

# DELTA CITY, UTAH

## MUNICIPAL CODE

(1981 EDITION)

*CURRENT THROUGH ORDINANCE 15-264 ADOPTED 15 JAN 2015*



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## **TITLE 3-000. MUNICIPAL GOVERNMENT**

### **3-100. THE CITY COUNCIL.**

- 3-101. LEGISLATIVE AND EXECUTIVE POWERS. See Utah Code Annotated § 10-3-101 (1953), as amended.
- 3-102. OTHER FUNCTIONS. See Utah Code Annotated § 10-3-102 (1953), as amended.
- 3-103. IN CITIES OF THE FIFTH CLASS. See Utah Code Annotated § 10-3-105 (1953), as amended.

### **3-200. ELECTION OF THE CITY COUNCIL.**

- 3-201. MUNICIPAL ELECTION – TERMS OF OFFICE. See Utah Code Annotated § 10-3-201 (1953), as amended.
- 3-202. TERMS OF ELECTED MUNICIPAL OFFICERS. See Utah Code Annotated § 10-3-202 (1953), as amended.
- 3-203. ELECTION OF OFFICERS IN CITIES OF THE FIFTH CLASS. See Utah Code Annotated § 10-3-205 (1953), as amended.
- 3-204. DETERMINING TWO AND FOUR YEAR TERMS. See Utah Code Annotated § 10-3-207 (1953), as amended.
- 3-205. ELECTION EXPENSES TO BE PUBLISHED – PENALTY. See Utah Code Annotated § 10-3-208 (1953), as amended.

### **3-300. MEMBERSHIP ON CITY COUNCIL, VACANCIES AND POWER TO VOTE.**

- 3-301. ELIGIBILITY AND QUALIFICATIONS. See Utah Code Annotated § 10-3-301 (1953), as amended.
- 3-302. VACANCIES IN OFFICES IN CITIES OF THE FIFTH CLASS AND TOWNS. See Utah Code Annotated § 10-3-303 (1953), as amended.

### **3-400. MAYOR AS MEMBER OF CITY COUNCIL.**

- 3-401. MAYOR IN FIFTH CLASS CITY – NO VOTE EXCEPT IN CASE OF A TIE. See Utah Code Annotated § 10-3-403 (1953), as amended.
- 3-402. MAYOR AS PRESIDING OFFICER – MAYOR PRO TEMPORE. See Utah Code Annotated § 10-3-403 (1953), as amended.
- 3-403. NO VETO. See Utah Code Annotated § 10-3-404 (1953), as amended.

### **3-500. MEETINGS, PROCEDURE AND CONDUCT – VOTING.**

- 3-501. TIME, PLACE – EXCEPTIONS. The City Council shall hold its regular meetings on the second and fourth Mondays of each month in the Council Chambers of the Delta City Municipal offices, which meetings shall begin promptly at seven o'clock p.m., subject to the following:
  - A. If the meeting date is a legal holiday, then the regular meeting otherwise scheduled on the same date as the legal holiday may be held at the same time and place above described on the next following day which is not a legal holiday.

- B. The agenda for each council meeting shall be prepared by or under the direction of the Mayor. If the Mayor determines that there is not sufficient business to be considered at a City Council meeting to warrant holding of such a meeting, the Mayor may, upon giving notice in the same manner as provided in Subsection D. of this Section, cancel any regularly scheduled meeting and all business which would have been considered at the canceled meeting may be deferred to the next regular or special meeting of the City Council. In no event shall the Mayor be empowered to cancel a regular council meeting if such cancelation would cause the City Council to not meet at least once each calendar month.
  - C. The Mayor of the City of Delta or any two members of the City Council may call a special meeting of the City Council as provided in Utah Code Annotated § 10-3-502 and § 52-4-7 (1953), as amended.
  - D. Notice of each regular or special meeting of the City Council shall be given in the manner provided in Utah Code Annotated § 10-3-502 (1953), as amended, and the Utah Open and Public Meetings Act as set out in Chapter 4 of Title 52, Utah Code Annotated (1953), as amended.
- 3-502. MEETINGS IN CITIES OF THE FIFTH CLASS. See Utah Code Annotated § 10-3-502 (1953), as amended.
- 3-503. QUORUM NECESSARY TO DO BUSINESS. See Utah Code Annotated § 10-3-503 (1953), as amended.
- 3-504. QUORUM DEFINED. See Utah Code Annotated § 10-3-504 (1953), as amended.
- 3-505. ATTENDANCE. See Utah Code Annotated § 10-3-505 (1953), as amended.
- 3-506. HOW THE VOTE IS TAKEN. See Utah Code Annotated § 10-3-506 (1953), as amended.
- 3-507. MINIMUM VOTE REQUIRED. See Utah Code Annotated § 10-3-507 (1953), as amended.
- 3-508. RECONSIDERATION. See Utah Code Annotated § 10-3-508 (1953), as amended.
- 3-600. PUBLIC MEETINGS, EXECUTIVE SESSIONS, RECORDS AND PUBLICATIONS, PROCEDURE.**
- 3-601. BUSINESS OF CITY COUNCIL CONDUCTED ONLY IN OPEN MEETING. See Utah Code Annotated § 10-3-601 (1953), as amended.
- 3-602. CLOSED SESSIONS. See Utah Code Annotated §§ 52-4-3, 52-4-4 and 52-4-5 (1953), as amended.
- 3-603. PUBLIC RECORDS. See Utah Code Annotated § 10-3-603 (1953), as amended.
- 3-604. PUBLICATION OF PROCEEDINGS, EXPENSES. See Utah Code Annotated § 10-3-604 (1953), as amended.
- 3-605. PENALTY. See Utah Code Annotated § 10-3-605 (1953), as amended.
- 3-606. RULES OF PROCEDURE. See Utah Code Annotated § 10-3-606 (1953), as amended.
- 3-607. RULES OF CONDUCT FOR MEMBERS OF THE CITY COUNCIL. See Utah Code Annotated § 10-3-607 (1953), as amended.
- 3-608. RULES OF CONDUCT FOR THE PUBLIC. See Utah Code Annotated § 10-3-608 (1953), as amended.

- 3-609. REQUIRING ATTENDANCE OF WITNESSES, PRODUCTION OF EVIDENCE. See Utah Code Annotated § 10-3-610 (1953), as amended.
- 3-700. MUNICIPAL ORDINANCES, RESOLUTIONS AND PROCEDURE.**
- 3-701. LEGISLATIVE POWER EXERCISED BY ORDINANCE. See Utah Code Annotated § 10-3-701 (1953), as amended.
- 3-702. EXTENT OF POWER EXERCISED BY ORDINANCE. See Utah Code Annotated § 10-3-702 (1953), as amended.
- 3-703. PENALTY FOR VIOLATION OF ORDINANCE. See Utah Code Annotated § 10-3-703 (1953), as amended.
- 3-704. FORM OF ORDINANCE. See Utah Code Annotated § 10-3-704 (1953), as amended.
- 3-705. REQUIREMENTS AS TO FORM. See Utah Code Annotated § 10-3-705 (1953), as amended.
- 3-706. REVISION OF ORDINANCES. See Utah Code Annotated § 10-3-706 (1953), as amended.
- 3-707. POWER TO CODIFY ORDINANCES. See Utah Code Annotated § 10-3-707 (1953), as amended.
- 3-708. ARRANGEMENT OF ORDINANCES. See Utah Code Annotated § 10-3-708 (1953), as amended.
- 3-709. REPEAL OF CONFLICTING PROVISIONS – TITLE. See Utah Code Annotated § 10-3-709 (1953), as amended.
- 3-710. PUBLICATION IN BOOK, PAMPHLET OR LOOSELEAF FORM – STATE STATUTES. See Utah Code Annotated § 10-3-710 (1953), as amended.
- 3-711. PUBLICATION OF ORDINANCES. See Utah Code Annotated § 10-3-711 (1953), as amended.
- 3-712. EFFECTIVE DATE. See Utah Code Annotated §§ 10-3-705 and 10-3-712 (1953), as amended.
- 3-713. RECORDING, NUMBERING AND CERTIFICATION OF PASSAGE. See Utah Code Annotated § 10-3-713 (1953), as amended.
- 3-714. CONTENTS, DATES, PUBLICATION PROVIDED UNDER SEAL. See Utah Code Annotated § 10-3-714 (1953), as amended.
- 3-715. MUNICIPAL ORDINANCES RECEIVED IN EVIDENCE. See Utah Code Annotated § 10-3-715 (1953), as amended.
- 3-716. FINES AND FORFEITURES – DISPOSITION. See Utah Code Annotated § 10-3-716 (1953), as amended.
- 3-717. PURPOSE OF RESOLUTIONS. See Utah Code Annotated § 10-3-717 (1953), as amended.
- 3-718. FORM OF RESOLUTION. See Utah Code Annotated § 10-3-718 (1953), as amended.
- 3-719. RESOLUTIONS NEED NO PUBLICATION; EFFECTIVE DATE. See Utah Code Annotated § 10-3-719 (1953), as amended.

**3-800. MUNICIPAL ADMINISTRATION.**

3-801. CHANGES IN NAMES, FUNCTIONS AND DEPARTMENT HEADS.

3-802. ADMINISTRATION VESTED IN MAYOR.

3-803. POWERS OF MAYOR.

3-804. ADDITIONAL POWERS AND DUTIES OF ELECTED OFFICIALS.

- A. The City Council may, by ordinance or resolution, as it determines, establish additional duties, powers and responsibilities for any elected or appointed officials of the City, provided such requirements are consistent with Utah Code Annotated § 10-3-810 (1953), as amended.
- B. The City Council shall, at the first regular council meeting in January following a municipal election, or as soon thereafter as possible, designate a member of the City Council to oversee each department or agency of the City. Each member of the City Council, including the Mayor, shall be designated to oversee one or more departments or agencies; provided, however, that the departments or agencies assigned to the Mayor shall include at least those required by Utah statute. Each council member shall have specific responsibility for oversight of those departments or agencies for which he has been designated and shall be generally familiar with all department or agency policies, procedures, operations, planning and budgets within such departments or agencies. The Council Member so designated shall not exercise any administrative powers otherwise vested in the Mayor in the oversight of such department or agency, but shall oversee the same for the purpose of advising the City Council, acting as a quorum, in adopting such ordinances, resolutions, policies, procedures, guidelines or regulations as may be applicable to the administration, operation, programming and performance of such departments or agencies.

3-805. MEMBERS OF THE CITY COUNCIL MAY BE APPOINTED TO ADMINISTRATION IN CITIES OF THE FIFTH CLASS.

3-806. CHANGES IN DUTIES IN CITIES OF THE FIFTH CLASS.

3-807. GENERAL ADMINISTRATIVE POWERS OF ALL MUNICIPALITIES.

3-808. PERSONNEL ASSIGNED TO ONE OR MORE DEPARTMENTS.

3-809. RULES AND REGULATIONS FOR ADMINISTRATION OF MUNICIPALITY.

3-810. MAY REQUIRE THAT APPOINTED OFFICERS RESIDE IN MUNICIPALITY.

3-811. ELECTED EXECUTIVES TO APPOINT THEIR DEPUTIES.

3-812. COMPENSATION AND SALARIES.

- A. The salary of all elected and statutory officials and officers, and employees of Delta City shall be paid as determined by resolution of the City Council.
- B. In addition to the salary paid the officers and employees of Delta City, they shall receive the following benefits:
  - 1. The employers' share of the social security tax.
  - 2. Health and accident insurance for themselves and their families on such basis and cost to the employee or officer as the City Council may from time to time establish by resolution.

- 3. Vacation and sick leave on such basis as the City Council may from time to time establish by resolution.
- 4. Participation in the Utah State Retirement program on such basis and cost as the City Council may from time to time by resolution establish.
- C. Whenever any person serves in two or more positions either as officers or employees of Delta City, unless otherwise specifically provided in the employment agreement, by ordinance or by resolution, that person shall receive the salary or compensation of the office or employment paying the greater amount.
- D. In addition to all other compensation or salaries any officer or employee of Delta City may receive reimbursement for travel expenses and per diem as established by the City Council by resolution.

3-813. AMOUNT OF BOND.

A. Before taking the oath of office and entering on the duties of their respective office, the following named municipal officials shall each give a bond with good and sufficient securities, payable to the municipality conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to law and the ordinances of Delta City in the following amounts:

1.	Mayor	\$1,000
2.	Council Member	\$1,000
3.	City Recorder/Finance Director	\$
4.	Treasurer	\$

- B. The Treasurer’s bond shall be superseded by any rules, regulation or directive of the State Money Management Council when such rule, regulation or directive is binding on the City of Delta.
- C. The bond required in this section may be a blanket bond.

3-814. BOND OF TREASURERS.

3-815. APPROVAL OF BONDS.

3-816. PREMIUM PAID BY MUNICIPALITY.

3-817. ADDITIONAL BONDS. .

3-818. OFFICIAL NEGLIGENCE AND MISCONDUCT – PENALTY.

3-819. OATH REQUIRED BEFORE TAKING OFFICE OR PERFORMING DUTIES. See Constitution of Utah Article IV, §10 for form of oath.

3-820. OATH – GIVEN – FILED.

3-821. ACTS OF OFFICIALS NOT VOIDED.

**3-900. APPOINTED OFFICIALS AND THEIR DUTIES.**

3-901. CREATING OFFICES – FILLING VACANCIES. See Utah Code Annotated § 10-3-901 (1953), as amended.

- 3-902. BOOKS AND SUPPLIES – RECORDING, FILING AND INSPECTION. See Utah Code Annotated § 10-3-904 (1953), as amended.
- 3-903. FEES TO BE PAID IN ADVANCE. See Utah Code Annotated § 10-3-905 (1953), as amended.
- 3-904. SEAL. See Utah Code Annotated § 10-3-906 (1953), as amended.
- 3-905. RECORDATION NOT TO INTERFERE WITH OTHER RECORDATION. See Utah Code Annotated § 10-3-907 (1953), as amended.
- 3-906. NONCOMPLIANCE A MISDEMEANOR. See Utah Code Annotated § 10-3-908 (1953), as amended.
- 3-907. HEADS OF DEPARTMENTS AND SUBORDINATE OFFICERS. See Utah Code Annotated § 10-3-910 (1953), as amended.
- 3-908. REMOVAL OF DEPARTMENT HEADS. See Utah Code Annotated § 10-3-911 (1953), as amended.
- 3-909. DEPARTMENT HEADS MAY SUSPEND SUBORDINATES. See Utah Code Annotated § 10-3-912 (1953), as amended.
- 3-910. POWERS AND DUTIES OF CHIEF OF POLICE. See Utah Code Annotated § 10-3-913 (1953), as amended.
- 3-911. POLICE OFFICERS – POWERS AND DUTIES. See Utah Code Annotated § 10-3-914 (1953), as amended.
- 3-912. RIGHTS TO ARREST WITHOUT WARRANT. See Utah Code Annotated § 10-3-915 (1953), as amended.
- 3-913. CITY RECORDER AND TREASURER IN CITIES OF THE FIFTH CLASS AND TOWNS. See Utah Code Annotated § 10-3-916 (1953), as amended.
- 3-914. CITY ENGINEER. There is hereby established the office of Municipal Engineer for the City of Delta, Utah in accordance with Utah Code Annotated § 10-3-917 (1953), as amended. The qualifications, duties and responsibilities of the Municipal Engineer are as follows:
- A. The Municipal Engineer shall be a registered professional engineer under Title 2 of Chapter 58, Utah Code Annotated (1953), as amended.
  - B. The Municipal Engineer shall be the person or firm appointed by the City Council and shall serve for an indefinite term as established by the City Council or until removal from office or appointment of a new Municipal Engineer by the City Council.
  - C. The duties of the Municipal Engineer shall be those specified in the Delta City ordinances now in effect or hereafter adopted and as from time to time specified by the City Council.
  - D. The Municipal Engineer shall work under the direction and supervision of the Mayor and if directed by the Mayor or City Council under the supervision and direction of the Delta City Administrator.
  - E. Nothing in this section shall restrict or prohibit the City Council from hiring an engineer or engineering firm other than the Municipal Engineer for specific purposes or projects; provided, however, that any such person or firm hired by the City Council shall work in coordination with the Municipal Engineer under the supervision of the Mayor and City Administrator.

- 3-915. MARSHAL IN FIFTH CLASS CITIES AND TOWNS. See Utah Code Annotated § 10-3-918 (1953), as amended.
- 3-916. POWERS, DUTIES AND OBLIGATIONS OF POLICE CHIEF, MARSHAL AND THEIR ASSISTANTS IN CITIES OF THE FIFTH CLASS AND TOWNS. See Utah Code Annotated § 10-3-919 (1953), as amended.
- 3-917. BAIL COMMISSIONER – POWERS AND DUTIES. See Utah Code Annotated § 10-3-920 (1953), as amended.
- 3-918. FINES – COLLECTIONS BY BAIL COMMISSIONER – ACCOUNTING. See Utah Code Annotated § 10-3-921 (1953), as amended.
- 3-919. TERM OF BAIL COMMISSIONERS – SALARY – BOND OF OATH. See Utah Code Annotated § 10-3-922 (1953), as amended.
- 3-920. CITY AND TOWN JUSTICIES OF THE PEACE – APPOINTMENT – VACANCIES – DISQUALIFICATIONS – COMPENSATION – PAYMENT OF FEES, FINES, FORFEITURES OR OTHER SUMS TO TREASURER. See Utah Code Annotated § 10-3-923 (1953), as amended.
- 3-921. RESERVED.
- 3-922. RESERVED.
- 3-923. RESERVED.
- 3-924. ESTABLISHMENT OF CITY MANAGER. There is hereby established within the City of Delta, Utah the position of City Manager. This position is created under the authority of Utah Code Annotated § 10-3-901 and § 10-3-924 (1953), as amended. The position of City Manager shall be filled by appointment by resolution of the City Council. The person so appointed shall possess the necessary experience, education capacity and competency to meet the requirements of the position of City Manager as established in these ordinances and such further qualifications as may be established by vote of the City Council.
- 3-925. TERM OF OFFICE. The City Manager shall serve at the pleasure of the City Council and may be removed at any time by majority vote of the City Council, with or without cause, subject to the provisions of Utah Code Annotated § 10-3-925 (1953), as amended.
- 3-926. DUTIES AND POWERS OF CITY MANAGER.
  - A. The powers, duties, authority, responsibilities and obligation of the City Manager shall be designated by ordinance of the City Council.
  - B. The City Manager shall assist the Mayor in the administration of the City in those areas defined by the City Council and for which the Mayor has delegated responsibility to the City Manager. The City Manager shall have the duty, authority and responsibility, upon delegation from the Mayor, for the following:
    - 1. To execute and enforce all ordinances, regulations and procedures established or enacted by the City Council and to insure compliance with the same by all departments and employees of the City.
    - 2. To carry out the policies established by the City Council for operation of the City.
    - 3. To organize and manage the affairs of the City consistent with the ordinances, resolutions and policies established by the City Council.

4. The City Manager is hereby designated as the budget officer for Delta City and shall execute and carry out the duties and responsibilities of the budget officer as established under the Utah Uniform Fiscal Procedures Act, and shall, in addition to other duties of the budget officer, prepare each year a proposed budget for adoption by the City Council, draft such modifications to the proposed budget as may be required by the City Council and to administer the budget as finally adopted, to keep all budget records as required by law or by the efficient management of the City budget and to provide for preparation of independent audit reports for each budget year as required by law.
5. To make recommendations for qualified persons to serve in the positions of City Recorder and Treasurer and in other positions as deemed necessary for the efficient and proper management of the City and to supervise, under the direction of the Mayor, all other officers and employees in the performance of their duties through the departments and agencies established by the City Council.
6. To examine and inspect the books and records of every department and agency of the City and to make and require reports of each department and agency and to require the same of such consultants to the City as the City Council or Mayor may direct.
7. To recommend standards, qualifications and procedures in the employment of officers, employees, contractors and any other persons providing service to or working on behalf of Delta City.
8. To submit to the City Council plans and programs to develop the needs of the City and to submit reports for the administrative, financial and operational activities of all City offices and departments and to provide evaluations of City programs, plans and operations.
9. To serve as an advisor to the City Council and to attend all City Council meetings and to participate in the proceedings to the extent specified by the Mayor and City Council.
10. Except as otherwise provided by law or by the City Council or Mayor, to execute all documents as of an administrative nature such as purchase orders, requisitions, work orders, permits and similar documents; provided, however, that the City Manager or his designee shall assure that all requirements for such documents are met prior to execution of the same.
11. To regularly report to the Mayor and City Council all matters having bearing on the daily operation of the City.
12. To provide such information from the operation or management of City programs and policies as may affect the establishment of new policies, procedures, plans or budgets of the City.
13. In addition to other duties, the City Manager shall manage the daily affairs of the City by implementing all policies established by the City Council, unless otherwise directed by the City Council.
14. To perform such other duties as may be established by the City Council.

3-927. **LEGISLATIVE POWERS AND OFFICIAL POSITION OF THE MAYOR ARE NOT DELEGATED.** The legislative and judicial powers of the Mayor, including his position as chairman of the City Council and any ex-officio position the Mayor shall hold shall not be delegated to the City Manager.

3-928. **CITY ATTORNEY.** There is hereby created for the City of Delta the position of the City Attorney as designated in Utah Code Annotated § 10-3-928 (1953), as amended. The City Attorney shall be appointed by the City Council and shall have the following qualifications and duties:

- A. The person appointed the office of City Attorney must be admitted to practice law in the State of Utah and must be an active member in good standing of the Utah State Bar and shall continue to be authorized and licensed to practice law in the State of Utah throughout the term of office.
- B. The City Attorney shall have the duties and powers specified in Utah Code Annotated § 10-3-928 (1953), as amended, and shall have such further duties, obligations and powers as are provided in Delta City ordinances now in effect or as hereafter adopted and by resolutions or directives adopted by the City Council.
- C. In civil matters, the City Attorney shall work under the supervision of and with the cooperation of the Mayor unless otherwise directed by the City Council or Mayor.
- D. The person appointed as Delta City Attorney shall serve for an indefinite term of office, beginning on the date of appointment by the City Council and continuing thereafter until resignation, removal or other cause or until the appointment is terminated by the City Council.

**3-1000. DEPARTMENT HEADS.**

3-1001. DUTY TO REPORT. Each department head or director or other executive officer of an agency or department within the City of Delta shall prepare and submit at least each calendar quarter a report to the Mayor and City Council which shall contain a report on the amount budgeted for all operations and programs within that department for the fiscal year then in effect, the amount expended to date of the report for such programs and operations, the number of employees within the department, the general condition of the department or agency, recommendations for any changes in the policies or regulations governing the operations of the department or agency, if needed, and such further information and recommendations as may be necessary or helpful to the City Council in operation of the City.

**3-1100. PERSONNEL RULES AND BENEFITS.**

- 3-1101. MONTHLY PENSION AND HEALTH OR TERMINATION BENEFITS AUTHORIZED FOR OFFICERS OR EMPLOYEES – ADMINISTRATION OF SYSTEMS. See Utah Code Annotated § 10-3-1101 (1953), as amended.
- 3-1102. CREATION AND ADMINISTRATION OF RETIREMENT SYSTEMS. See Utah Code Annotated § 10-3-1102 (1953), as amended.
- 3-1103. SICKNESS, DISABILITY AND DEATH BENEFITS. See Utah Code Annotated § 10-3-1103 (1953), as amended.
- 3-1104. LIBRARY PERSONNEL – MONTHLY WAGE DEDUCTIONS AND MATCHING SUMS – TIME OF INCLUSION. See Utah Code Annotated § 10-3-1104 (1953), as amended.
- 3-1105. APPOINTIVE OFFICERS AND EMPLOYEES – DURATION AND TERMINATION OF TERM OF OFFICE. See Utah Code Annotated § 10-3-1105 (1953), as amended.
- 3-1106. DISCHARGE OR TRANSFER – APPEALS – BOARD – PROCEDURE. See Utah Code Annotated § 10-3-1106 (1953), as amended.
- 3-1107. COST OF LIVING ADJUSTMENT – PRICE INDEX USED. See Utah Code Annotated § 10-3-1107 (1953), as amended.

**3-1200. RESIDENCY REQUIREMENTS FOR CITY EMPLOYEES AND OFFICERS.**

3-1201. RESIDENCY REQUIRED. Persons appointed to the offices of Recorder, Treasurer, Chief of Police (or Marshal), City Manager, Building Inspector and Public Works Superintendent of the City of Delta shall be

required to establish residency within the corporate boundaries of Delta City within 180 days from the date of their appointment to said positions.

3-1202. RESPONSE TIME FOR CERTAIN EMPLOYEES.

- A. Persons employed by the City of Delta as police officers and firemen shall live sufficiently close to their work station that they can arrive at the work station from their place of residence within ten (10) minutes after receiving a call to report to that station.
- B. Persons employed as the Public Works Foreman, in the position of Maintenance Worker II or as Water Master shall live sufficiently close to their work station that they can arrive at the work station from their place of residence within 10 minutes after receiving a call to report to that station.
- C. Volunteer firemen who receive insurance or other benefits from Delta City shall live sufficiently close to the fire station to which they are assigned such that they can arrive at the fire station from their place of residence within 10 minutes after receiving a call to report to the station, or within such other response time as may be established by the fire department and approved by the City Council.
- D. Each person designated as having a response time as set out under this Section 3-1202 shall be allowed 60 days within which to establish their residence such that they comply with the response time requirements of this section.

3-1203. EXTENSION OF COMPLIANCE PERIOD, PERIODIC REVIEW.

- A. The City Council may modify the residency requirements imposed by this chapter, upon application by the affected employee, by either temporarily waiving the application of this chapter to an employee or by extending the period within which a person appointed to or employed in any position set out in this chapter must establish residency as specified herein. No waiver or extension so granted hereby shall exceed one year, except as set out in subsection D.
- B. In granting an extension or waiver under this Section 3-1203, the City Council shall consider the following standards:
  - 1. The period that the employee is expected to hold the position for which a residency requirement is established.
  - 2. The availability of housing within or near Delta City.
  - 3. Any medical or physiological condition which might be affected by change of residency.
  - 4. The economic effect to the employee caused by such a move.
  - 5. The effect of change in residency on the job performance of the affected employee, whether positive or negative.
  - 6. Whether the residence location affects performance in the position held by the employee.
  - 7. Whether the residency requirement imposes an undue hardship on the employee.

The City Council shall render a written record of its decision, specifying which one or more of the foregoing factors was the basis for the decision modifying the residency requirement, whether the modification was a waiver of the requirement or an extension of time and the duration of the waiver or extension. The employee affected by the decision shall receive a written copy of the Council's decision within 10 days.

- C. The decision of the City Council granting a waiver or extension of residency shall be reviewed at least annually, or upon the expiration of the extension or waiver granted, whichever occurs first. The City Council shall not revoke any waiver of the residency requirement. The City Council may rescind an extension of the period within which to establish residency, but only after finding that there has been a material change in at least one of the factors supporting the granting of the extension in the first instance.
- D. The City Council may grant an employee such additional waivers of or extensions of the period to comply with the residency requirement set out in this chapter as it may determine in accordance with the same procedures and standards set out in this Section 3-1203.

3-1204. POLICY DECLARATION. It is the policy of Delta City to encourage all employees to live within Delta City, but such residency is not mandatory unless required under this chapter.