ 8,800.00	\$ 8,800.00	\$ 5,913.00	\$ 5,913.00	\$ 8,500.00	\$ 8,500.00	\$ 10,000.00	\$ 10,000.00	\$ 5,195.00	\$ 5,195.00	\$ 9,570.00	\$ 9,570.00	\$ 5,515.00	\$ 5,515.00
27	5' Dia. Pre-Cast Manhole	EA	1.00	\$ 6,290.00	\$ 6,290.00	\$ 11,244.00	\$ 11,244.00	\$ 5,560.00	\$ 5,560.00	\$ 13,000.00	\$ 13,000.00	\$ 5,495.00	\$ 5,495.00	\$ 7,700.00	\$ 7,700.00	\$ 10,360.00	\$ 10,360.00
28	Connect Pump to Waste Pipe to Existing Storm Drain	LS	1.00	\$ 1,300.00	\$ 1,300.00	\$ 2,375.00	\$ 2,375.00	\$ 750.00	\$ 750.00	\$ 6,700.00	\$ 6,700.00	\$ 5,500.00	\$ 5,500.00	\$ 2,750.00	\$ 2,750.00	\$ 2,165.00	\$ 2,165.00
29	Pipe Bollard	EA	2.00	\$ 1,260.00	\$ 2,520.00	\$ 3,538.50	\$ 7,077.00	\$ 1,000.00	\$ 2,000.00	\$ 3,700.00	\$ 7,400.00	\$ 565.00	\$ 1,130.00	\$ 935.00	\$ 1,870.00	\$ 1,265.00	\$ 2,530.00
30	Site Fencing	LF	65.00	\$ 34.50	\$ 2,242.50	\$ 166.18	\$ 10,801.70	\$ 92.00	\$ 5,980.00	\$ 140.00	\$ 9,100.00	\$ 55.85	\$ 3,630.25	\$ 55.00	\$ 3,575.00	\$ 85.50	\$ 5,557.50
31	Final Site Grading and Restoration	LS	1.00	\$ 6,610.00	\$ 6,610.00	\$ 13,269.00	\$ 13,269.00	\$ 15,000.00	\$ 15,000.00	\$ 12,000.00	\$ 12,000.00	\$ 8,870.00	\$ 8,870.00	\$ 3,500.00	\$ 3,500.00	\$ 23,420.00	\$ 23,420.00
Well and Booster Station Building and Generator Enclosure																	
32	Building Concrete & Reinforcing	YD	70.00	\$ 1,530.00	\$ 107,100.00	\$ 1,032.46	\$ 72,272.20	\$ 1,400.00	\$ 98,000.00	\$ 1,600.00	\$ 112,000.00	\$ 1,001.10	\$ 70,077.00	\$ 1,544.00	\$ 108,080.00	\$ 1,935.00	\$ 135,450.00
33	Import Building Foundation Material	YD	300.00	\$ 45.50	\$ 13,650.00	\$ 99.87	\$ 29,961.00	\$ 75.00	\$ 22,500.00	\$ 120.00	\$ 36,000.00	\$ 85.78	\$ 25,734.00	\$ 57.00	\$ 17,100.00	\$ 96.50	\$ 28,950.00
34	Structural Masonry & Reinforcing	LS	1.00	\$ 62,400.00	\$ 62,400.00	\$ 91,257.00	\$ 91,257.00	\$ 102,000.00	\$ 102,000.00	\$ 155,000.00	\$ 155,000.00	\$ 86,240.00	\$ 86,240.00	\$ 108,449.00	\$ 108,449.00	\$ 141,200.00	\$ 141,200.00
35	Building Metal Fabrication	LS	1.00	\$ 23,800.00	\$ 23,800.00	\$ 15,993.00	\$ 15,993.00	\$ 10,000.00	\$ 10,000.00	\$ 50,000.00	\$ 50,000.00	\$ 5,870.00	\$ 5,870.00	\$ 17,368.00	\$ 17,368.00	\$ 23,150.00	\$ 23,150.00
36	Rough Carpentry	LS	1.00	\$ 55,800.00	\$ 55,800.00	\$ 44,231.00	\$ 44,231.00	\$ 15,900.00	\$ 15,900.00	\$ 27,000.00	\$ 27,000.00	\$ 29,510.00	\$ 29,510.00	\$ 50,172.00	\$ 50,172.00	\$ 39,860.00	\$ 39,860.00
37	Prefabricated Truss Package	LS	1.00	\$ 8,550.00	\$ 8,550.00	\$ 9,428.00	\$ 9,428.00	\$ 11,000.00	\$ 11,000.00	\$ 62,000.00	\$ 62,000.00	\$ 9,300.00	\$ 9,300.00	\$ 12,388.00	\$ 12,388.00	\$ 11,570.00	\$ 11,570.00
38	Thermal and Moisture Protection	LS	1.00	\$ 6,200.00	\$ 6,200.00	\$ 5,820.00	\$ 5,820.00	\$ 2,500.00	\$ 2,500.00	\$ 11,000.00	\$ 11,000.00	\$ 4,670.00	\$ 4,670.00	\$ 11,077.00	\$ 11,077.00	\$ 33,990.00	\$ 33,990.00
39	Rigid Insulation	LS	1.00	\$ 2,000.00	\$ 2,000.00	\$ 1,397.00	\$ 1,397.00	\$ 800.00	\$ 800.00	\$ 6,500.00	\$ 6,500.00	\$ 2,740.00	\$ 2,740.00	\$ 4,730.00	\$ 4,730.00	\$ 5,145.00	\$ 5,145.00
40	Batt/Blown-In Insulation	LS	1.00	\$ 14,200.00	\$ 14,200.00	\$ 5,238.00	\$ 5,238.00	\$ 1,500.00	\$ 1,500.00	\$ 4,300.00	\$ 4,300.00	\$ 2,670.00	\$ 2,670.00	\$ 2,303.00	\$ 2,303.00	\$ 19,290.00	\$ 19,290.00
41	Roofing	LS	1.00	\$ 59,100.00	\$ 59,100.00	\$ 40,740.00	\$ 40,740.00	\$ 34,500.00	\$ 34,500.00	\$ 55,000.00	\$ 55,000.00	\$ 28,750.00	\$ 28,750.00	\$ 52,470.00	\$ 52,470.00	\$ 48,860.00	\$ 48,860.00
42	Building Roof Access Hatches	EA	4.00	\$ 9,600.00	\$ 38,400.00	\$ 7,612.50	\$ 30,450.00	\$ 4,000.00	\$ 16,000.00	\$ 6,300.00	\$ 25,200.00	\$ 5,640.00	\$ 22,560.00	\$ 22,000.00	\$ 88,000.00	\$ 39,480.00	\$ 157,920.00
43	Vertical Seam Metal Siding	LS	1.00	\$ 4,050.00	\$ 4,050.00	\$ 11,640.00	\$ 11,640.00	\$ 5,000.00	\$ 5,000.00	\$ 5,900.00	\$ 5,900.00	\$ 7,650.00	\$ 7,650.00	\$ 8,991.00	\$ 8,991.00	\$ 5,145.00	\$ 5,145.00
44	Windows, Frames, & Hardware	LS	1.00	\$ 1,040.00	\$ 1,040.00	\$ 5,098.00	\$ 5,098.00	\$ 3,000.00	\$ 3,000.00	\$ 6,500.							

CLINTON CITY COUNCIL STAFF REPORT

2267 N 1500 W, Clinton, UT 84015

MEETING DATE:	July 14, 2026				
CONSENT AGENDA	X	BUSINESS AGENDA		RECOGNITION	
PETITIONER(S):	Trevor Cahoon, City Manager				
TYPE OF VOTE:	ROLL CALL		VOICE	X	
SUBJECT:	Public Treasurer's Investment Fund Certification of Authorized Individuals				
RECOMMENDATION:	Approve the Resolution updating the authorized individuals for Clinton City's Public Treasurer's Investment Fund (PTIF) accounts.				

RECOMMENDATION: Approve the Resolution updating the authorized individuals for Clinton City's Public Treasurer's Investment Fund (PTIF) accounts.

SUMMARY:

The Utah Public Treasurer's Investment Fund (PTIF) requires participating public entities to periodically certify the individuals authorized to manage the City's investment accounts.

The attached resolution updates Clinton City's authorized representatives for PTIF accounts. The authorized individuals will be:

- Trevor D. Cahoon, City Manager
- Steven D. Hubbard, City Treasurer

These individuals will be authorized to access and transact on PTIF accounts, make changes to linked banking information, open or close PTIF accounts, and execute documents necessary for the administration of the City's investments.

This action is administrative in nature and does not authorize any new investment activity or modify the City's investment policies. It simply updates the City's authorized representatives to ensure continued access and proper administration of Clinton City's PTIF accounts.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

ATTACHMENTS:

- Public Entity Resolution – Utah Public Treasurer's Investment Fund (PTIF)



Office of the
State Treasurer

Public Entity Resolution

1. Certification of Authorized Individuals

I, Marie Dougherty (Name) hereby certify that the following are authorized: to add or delete users to access and/or transact with PTIF accounts; to add, delete, or make changes to bank accounts tied to PTIF accounts; to open or close PTIF accounts; and to execute any necessary forms in connection with such changes on behalf of Clinton City (Name of Legal Entity). Please list at least two individuals. Each individual must have a unique email.

Name	Title	Email	Signature(s)
Trevor D Cahoon	City Manager	tcahoon@clinton.utah.gov	
Steven D Hubbard	City Treasurer	s.hubbard@clinton.utah.gov	

The authority of the named individuals to act on behalf of Clinton City (Name of Legal Entity) shall remain in full force and effect until written revocation from Clinton City (Name of Legal Entity) is delivered to the Office of the State Treasurer.

2. Signature of Authorization

I, the undersigned, Mayor (Title) of the above named entity, do hereby certify that the forgoing is a true copy of a resolution adopted by the governing body for banking and investments of said entity on the 14th day of June, 2026, at which a quorum was present and voted; that said resolution is now in full force and effect; and that the signatures as shown above are genuine.

Signature	Date	Printed Name	Title
	6/30/2026	Marie Dougherty	Mayor

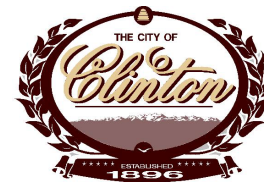
STATE OF UTAH)
COUNTY OF Davis) §

Subscribed and sworn to me on this 14th day of June, 2026, by Marie Dougherty (Name), as Mayor (Title) of Clinton City (Name of Entity), proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

Signature _____

**CLINTON CITY COUNCIL WORK SESSION MINUTES
2267 N 1500 W Clinton UT 84015**



Date: June 23, 2026

Time: 6:00 PM

Location: 2267 N 1500 W, Clinton, UT 84015

Staff present: Fire Chief Jason Poulsen, Public Works Director Dave Williams, Deputy Recorder Amy Durrans, and Recorder Lisa Titensor. City Manager Trevor Cahoon attended electronically.

1. CALL TO ORDER

Mayor Marie Dougherty called the work session to order at approximately 6:00 p.m. Council Members present included Dane Searle, Jennifer Christensen, and Spencer Arave. Adam Larsen arrived at XXXX. Councilmember Danson was excused.

2. GENERAL PLAN DISCUSSION WEST FOCUS AREA

Mayor Dougherty led a work session discussion regarding the draft General Plan West Focus Area and the associated Small Area Plan. The Council reviewed a preliminary future land use map and discussed roadway connectivity, future land use designations, existing agricultural properties, and development opportunities within the City's western annexation area.

The Mayor reviewed the status of the area, noting that the Nilson Homes development has already been approved and annexed. The proposed West Davis Corridor will affect portions of the adjacent golf course, and discussions between the golf course and UDOT regarding potential relocation of affected holes remain ongoing.

Mayor Dougherty explained that the development was originally expected to provide a roadway connection to 1800 North through adjoining property; however, that access has not been secured because the affected property owner has different development plans. As an alternative, Nilson Homes has acquired additional property to provide the required third-access point through another location connecting to 4500 West.

Council Members expressed concern that the revised access configuration would increase traffic on existing neighborhood roads and noted that nearby residents had anticipated a different roadway layout. The Council discussed the importance of pursuing additional conversations with neighboring property owners and West Point City to determine whether future roadway connectivity opportunities may still exist. City Manager Trevor Cahoon agreed to continue researching ownership information and contact the affected parties to better understand future possibilities.

The Council then reviewed the draft future land use map and discussed the appropriate transition of residential densities throughout the planning area. Members generally supported maintaining larger residential lots adjacent to existing rural properties while allowing smaller lot development closer to major transportation corridors. The Council emphasized the importance of creating logical transitions between neighborhoods while preserving compatibility with existing development patterns.

Long-term agricultural properties and family-owned land that may remain undeveloped for many years was a part of the discussion. Council Members recognized that assigning future potential land use designations directly over existing residences could create unnecessary concern among property owners who have no intention of selling their land. The Council discussed whether portions of the planning area should remain designated as agricultural while utilizing a secondary planning overlay or cross-hatched future land use designation to illustrate the City's long-range vision if redevelopment were to occur in the future.

City Manager Cahoon explained that while maintaining agricultural designations may help reduce concern among existing residents, the City also has an obligation to plan for future growth and provide guidance for future development proposals. Council Members generally agreed that an overlay approach may provide an appropriate balance between long-term planning objectives and respect for existing landowners.

The Council also discussed several parcels adjacent to the West Davis Corridor that may be suitable for future blended land uses and that a certain low-access triangular area currently identified for residential development may be better suited for employment or industrial uses because of its location near the corridor. Staff was directed to continue evaluating those areas as the planning process moves forward.

The discussion also addressed the importance of protecting existing agricultural operations as annexation occurs. Council Members recognized that many farming properties have remained in the same families for generations and expressed support for incorporating appropriate protections into future annexation agreements. The Council discussed providing notice to future residents regarding normal agricultural activities and exploring methods to reduce complaints associated with dust, odors, livestock, and other customary farming operations.

Throughout the discussion, Council Members emphasized that preparation of the Small Area Plan is intended to guide future development over the coming decade and does not require existing property owners to sell or develop their property. Members acknowledged that the General Plan will continue to evolve over time and directed staff to refine the draft land use map, simplify conceptual roadway illustrations, further evaluate appropriate land use transitions, and continue working with property owners and neighboring jurisdictions before presenting a revised draft for future consideration.

The meeting adjourned at 6:50 PM.

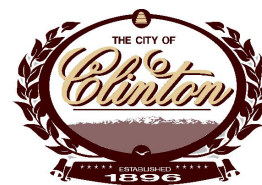
CLINTON CITY COUNCIL MEETING MINUTES

Date: June 23, 2026

Time: 7:00 PM

Location: 2267 N 1500 W, Clinton, UT 84015

Mayor: Marie Dougherty



City Council: Spencer Arave, Jennifer Christensen, Adam Larsen, and Dane Searle.
Councilmember Chris Danson was excused.

Staff: City Manager Trevor Cahoon attended electronically, Police Chief Shawn Stoker, Fire Chief Jason Poulsen, Public Works Director David Williams, Parks and Recreation Director Brooke Mitchell, Treasurer Steve Hubbard, Assistant Public Works Director Kasey Jensen, Deputy Recorder Amy Durrans, and Recorder Lisa Titensor

Attendees: Dereck Bauer, James Moffett, LeeAnn Moffett, Jeffery Ellison, Bill Armstrong, Dona Gallegos, Phillip Hunt, Autumn Hill, Andy Hill, Russell Arave, Daniel Martinez, Michael Martinez, Scott Parke, Deanna Larsen

CALL TO ORDER

Mayor Dougherty called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was performed by all those in attendance.

Councilmember Dane Searle provided a thought.

ROLL CALL

Mayor Dougherty, Councilmembers Arave, Christensen, Larsen and Searle were all present. Councilmember Danson was excused.

PUBLIC INPUT

There was none.

BUSINESS ITEMS

PRESENTATION ON STREET QUALITY RATINGS AND FUNDING

Mayor Dougherty introduced the presentation, explaining that its purpose was to educate both the City Council and the public regarding the condition of Clinton City's roadway system, the

City's pavement preservation program, and the long-term financial challenges associated with maintaining transportation infrastructure.

She explained that although the Council would consider adoption of the Fiscal Year 2026–2027 Final Budget later in the meeting, the proposed budget did not include additional roadway funding or a property tax increase. State law would not permit the Council to implement a property tax increase for the upcoming fiscal year at this stage of the budget process.

Consequently, the presentation was intended to begin a community discussion regarding future transportation funding options, including maintaining the current funding level, pursuing a future Truth-in-Taxation process, or evaluating implementation of a Transportation Utility Fee (TUF).

Pavement Preservation Program

Public Works Director David Williams reviewed Clinton City's roadway system, explaining that the City maintains approximately 86 miles of public roadway consisting primarily of residential streets and collector roads. He noted that roads owned by the Utah Department of Transportation, including portions of 2000 West and 1800 North, are maintained by UDOT, while certain private streets within townhome and apartment developments are maintained by homeowners' associations or private owners.

Mr. Williams explained that the City follows a comprehensive Pavement Preservation Plan that evaluates every roadway according to its stage within the pavement life cycle. Preventative maintenance allows the City to extend pavement life and maximize the value of previous investments while delaying significantly more expensive reconstruction projects.

Pavement Condition Evaluation

City Engineer Bryce Wilcox of JUB Engineers presented the City's updated pavement evaluation using the PACER (Pavement Condition Evaluation Rating) system.

Mr. Wilcox explained that each street receives a numerical rating based upon pavement condition, structural integrity, cracking, and overall deterioration. Every roadway is individually inspected and evaluated using standardized engineering criteria to establish maintenance priorities.

He reviewed the pavement life cycle, explaining that deterioration accelerates as asphalt ages due primarily to ultraviolet exposure and water infiltration. Preventative maintenance, including crack sealing and surface preservation treatments, significantly extends pavement life, while delaying maintenance results in substantially higher reconstruction costs.

Using examples from throughout the City, Mr. Wilcox illustrated the progression from newly constructed pavement through fair, poor, and failed conditions. He emphasized that preserving streets before major deterioration occurs provides the greatest long-term value.

Funding History and Future Needs

Mr. Wilcox reviewed the City's historical roadway funding, including the pavement preservation program initiated following the 2014 Truth-in-Taxation process. He explained that although roadway funding has increased substantially since that time, construction costs have risen at a significantly faster rate due to inflation.

He noted that reconstruction costs for residential streets have increased dramatically over the past decade, resulting in a substantial funding gap between current revenues and the amount required to maintain the City's roadway network at its desired service level.

Based upon the updated pavement management study, staff estimated that approximately \$3.4 million annually would be required to fully implement the City's long-term preservation plan. Current funding levels provide approximately \$1 million annually for roadway preservation projects, creating an annual shortfall exceeding \$2 million.

Mr. Wilcox explained that continuing current funding levels would eventually result in a growing backlog of roadway reconstruction needs as additional streets reached the end of their useful life.

Potential Funding Options

Mr. Wilcox reviewed three potential funding options available for future Council consideration:

- A future Truth-in-Taxation property tax increase.
- Legislative authorization for an additional transportation sales tax.
- Implementation of a Transportation Utility Fee (TUF), as authorized under recently enacted state legislation.

He explained that a Transportation Utility Fee would dedicate revenues exclusively to transportation infrastructure, including roadway preservation, snow removal, striping, signage, and related transportation improvements. The fee structure would be based upon estimated trip generation for residential and commercial properties using nationally recognized engineering standards.

Staff recommended conducting a Transportation Utility Fee study to evaluate potential rates and provide additional information for future Council consideration.

Council Discussion

Councilmember Jennifer Christensen asked staff to explain how revenues generated under each potential funding option would compare and how a Transportation Utility Fee would be calculated.

Councilmember Dane Searle expressed concern regarding the City's growing backlog of deferred infrastructure needs, noting that roadway preservation represented only one of several significant long-term financial challenges facing the City, including buildings, fleet replacement, technology, equipment, and employee compensation. He emphasized the importance of

establishing dedicated, sustainable funding sources before deferred maintenance became substantially more costly.

Mayor Dougherty noted that the City has historically managed its finances conservatively while maintaining healthy reserves and minimizing long-term debt. However, inflation and increasing construction costs have significantly outpaced traditional municipal revenue growth under Utah's certified tax rate system. She emphasized that a sustainable long-term funding strategy would ultimately be necessary to preserve City infrastructure.

Public Comment

Mayor Dougherty invited members of the public to comment following the presentation.

Several residents expressed appreciation for the information provided and offered comments regarding possible funding approaches.

- Bill Armstrong asked whether privatizing roadway maintenance had been evaluated.
- Jim and LeeAnn Moffett commented on inflation and funding challenges.
- Jeff Ellison encouraged pursuing every available funding option.
- Russell Arave expressed support for evaluating a Transportation Utility Fee.
- Andy Hill opposed a tax increase and suggested any fee include periodic review.
- Phil Hunt questioned construction cost assumptions and suggested evaluating additional annual road replacements.
- Daniel Martinez favored a combination of funding tools with strong public transparency.
- Scott Parke discussed using property taxes in combination with other revenue sources.
- Donna Gallegos supported a sunset review, so residents could see how revenues were being used.

In response to questions from the public, Mayor Dougherty and City Engineer Bryce Wilcox emphasized that the Council was not considering adoption of a Transportation Utility Fee during this meeting. Rather, the purpose of the discussion was to evaluate the City's long-term roadway funding needs and determine whether additional study should be conducted to provide the Council with information for future policy decisions. Councilmembers agreed that additional analysis would assist the Council in evaluating all available funding options before making any future decisions.

Mayor Dougherty provided additional historical context regarding the City's roadway funding program. She explained that Clinton City has previously approved Truth-in-Taxation property tax increases to address significant community needs, including the 2014 Truth-in-Taxation increase that established a dedicated roadway preservation program, the 2021 Truth-in-Taxation increase that funded the implementation of the City's paramedic program, the 2023 Truth-in-Taxation increase to address inflation, and the 2024 Truth-in-Taxation increase to support ongoing municipal operations. She noted that previous Councils have consistently worked to balance infrastructure needs with responsible fiscal management by maintaining healthy reserves, minimizing long-term debt, and making strategic investments as resources allowed. Despite those efforts, she

explained that construction inflation has significantly outpaced the City's revenue growth under Utah's certified tax rate system, resulting in a growing gap between available roadway funding and the cost of preserving the City's transportation infrastructure. Mayor Dougherty emphasized that the Council's discussion was intended to begin evaluating long-term funding options to preserve the City's roadway system for future generations.

Council Direction

Following discussion, Councilmember Spencer Arave initially moved to postpone action. During discussion, Councilmembers expressed support for doing a study to obtain additional information before making any future funding decisions. The original motion was withdrawn.

Councilmembers emphasized that directing staff to complete a Transportation Utility Fee study was intended to gather information only and did not constitute approval of a Transportation Utility Fee or any future revenue increase.

MOTION: Councilmember Jennifer Christensen moved to direct staff to proceed with a Transportation Utility Fee study and return the results to the Council for future consideration. Councilmember Spencer Arave seconded the motion. The motion passed unanimously.

PUBLIC HEARING, EXECUTIVE SALARY INCREASES OR COLA'S FOR FISCAL YEAR 2026-27

Mayor Dougherty opened the public hearing regarding proposed executive salary increases and cost-of-living adjustments included in the Fiscal Year 2026–2027 Final Budget.

Finance Director Cory Christensen explained that Utah law requires a separate public hearing whenever compensation adjustments are proposed for executive municipal officers. He reviewed the certified tax rate process and noted that the proposed compensation adjustments had been discussed throughout the City's budget work sessions and were incorporated into the proposed final budget.

Mayor Dougherty opened the public hearing at 9:08 pm. With no public comment, Mayor Dougherty closed the public hearing at 9:13 pm.

RESOLUTION 18-26, ADOPTION OF FISCAL YEAR 2026-27 FINAL BUDGET

Mayor Dougherty introduced Resolution 18-26 adopting the Fiscal Year 2026–2027 Final Budget. She expressed appreciation to the City Council, City Manager, Finance Director, department directors, and staff for the significant amount of work devoted to developing the budget through numerous work sessions and public meetings.

Councilmember Dane Searle initially made a motion regarding the proposed budget to postpone adoption to a future meeting at a more reasonable hour, where more public could attend. Following Council discussion, the motion was withdrawn.

Mayor Dougherty noted that the required public hearing on the proposed Fiscal Year 2026–2027 Final Budget already had been held on June 16, 2026, following multiple budget work sessions conducted throughout the budget process. She explained that the budget now before the Council reflected the information presented during those meetings, public input received, and the Council's deliberations over several weeks before bringing the final budget forward for adoption. She also clarified that state law requires the budget to be adopted before June 30.

MOTION: Councilmember Adam Larsen moved to adopt Resolution 18-26 approving the Fiscal Year 2026–2027 Final Budget. Councilmember Spencer Arave seconded the motion.

Council Discussion

Councilmember Larsen stated that the Council had exercised considerable diligence throughout the budget process. He noted that staff and the Council had devoted many hours to reviewing departmental requests, evaluating available revenues, and balancing competing priorities. While acknowledging that not every request could be funded, he believed the proposed budget represented a responsible balance between maintaining essential City services and minimizing the financial impact on residents. He stated that the City should continue developing a structured long-term financial strategy to address future infrastructure needs.

Councilmember Searle expressed concern regarding what he viewed as years of deferred financial decisions affecting City infrastructure. He stated that roadway preservation represented only one component of a broader issue that also included buildings, fleet replacement, technology, equipment replacement, and employee compensation. He emphasized that delaying difficult financial decisions would continue to increase future costs and encouraged the City to adopt a more proactive long-term funding strategy. He said he believed the Council was negligent by not including a property tax increase in the budget.

Councilmember Larsen responded that he believed characterizing previous Councils as negligent was unfair. He observed that many of the City's financial challenges resulted from unprecedented inflation and dramatic increases in construction costs rather than a lack of effort by previous elected officials. He encouraged the Council to remain focused on developing prudent long-term financial solutions rather than assigning blame for circumstances that had developed over many years.

Councilmember Jennifer Christensen stated that the budget process had been thorough, challenging, and educational. She expressed appreciation for the work performed by City staff, department directors, and fellow Councilmembers throughout numerous budget work sessions and public meetings.

She stated that one of her greatest frustrations was the limited public participation despite the many opportunities available for residents to become involved throughout the budget process. She emphasized that the Council had worked diligently to maintain transparency and encourage public input.

Councilmember Christensen stated that although she personally would have preferred to begin addressing long-term infrastructure needs through a future property tax increase, she respected the differing opinions expressed by both Councilmembers and members of the public. She emphasized that maintaining police, fire, emergency medical services, and other essential municipal services remained among the City's highest priorities. She encouraged future Councils to continue taking a proactive approach toward long-range financial planning while seeking additional opportunities to educate and engage the public regarding significant financial decisions.

Councilmember Spencer Arave acknowledged the considerable public feedback received regarding taxes and government spending during the recent election cycle. He stated that residents expected the Council to carefully evaluate any proposal that would increase taxes or fees. While recognizing the City's growing infrastructure needs, he believed every reasonable alternative should be explored before increasing the tax burden on residents. He thanked staff for their work in preparing the budget and stated that he believed the proposed budget represented a thoughtful balance between fiscal responsibility and maintaining City services.

Mayor Dougherty concluded the discussion by observing that balancing community expectations with available financial resources is among the Council's most important responsibilities. She explained that inflation has significantly increased the cost of maintaining roads, utilities, facilities, equipment, and other municipal infrastructure while traditional municipal revenues have remained relatively constrained under Utah's certified tax rate system.

The Mayor noted that Clinton City has maintained strong financial reserves through conservative fiscal management while minimizing long-term debt. However, she explained that reserves alone cannot permanently resolve ongoing infrastructure funding challenges. She reiterated that roadway preservation will require a sustainable long-term funding solution and thanked the Council for its thoughtful discussion regarding the City's financial future.

Roll Call Vote: Voting was as follows: Councilmember Arave, aye; Councilmember Christensen, aye, Councilmember Larsen, aye; Councilmember Searle, nay. The motion passed 3-1, adopting Resolution 18-26 and approving the Fiscal Year 2026–2027 Final Budget.

PUBLIC HEARING, ORDINANCE 26-04, AMENDMENTS TO TITLE 18 AND TITLE 25 OF THE CLINTON CITY CODE REGARDING WEEDS

Mayor Dougherty introduced the public hearing regarding proposed amendments to Titles 18 and 25 of the Clinton City Code relating to weed regulations and nuisance abatement.

She explained the proposed ordinance clarified maintenance requirements for properties throughout the City while providing additional consistency in enforcement. The edits changed the maximum weed height for developed properties to 6 inches, while leaving the height for undeveloped properties at 10 inches.

Mayor Dougherty opened the public hearing at 9:43 pm.

Daniel Martinez commented that the City should consider establishing a uniform six-inch maximum weed height throughout the community to ensure consistent enforcement and clear expectations for property owners.

No additional comments were received.

Mayor Dougherty closed the public hearing.

Following the closure of the public hearing, Councilmembers briefly discussed the proposed amendments and acknowledged the public's comment regarding establishing a uniform six-inch weed height standard.

Staff explained that the ordinance was intended to clarify existing nuisance regulations and improve consistency in enforcement.

MOTION: Councilmember Larsen moved to suspend the rules to allow a vote on the same night as a public hearing given there was so little public comment. Councilmember Searle seconded the motion. All members voted in favor of the motion. The motion carried.

MOTION: Councilmember Larsen moved to adopt Ordinance 26-04 approving amendments to Title 18 and 25 of the Clinton City Code. Councilmember Searle seconded the motion. Voting by roll call is as follows: Councilmember Arave, aye; Councilmember Christensen, aye, Councilmember Larsen, aye; Councilmember Searle, aye. The motion passed unanimously.

RESOLUTION 19-26, BUDGET AMENDMENTS FOR FISCAL YEAR 2025-26

Finance Director Cory Christensen presented the proposed Fiscal Year 2025–2026 budget amendments. He reviewed the recommended adjustments, explaining that the amendments reflected year-end budget revisions, grant revenues, departmental expenditures, and other accounting adjustments necessary before the close of the fiscal year.

Councilmembers asked several clarifying questions regarding individual budget adjustments. Staff explained the purpose of the proposed amendments and confirmed that the revisions were consistent with previously authorized expenditures and accepted accounting practices.

MOTION: Councilmember Searle moved to adopt Resolution 19-26 approving the Fiscal Year 2025–2026 Budget Amendments. Councilmember Christensen seconded the motion. Voting by roll call is as follows: Councilmember Arave, aye; Councilmember Christensen, aye, Councilmember Larsen, aye; Councilmember Searle, aye. The motion passed unanimously.

CONSENT ITEMS

1. Appointment of Russell Arave to the Clinton City RAP Tax Committee for a term to expire December 31, 2027.
2. Approval of Minutes: June 16, 2026, City Council Work Session and City Council Meeting
3. Approval of Accounts Payable: N/A

MOTION: Councilmember Searle moved to approve the consent items. Councilmember Arave seconded the motion. All members voted in favor of the motion. The motion carried.

OTHER BUSINESS

City Manager/Department Head Reports

City Manager Cahoon attended electronically and had nothing to report.

COUNCIL REPORTS

Councilmember Christensen - nothing

Councilmember Larsen - nothing

Councilmember Arave - nothing

Councilmember Searle – Councilmember Dane Searle recognized Assistant Public Works Director Kasey Jensen for his years of dedicated service to Clinton City and congratulated him on accepting a new position with the South Davis Sewer District. Councilmembers expressed their appreciation for Mr. Jensen's professionalism, leadership, and contributions to numerous public works projects during his employment with the City and wished him success in his new position.

Councilmember Danson – was excused.

MAYOR'S REPORT

Mayor Dougherty reminded residents of upcoming **America 250** community events and encouraged public participation.

Councilmembers also requested that future work sessions continue discussions regarding long-term transportation funding options and Heritage Days planning.

ACTION ITEM

The Council requested a work session for a discussion on funding roads be added to the action item list.

ADJOURNMENT

The City Council meeting adjourned at approximately 9:55 p.m.

Dated this 14th day of July 2026
/s/Lisa Titensor, Clinton City Recorder

CLINTON CITY REDEVELOPMENT AGENCY

2267 N 1500 W Clinton UT 84015

June 23, 2026

Chair Marie Dougherty called the Redevelopment Agency meeting to order at approximately 9:55 p.m.

RESOLUTION 01-26 R ADOPTING THE RDA FINAL BUDGET FOR FISCAL YEAR 2026-2027

Chair Dougherty reported there is \$278,000.00.

No public comments were received.

MOTION: Board Member Arave moved to adopt Resolution 01-26 R approving the Fiscal Year 2026-2027 RDA Final Budget. Board Member Christensen seconded the motion. All voted in favor of the motion.

The RDA meeting adjourned at approximately 9:56 pm.

CLINTON CITY SANITARY SEWER SPECIAL SERVICE DISTRICT

2267 N 1500 W Clinton UT 84015

June 23, 2026

Chair Marie Dougherty called the Sanitary Sewer Special Service District meeting to order at approximately 8:29 p.m.

RESOLUTION 01-26 SSD ADOPTING THE SSSSD FINAL BUDGET FOR FISCAL YEAR 2026-2027

It was noted a public hearing took place on June 16, 2026.

The budget has \$252,688.00. This fund manages the sewer lift station in the Cranefield area.

MOTION: Board Member Searle moved to adopt Resolution 01-26 SSD approving the Fiscal Year 2026-2027 SSSSD Final Budget. Board Member Christensen seconded the motion. Voting by roll call is as follows: Board Member Arave, aye; Board Member Christensen, aye; Board Member Larsen, aye; Board Member Searle, aye.

The meeting adjourned at approximately 9:58 pm.