

Chapter 8

MAYOR AND TOWN COUNCIL

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1-8-1: ELIGIBILITY AND RESIDENCY REQUIREMENTS:

- A. Statute Requirements: A person filing a declaration of candidacy for a municipal office shall meet the requirements of Utah Code Annotated section [20A-9-203](#).
- B. Registered Voter: Any person elected to municipal office shall be a registered voter in the municipality in which the person was elected.
- C. Residency:
 - 1. Each elected officer of a municipality shall maintain residency within the boundaries of the municipality during the officer's term of office.
 - 2. If an elected officer of a municipality establishes a principal place of residence, as provided in Utah Code Annotated section 20A-2-105, outside the municipality during the officer's term of office, the office is automatically vacant.
- D. Continuous Absence: If an elected municipal officer is absent from the municipality any time during the officer's term of office for a continuous period of more than sixty (60) days without the consent of the municipal legislative body, the municipal office is automatically vacant. (1984 Code § 8-1-5; amd. 2010 Code)

1-8-2: MAYOR:

- A. Presiding Officer: The Mayor shall be the presiding officer of meetings of the Town Council and shall have a vote in all council meetings. All bonds, notes, contracts and written obligations in the town shall be executed on its behalf by the Mayor, or in the event of his inability to act, by a Council Member that the Council shall designate to act as Mayor Pro Tempore during his absence, disability or refusal to act. He shall be chief ceremonial officer in the town and shall represent the town in all its external relationships. The Mayor shall have the duty to perform civil marriages as provided under Utah Code Annotated. In the absence of the Mayor, or because of his inability or refusal to act, the Town Council may elect one of its members to preside over the meeting as Mayor Pro Tempore, who shall have all the powers and duties of the Mayor to act during his absence, disability or refusal to

act. The election of the Mayor Pro Tempore shall be entered in the minutes of the Town Council. The powers and duties of the Mayor shall be only those conferred upon him by this section.

- B. Signature Required: The Mayor's signature, properly attested by the Town Clerk, shall be required on all deeds made by the town, except as otherwise authorized by the Town Council, provisions of law or town ordinance. The signature of the Mayor shall also be required on all contracts to which the town is a party. (Ord. 88-004, 4-12-1988)

1-8-3: VACANCIES:

Mayor or Town Council vacancies shall be filled as provided in Utah Code Annotated section [20A-1-510](#). (1984 Code § 8-1-6; amd. 2010 Code)

1-8-4: ORDINANCES AND RESOLUTIONS; PROCEDURES:

- A. Power Exercised By Ordinance: The Town Council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by statute or any other provision of law. An officer of the town shall not be convicted of a criminal offense where he relied on or enforced an ordinance he reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that he enforced an ordinance on advice of legal counsel. (2010 Code)
- B. Form Of Ordinance: Any ordinance passed by the Town Council shall contain and be in substantially the following order and form:
1. A number;
 2. A title which indicates the nature of the subject matter of the ordinance;
 3. A preamble which states the need or reason for the ordinance;
 4. An ordaining clause which states "Be it ordained by Brian Head Town";
 5. The body or subject of the ordinance;
 6. When applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of the town ordinance; or, the penalty may establish a classification of penalties and refer to such ordinance in which the penalty for such violation is established;
 7. A statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this section;
 8. A line for the signature of the Mayor or acting Mayor to sign the ordinance;

9. A place for the Town Clerk to attest the ordinance and affix the seal of the town;
10. Where the Mayor may disapprove an ordinance passed by the Town Council, the ordinance must show it was passed with the Mayor's approval, or if the Mayor disapproved the ordinance, that it was passed over his disapproval. If the Mayor neither approves or disapproves an ordinance, the ordinance should show that it became effective without the approval or disapproval of the Mayor. (1984 Code § 10-2-1; amd. 2010 Code)

C. Requirements As To Form; Effective Date:

1. Ordinances passed or enacted by the Town Council shall be signed by the Mayor, or if he is absent, by the Mayor Pro Tempore, or by a quorum of the Town Council, and shall be recorded before taking effect. No ordinance shall be void or unlawful by reason of its failure to conform to the provisions of Utah Code Annotated section [10-3-704](#)(1), (2), (3) or (4). Ordinances which do not have an effective date shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the governing body, whichever is sooner. (1984 Code § 10-2-2; amd. 2010 Code)
2. Ordinances shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the Town Council, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance. (1984 Code § 10-2-3; amd. 2010 Code)

D. Publication And Posting Of Ordinances:

1. Before an ordinance may take effect, the legislative body of the town adopting an ordinance, except an ordinance enacted under Utah Code Annotated sections [10-3-706](#) through [10-3-710](#), shall:
 - a. Deposit a copy of the ordinance in the office of the Town Clerk; and
 - b. (1) Publish a short summary of the ordinance at least once:
 - (A) In a newspaper published within the town; or
 - (B) If there is no newspaper published within the town, in a newspaper of general circulation within the town; or
 - (2) Post a complete copy of the ordinance in three (3) public places within the town.
2.
 - a. Any ordinance, code or book, other than the state code, relating to building or safety standards, municipal functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least one copy has been filed for use and examination by the public in the office of the Town Clerk prior to the adoption of the ordinance by the governing body.

- c. Any state law relating to building or safety standards, municipal functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting if reference is made to the state code.
- d. The ordinance adopting the code or book shall be published in the manner provided in this subsection. (2010 Code)

E. Recording, Numbering And Certification Of Passage: The Town Clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the Town Council. All ordinances shall be numbered with each number to contain the year the ordinance was finally passed by the Town Council, followed by a hyphen, followed by a sequential number beginning with the first ordinance passed in each year (i.e., 1984-1, 1984-2...1985-1...). Immediately following each ordinance, the Town Clerk shall make a certificate stating the date of passage and of publication of the ordinance. (1984 Code § 10-2-4)

F. Resolutions:

1. Purpose: Unless otherwise required by law, the Town Council may exercise all administrative powers by resolution, including, but not limited to: a) establishing water and sewer rates; b) charges for garbage collection and fees charged for town services; c) establishing personnel policies and guidelines; and d) regulating the use and operation of the town property. Punishment, fines or forfeitures may not be imposed by resolution.
2. Form: Any resolution passed by the Town Council shall be in a form and contain sections substantially similar to that prescribed for ordinances.
3. Publication; Effective Date: Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the Town Council may determine, but resolutions may not become effective more than three (3) months from the date of passage. (2010 Code)