

## **1-6-5: ORDINANCES AND RESOLUTIONS:**

- A. **Power Exercised By Ordinance:** The city 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 city 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 Ordinance:** Any ordinance passed by the city 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 city of Green River:";
  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 city 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 mayor pro tempore to sign the ordinance; and
  9. A place for the city recorder to attest the ordinance and affix the seal of the city.
- C. **Requirements As To Form; Effective Date:**
1. Ordinances passed or enacted by the city council shall be signed by the mayor, or if he is absent, by the mayor pro tempore, or by a quorum of the city 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) through (4). Ordinances which do not have an effective date shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the city council, whichever is sooner.

2. Ordinances shall become effective twenty (20) days after publication or posting or thirty (30) days after final passage by the city council, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance.

D. Publication And Posting Of Ordinances: All ordinances, except those enacted pursuant to Utah Code Annotated sections 10-3-706 through 10-3-710, before taking effect shall be deposited in the office of the city recorder and a short summary of the ordinance published at least once in a newspaper published within the city, or if there is no newspaper published therein, then by posting complete copies in three (3) public places within the city. Any ordinance, code or book, other than the state code, relating to building or safety standards, city 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 three (3) copies have been filed for use and examination by the public in the office of the city recorder prior to the adoption of the ordinance by the city council. Any state law relating to building or safety standards, city 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. The ordinance adopting the code or book shall be published in the manner provided in this section.

E. Recording; Numbering; Certification Of Passage: The city recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the city council. The city recorder shall give each ordinance a number, if the city council has not already so done. Immediately following each ordinance, or codification of ordinances, the city recorder 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 contents, passage and publication or posting of the ordinance or codification.

#### F. Resolutions:

1. Purpose: Unless otherwise required by law, the city 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 city services; c) establishing personnel policies and guidelines; and d) regulating the use and operation of the city property. Punishment, fines or forfeitures may not be imposed by resolution.
2. Form: Any resolution passed by the city council shall be in a form and contain sections substantially similar to that prescribed for ordinances.
3. Publication; Effective Date: Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the city council may

determine, but resolutions may not become effective more than three (3) months from the date of passage. (2003 Code)