!TITLE! 1

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CHAPTER 1

DAGGETT COUNTY CODE

SECTION:

1-1-1: Title
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1-1-4: Alterations; Possession !2R!

1-1-1: TITLE:

Upon adoption by the board of county commissioners, this county code is hereby declared to be and shall hereafter constitute the official county code of Daggett County. This county code of ordinances shall be known and cited as the *DAGGETT COUNTY CODE*, and it is hereby published by authority of the board of county commissioners and shall be kept up to date as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this county code by title in any legal document. (2017 Code)

1-1-2: ACCEPTANCE:

This county code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this state as the ordinances of the county of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this code. (2017 Code)

1-1-3: AMENDMENTS:

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

copy of this county code. (2017 Code)

1-1-4: ALTERATIONS; POSSESSION:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this county 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 board of county commissioners. The county clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the county clerk. Any person having in his custody an official copy of this county code shall make every effort to maintain this code in an up to date and efficient manner and shall see to the immediate insertion of new or replacement pages when such are delivered or made available through the office of the county clerk. Said code books, while in actual possession of officials and other interested persons, shall be and remain the property of the county and shall be returned to the office of the county clerk when directed so to do by order of the board of county commissioners. (2017 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

1-2-1: Repeal Of General Ordinances
1-2-2: Public Utility Ordinances
1-2-3: Court Proceedings
1-2-4: Severability Clause !2R!

1-2-1: REPEAL OF GENERAL ORDINANCES:

All general ordinances of the county passed prior to the adoption of this county code are hereby repealed, except such as are included in this county 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; 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 warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the county; and all special ordinances. (2017 Code)

1-2-2: PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be replaced by virtue of the preceding section, excepting as this county code may contain provisions for such matters, in which case this county code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2017 Code)

1-2-3: COURT PROCEEDINGS:

A. 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 proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

B. 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. Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the county 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 provision; 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 county under any ordinance or provision thereof in force at the time of the adoption of this county code. (2017 Code)

1-2-4: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this county 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 board of county commissioners 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. (2017 Code)

CHAPTER 3

DEFINITIONS

SECTION:

1-3-1: Construction Of Words
1-3-2: General Definitions
1-3-3: Catchlines !2R!

1-3-1: CONSTRUCTION OF WORDS:

A. Liberal Construction: 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 board of county commissioners 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: Whenever a notice is required to be given or an act to be done in a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time but the day on which such proceeding is to be held shall be counted.

2. Delegation Of Authority: Whenever a provision appears requiring the head of a department or some other county officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other 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 by title, such as "recorder", "treasurer", etc., such reference shall be construed as if followed by the words "of Daggett County, Utah".

9. Tense: Words used in the past or present tense include the future as well as the past and present. (2017 Code)

1-3-2: 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:

!DEF! BOARD OF COUNTY COMMISSIONERS: Unless otherwise indicated, the board of county commissioners of Daggett County, Utah.

COUNTY: The county of Daggett, state of Utah.

COUNTY CODE: The county code of Daggett County, Utah, and amendments thereto.

FEE: A sum of money charged by the county for the carrying on of a business, profession or occupation, or other activity subject to county regulation, authorization or limitation.

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.

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.

STATE: The state of Utah.

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. (2017 Code) !DEFEND!

1-3-3: CATCHLINES:

The catchlines of the several sections of the county 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. (2017 Code)

CHAPTER 4

GENERAL PENALTY

SECTION:

1-4-1: Sentencing
1-4-2: Offenses Designated; Classified !2R!

1-4-1: SENTENCING:

A. Penalty For Violation Of Ordinance:

1. Criminal: The board of county commissioners 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 board of county commissioners 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 an 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 an 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 be sentenced to pay a fine, not exceeding:

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 Corporations: 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 county, or for an offense defined outside of this code over which this county 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. (2017 Code)

1-4-2: 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 county shall be sentenced in accordance with the provisions of this chapter.

2. Ordinances enacted after the effective date of this code 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 county 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 county, or which is expressly designated an infraction and any offense designated by this code or other ordinances of this county which is not 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. (2017 Code)

CHAPTER 5

BOARD OF COUNTY COMMISSIONERS

SECTION:

1-5-1: Board Meetings
1-5-2: Order Of Business !2R!

1-5-1: BOARD MEETINGS:

A. Regular Meeting Schedule: The regular meeting schedule for the board of county commissioners will be every Tuesday (excepting legal holidays) beginning at nine o'clock (9:00) A.M. for the regular session. Should a legal holiday fall on the Monday prior to meetings, said commission meetings will be held on Wednesday. Meetings will be held in commission chambers at the county courthouse in Manila, Utah.

B. Meeting Cancellation: Nothing herein shall be construed as limiting the county commission from canceling the regular meeting from time to time as the commission deems prudent. Should a regular meeting be canceled, notice shall be posted at least twenty four (24) hours in advance at the courthouse in Manila, Utah, and on the Utah public notice website.

C. Special Meetings:

1. If the business of the county requires a special meeting of the legislative body, such meeting may be ordered by a majority of the legislative body or by the chair.

2. Each order calling a special meeting shall:

a. Be signed by the members or chair calling the meeting;

b. Be entered in the minutes of the legislative body; and

c. Specify the business to be transacted at the meeting.

3. No business other than that specified in the order may be transacted at a special meeting unless all members of the county legislative body are present and give their consent.

4. Except as otherwise provided by county ordinance, the county clerk shall give five (5) days' notice of each special meeting to each member of a county legislative body that does not join in the order

calling the meeting. (Ord. 14-31, 12-16-2014; amd. 2017 Code)

1-5-2: ORDER OF BUSINESS:

A. Order Of Business: The order of business at each regular meeting, which shall not in any case be departed from, except by consent of a majority of the members present, voting thereon, shall be as follows:

1. First: Reading of the minutes of the last regular meeting and of all intervening meetings, correction, amendment and approval of same.

2. Second: Unfinished business.

3. Third: Reports of county officers.

4. Forth: Presentation of petitions and communications by those wishing to meet with the board.

5. Fifth: Miscellaneous business.

B. Conduct: The chairperson shall preserve order, confine members in debate to the question, and shall decide who shall be first heard, when two (2) or more members arise at the same time. Every question submitted to the board for consideration shall be heard in the most concise manner and long drawn out communication unnecessary in the deciding of any question shall at once be abated by the chairperson without debate, unless there is an appeal made, in which case the board shall decide without debate. When a question is before the board, no motion shall be received, except as herein specified, which motions shall have precedence in the order stated:

1. First: To adjourn.

2. Second: The previous question.

3. Third: To lay on the table.

4. Fourth: To amend. (Ord., 3-5-1935)

CHAPTER 5

BOARD OF COUNTY COMMISSIONERS

ARTICLE A. COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

SECTION:

1-5A-1: Creation
1-5A-2: Name
1-5A-3: Geographic Boundaries
1-5A-4: Powers
1-5A-5: Membership; Composition !2R!

1-5A-1: CREATION:

Pursuant to the provisions of Utah Code Annotated section 17C-1-201(1) of the act, the commission creates a community development and renewal agency (the "agency"), contingent upon the issuance by the Utah lieutenant governor of a certificate of creation under Utah Code Annotated section 67-1a-6.5. (Ord. 10-04, 1-5-2010)

1-5A-2: NAME:

The name of the agency is the Daggett County redevelopment agency. (Ord. 10-04, 1-5-2010)

1-5A-3: GEOGRAPHIC BOUNDARIES:

The geographic boundaries of the agency are and will be coterminous with the geographic boundaries of the unincorporated area of the county. (Ord. 10-04, 1-5-2010)

1-5A-4: POWERS:

Upon creation, the agency will be vested with all the powers set forth in the act and as otherwise provided by law. (Ord. 10-04, 1-5-2010)

1-5A-5: MEMBERSHIP; COMPOSITION:

The governing body of the agency will be a board consisting of the members of the commission as may serve from time to time on the commission. Any change in the composition of the commission will

automatically and without any further action required constitute a similar change in the composition of the agency board. (Ord. 10-04, 1-5-2010)

CHAPTER 6

OFFICERS AND EMPLOYEES

SECTION:

1-6-1: Consolidation Of Offices Of Clerk, Auditor, Recorder And Treasurer
1-6-2: County Clerk-Treasurer
1-6-3: Salaries Of Elected And Statutory Officers !2R!

1-6-1: CONSOLIDATION OF OFFICES OF CLERK, AUDITOR, RECORDER AND TREASURER:

A. The offices of auditor-recorder are separated from the offices of clerk-treasurer. The offices of auditor-recorder shall remain and be consolidated.

B. The offices of clerk-treasurer shall be and remain consolidated. (Ord. 94-2, 2-16-1994)

C. The auditor-recorder shall perform all duties established by law to be performed by the county auditor and the county recorder in particular, the auditor-recorder shall perform the duties set forth in Utah Code Annotated section 17-9a-101 et seq., as amended, and the duties established by Utah Code Annotated section 17-21-1 et seq., as amended, and such other duties of office as may be established by future ordinance or statute to be performed by the auditor and/or the recorder. (Ord. 94-2, 2-16-1994; amd. 2017 Code)

D. The auditor-recorder shall have and meet the qualifications and requirements established by state law for both the auditor and the recorder offices.

E. The office of clerk-treasurer shall perform all of the duties established by law for both the office of clerk and office of treasurer, including the duties established in Utah Code Annotated section 17-20-1 et seq., as amended, and the duties set forth by Utah Code Annotated section 17-24-1 et seq., as amended.

F. The clerk-treasurer shall perform any and all duties now or hereinafter established by statute or ordinance for either the office of clerk or the office of treasurer.

G. The separation of offices and establishment of offices of auditor-recorder and clerk-treasurer shall take effect January 1, 1995. (Ord. 94-2, 2-16-1994)

1-6-2: COUNTY CLERK-TREASURER:

A. Maintain Ordinance Book: The clerk of the board of county commissioners must keep an ordinance book, the title of which shall be "Ordinances Of The County Of Daggett". All ordinances passed by the board must be recorded in the ordinance book at length, with the number and title of each ordinance. The ordinance book shall be open to public inspection during all usual business hours.

B. Record Of Franchises: There shall be kept a record by the clerk of the board of all franchises granted by the board, for what purpose, the length of time, and to whom granted, the amount of bond and the license tax required or other consideration to be paid.

C. Seal Adopted: A seal, the impression of which shall be as follows: "State Of Utah County Clerk County Of Daggett" shall be and is hereby adopted and declared to be the seal of the county clerk. An impression of the seal must be filed in the office of the county clerk. (Ord., 3-5-1935)

1-6-3: SALARIES OF ELECTED AND STATUTORY OFFICERS:

The annual salaries of the elected and statutory officers of the county are established as follows:

Commissioners	$24,000.00
Justice court judge	14,264.00
Sheriff	52,160.00
Assessor	28,527.00
Auditor-recorder	44,711.00
Clerk-treasurer	44,711.00
Attorney	Contract

!SETLRM!!SETFNT!!SETTAB!
(Ord. 15-28, 12-29-2015, eff. 1-1-2016 through 12-31-2016)

CHAPTER 7

RECORDS ACCESS AND MANAGEMENT

SECTION:

1-7-1: Government Records Access And Management Act Adopted By Reference !2R!

1-7-1: GOVERNMENT 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 63G-2-101 et seq., as amended, are hereby adopted by the county. Any and all violations thereof shall be considered class B violations of this section and each such violation shall subject the violator thereof to penalty provisions as provided in section 1-4-1 of this code. (2017 Code)

CHAPTER 8

CONSTITUTIONAL TAKINGS

SECTION:

1-8-1: Purpose
1-8-2: Definition
1-8-3: Guidelines
1-8-4: Analysis
1-8-5: Review Or Appeal Of Action
1-8-6: Guidelines Advisory
1-8-7: Rights Of Property Owner Not Affected !2R!

1-8-1: PURPOSE:

The purpose of this chapter is to provide advisory guidelines for the county to assist the county in identifying actions that involve physical taking or exaction of private real property that may raise constitutional taking issues. This chapter does not apply when the county formally exercises its power of eminent domain. (Ord. 03-05, 3-17-2003)

1-8-2: DEFINITION:

As used herein, "constitutional taking issues" means actions involving the physical taking or exaction of private real property by the county that might require compensation to a private real property owner under:

A. The fifth or fourteenth amendment to the constitution of United States; (Ord. 03-05, 3-17-2003)

B. Article I, section 22 of the Utah constitution; or (Ord. 03-05, 3-17-2003; amd. 2017 Code)

C. Any recent court rulings governing the physical or regulatory taking of private real property by a governmental entity. (Ord. 03-05, 3-17-2003)

1-8-3: GUIDELINES:

A. Consideration: The following guidelines shall be considered by the county when taking any action that might result in taking of private real property:

B. Identification: The county should review the following to determine and identify whether a proposed governmental action raises constitutional taking issues:

1. Does the action result in a permanent physical occupation of private property?

2. Does the action require a property owner to dedicate property or grant an easement to the county?

3. Does the action deprive the property owner of all economically viable uses of the property?

4. Does the action have a severe impact on the property owner's economic interests?

5. Does the action deny a fundamental attribute of ownership? (Ord. 03-05, 3-17-2003)

1-8-4: ANALYSIS:

A. Review: If the county determines that a governmental action involves constitutional taking issues, the proposed action should be reviewed by the county to analyze the possible taking and determine the action to be taken.

B. Considerations: In reviewing the proposed action, the following factors may be considered:

1. The effect the potential taking would have on the use or value of the private property;

2. The likelihood that the action may result in a constitutional taking;

3. Any alternatives to the proposed action that would fulfill the county's lawful objectives and reduce the risk of constitutional taking;

4. The cost to the county for payment of compensation if taking is determined;

5. The governmental interest involved and its nexus to the potential taking;

6. If the action is roughly proportionate or reasonably related to

the impact of any proposed development. (Ord. 03-05, 3-17-2003)

1-8-5: REVIEW OR APPEAL OF ACTION:

A. Designation Of County Clerk: Any owner of private real property or a real property right who claims there has been an unconstitutional taking of their property, without just compensation, shall petition for a review of a final decision of any county officer, employee, board or commission. The commission designates the county clerk to hear and consider such petitions. (Ord. 03-05, 3-17-2003; amd. 2017 Code)

B. Review Procedures: The following procedures for review of a final decision shall be followed:

1. Final Decision: The person petitioning for review shall obtain a final decision before requesting review;

2. Petition For Review: Within thirty (30) days from the date of the final decision, the person requesting the review shall file, in the office of the county clerk, a written petition for review of that decision. A copy shall also be filed with the county attorney.

3. Hearing Date: The county clerk shall set a time to review the decision that gave rise to the petition as soon as reasonably practical. The county clerk shall hear and consider the evidence related to and submitted by the petitioner, the county or other interested parties. In the discretion of the county clerk, the hearing may be oral or based upon written submittals.

4. Initial Filing Information: As part of the petition for review, the petitioner shall submit, at least seven (7) days prior to the date of the review, the following:

a. The name of the petitioner requesting review;

b. The name and business address of the current owner of the property; the form of ownership, i.e., whether sole proprietorship, for profit or not for profit corporation, partnership, joint venture or other; and if owned by other than a real person, name and address of all partners or shareholders owning ten percent (10%) or more of the outstanding shares;

c. A detailed description of the factual and legal grounds for the claim that here has been an unconstitutional taking, without just compensation;

d. A legal description of the property allegedly taken and a detailed description of the nature of the property; and

e. A description of the protectable property interest claimed to be affected.

5. Supplemental Information: If the county clerk determines that there may be a taking, and additional information is needed, the county clerk may further require the following to be submitted:

a. The evidence and documentation as to the value of the property interest claimed taken, including the date and cost at the date the property was acquired. This material should include any evidence of the value of that same property before and after the alleged unconstitutional 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;

b. The terms, including sale price, of any previous purchase or sale of a full or partial interest in the property during the three (3) years prior to the date of application;

c. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years;

d. The assessed value of and ad valorem taxes on the property for the previous three (3) years;

e. All information concerning current mortgages or other loans secured by the property, including the name of the mortgage holder or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including, but not limited to, the right of purchasers to assume the loan;

f. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three (3) years;

g. 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;

h. For income producing property, itemized income and expense statements from the property for the previous three (3) years;

i. Information from a title policy or other source showing all recorded liens and encumbrances affecting the property; and

j. The county clerk may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning the nature of and the value of the alleged unconstitutional taking.

C. Review Standards: The county clerk shall review the facts and information presented by the petitioner and determine if the action by the county constitutes an unconstitutional taking. In doing so, the county attorney's office shall serve as a legal counsel and shall be consulted. The county clerk shall review the facts in light of the applicable state and federal constitutional law.

D. Time For Final Decision: If the county clerk fails to hear and decide the petition within fourteen (14) days after the filing of the petition, the administrative decision of the county officer, employee, board or commission shall be deemed approved; provided, however, the county clerk may extend the time to reach a decision, not exceeding an additional one hundred twenty (120) days following the receipt of the information required pursuant to this chapter, if prior to the expiration of the fourteen (14) day period, the county clerk notifies the petitioner, in writing, of such extension.

E. Results Of Review: After completing the review, the county clerk shall make a determination regarding the petition and, if determined to be necessary and appropriate, make a recommendation to the appropriate office, employee, board or commission. (Ord. 03-05, 3-17-2003)

1-8-6: 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 county's liability for an unconstitutional taking of a vested property interest. The decision rendered pursuant to the provisions of this chapter is not admissible in court for any purpose other than to demonstrate that the review has been completed, and in no event shall any recommended compensation be admissible into evidence. (Ord. 03-05, 3-17-2003)

1-8-7: RIGHTS OF PROPERTY OWNER NOT AFFECTED:

The private property owner need not file the appeal authorized by this chapter before bringing an action in any court to adjudicate claims that are eligible for appeal. A property owner's failure to appeal the action of a political subdivision does not constitute, and may not be interpreted as constituting, a failure to exhaust available administrative remedies or as a bar to bringing legal

action. (Ord. 03-05, 3-17-2003)

CHAPTER 9

AGRICULTURE PROTECTION AREA ADVISORY BOARD

SECTION:

1-9-1: Board Created And Composition
1-9-2: Minimum Size For Agriculture Protection Areas
1-9-3: Fees For Accepting And Processing Proposals
1-9-4: Filing Procedure !2R!

1-9-1: BOARD CREATED AND COMPOSITION:

A. Created: An agriculture protection area advisory board is hereby established for the county pursuant to Utah Code Annotated section 17-41-201 to perform the duties set out in said section 17-41-201, or any later amendment or enactment of that section.

B. Appointment Of Board Members: The board of county commissioners shall appoint five (5) members to the agriculture protection area advisory board established under subsection A of this section. The board members shall be appointed by resolution from among the members of the board of supervisors of the soil conservation district located in Daggett County, Utah; namely, the Daggett County soil conservation district.

C. Term In Office; Removal Of Members: Each member appointed to the agriculture protection area advisory board shall serve on said board until expiration of that member's respective term on the soil conservation district board of supervisors. The board of county commissioners may remove and replace any advisory board member for cause or for failure to perform the required duties.

D. Officers: The members of the agriculture protection area advisory board shall select a chairperson, vice chairperson and secretary. The chairperson and vice chairperson shall be selected from among the members of the agriculture protection area advisory board. The secretary may be either a member of the advisory board or a county employee. The selection of a county employee to serve as secretary must be approved by the board of county commissioners.

E. Quorum And Rules Of Operation: Any three (3) members of the agriculture protection area advisory board shall constitute a quorum of that board. All actions of the board, except to adjourn a meeting at which there is not a quorum present, must be made in a meeting at which a quorum is present. Any actions of the agriculture protection area advisory board must be approved by at least three

(3) members of that board. All meetings shall be conducted in accordance with the Utah open and public meetings act. The agriculture protection area advisory board may adopt such additional rules of operation as it deems necessary to govern its affairs. (Ord. 13-09, 5-7-2013)

1-9-2: MINIMUM SIZE FOR AGRICULTURE PROTECTION AREAS:

Pursuant to Utah Code Annotated section 17-41-301(4), or any contiguous later amendment or enactment of that section, at least twenty (20) contiguous acres must be included in each agriculture protection area established within the county. (Ord. 13-09, 5-7-2013)

1-9-3: FEES FOR ACCEPTING AND PROCESSING PROPOSALS:

Any person or persons filing a proposal to create an agriculture protection area pursuant to Utah Code Annotated title 17, chapter 41, shall pay a fee at the time of filing. The amount of the fee shall be established by resolution of the board of county commissioners. Until adoption of a resolution setting fees, the fee for accepting and processing a proposal to create an agriculture protection area shall be three hundred dollars ($300.00). In addition, any person or persons filing a proposal for creation of an agriculture protection area shall reimburse the county for all publication costs incurred by the county in publishing the notices required under Utah Code Annotated title 17, chapter 41, or any subsequent amendment or enactment of that statute. (Ord. 13-09, 5-7-2013)

1-9-4: FILING PROCEDURE:

All proposals to create agriculture protection area within the county shall be filed in the office of the county clerk by March 31 of each year. The proposals will be retained and presented to the county commission on a once a year schedule only. All proposals must be accompanied by the filing fee established by the board of commissioners. Upon receipt by the county clerk, proposals will be provided to the county recorder for recording. Upon approval by the county commission, the effective date for the protective area will be retroactive to the filing date with the county clerk's office. (Ord. 13-09, 5-7-2013)

CHAPTER 10

CAMPAIGN FINANCE

SECTION:

1-10-1: Statute Applicability
1-10-2: Definitions
1-10-3: Requirements And Restrictions
1-10-4: Penalty !2R!

1-10-1: STATUTE APPLICABILITY:

This chapter is made pursuant to Utah Code Annotated section 17-16-6.5 (the "code"). Any requirement or restriction not included in this chapter but discussed in the code shall be binding upon candidates. (Ord. 16-09, 6-14-2016)

1-10-2: DEFINITIONS:

All other terms used in this chapter which are not expressly listed in this section are to be interpreted as defined by Utah Code Annotated, as amended. The following terms shall have the following definitions for the purposes of this chapter:

!DEF! CANDIDATE: Any individual that is a candidate for either county office or local school board office. !DEFEND!

CONTRIBUTION: A. A gift, subscription, donation, loan, advance or deposit of money, or anything of value, including nonmonetary contributions, such as in kind contributions and contributions of tangible things, except a loan of money by a financial institution made in accordance with the applicable financial institution laws and regulations and in the ordinary course of business, made for political purposes;

B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution described in subsection A of this definition;

C. A transfer of funds between a political committee and a candidate's personal campaign committee;

D. Compensation paid by a person, other than the candidate's personal campaign committee, for personal services of another person rendered without charge to the candidate or

such candidate's personal campaign committee;

E. A coordinated expenditure; but

F. "Contribution" shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate or such candidate's personal campaign committee.

EXPENDITURE: A. A purchase, payment, donation, distribution, loan, advance, deposit or gift of money, or anything of value, made for political purposes;

B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make an expenditure described in subsection A of this definition; or

C. A transfer of funds by a political committee to another political committee or to a candidate's personal campaign committee. (Ord. 16-09, 6-14-2016)

1-10-3: REQUIREMENTS AND RESTRICTIONS:

A. Reporting Required: Each candidate shall report the candidate's itemized and total campaign contributions and expenditures at least once within the two (2) weeks before the election and at least once within two months (2) after the election.

B. Contents Of Report: Financial reports provided by candidates shall include the name, if known, and the amount of each contribution, as well as the name and amount of the recipient of each expenditure.

C. Separate Account Required: Candidates shall deposit contributions in a separate campaign account in a financial institution.

D. Commingling Prohibited: Candidates may not deposit or mingle any contributions received into a personal or business account.

E. Contributions Exceeding Fifty Dollars From Unknown Donors: Candidates who receive a contribution that is cash or a negotiable instrument which exceeds fifty dollars ($50.00) and is from a donor whose name is unknown, shall, within thirty (30) days after receiving the contribution, disburse the amount of the contribution to:

1. The treasurer of the state or a political subdivision for deposit into the state or political subdivision's general fund; or

2. An organization that is exempt from federal income taxation under Internal Revenue Code section 501(c)(3).

F. Deposits, Expenditures Included: Candidates shall include on a financial report required under this chapter any contribution deposited in or an expenditure made from an account:

1. Since the last financial report was filed or from an account; or

2. That has not been reported under a statute or ordinance that governs the account.

G. Elimination At Primary Election: Candidates who are eliminated at a primary election, should there be one, shall file a signed campaign financial statement containing the information required under this chapter not later than thirty (30) days after the primary election.

H. Failure To File; Notice: The county clerk may impose a fine of one hundred dollars ($100.00) on any candidate who fails to file an interim report due before the election as required under this chapter. In addition, the county clerk may send an electronic notice to any candidate who fails to file an interim report. Such electronic notice shall state that:

1. The candidate failed to timely file the report;

2. The candidate will be disqualified from the election if he or she fails to file the report within twenty four (24) hours after the deadline for filing the report has passed; and

3. A political party will not be permitted to replace the candidate who is disqualified.

I. Disqualification: Any candidate who fails to file an interim report within twenty four (24) hours after the established deadline for filing required under this chapter shall be disqualified by the county clerk. The county clerk shall inform the appropriate election officials of the disqualification.

J. Replacement Of Candidate Prohibited: The political party of a candidate who is disqualified under subsection I of this section may not replace the candidate.

K. Removal From Ballot: An election official shall, if practicable, remove the name of any disqualified candidate by blacking out the candidate's name before the ballots are delivered to voters, or shall inform voters by any practicable method that the candidate has been

disqualified and that votes cast for the candidate will not be counted. The election official may not count votes for any disqualified candidate.

L. Timely Financial Report: A financial report is considered timely if:

1. The report is received in the county clerk's office no later than twelve o'clock (12:00) midnight, Mountain Standard Time, at the end of the day on which the report is due;

2. The report is received in the county clerk's office with a United States postal service postmark three (3) days or more before the date that the report was due; or

3. The candidate has proof that the report was mailed, with appropriate postage and addressing, three (3) days before the report was due.

M. Electronic Reporting: The county clerk shall permit a candidate to file the report via e-mail or another electronic means designated by the county clerk if the clerk's office is not open until twelve o'clock (12:00) midnight at the end of the day on which the report is due.

N. Duties Of County Clerk: The county clerk shall:

1. Make each campaign finance report filed by a candidate available for public inspection by:

a. Posting an electronic copy or the contents of the statement on the county website no later than seven (7) business days after the statement is filed; and

b. Verifying that the address of the county website has been provided to the lieutenant governor in order to meet the requirements of Utah Code Annotated section 20A-11-103(5); or

2. Submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Utah Code Annotated section 20A-11-103 no later than two (2) business days after the statement is filed. (Ord. 16-09, 6-14-2016)

1-10-4: PENALTY:

Any person who fails to comply with this chapter is guilty of an infraction, subject to penalty as provided in section 1-4-1 of this

code. (Ord. 16-09, 6-14-2016; amd. 2017 Code)