

**CHAPTER 4
ORDINANCES & RESOLUTIONS
Chapter Outline**

ORDINANCES:

1.	Definition.....	1
2.	Purpose of Ordinances	1
3.	Types of Ordinances	1
4.	Ordinance Preparation	1
5.	Ordinance Format	1, 2
6.	Passage (Adoption) of Ordinances	2
7.	Public Hearings Required – When	2
8.	Roll Call Vote Required	2
9.	Ordinance Numbering, Recording, Certification.....	3
10.	Ordinance Signatures.....	3
11.	Effective Date	3
12.	Publication of Ordinances.....	3
	A. Publication	
	B. Posting	
	C. Publication/posting exemptions	
13.	Publication Responsibility	4
14.	Amendments or Repeals	4
15.	Codification	4
	A. Codification	
	B. Compilation	

RESOLUTIONS:

1. Definition of Resolution 5

2. Purpose of Resolutions 5

3. Types of Resolutions 5

4. Resolution Preparation..... 5

5. Resolution Format 5, 6

6. Passage of Resolutions 6

7. Public Hearing 6

8. Roll Call Vote 6

9. Numbering, Recording, Certification 6

10. Resolution Signatures 6

11. Effective Date 7

12. Resolution Publication..... 7

13. Publication Responsibility 7

14. Amendments or Repeals 7

SAMPLE FORMS - SEE APPENDIX AT THE END OF THIS CHAPTER:

A. General Ordinance – Holladay 9,10

B. Administrative Resolution – Centerville 11

C. Budget Resolution – Centerville 13

D. Ordinance – Orem..... 15, 16

E. Budget Ordinance - Holladay 17 - 19

F. Resolution – Orem..... 21, 22

G. Honorary Resolution - Orem 23

H. Proclamation - Orem..... 25

**CHAPTER 4
ORDINANCES AND RESOLUTIONS
ORDINANCES**

1. DEFINITION

An ordinance is defined as a local law created by legislative action of a municipality.

2. PURPOSE

The governing body may pass ordinances to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by statute. Municipalities may not exercise any powers without ordinances, except where permitted by state law. State law authorizes municipalities to conduct municipal elections and imposes certain duties on the statutory offices of the municipality. Police officers are charged to enforce state laws. If a municipality does not have ordinances, it cannot collect revenues or make expenditures. Salaries of statutory officers must be set by ordinance, and other positions must be created by ordinance. (10-3-701 et seq. UCA)

3. TYPES OF ORDINANCES

There are three types of ordinances:

General ordinances. General ordinances regulate the conduct of people or certain groups, and usually contain penalties.

Examples: traffic ordinances, health ordinances, administrative ordinances, and public offense ordinances

Special ordinances. Special ordinances are passed for a single special purpose. As soon as they take effect, their purpose has been accomplished.

Examples: ordinance calling for a special election, ordinance establishing a special improvement district.

Budget ordinances. Budget ordinances adopt the budget for a municipality. The budget may also be adopted by resolution (see Section 4.2). Amendments to the budget, or budget openings, are done by ordinance if the budget was adopted by ordinance. In Utah, the tax rate may be imposed by ordinance or resolution.

4. ORDINANCE PREPARATION

Depending on procedures set out by individual cities, ordinances may be prepared by a variety of offices, depending on the subject, or by the city recorder or city attorney. If they are prepared in an office other than the city attorney's office, it is an important safeguard to have the city attorney review final drafts before presentation to the city council for adoption.

5. ORDINANCE FORMAT

All ordinances must be in written form prior to passage. The written form of an ordinance should substantially be the following:

- a. A number.
- b. A title which indicates the nature of the subject matter of the ordinance.
- c. A preamble which states the need or reason for the ordinance. Sometimes the drafter of an ordinance feels an explanation of the need or reason for the ordinance is advisable. This can be inserted between the title and the ordaining clause. Another option is to place

the explanation for need in the first section of the ordinance in lieu of a preamble, and this section is designated a legislative finding.

- d. An ordaining clause which states, "be it ordained (or resolved) by the (name of the governing body and municipality)." This is the same for all municipalities regardless of the class or type of government.
- e. The body or subject of the ordinance. The subject matter of an ordinance is stated in sections, referred to as the body of the ordinance. An ordinance should not contain more than one subject. Usually, but not always, a paragraph constitutes a section. It is better practice to keep the sections short and to have more numbered sections. Sometimes a headnote indicating the content of the section is placed at the beginning of each section. This is not required, but is helpful to readers and is advisable in codes or revisions.
- f. When applicable, a statement indicating the penalty for violation of the ordinance. If the ordinance is a penal ordinance, the penalty is usually in a separate section at the end of the ordinance; however, several sections may have penalties of their own. An ordinance which requires a standard of conduct, but has no penalty for violating a standard either in the body of the ordinance or by reference to the general penalty section elsewhere, is not an enforceable criminal ordinance.
- g. A statement indicating the effective date of the ordinance or when the ordinance shall become effective.
- h. A place for the signature of the Mayor or Acting Mayor or Council Chair (depending on the city's form of government).
- i. A place for the municipal recorder to attest to the signature of the Mayor or Acting Mayor or Council Chair.

It is recommended ordinances be typed on regular 8-1/2" x 11" paper rather than legal size paper, as it is easier to store and find binders for.

6. **PASSAGE OF ORDINANCES**

No ordinance may be adopted by a municipality except in an open and public meeting held pursuant to the provisions of the Utah Open and Public Meetings Act. (52-4 et seq UCA)

7. **PUBLIC HEARING**

Most ordinances do not require public hearings prior to their adoption, and may be introduced, considered and passed at the same meeting. The exceptions to this general rule include:

- »»> Ordinances adopting salary schedules for elected officers and officials which require a public hearing upon seven (7) days notice.
- »»> Ordinances adopting a tax levy or budget which requires a public hearing of at least 48 hours in towns and seven (7) days in cities.
- »»> Land use ordinances which generally require a minimum of 14 days notice of the public hearing.

See *Public Notices/Filings* chapter of the handbook for specific noticing requirements and time frames.

8. **ROLL CALL VOTE REQUIRED**

The law requires a roll call vote on all ordinances. Ordinances must be in writing before the vote is taken. An ordinance written in shorthand, long-hand or typewritten fully complies with the law. An outline, summary or partial writing does not comply. An actual majority of the total membership of the governing body is necessary to pass an ordinance.

9. **NUMBERING, RECORDING, CERTIFICATION**

Ordinances must be recorded before taking effect. The City Recorder gives each ordinance a number, if the governing body has not already done so. Following each ordinance or codification of the ordinances, the Recorder is to make or prepare a certificate stating the date of passage and of posting or publication of the ordinance. The contents of an ordinance, date of passage, and dates of publication or posting may be proven by the certification of the Recorder under the seal of the municipality.

10. **ORDINANCE SIGNATURES**


Ordinances are to be signed by the mayor (mayor pro tem if the mayor is absent), or by a quorum of the governing body. Only when the mayor or mayor pro tem refuses to sign the ordinance are the signatures of the council members required. The City Recorder must attest the ordinance and affix the city seal. In municipalities where the mayor may disapprove (veto) an ordinance, the ordinance should indicate whether the mayor approved or disapproved. If passed over the disapproval of the mayor, the ordinance should so indicate. If the ordinance is passed over the mayor's disapproval, in place of the line starting with "Approved," the sentence is replaced with "Passed over the mayor's disapproval." As to ordinances neither approved nor disapproved by the mayor within the 15 day period provided by law, the statement is "Effective without the approval or disapproval of the mayor."

11. **EFFECTIVE DATE**

An ordinance which does not have an effective date, shall become effective 20 days after publication or posting, or 30 days after final passage, whichever is sooner. Ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance.

12. **ORDINANCE PUBLICATION/POSTING**

Municipalities must publish a short summary of an ordinance or post copies of the complete ordinance.

- A. **Publication.** Municipalities must publish  a newspaper of general circulation in the municipality. To be "published" in a municipality, it is not necessary that the newspaper be printed in the municipality. It is published in the municipality if the masthead states that it is publishing in the municipality.
- B. **Posting.** If no newspaper of general circulation is published in the municipality, then three copies of the ordinance must be posted in public places, such as the post office, church bulletin boards, telephone poles, gas stations, grocery stores, and the city hall for all municipalities except a city of the first class which must post in nine public places. Posting must be within the municipality. There is no minimum time for which an ordinance must be posted. It is sufficient that the officials of the municipality not remove the ordinances before the public has had a reasonable opportunity to read the ordinances.
- C. **Publication/posting exemptions.** State law permits municipalities to adopt ordinances, codes of books relating to building, safety standards, municipal functions, controls or regulations by reference. Where a code, ordinance or book is adopted by reference, only the adopting ordinance needs to be published or posted. Cities or towns must have at least one copy of the code, ordinance or book on file for use and examination by the public.

13. **PUBLICATION RESPONSIBILITY**

The City Recorder is responsible for posting ordinances at public places or seeing that such materials are delivered to the proper newspaper for publication. The City Recorder should also make sure the proper certificate of publication is obtained from the newspaper for each legal publication (proof of publication), and that such certifications are on file for possible future use.

14. **ORDINANCE AMENDMENTS OR REPEALS**

An ordinance can only be amended or repealed by ordinance. An ordinance which amends another ordinance should state the entire section being amended. An amending ordinance should not merely state that a sentence is added or that a word is changed in a particular line of a sentence. In such a case, the entire section should be stated with the sentence added and the word changed.

15. **CODIFICATION/COMPILATION**

Municipalities may revise, codify, compile and publish in book, pamphlet or looseleaf form all ordinances of a general and permanent character. While the terms "compilation" and "codification" are frequently used synonymously, they are not interchangeable. These terms both described a synthesis and reorganization of all unrepealed ordinances of a city and have much in common. Compilation and codification should be considered as successive phases of the process of organizing the city's laws. Compilation makes the city's laws more accessible -- codification makes them more understandable.

- A. **Codification.** *Codification* entails restatement and revisions (without substantive change) of the text of the city's ordinances, and repeal of duplicating, obsolete and invalid ordinances and portions of ordinances. Most importantly of all, a codification requires enactment as the law of the city, which is referred to as the Municipal Code. Municipalities may also change, alter, modify, add and substitute ordinances as deemed necessary to update the Municipal Code. Codifications may be arranged in any order the governing body decides. Codifications may exclude such things as the title of an ordinance, the enacting clauses, the signature of the mayor, attestations, and other formal parts.

- B. **Compilation.** *Compilation* pulls together, organizes and indexes a city's ordinances, but does not change them. No legislative action by the council is required for a compilation.

RESOLUTIONS

1. DEFINITION

A document used to exercise administrative functions.

2. PURPOSE

Municipalities may provide that items established in ordinances which are subject to change, such as a service charge or fee, may be established by resolution. The governing body may pass resolutions to establish water and sewer rates, charges for garbage collection, adopting personnel policies, or establish guidelines regulating the use of municipal property. (10-3-701 et seq. UCA)

3. TYPES OF RESOLUTIONS

There are two types of resolutions:

- A. **Administrative Resolutions.** There are resolutions which deal with administrative functions, such as setting fees.
- B. **Honorary Resolution.** Resolutions which are used to honor people or entities for outstanding service or accomplishments. (This can also be done by proclamation – see sample.)

4. RESOLUTION PREPARATION RESPONSIBILITY

Depending on procedures set out by individual cities, resolutions may be prepared by a variety of offices, depending on the subject, or by the city recorder or city attorney. If they are prepared in an office other than the city attorney's office, it is an important safeguard to have the city attorney review final drafts before presentation to the city council for adoption.

5. RESOLUTION FORMAT

All resolutions must be in written form prior to their passage. The written form of a resolution should substantially be the following:

- A. A number.
- B. A title which indicates the nature of the subject matter of the resolution.
- B. A preamble which states the need or reason for the resolution. Sometimes the drafter of a resolution feels an explanation of the need or reason for the resolution is advisable. This can be inserted between the title and the ordaining clause. Another option is to place the explanation for need in the first section of the resolution in lieu of a preamble, and this section is designated a legislative finding.
- C. An ordaining clause which states, "be it ordained (or resolved) by the (name of the governing body and municipality)." This is the same for all municipalities regardless of the class or type of government.
- D. The body or subject of the resolution. The subject matter of a resolution is stated in sections, referred to as the body of the resolution. A resolution should not contain more than one subject. Usually, but not always, a paragraph constitutes a section. It is better practice to keep the sections short and to have more numbered sections. Sometimes a headnote indicating the content of the section is placed at the beginning of each section. This is not required, but is helpful to readers.
- E. When applicable, a statement indicating the penalty for violation of the resolution.

- F. A statement indicating the effective date of the resolution or when the resolution shall become effective.
- G. A place for the signature of the Mayor or Acting Mayor or Council Chair (depending on the city's form of government).
- H. A place for the municipal recorder to attest to the signature of the Mayor or Acting Mayor or Council Chair.

It is recommended resolutions be typed on regular 8-1/2" x 11" paper rather than legal size paper, as it is easier to store and find binders for.

6. PASSAGE OF RESOLUTIONS

No resolution may be adopted by a municipality except in an open and public meeting held pursuant to the Utah Open and Public Meetings Act. (52-4 et seq. UCA)

7. PUBLIC HEARING

Most resolutions do not require public hearings prior to their adoption, and may be introduced, considered and passed at the same meeting. The exceptions to this general rule include:

- »> Resolutions adopting a tax levy or budget which requires a public hearing of at least 48 hours in towns and seven (7) days in cities.

If there is not a specific state statute requiring a public hearing prior to the passage of a resolution, then no public hearing is required. See Public Noticing/Filings Chapter of handbook for specific noticing requirements and time frames.

8. ROLL CALL VOTE REQUIRED

The law requires a roll call vote on all resolutions. Resolutions must be in writing before the vote is taken. A resolution written in shorthand, long-hand or typewritten fully complies with the law. An outline, summary or partial writing does not comply. An actual majority of the total membership of the governing body is necessary to pass a resolution. The only exception to the roll call requirement is for an honorary resolution.

9. NUMBERING & RECORDING

Resolutions must be recorded before taking effect. Recording is when the City Recorder records in a book, used for that purpose, all resolutions passed by the governing body. The City Recorder gives each resolution a number, if the governing body has not already done so.

10. RESOLUTION SIGNATURES

Resolutions are to be signed by the mayor (mayor pro tem if the mayor is absent), or by a quorum of the governing body. Only where the mayor or mayor pro tem refuse to sign are the signatures of the council members required. The City Recorder must attest the resolution and affix the city seal. In municipalities where the mayor is not a part of the City Council, the resolution is signed by the Council Chair or President.

11. EFFECTIVE DATE

Resolutions may become effective without publication or posting and may take effect on passage or up to three months after passage.

12. RESOLUTION PUBLICATION

Resolutions are less formal than ordinances and need not be published. The only exception would be the tax levy or budget resolutions, which may or may not be published.

13. PUBLICATION RESPONSIBILITY

The City Recorder is responsible for posting budget or tax levy resolutions at public places or seeing that such materials are delivered to the proper newspaper for publication if so directed. The City Recorder should also make sure the proper certification of publication is obtained from the newspaper for each legal publication (proof of publication), and that such certifications are on file for possible future use.

14. RESOLUTION AMENDMENTS OR REPEALS

A resolution can only be amended or repealed by resolution. A resolution which amends another resolution should state the entire section being amended. An amending resolution should not merely state that a sentence is added or that a word is changed in a particular line of a sentence. In such a case, the entire section should be stated with the sentence added or word changed.

SAMPLE FORMS - SEE APPENDIX

- A. General Ordinance – Holladay
- B. Administrative Resolution – Centerville
- C. Budget Resolution – Centerville
- D. Ordinance – Orem
- E. Budget Ordinance – Holladay
- F. Resolution – Orem
- G. Honorary Resolution – Orem
- H. Proclamation – Orem

[The page intentionally left blank.]

GENERAL ORDINANCE

CITY OF HOLLADAY

ORDINANCE NO. 05-10.

An Ordinance Amending Title 13 of the Code of Ordinance of the City of Holladay by enacting a new Chapter to be known as Chapter 13.63 Pertaining to Limited Use Zone.

WHEREAS, the Planning commission of the City of Holladay (the “*Commission*”) has recommended that a new zoning chapter pertaining to Limited Use Zone; and

WHEREAS, a public hearing was held on April 19, 2005 to receive public input and comment regarding the proposed new text pertaining to Limited Use Zone; and

WHEREAS, no adverse comments were received during said hearing; and

WHEREAS, the Municipal Council of the City of Holladay (the “*Council*”) held a public hearing on May 19, 2005 to consider said recommendations;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah, as follows:

SECTION I

That a new Chapter to be known as Chapter 13.63 pertaining to Limited Use Zone be enacted to read as follows:

Section 13.63.01 Purpose of Provisions.

The general purpose of the Limited Use Zone is to allow a certain use to be permitted. This will allow expansion and redeveloping of the traditional use. However, when the use is discontinued a different new use may not be compatible with the general area and thus will not be permitted. In a traditional zoning district (zone) there are usually a number of permitted or conditional uses listed as acceptable. There are times when only one type of use is desirable. It is the intent of the City to protect uses and assure that they are legal and do not risk any label of being non-conforming. Thus, the Limited Use Zone will accomplish that intent.

Section 13.63.02 Permitted Uses.

Restaurants with and without a liquor license. Site plan review is required.

SECTION II

This ordinance shall become effective upon signing and its first publication.

PASSED AND APPROVED this _____ day of _____, 2005.

HOLLADAY CITY COUNCIL

By: _____
Dennis R. Webb, Mayor

[SEAL]

VOTING:

Hugo Diederich	Yea ___ Nay ___
Grant Orton	Yea ___ Nay ___
Lynn Pace	Yea ___ Nay ___
Steven R. Peterson	Yea ___ Nay ___
Sandy Thackeray	Yea ___ Nay ___
Dennis R. Webb	Yea ___ Nay ___

ATTEST:

Stephanie N. Carlson, CMC
City Recorder

DEPOSITED in the office of the City Recorder this _____ day of _____, 2005.

RECORDED this _____ day of _____, 2005.

ADMINISTRATIVE RESOLUTION

RESOLUTION NO. 2004-14

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT PROVIDING FOR 911 DISPATCH SERVICE.

WHEREAS, the City is authorized by law to provide emergency telephone service for the protection of its citizens and to enter into an Interlocal Agreement with other public entities to provide such service on a joint cooperative basis; and

WHEREAS, the City has in the past entered into an Interlocal Agreement with Davis County to provide emergency telephone service; and

WHEREAS, the City believes that the furnishing of emergency telephone service through the County's telephone system will be more economical and effective than through individual effort of the City or any other method available.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CENTERVILLE, UTAH, AS FOLLOWS:

Section 1. Authorization. That the Interlocal Agreement hereto attached between Davis County and Centerville City for 911 dispatch service within Centerville City to its citizens is hereby approved and the Mayor and City Recorder are authorized to execute said Interlocal Agreement and any other documents necessary and proper to accomplish the purposes of this Resolution.

Section 2. Severability. If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3. Effective Date. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2004.

CENTERVILLE CITY

By _____
Michael L. Deamer, Mayor

ATTEST:

Marilyn Holje, City Recorder

[This page intentionally left blank.]

BUDGET RESOLUTION

RESOLUTION NO. 2003-14

A RESOLUTION ADOPTING THE FISCAL YEAR 2003-2004 BUDGET OF FUNDS AND ACCOUNTS FOR CENTERVILLE CITY, UTAH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the Uniform Fiscal Procedures Act for Utah Cities, the City has heretofore adopted a tentative budget setting forth revenues and expenditures for the fiscal year ending June 30, 2004; and

WHEREAS, in accordance with law a public hearing has been held on the proposed tentative budget and comments received relating thereto;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. Adoption. That the Fiscal Year 2003-2004 Budget be hereby adopted, including all funds and accounts as shown in the budget format attached and dated June 17, 2003.

Section 2. Effective Date. This Resolution shall become effective as of July 1, 2003.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH on this 17th day of June, 2003.

CENTERVILLE CITY

By: _____
Mayor

ATTEST:

City Recorder

I hereby certify that the above Resolution is a true and accurate copy, including all attachments, of the Resolution passed by the City Council on the 17th day of June, 2003.

Marilyn Holje, City Recorder

(This page intentionally left blank)

AN ORDINANCE AMENDING SECTION 2-25-5 OF
THE OREM CITY CODE TO ALLOW FOR THE
INITIAL TERM OF THE CULTURAL ARTS
ADVISORY COMMISSION

WHEREAS, THE Orem City Council recently enacted Article 2-25 of the City Code, which established the Cultural Arts Advisory Commission; and

WHEREAS, the original ordinance called for a membership of seven individuals to serve on the commission; and

WHEREAS, the City Council amended the membership provision of the ordinance in order to allow thirteen members on the commission, so that there will be representation of a wider range of citizens and interests;

WHEREAS, the City Council now desires to amend the initial term limits to reflect the additional members;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council hereby amends Section 2-25-5 of the Orem City Code to read as follows:

2-25-5. Term of Office.

A. The term of office for each member of the Arts Commission shall be four (4) years. The term of office of the initial members of the Commission shall be staggered so that five (5) members are in office for four (4) years, four (4) members are in office for three (3) years, and four (4) members are in office for two (2) years.

2. All resolutions, ordinances, and policies in conflict herewith, either in whole or in part, are hereby repealed.

3. This ordinance shall become effective immediately upon publication or posting as set forth by State law.

PASSED AND APPROVED this **24th** day of **February** 2004.

Jerry C. Washburn, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

Les Campbell

Dean Dickerson

Douglas R. Forsyth

Karen A. McCandless

Stephen E. Sandstrom

Shiree Thurston

Jerry C. Washburn

COUNCIL MEMBERS VOTING "NAY"

CITY OF HOLLADAY

ORDINANCE NO. 05-15

AN ORDINANCE ADOPTING A FINAL BUDGET; MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF HOLLADAY FOR THE FISCAL YEAR BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006.

WHEREAS, the City Manager of the City of Holladay, as required by law, submitted to the Holladay City Council a tentative budget including all supporting schedules and data (herein the "*Tentative Budget*") on May 5, 2005 for the fiscal year beginning July 1, 2005 and ending June 30, 2006; and

WHEREAS, the Tentative Budget was tentatively adopted by the City Council on May 5, 2005; and

WHEREAS, pursuant to law, a copy of the Tentative Budget was placed on record in the City Recorder's Office for inspection by the general public during normal office hours, at least ten days prior to its final adoption; and

WHEREAS, pursuant to law, a public hearing to receive public comment and consider adoption of a final budget which includes the general fund, capital improvements, and debt service (herein the "*Budget*") was held on June 2, 2005 at 6:00 p.m. in the City Council Chambers located at 4707 South Holladay Boulevard, Holladay, Utah; and

WHEREAS, pursuant to law, the date, time, and place of the public hearing, the right of citizens to be heard, the location of the City Recorder's Office where the Tentative Budget was available for public inspection, was published in at least one issue of a newspaper of general circulation published within Salt Lake County at least seven days prior to said public hearing; and

WHEREAS, all interested persons in attendance at the public hearing were given an opportunity to be heard, for or against, the estimate of revenues and expenditures or any item thereof in the Tentative Budget; and

WHEREAS, pursuant to law, the Holladay City Council, at a regularly scheduled meeting of the City Council, must adopt a final budget and set the property tax levy on or before the 22nd day of June of each year if there is no increase in the certified tax rate; and

WHEREAS, pursuant to law, the City has published the necessary notice and held the public hearings required prior to adopting the proposed property tax rate and setting the property tax levy; and

WHEREAS, it is the intent and desire of the City of Holladay to comply with all applicable State and local laws regarding the adoption of the Budget; and

WHEREAS, the Holladay City Council finds that it is in the best interests of the citizens of the City of Holladay to adopt a final budget for the City.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah as follows:

**SECTION I
BUDGET ADOPTION**

A. The budgeted amounts shown in EXHIBIT A, City of Holladay 2005/2006 Budgets, for the general fund, capital improvements and debt service attached hereto and by this reference incorporated herein, are hereby appropriated for the corporate purposes and objects of the City of Holladay, Utah for the fiscal year commencing July 1, 2005, and ending June 30, 2006, and are hereby adopted as the Budget of the City of Holladay, Utah for the fiscal year 2005-06.

B. Pursuant to law, a copy of the Budget for each fund within the Budget shall be certified by the City Manager as the "Budget Officer" and shall be filed with the State Auditor within 30 days after adoption of the Budget.

C. Pursuant to law, a certified copy of the Budget shall be filed in the office of the City Recorder and shall be available for public inspection during regular business hours.

**SECTION II
FURTHER ACTION**

A. In addition to the foregoing, the City Manager is hereby directed to implement any other necessary actions pertinent to the adoption of the Budget, the establishment of a tax rate, and the levy of property taxes with approval from the City Council. Such actions may include, but are not necessarily limited to, notification, reporting, and publishing as required by and consistent with applicable law.

B. Budget surpluses in excess of the 18% maximum fund balance in the General Fund allowed by State law will be distributed to the Capital Projects Fund.

**SECTION III
SEVERABILITY**

If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**SECTION IV
EFFECTIVE DATE**

This ordinance shall take effect immediately upon posting, as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 9th day of June, 2005.

HOLLADAY CITY COUNCIL

By: _____
Dennis R. Webb, Mayor

[SEAL]

VOTING:

Hugo Diederich	Yea	___	Nay	___
Grant Orton	Yea	___	Nay	___
Lynn Pace	Yea	___	Nay	___
Steven R. Peterson	Yea	___	Nay	___
Sandy Thackeray	Yea	___	Nay	___
Dennis R. Webb	Yea	___	Nay	___

ATTEST:

Stephanie N. Carlson, CMC
City Recorder

DEPOSITED in the office of the City Recorder this _____ day of June, 2005.

RECORDED this _____ day of June, 2005.

(This page intentionally left blank)

RESOLUTION NO. R-04-0005

A RESOLUTION BY THE OREM CITY COUNCIL
APPROVING A CONDITIONAL USE PERMIT FOR
TWO LDS CHAPELS AT 800 SOUTH 800 EAST

WHEREAS on December 1, 2003, Butler and Evans Architects filed an application with the City of Orem requesting approval of a conditional use permit for Standard Land Use Code 6911, Church, at 800 South 800 East, in the R8 Zone; and

WHEREAS the applicant's request complies with all applicable City Codes, provided the City Council under authority of Section 22-15-3(C) approves the additional parking as requested by the applicant; and

WHEREAS on January 22, 2004, the Planning Commission recommended approval of this request; and

WHEREAS a public meeting to consider the subject application was held before the City Council on February 10, 2004; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the city; the orderly development of land in the city; the effect upon the surrounding neighborhood; the compliance of the request with all applicable City ordinances and the Orem General Plan; and the special conditions applicable to the request.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council hereby finds the applicant's request is appropriate at the desired location with the additional parking as requested.
2. The City Council hereby approves the request of Butler and Evans Architects for a conditional use permit for Standard Land Use Code 6911, Church, at 800 South 800 East, with the condition that the site be developed and maintained as set forth on the approved site plan, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.
3. This resolution shall take effect immediately upon passage.
4. All other resolutions and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED AND APPROVED this **10th** day of **February** 2004.

Jerry C. Washburn, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

Les Campbell

Dean Dickerson

Douglas R. Forsyth

Karen A. McCandless

Stephen E. Sandstrom

Shiree Thurston

Jerry C. Washburn

COUNCIL MEMBERS VOTING "NAY"

RESOLUTION NO. _____

A RESOLUTION OF THE OREM CITY COUNCIL
PROCLAIMING APRIL 30, 1999, AS ARBOR DAY IN
OREM

WHEREAS in 1872 the State of Nebraska set aside one day for the planting of trees; and

WHEREAS that day, April 30th, is now recognized nationally as Arbor Day; and

WHEREAS trees beautify the landscape, enhance property values, moderate the temperature,
clean the air, reduce erosion and provide habitat for wildlife; and

WHEREAS Orem has been recognized as a Tree City USA by the National Arbor Day Foundation
and desires to continue its tree-planting practices;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM,
UTAH as follows:

1. April 30, 1999, is hereby declared to be Arbor Day in the City of Orem.
2. Citizens are encouraged to improve the quality of life in Orem by planting trees on that day.
3. This resolution shall become effective immediately upon passage.

PASSED and APPROVED this **27th** day of **April** 1999.

Michael Thompson, Mayor Pro Tem

ATTEST:

Melody Downey, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

(This page intentionally left blank)

PROCLAMATION

WHEREAS the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS the Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW THEREFORE, I, JERRY C. WASHBURN, MAYOR OF THE CITY OF OREM, UTAH, do recognize the week of April 27 through May 3, 2003, as

Municipal Clerks Week

and extend appreciation to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this **22nd** day of **April** 2003.

Jerry C. Washburn, Mayor

ATTEST:

Donna R. Weaver, City Recorder

[This page intentionally left blank.]