

TITLE 1A

ADMINISTRATION

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CHAPTER 1

TOWN OF HIDEOUT CODE

Section

- 1A.01.101: TITLE
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1A.01.101: TITLE:

Upon adoption by the town council, this code is hereby declared to be and shall hereafter constitute the official town code of The Town of Hideout. This code of ordinances shall be known and cited as the TOWN OF HIDEOUT and is hereby published by authority of the town council and shall be supplemented to incorporate the most recent legislation of the town as provided in section 1A.01.103 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the number, its appropriate chapter and title heading, and to the general penalty clause relation thereto, as well as to the section itself, when reference is made to this code by title in any legal documents.

1A.01.102: ACCEPTANCE:

This code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the town of general and permanent effect, except the excluded ordinances enumerated in section 1A.01.101 of this title.

1A.01.103: AMENDMENTS:

All amendments made to this code shall be by ordinance. Any ordinance amending the town code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by ordinance shall be immediately be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the town code.

1A.01.104: ALTERATIONS:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the town council. The town recorder shall see that the replacement pages are properly inserted in the official copies maintained in the office of the town recorder. Any person having custody of a copy of the town code shall make every effort to maintain said code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the town recorder. Said code books, while in actual possession of officials and other interested persons, shall be and remain the property of the town and shall be returned to the office of the town recorder when directions so to do by order of the town council.

CHAPTER 2 SAVING CLAUSE

Section

- 1A.02.101: REPEAL OF GENERAL ORDINANCES
- 1A.02.102: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES
- 1A.02.103: COURT PROCEEDINGS
- 1A.02.104: SEVERABILITY CLAUSE

1A.02.101: REPEAL OF GENERAL ORDINANCES:

A. Repealer; Exceptions: All general ordinances of the town passed prior to the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections,) and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; temporary zoning ordinances; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrant; salary ordinances; fee ordinances; ordinances establishing, naming or ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the town; and all special ordinances.

B. Effect Of Repealing Ordinances: The repeal of the ordinances provided in subsection A of this section shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

1A.02.102: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:

No ordinance relating with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of the preceding section, excepting as the town code may contain provisions for such matters, in which case, this code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1A.02.103: COURT PROCEEDINGS:

A. Prior Acts: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinances in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

B. Scope Of Section: This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

C. Actions Now Pending: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the time of the adoption of this code.

1A.02.104: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof. The town council hereby declares that it would have passed each section, subsection, subdivision, paragraph sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

CHAPTER 3 DEFINITIONS

Section

- 1A.03.101: CONSTRUCTION OF WORDS
- 1A.03.102: GENERAL DEFINITIONS
- 1A.03.103: CATCHLINES

1A.03.101: CONSTRUCTION OF WORDS:

A. Liberal Construction: Except as otherwise provided by laws, all general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the mayor and town council may be fully carried out.

B. Interpretation: in the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Where any provision of a code imposes greater restrictions upon the subject matter than the general provision imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

C. Additional Interpretations:

1. Computation Of Time: The time within which an act is to be done as provided in any ordinance or in any resolution or order of the town, when expressed in days, shall be determined by excluding the first days and including the last day, except if the last day be a Sunday or a legal holiday, then the last day shall be the day next following such Sunday or legal holiday which is not a Sunday or legal holiday. When time is expressed in hours, Sunday and all legal holidays shall be excluded.

2. Delegation Of Authority: Whenever a provision appears requiring the town officer to do some act or perform some duty, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

3. Gender: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

4. Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

5. May/Shall: The word "may" is permissive; the word "shall" is mandatory.

6. Nontechnical And Technical Words: Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

7. Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

8. Officers Generally: Whenever any officer is referred to by title, such as “recorder”, “treasurer”, etc., such reference shall be construed as if followed by the words “of the Town of Hideout”.

9. Tense: Words used in the past or present tense include the future as well as the past and present.

1A.03.102: GENERAL DEFINITIONS:

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT:	A person acting on behalf of another with authority conferred, wither expressly or by implication.
CODE:	The town code of the Town of Hideout
COUNTY:	Wasatch County, state of Utah.
FEE:	A sum of money charged by the town for the carrying on of a business, profession or occupation or other activity subject to town regulation, authorization or limitation.
GOVERNING BODY:	The town council of Hideout Town, Utah.
HIGHWAY, ROAD:	Includes public bridges, and may be equivalent to the words “county way”, “county road”, “common road” and “state road”.
LICENSE:	The permission granted for the carrying on of a business, profession or occupation.
LOCATION:	Whenever any act, conduct or offense is prohibited or required and no reference is

made to location, unless the context specifically indicates otherwise, the act, conduct or offense prohibited or required shall be within the boundaries of the town.

NUISANCE:

Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the town, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

OCCUPANT:

As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE:

Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

OPERATOR:

The person who is in charge of any operation business or profession.

OWNER:

As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON:

Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY:

Includes every description of money, goods chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

PROPERTY:

Includes both real and personal property.

REASONABLE TIME:	In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.
RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.
RIGHT OF WAY:	The privilege of the immediate use of the roadway or other property.
STATE:	The state of Utah.
STREET:	Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
TENANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with other.
TOWN:	Town of Hideout, Utah
TOWN COUNCIL:	The town council of The Town of Hideout, Utah
WEEK:	Any seven (7) day period.
WHOLESALER:	The terms “wholesaler” and “wholesaler dealer” as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.
WRITTEN, IN WRITING:	May include printing and any other mode of representing words and letters, but when the written signature of any person is

required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark.

1A.06.103: CATCHLINES:

The catchlines of the several sections of the town code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

CHAPTER 4 GENERAL PENALTY

Section

- 1A.04.101: SENTENCING
- 1A.04.102: OFFENSES DESIGNATED; CLASSIFIED

1A.04.101: SENTENCING:

A. Penalty For Violation Of Ordinance:

1. Criminal: The town council may impose a minimum criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code Annotated section 76-3-301 or by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment.

2. Civil:

A. Except as provided in subsection A2b of this section, the town council may prescribe a minimum civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code Annotated section 76-3-301.

B. A municipality may not impose a civil penalty and adjudication for the violation of a municipal moving traffic ordinance.

B. Term of Imprisonment for Misdemeanors: A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- 1. In the case of a class B misdemeanor, for a term not exceeding six (6) months;
- 2. In the case of a class C misdemeanor, for a term not exceeding ninety (90) days.

C. Infractions:

1. A person convicted of any infraction may not be imprisoned but may be subject to a fine, forfeiture and disqualification, or any combination.

2. Whenever a person is convicted of any infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

D. Fines of Persons: A person convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed:

1. Class B Misdemeanor: One thousand dollars (\$1,000.00) when the conviction is of a class B misdemeanor conviction; and

2. Class C Misdemeanor; Infraction: Seven hundred fifty dollars (\$750.00) when the conviction is of a class C misdemeanor conviction or infraction conviction.

E. Fines Of Corporation: The sentence to pay a fine, when imposed upon a corporation, association, partnership or governmental instrumentality for an offense defined in this code, or the ordinances of the town has jurisdiction, for which no special corporate fine is specified, shall be to pay an amount fixed by the court, not exceeding:

1. Class B Misdemeanor: Five thousand dollars (\$5,000.00) when the conviction is for a class B misdemeanor conviction; and

2. Class C Misdemeanor; Infraction: One thousand dollars (\$1,000.00) when the conviction is for a Class C misdemeanor conviction or for an infraction conviction.

1A.04.102: OFFENSES DESIGNATED; CLASSIFIED:

A. Sentencing In Accordance With Chapter:

1. A person adjudged guilty of an offense under this code or the ordinances of this town shall be sentenced in accordance with the provisions of this chapter.

2. Ordinances enacted after the effective date hereof which involve an offense should be classified for sentencing purposes in accordance with this chapter unless otherwise expressly provided.

B. Designation Of Offenses: Offenses are designated as misdemeanors or infractions;

C. Misdemeanors Classified:

1. Misdemeanors are classified into two (2) categories:

A. Class B misdemeanors;

B. Class C misdemeanors.

2. An Offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this code or any ordinance of this town when no other specification as to punishment or category is made, is a class B misdemeanor.

D. Infractions:

1. Infractions are not classified.

2. Any offense which is made an infraction in this code or other ordinances of this town, or which is expressly designated an infraction and any offense designated as a misdemeanor and for which no penalty is specified is an infraction.

E. Continuing Violation: In all instances where the violation of this code or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

CHAPTER 5 MAYOR AND TOWN COUNCIL

Section

- 1A.05.101: ELIGIBILITY AND RESIDENCY REQUIREMENTS
- 1A.05.102: ELECTION, TERMS; VACANCIES
- 1A.05.103: MAYOR A MEMBER OF TOWN COUNCIL
- 1A.05.104: MEETINGS; PROCEDURE AND CONDUCT
- 1A.05.105: ORDINANCES AND RESOLUTIONS; PROCEDURES

1A.05.101: ELIGIBILITY AND RESIDENCY REQUIREMENTS:

A. Declaration of Candidacy: A person filing a declaration of candidacy for a town office shall:

1. Have been a resident of the town in which the person seeks office for at least three hundred sixty five (365) consecutive days immediately before the date of the election; and
2. Meet the other requirements of Utah Code Annotated section 20A-9-203.

B. Annexed Areas: A person living in an area annexed to the town meets the residency requirement of this section if that person resided within the area annexed to the town for at least three hundred sixty five (365) consecutive days before the date of the election.

C. Registered Voter: Any person elected to town office shall be a registered voter in the town.

D. Residency Maintained: Each elected officer of the town shall maintain residency within the boundaries of the town during officer's term of office.

E. Residence Outside Town: If an elected officer of the town establishes a principal place of residence as provided in Utah Code Annotated section 20A-2-105 outside of the town during the officer's term of office, the office is automatically vacant.

F. Continuous Absence From Town: If an elected town officer is absent from the town any time during the officer's term of office for a continuous period of more than sixty (60) days without the consent of the town council, the town office is automatically vacant.

1A.05.102: ELECTION, TERMS; VACANCIES:

A. Election; Terms: The election and terms of office shall be as follows:

1. The offices of mayor and five (5) council members shall be filled every four (4) years in municipal elections.

2. The offices shall be filled in at large elections, which shall be held at the time and in the manner provided for electing municipal officers.

B. Vacancy In Office: Mayor or town council vacancies shall be filled as provided in Utah Code Annotated section 20A-1-510.

1A.05.103: MAYOR AS MEMBER OF TOWN COUNCIL:

A. Administration Vested In Mayor: The administrative powers, authority and duties are vested in the mayor.

B. Presiding Officer; Mayor Pro Tempore: The mayor shall be the chairperson and preside at the meetings of the town council. In the absence of the mayor or because of his inability or refusal to act, the town council may elect a member of the town council to preside over the meeting as mayor pro tempore, who shall have all the powers and duties of the mayor during his absence or disability. The election of a mayor pro tempore shall be entered in the minutes of the meeting.

C. Powers and Duties:

1. The mayor is the chief executive officer to whom all employees of the town shall report.

2. The mayor shall:

a. Keep the peace and enforce the laws of the town;

b. Remit fines and forfeitures;

c. Report remittances under subsection C.2.b. of this section to the town council at its next regular session;

d. Perform all duties prescribed by law, resolution or ordinance;

e. Ensure that all the laws and ordinances and resolutions are faithfully executed and observed;

f. Report to the town council the condition of the town and recommend for town council consideration any measure that the mayor considers to be in the best interests of the town;

g. When necessary, call on the residents of the town over the age of twenty one (21) years to assist in enforcing the laws of the state and ordinances of the town;

h. Appoint, with the advice and consent of the town council, persons to fill town offices or vacancies on commissions or committees of the town; and

i. Report to the town council any release granted under subsection C3b of this section.

3. The mayor may:

a. At any reasonable time, examine and inspect the official books, papers, records or documents of the town or any officer, employee or agent of the town; and

b. Release any person imprisoned for violation of any town ordinance.

D. No Veto: The mayor shall have no power to veto any act of the town council, unless otherwise specifically authorized by statute.

1A.05.105: MEETINGS; PROCEDURES AND CONDUCT:

A. Regular Meetings: The governing body shall conduct regular meetings, which shall be held on the ~~first and third Wednesday~~ Thursday of each month, at the Town hall, which meetings shall begin promptly at ~~three o'clock (3:00)~~ three-thirty (3:30) P.M.; provided, that:

1. If the meeting date is a legal holiday, then the meeting shall be held at the same time and place above described on the next following day which is not a legal holiday.

2. The governing body may, by resolution, provide for a different time and place for holding regular meetings of the governing body.

B. Special Meetings: If at any time the business of the town requires a special meeting of the governing body, such meeting may be ordered by the mayor or any three (3) members of the governing body. The order shall be entered in the minutes of the governing body. The order shall provide at least three (3) hours' notice of the special meeting, and notice thereof shall be served by the town clerk on 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. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required in this section.

1A.05.105: 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.

B. Form ~~Of~~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 the Town of Hideout:";
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 that it was passed with the mayor's approval or that 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.

C. Requirements ~~A-Tas~~ to Form; Effective Date:

1. Ordinances passed or enacted by the town council shall be signed by the mayor, or if he 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).

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 ordinances.

3. 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 town council, whichever is sooner.

D. Publication ~~And~~ 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 10.03.706 through 10.03.711, shall:

A. Deposit a copy of the ordinance in the office of the town clerk; and

B. (1) Publish a short summary of the ordinances 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.

B. 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.

C, The ordinance adopting the code or book shall be published in the manner provided in this subsection.

E. Recording, Numbering And Certification ~~Of~~of Passage: The town clerk shall record, in a book used exclusively for the purpose, all ordinances passed by the town council. The town clerk shall give each ordinance a number, if the town council has not already so done. Immediately following each ordinance, or codification of ordinances, the town clerk shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the content, passage and publication or posting of the ordinances or codification.

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 upon 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.

CHAPTER 6 OFFICERS AND EMPLOYEES

Section

- 1A.06.101: CREATING OFFICES; FILLING VACANCIES
- 1A.06.102: COMPENSATION
- 1A.06.103: OATHS
- 1A.06.104: TOWN CLERK AND TOWN TREASURER
- 1A.06.105: DEPUTY TREASURER

1A.06.101: CREATING OFFICES; FILLING VACANCIES:

A. Offices Created By Council: The town council may create any office deemed necessary for the government of the town and provide for filling vacancies in elective and appointive offices.

B. Mayor to Appoint and Fill Vacancies: The mayor, with the advice and consent of the Town Council, may appoint and fill vacancies in all offices provided for by law or ordinance.

C. Continuation in Office: All appointed officers shall continue in office until their successors are appointed and qualified.

1A.06.102: COMPENSATIONS:

A. Specified: The monthly compensation of the town officers shall be as follow:

Mayor	\$50.00 per meeting
Council member	\$50.00 per meeting
Town treasurer	
Town clerk	As determined by Mayor and Council
Deputy clerk	
Town attorney _____	As established by contract
Planning and zoning	

B. Payment: The town clerk shall pay each elected officer after each regular Town Council meeting, upon completion of reimbursement voucher by Town Council members. The Town Clerk shall also pay all statutory officers biweekly, payable on Friday, by delivery of a check drawn on the municipal checking account.

C. Per Diem: Each member of the governing body shall receive mileage and per diem for all trips approved by the governing body according to the schedules adopted by the state and federal per diem rate.

1A.06.103: OATHS

A. Constitutional Oath Of Office: All officers; whether elected or appointed, before entering on the duties of their respective offices shall take, subscribe and file the constitutional oath of office.

B. Filing: The oath of office required under this section shall be administered by any judge, notary public or by the town clerk; elected officials shall take their oath of office at twelve o'clock (12:00) noon on the first Monday in January following their election or as soon thereafter as is practical. Appointed officers shall take their oath at any time before entering on their duties. All oaths of office shall be filed with the town clerk.

C. Acts Of Officials Not Voided: No official act of any town officer shall be invalid for the reason that he failed to take the oath of office.

1A.06.104: TOWN CLERK AND TOWN TREASURER:

A. Appointment: On or before the first Monday in February following a town election, the mayor, with the advice and consent of the town council, shall appoint a qualified person to each of the offices of town clerk and town treasurer.

B. Ex Officio Auditor: The town clerk is ex officio the town auditor and shall perform the duties of that office.

1A.06.105: DEPUTY TREASURER:

A. The treasurer, or in absence of the town treasurer, the deputy treasurer appointed by the governing body, must sign all checks prepared by the town clerk under the direction of the mayor.

B. The deputy treasurer shall assume all duties of the town treasurer in the absence of the treasurer as provided in Utah Code Annotated sections 10-5-127 and 10-6-143.

CHAPTER 7 ELECTIONS

Section

- 1A.07.101: CONDUCT
- 1A.07.102: PRIMARY ELECTION; WHEN HELD

1A.07.101: CONDUCT:

Election for mayor and council members shall be conducted according to the municipal section of Utah Code Annotated section 20A-9-404(1) and (2).

1A.07.102: PRIMARY ELECTION; WHEN HELD:

This section provides for the candidates for mayor and council members to be nominated at a primary election if required. A primary election will be held only when the number of candidates filing for an office exceeds twice the number to be elected. The candidates nominated at the primary election plus candidates that were not required to run in the primary are to be placed on the November ballot.

CHAPTER 8 PURCHASING

Section

- 1A.08.101: DEFINITIONS
- 1A.08.102: FINANCE OFFICER
- 1A.08.103: REQUISITIONS AND ESTIMATES
- 1A.08.104: PURCHASE APPROVAL REQUIREMENTS
- 1A.08.105: QUOTATION REQUIREMENTS
- 1A.08.106: EXEMPTIONS TO COMPETITIVE BIDDING REQUIREMENTS
- 1A.08.107: PROHIBITED ACTS AND ACTIVITIES

1A.08.101: DEFINITIONS:

Unless the context requires otherwise, the terms as used in this chapter, or in the rules and regulations adopted pursuant to this chapter, shall have the following meaning:

ADEQUATE APPROPRIATION BALANCES:	Sufficient fund balance which must exist in the line item appropriation of the account number against which the purchase order is charged
BIDDING:	Procedure used to solicit quotations on price and delivery from various prospective suppliers of supplies, equipments and contractual services.
CONTRACTUAL SERVICES:	Forecasts of future requirements of supplies, equipment of contractual services submitted by town departments upon request of the mayor or his designee.
LOCAL BIDDER:	A firm or individual who regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, or is licensed by or pays sales to, the town.
PUBLIC PROPERTY:	Any item of real or personal property owned by the town.
RESPONSIBLE BID:	An offer, submitted by a responsible bidder, to furnish supplies, equipment or contractual services in conformity with the

specifications, delivery terms, conditions and other requirements included in the invitation for bids.

RESPONSIBLE BIDDER:

A bidder who submits a responsible bid; a bidder who has furnished, when requested, information and data to prove that his financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of supplies, equipment or contractual services on which he bids; and a bidder who has not violated or attempted to violate any provision of this chapter.

SUPPLIES, MATERIALS:

Any and all articles or things which shall be furnished to or used by any town department.

TOWN PURCHASE ORDERS:

Official documents used in committing town funds toward the purchase of supplies, equipment and contractual services.

TOWN REQUISITIONS:

Standard forms used by departments providing detailed information as to quantity, description, estimated price, recommended supplier and signature authorization for requested purchases.

1A.08.102: FINANCE OFFICER:

The mayor is hereby appointed the finance officer of the town, and is authorized to exercise the powers conferred upon such finance officer as specified in Utah Code Annotated, as amended, as follows:

A. Authority: The mayor is hereby authorized to:

1. Approve any payroll checks prepared for an authorized town employee hired in accordance with personnel policies established by town ordinance or resolution. The amount paid to any such authorized employee shall also be in agreement to be specific salary assigned to such employee pursuant to a salary schedule adopted by the governing body or a salary amount assigned by ordinance of the town council.

2. Give final approval to all claims submitted for the payment of routine expenditures, such as utility bills, payroll related expenses, supplies and materials, which were purchased according to authorized purchasing procedures established by ordinance or resolution.

3. Give final approval to all claims submitted for capital purchases which were made pursuant to established purchasing procedures, referenced in the budget document and approved by an appropriate resolution adopted for the current fiscal year budget.

B. Restrictions: The above approval authority delegated to the mayor is hereby subject to the following restrictions:

1. No claim may be approved by the mayor which is not within the duly and legally adopted budget.

2. No claim may be approved which was not made in accordance with personnel and purchasing procedures established by ordinance or resolution.

C. Verified Claims: The above authorization shall not prevent the governing body from approving all or part of a list of verified claims, including a specific claim in an amount in excess of the stated maximum, where certified by the finance officer.

D. Pre-audit Required: The town clerk shall pre-audit all claims pursuant to state statute requirements and shall not disburse any payments without appropriate approval. Procedures shall be established whereby documented approval is obtained as authorized by this chapter.

1A.08.103: REQUISITIONS AND ESTIMATES:

All persons responsible for a department in the town shall file with the town clerk, detailed requisitions or estimates of their requirements in supplies and contractual services in such a manner, at such times and for such future periods as the mayor and/or town council shall prescribe.

1A.08.104: PURCHASE APPROVAL REQUIREMENTS:

A. Purchase up to one thousand five hundred dollars (\$1,500.00) may be authorized and must have the approval of the town clerk.

B. Purchase of up to two thousand five hundred dollars (\$2,500.00) may be authorized and must have the approval of the mayor.

C. Purchase over two thousand five hundred dollars (\$2,500.00) may be authorized and must have the approval of the town council.

1A.08.105: QUOTATION REQUIREMENTS:

A. Specified

Purchase of up to \$1000.00

No competitive price quotations are required.

Purchase from \$1000.00 to \$5000.00

Informal price quotations shall be obtained prior to purchase. It shall be the responsibility of each department to obtain said quotations. Quotations shall be recorded on an "Informal competitive price quotation record". One copy of the quotation record shall remain with the department purchasing the item and one copy shall be attached to the purchase order. At least 3 quotations should be solicited if possible.

Purchases over \$5000.00

Formal price quotations shall be obtained prior to purchase. Requests for quotations shall be submitted to the town clerk on a "request for quotation" form 10 working days prior to the order date. It shall be the responsibility of the town clerk to obtain formal price quotations from vendors. The town clerk shall deliver all quotations and other pertinent information received from vendors to the mayor. The mayor will review the quotations received and select a vendor, if the quotations received are within his authorized limits, or he will review the quotations and instruct that the item be taken to the town council for approval.

Purchases over \$10000.00

Formal sealed bids must be obtained prior to purchase. Requests for formal bids shall be submitted to the town clerk. The request must receive town council approval prior to the town clerk sending out notice for "formal invitation to bid". Sealed bids shall be submitted as designed in the notice with the statement "bid for (item)" on the envelope. Bids shall be opened in public at

the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during the regular business hours for a period of not less than 30 days after the bid opening

B. Rejection ~~Of~~ Bids: In its discretion, the town council may reject, without cause, any/all bids presented, and ~~readvertise-re-advertise~~ for bids pursuant to the procedure hereinafter prescribed.

C. Award ~~Of~~ Contracts: Except as otherwise provided herein, contracts shall be awarded by the town council to the lowest responsible bidder. In determining “lowest responsible bidder”, in addition to price, the town council shall consider:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
6. The sufficiency of the financial resources and the ability of the contract to provide the service;
7. The quality, availability and adaptability of the supplies or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

D. Award To Other Than Lowest Bidder: When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the town clerk as directed by the mayor and filed with the other papers relating to the transaction.

E. Tie Bids: If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, the town council shall re-advertise for bids unless the matter is otherwise resolved without controversy.

F. Performance Bonds: Before entering a contract, the town council shall have the authority to require a performance bond in such amount as it shall find necessary to protect the best interests of the town. The form and amount of said bond shall be described in the notice inviting bids.

1A.08.106: EXEMPTIONS TO COMPETITIVE BIDDING REQUIREMENTS:

A. Generally: Contracts which by their nature are not adapted to award by competitive bidding, such as contracts for additions to and repairs and maintenance of equipment owned by the town, which may be more efficiently added to, repaired or maintained by a certain person or firm, contract for equipment which, by reason or training of the personnel or an inventory of replacement parts maintained by the town, is compatible with the existing equipment parts maintained by the town, shall not be subject to the competitive bidding requirements of this chapter.

B. Auction, Closeout, Bankruptcy Sales: If the department head determines that supplies, materials or equipment can be purchased at any public auction, closeout sale, bankruptcy sale or similar sale, and if a majority of the town council at a regular or special meeting concurs in such determination and makes the finding that a purchase at any such auction or sale will be made at a cost below the market cost in the community, a contract or contracts may be let, or the purchase made, without complying with the competitive bidding requirements of this chapter.

C. Emergency Purchases:

1. In the case of actual emergency, the head of any department may purchase directly any supplies whose immediate procurement is essential to prevent delays in the work of the department which may virtually affect the life, health or convenience of any employee or citizen of the town.

2. The head of the department shall send to the mayor a full written report of the circumstances of the emergency. The report shall be filed with the town council as provided above.

D. Procurement of Professional Services:

The procurement of professional services shall be based upon qualifications and shall be secured on a competitive basis to the maximum practical extent except as noted below:

Amount Of Contract

Up to \$10,000.00 per fiscal year

Request For Proposals

No RFP required; competitive quotes recommended

Over \$10,000.00 in one fiscal year

Formal request for proposals

The town council shall approve all requests for proposals and approve the award of contracts for professional services exceeding ten thousand dollars (\$10,000.00) in any single fiscal year. Awards shall be made to the individual or firm whose proposal is determined to be the most

advantageous to the town, taking into consideration price and the evaluation factors set forth in the request for proposals.

1A.08.107: PROHIBITED ACTS AND ACTIVITIES:

A. Conflicts Of Interest: Elected officials, officers and employees that own a substantial interest in a business which does or anticipates doing business with the town must disclose such interest prior to discussion by the governing body.

B. Collusion Among Bidders: Any agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition, by agreement to bid a fixed price, or otherwise, shall render the bid of such bidders void.

C. Advance Disclosures: Any disclosures in advance of the opening of bids, whether in response to advertising or an informal request for bids, made or permitted by a member of the town council or a town employee, shall render void the advertisement or request for bids.

D. Gratuities: The acceptance of any gratuity in the form of cash, merchandise or any other thing of value by an official or employee of the town from any vendor, contractor or prospective vendor or contractor, shall be cause for removal or other disciplinary action.

E. Competitive Bid Required for Building Improvements:

(1) Bid Requirements: All purchases and contracts, whether by sealed bid, quotation or negotiation, shall be made on a competitive basis to the maximum practical extent, except as noted below:

<u>Amount Of Purchase</u>	<u>Bid Required</u>
Up to \$1,000.00	No bid required-competitive quotes recommended
\$1,001.00 to \$40,000.00	No bid required-competitive quotes recommended
Over \$40,000.00	Formal bid required

(2) Amounts In Excess Of Forty Thousand Dollars:

(a) If the improvement is a building improvement and the estimated cost of the improvement is in excess of forty thousand dollars (\$40,000.00), the town shall, if it determines to do the work, only do so by contract let to the lowest responsible bidder after publication of notice at least twice in a newspaper of general circulation printed and published in the town at least five (5) days prior to the opening of bids.

(b) The term "lowest responsible bidder" means any prime contractor who has bid in compliance with the invitation to bid and within the requirements of the plans and specifications for a construction project, who is the lowest bidder, who has furnished a bid bond or equivalent in money as a condition to the award of a prime contract and who furnishes a payment and performance bond as required by law.

(c) When the cost of a contemplated improvement exceeds the bid requirement sum, the job cannot be divided into smaller jobs to avoid having to bid the job.

(d) The town shall send out all bids based on the information provided by staff and shall keep a list of the date the bids were mailed and a list of the vendors to whom the bids were mailed. The town shall also receive all bids and keep a list of the date and time they were received. Whenever practical, the opening of the bids shall be made in the presence of the staff and the town clerk.

(3) Amounts Up To Forty Thousand Dollars But In Excess Of One Thousand Dollars: If the improvement is a building improvement and the estimated cost of the improvement is forty thousand dollars (\$40,000.00) or less, but in excess of one thousand dollars (\$1,000.00), the town may make the improvement without calling for bid, except as otherwise provided within this chapter.

(4) Purchases Up To One Thousand Dollars: Competitive Bid Not Required: These purchases shall be obtained by using purchase orders issued by the staff to obtain supplies and services, which have been approved as part of the budget.

(a) Written competitive bids are not required, but staff are encouraged to obtain competitive quotations.

(b) The employee receiving the supplies shall sign the delivery ticket to designate that he/she obtained the supplies or services in good condition.

F. Competitive Bid Required for Public Works Projects:

(1) Requirements: All public works projects, whether by sealed bid, quotation or negotiation, shall be made on a competitive basis to the maximum practical extent except as noted below:

Amount Of Purchase
Up to \$1,000.00

Bid Requirement
No bid required - competitive quotes required

\$1,001.00 to \$125,000.00

Informal bids required (2 if possible)

Over \$125,000.00

Formal bid required

(2) Amounts In Excess Of One Hundred Twenty Five Thousand Dollars:

(a) If the improvement is a public works project and the estimated cost of the improvement or maintenance of existing facilities is in excess of one hundred twenty five thousand dollars (\$125,000.00), the town shall, if it determines to do the work, only do so by contract let to the lowest responsible bidder after publication of notice at least twice in a newspaper of general circulation printed and published in the town at least five (5) days prior to the opening of bids. The cost shall be estimated by the town engineer.

(b) The term "lowest responsible bidder" means any prime contractor who has bid in compliance with the invitation to bid and within the requirements of the plans and specifications for a construction project, who is the low bidder, who has furnished a bid bond or equivalent in money as a condition to the award of a prime contract and who furnishes a payment and performance bond as required by law.

(c) When the cost of a contemplated improvement exceeds the bid requirement sum, the job cannot be divided into smaller jobs to avoid having to bid the job.

(d) The town shall send out all bids based on the information provided by the staff and shall keep a list of the date the bids were mailed and a list of the vendors to whom the bids were mailed. The town shall also receive all bids and keep a list of the date and time they were received. Whenever practical, the opening of the bids shall be made in the presence of the staff and the town clerk.

(3) Amounts Up To One Hundred Twenty Five Thousand Dollars, But In Excess Of One Thousand Dollars: If the improvement is a public works project and the estimated cost of the project is one hundred twenty five thousand dollars (\$125,000.00) or less, but in excess of one thousand dollars (\$1,000.00), the town may make the improvement without calling for bid, except as otherwise provided within this chapter.

(4) Purchases Up To One Thousand Dollars; Competitive Bid Not Required: These purchases shall be obtained by using purchase orders issued by the department head to obtain supplies and services, which have been approved as part of the budget.

(a) Written competitive bids are not required, but the staff are encouraged to obtain competitive quotations.

(b) The employee receiving the supplies shall sign the delivery ticket to designate that he/she obtained the supplies or services in good condition.

CHAPTER 9 RECORDS ACCESS AND MANAGEMENT

Section

1A.09.101: RECORDS ACCESS AND MANAGEMENT ACT ADOPTED BY REFERENCE

1A.09.101: RECORDS ACCESS AND MANAGEMENT ACT ADOPTED BY REFERENCE:

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Utah government records access and management act, Utah Code Annotated section 63-2-101 et seq., as amended, are hereby adopted by the town. Any and all violations thereof shall be considered violations of this chapter and each such violation shall subject the violator thereof to penalty provisions under this chapter if proceeded hereunder

CHAPTER 10 IMPACT FEES

Section

- 1A.10.101: REPORTS APPROVED AND ADOPTED
- 1A.10.102: IMPACT FEES IMPOSED
- 1A.10.103: SERVICE AREAS
- 1A.10.104: TIME OF COLLECTION
- 1A.10.105: ADJUSTMENT OF IMPACT FEES
- 1A.10.106: ACCOUNTING, EXPENDITURE AND REFUND
- 1A.10.107: ADMINISTRATIVE CHALLENGES AND APPEALS PROCEDURE
- 1A.10.108: CHALLENGE BY ARBITRATION

1A.10.101: REPORTS APPROVED AND ADOPTED:

The town council hereby approves and adopts the reports from Economic Associates of Utah, Inc., entitled "Town of Hideout Impact Fee Analysis, January 23, 2001"; and the analysis reflected therein for each of the impact fees in question.

1A.10.102: IMPACT FEES IMPOSED:

Impact fees are hereby imposed as a condition of the issuance of a building permit by the town for any development activity which creates additional demand and need for public facilities for the culinary water system and the wastewater (sewer) system as set forth in exhibit A, attached to the ordinance codified herein, and incorporated herein by this reference.

1A.10.103: SERVICE AREAS:

The entire area of the town and any areas outside the town serviced by such systems are hereby designated and established as one service area with respect to the culinary water system and the wastewater (sewer) system.

1A.10.104: TIME OF COLLECTION:

Unless otherwise provided by the town council, impact fees shall be paid to the town prior to the issuance of a building permit by the town.

1A.10.105: ADJUSTMENTS OF IMPACT FEES:

A. Authorized: The town may adjust the impact fees imposed pursuant to this chapter as necessary in order to:

1. Respond to unusual circumstances in specific cases;
2. Ensure that the impact fees are imposed fairly;
3. Permits the adjustment of the amount of the fee based upon studies and data submitted by an applicant or developer, as approved by the town council; and
4. Allow a credit against impact fees, as approved by the town council, for dedication of land for, improvement to, or new construction of, any system improvements by the applicant or developer if the facilities are identified in the town facilities or capital improvement plan, or other reasonable plans, and are required by the town as a condition of approving the development activity. No credits shall be given for project improvements as defined by the Utah impact fees act.

B. Authority of Planning Commission: The planning commission shall have the authority to make such adjustments based upon information submitted by an applicant or developer and any recommendations from other appropriate town officials or employees, including the town engineer.

C. Policies May Be Adopted: The town may adopt policies consistent with this chapter and any resolutions passed by the town council to assist in the implantation, administration and interpretation of this chapter related to municipal impact fees.

D. Appeal: If the applicant, developer, person or entity is not satisfied with the planning commission's decision, an appeal may be made to the town council under the procedures set for the in section 1A.10.107 of this chapter.

1A.10.106: ACCOUNTING, EXPENDITURE AND REFUND:

The town shall account for, expend and refund impact fees collected pursuant to this chapter in accordance with the provisions of the Utah impact fees act.

1A.10.107: ADMINISTRATIVE CHALLENGES AND APPEALS PROCEDURE:

A. Request for Information: Any person or entity required to pay an impact fee imposed by the town who believes the fee does not meet the requirements of law may file a written request for information with the town as provided by law.

B. Town Response: Within two (2) weeks of the receipt of the request for information, the town shall provide the person or entity with the written analysis required by the act and with any other relevant information relating to the impact fee.

C. Challenge Following Payment Of Fee: Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the town clerk setting forth in detail all factual and legal grounds in support of the appeal and challenge to the impact fee, and which is relied upon by the appealing party with respect to the fees challenged. Upon receipt of the written appeal, the town clerk shall forward the appeal, together with any recommendations from the town engineer, to the town council and shall schedule a public hearing before the town council on the appeal for the purpose of receiving input from all interested persons. The town council shall thereafter render its decision on the appeal no later than thirty (30) days after the date the appeal was filed with the town clerk. Any person or entity who has failed to comply with the administrative remedies established by this section, may not file or join an action challenging the validity of any impact fee.

D. District Court Review: Any person or entity who was a party to an appeal under this section who is adversely affected by the decision of the town council may petition the district court for a review of the decision within ninety (90) days of a decision upholding an impact fee by the town council or within one hundred twenty (120) days after the date the challenge to the impact fee was filed, whichever is earlier. The petition for review of the decision shall be filed in the first district court for Wasatch County.

E. Records Transferred To Court: In the event a petition is filed with the district court, the town shall transmit to the reviewing court the record of its proceedings, including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.

F. Transcripts: If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for the purposes of subsections E of this section.

G. Court Review: If there is a record:

1. The district court's review is limited to the record provided by the town; and
2. The district court may not accept or consider any evidence outside the town's record unless that evidence was offered to the town and the court determines that it was improperly excluded by the town.

H. Inadequate Record: If there is an inadequate record, the court may call witnesses and take evidence.

I. Affirmation of Town Decision: The district court shall affirm the decision of the town if the decision is supported by substantial evidence in the record.

1A.10.108: CHALLENGE BY ARBITRATION:

A. Request for Arbitration: Each person or entity intending to challenge an impact fee under section 1A.10.107 of this chapter shall file a written request for arbitration with the town within thirty (30) days.

B. Selection of Panel: If a person or entity files a written request for arbitration under subsection A of this section, an arbitrator or arbitration panel shall be selected as follows:

1. The town and the person or entity filling the request may agree on a single arbitrator within ten (10) days after the day the request for arbitration is filed; or

2. If a single arbitrator is not agreed to in accordance with subsection B1 of this section, an arbitration panel shall be created with the following members:

a. Each party shall select an arbitrator within twenty (20) days after the day the request is filed; and

b. The arbitrators selected under subsection B2a of this section shall select a third arbitrator.

C. Hearing: The arbitration panel shall hold a hearing on the challenge within thirty (30) days after the date:

1. The single arbitrator is agreed upon under subsection B1 of this section; or

2. The two (2) arbitrators are selected under subsection B1a of this section.

D. Decision: The arbitrator or arbitration panel shall issue a decision in writing within ten (10) days from the date the hearing under subsection C. of this section is completed.

E. State Statute Applicability: Except as provided in this section, each arbitration shall be governed by Utah Code Annotated title 78, chapter 31a, the Utah arbitration act.

F. Types of Arbitration: The parties may agree to:

1. Binding arbitration

2. Formal, nonbinding arbitration; or

3. Informal, nonbinding arbitration.

G. Binding Arbitration: If the parties agree in writing to binding arbitration:

1. The arbitration shall be binding;

2. The decision of the arbitration panel shall be final;

3. Neither party may appeal the decision of the arbitration panel; and

4. Notwithstanding subsection J of this section, the person or entity challenging the impact fee may not also challenge the impact fee under section 1A.10.107 of this chapter, nor under Utah Code annotated section 11-36-401(1), (4)(i) or (4)(iii).

H. Formal, Nonbinding Arbitration:

1. Except as provided in subsection H2 of this section, if the parties agree to formal, nonbinding arbitration, the arbitration shall be governed by the provisions of Utah Code Annotated title 63, chapter 46b, administrative procedures act.

2. For purposes of applying Utah Code Annotated title 63, chapter 46b, administrative procedures act, to formal, nonbinding arbitration under this section, notwithstanding Utah Code Annotated section 63-46b-20, "agency" means Town of Hideout.

I. Appeal from Informal, Nonbinding Arbitration:

1. An appeal from a decision in an informal, nonbinding arbitration may be filed with the first district court.

2. Each appeal under subsection I1 of this section shall be filed within thirty (30) days after the date the arbitration panel issues a decision under subsection D of this section.

3. The district court shall consider de novo each appeal filed under this subsection.

4. Notwithstanding subsection J of this section, a person or entity that files an appeal under this subsection may not also challenge the impact fee under section 1A.10.107 of this chapter nor under Utah Code Annotated section 11-36-401(1), (4)(i) or (4)(iii).

J. Exceptions:

1. Except as provided in subsections G4 and I4 of this section, this section may not be construed to prohibit a person or entity from challenging an impact fee as provided under subsection 1A.10.107 A of this chapter, or Utah Code Annotated section 11-36-401(1), (4)(i) or (4)(iii).

2. The filing of a written request for arbitration within thirty (30) days tolls all time limitations under 1A.10.107 of this chapter until the date the arbitration panel issues a decision.

K. Costs: The person or entity filing a request for arbitration and the town shall equally share all costs of an arbitration proceeding under this section.

CHAPTER 11

CONSTITUTIONAL TAKING ISSUES

Section

- 1A.11.101: POLICY CONSIDERATIONS
- 1A.11.102: DEFINITION OF CONSTITUTIONAL TAKING
- 1A.11.103: GUIDELINES ADVISORY
- 1A.11.104: REVIEW OF DECISION
- 1A.11.105: REVIEWING GUIDELINES
- 1A.11.106: RESULTS OF REVIEW

1A.11.101: POLICY CONSIDERATIONS:

There is an underlying policy in the town, strongly favoring the careful consideration of matters involving constitutional taking claims, in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending lawsuits alleging such issues. At the same time, the legitimate role of government in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a constitutional taking. These provisions are to assist governments in considering decisions that may involve constitutional takings. It is intended that a procedure for such a review is to be provided, as well as guidelines for such considerations. This chapter is further intended and shall be construed to provide objectively and fairly, review of claims by citizens compensation, yet preserve the ability of the town to lawfully regulate real property and fulfill its other duties and functions.

1A.11.102: DEFINITION OF CONSTITUTIONAL TAKING:

A. Constitutional taking means actions by the town involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

1. The fifth or fourteenth amendment to the constitution of the United States;
2. Article 1, section 22, of the Utah constitution;
3. Any court ruling governing the physical taking or exaction of private real property by a government entity.

B. Actions by the town involving the physical taking or exaction of private real property is not a constitutional taking if it:

1. Bears an essential nexus to a legitimate governmental interest; and
2. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

1A.11.103: GUIDELINES ADVISORY:

The guidelines adopted and decisions rendered pursuant to the provisions of this chapter are advisory, and shall not be construed to expand or limit the scope of the town's ability for a constitutional taking. The reviewing body or person shall not be required to make any determination under this chapter, except pursuant to section 1A.11.104 of this chapter.

1A.11.104: REVIEW OF DECISION:

Any owner of private real property who claims there has been a constitutional taking of their private real property shall request a review of a final decision of any officer, employee, board, commission or council. The following are specific procedures established for such a review:

A. Final Determination Required: The person requesting a review must have obtained a final and authoritative determination, internally, within the town, relative to the decision from which they are requesting review.

B. Request for Review: Within thirty (30) days from the date of the final decision that gave rise to the concern that a constitutional taking has occurred, the person requesting the review shall file in writing, in the office of the town clerk, a request for review of that decision. A copy shall also be filed with the town attorney.

C. Review Time Set: The town, or an individual or body designated by the town, shall immediately set a time to review the decision that gave rise to the constitutional takings claim.

D. Required Information; Materials: In addition to the written request for review, the applicant must submit prior to the date of the review, the following:

1. Name of the applicant requesting review;
2. Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for profit or not for profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership or joint venture, name and address of all principal shareholders or partners;
3. A detailed description of the grounds for the claim that there has been a constitutional taking;

4. A detailed description of the property taken;
5. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged constitutional taking, the name of the party from whom purchased, including the relationship if any, between the person requesting a review and the party from whom the property was acquired;
6. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;
7. Terms (including sales price) of any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of application;
8. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application;
9. The assessed value of and ad valorem taxes on the property for the previous three (3) years;
10. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including, but not limited to, right of purchasers to assume the loan;
11. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three (3) years;
12. All studies commissioned by the petitioner or agents of the petitioner within the previous three (3) years concerning feasibility of development or utilization of the property;
13. For income producing property, itemized income and expense statements from the property for the previous three (3) years;
14. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
15. The town or their designee may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.

E. Certification of Application: An application shall not be deemed to be "complete" or "submitted" until the reviewing body/official certifies to the applicant that all the materials and information required above have been received by the town. The reviewing body/official shall promptly notify the applicant of any incomplete application.

F. Evidence Considered: The town, or an individual or body designated by them, shall hear all the evidence related to and submitted by the applicant, town or any other interested party.

G. Approval, Rejection; Time Limit: A final decision on the review shall be rendered within fourteen (14) days from the date the complete application for review has been received by the town. The decision of the town regarding the results of the review shall be given in writing to the applicant and the office, employee, board, commission or council that rendered the final decision that gave rise to the constitutional takings claim.

H. Failure to Review: If the town council fails to hear and decide the review within fourteen (14) days, the decision appealed from shall be presumed to be approved.

1A.11.105: REVIEWING GUIDELINES:

The town shall review the facts and information presented by the applicant to determine whether or not the action by the town constitutes a "constitutional taking", as defined in this chapter. In doing so, they shall consider:

A. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.

B. Whether a legitimate governmental interest exists for the action taken by the town.

C. Is the property and exaction taken roughly proportionate and reasonably related, on an individual property basis, both in nature and extent to the impact caused by the activities that are the subject of the decision being reviewed.

1A.11.106: RESULTS OF REVIEW:

After completing the review, the reviewing person/body shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the constitutional taking claim.

CHAPTER 12 CODE ENFORCEMENT

Section

- 1A.12.101: POWER AND AUTHORITY OF OFFICIALS
- 1A.12.102: NOTICE OF VIOLATION
- 1A.12.103: FAILURE TO RESPOND

1A.12.101: POWER AND AUTHORITY OF OFFICIALS:

The town building inspector, enforcement officer and other town law enforcement personnel, including, but not limited to, the Wasatch County sheriff's department and Wasatch County animal control (enforcing officer), Hideout Town police officer and any person authorized by the mayor and town council to enforce the town's ordinances, are hereafter empowered and authorized to issue a notice of violation in a form approved by the town attorney. The enforcement officer and Wasatch County sheriff's office are hereby authorized to enforce all ordinances of the Town of Hideout. Except that the enforcement officer is not authorized to enforce provisions of the state traffic code, criminal code, or building or fire codes.

1A.12.102: NOTICE OF VIOLATION:

A. Issuance: The enforcement officer may set down on the notice the reason for which the notice is issued, which should give the person or entity receiving the notice a reasonable time in which to rectify the perceived violation.

B. Not Mandatory: The issuance of a notice as provided for in this section is in addition to, and not in lieu of, any other methods or procedures currently in place for prosecuting violations of town ordinances and the issuance of such notice is not and shall not be considered mandatory or a prerequisite for otherwise finding a violation of a town ordinance.

1A.12.103: FAILURE TO RESPOND:

If a person or entity receiving a notice as described in this chapter does not respond and rectify the perceived violation within the time permitted by the notice, then and in that event, such failure shall be considered a violation of this chapter.

CHAPTER 13 CAMPAIGN FINANCE

Section

- 1.13.101: SCOPE
- 1.13.102: DEFINITIONS
- 1.13.103: FILING OF DISCLOSURE REPORTS
- 1.13.104: TIME OF FILING
- 1.13.105: CONTENTS OF STATEMENTS
- 1.13.106: PUBLIC INFORMATION
- 1.13.107: PENALTY

1.13.101: SCOPE:

All candidates for elective municipal office shall comply with the following campaign disclosure requirements.

1.13.102: DEFINITIONS:

The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

CANDIDATE:

Any person who files a declaration of candidacy for an elective office of the town; or is nominated by a committee or party; or received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nominations or election to such office; or causes on his behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates an intention to seek such office.

CONTRIBUTION:

Monetary and non-monetary contributions such as in-kind contributions and contributions of tangible things, but shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate.

ELECTION: Both primary and general elections.

EXPENDITURE: A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate.

1.13.103: FILING OF DISCLOSURE REPORTS:

Each candidate for elective offices shall file with the town clerk dated, signed, and sworn financial reports, which comply with this chapter.

1.13.104: TIME OF FILING:

The reports required by this chapter shall be filed at least once seven (7) days before the primary and general municipal election, and at least once thirty (30) days after the municipal election.

1.13.105: CONTENTS OF STATEMENTS:

A. The statement filed seven (7) days before the election shall include:

1. A list of each contribution of more than fifty dollars (\$50.00) received by the candidate, and the name of the donor;
2. An aggregate total of all contributions of fifty dollars (\$50.00) or less received by the candidate; and
3. A list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

B. The statement filed thirty (30) days after the elections shall include:

1. A list of each contribution of more than fifty dollars (\$50.00) received after the cutoff date for the statement filed seven (7) days before the election, and the name of the donor;
2. An aggregate total of all contributions of fifty dollars (\$50.00) or less received by the candidate after the cutoff date for the statement filed seven (7) days before the elections; and
3. A list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven (7) days before the election, and the recipient of each expenditure.

1.13.106: PUBLIC INFORMATION:

The statements required by this chapter shall be public documents and shall be available for public inspection and copying during all regular town business hours.

1.13.107: PENALTY:

Any candidate who fails to comply with this chapter is guilty of an infraction.