

TITLE 2

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Chapter 2.04

MAYOR

Sections:

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2.04.010 Mayor and mayor pro tempore designated.

The chief executive officer of the city shall be the mayor. In the temporary absence of the mayor or because of his inability or refusal to act, the governing body may elect a member of the governing body to preside over the meeting as mayor pro tempore. The election of a mayor pro tempore shall be entered in the minutes of the meeting. (Ord. no. 92-7, effective date, 7-1-92, prior code, §9-15.)

2.04.020 Mayor Pro Tem -- Right to vote.
When the mayor pro tempore is presiding, he shall have all of the powers and duties of the mayor during the mayor's absence or disability. He shall also have all the powers and duties as a city councilman which he would otherwise have if he were not acting as mayor pro tempore, including the right to vote as a councilman.
(Ord. no. 7-92, effective date 7-1-92, Prior code § 9-16.)

2.04.030 Vacancy.

1) Whenever a vacancy shall occur in the office of mayor, the city council shall appoint a mayor who is a registered voter in the

municipality who shall possess all the rights and powers of mayor until 12:00 noon on the first Monday of January following the next municipal election, except as provided in paragraph 3 of this section.

- 2) If, for any reason the council does not fill the vacancy within 30 days after the vacancy occurs, the two persons having the highest number of votes of the council shall come before the council. If neither candidate receives a majority vote of the council at that time, the vacancy shall be filled by lot in the presence of the council.
- 3) A vacancy in the office of mayor shall be filled by an interim appointment, followed by an election to fill a two-year term, if:
 - a) The vacancy occurs, or a letter of resignation is received by the governing body at least 14 days before the deadline for filing for election in an odd-numbered year; and
 - b) Two years of the vacated term will remain after the first Monday of January following the next municipal election.

2.04.040 Mayor to preside over council.

The mayor shall be the chairman and preside at all meetings of the city council but shall not vote except in case of a tie, when he shall cast the deciding vote. (Ord. no. 6-92, effective date 7-1-92, Prior code § 9-17.)

2.04.050 Powers generally.

The mayor may exercise within the city limits the powers conferred upon him to suppress disorder and keep peace. The mayor shall have authority to grant full pardons for violations of the ordinances of the city or to remit so much of any fine or penalty as belongs to the city, together with the costs of prosecution when to him it shall seem just, reasonable and a meritorious cause. He shall report monthly to the city council the number of fines remitted and pardons granted and the reasons for them. (Prior code § 9-20 Ord. no. 124 § 1.)

2.04.070 Examination of books.

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The mayor shall have the power and authority at all times to examine and inspect the books, records and papers of any officer or agent employed by the city. (Prior code § 9-22.)

2.04.080 Messages to council on city affairs.

The mayor shall from time to time give the council messages on city affairs and will recommend for their consideration such measures as he may deem expedient. (Prior code §9-23.)

2.04.090 Power to call out inhabitants.

The mayor shall have power, when necessary, to call upon every male inhabitant of the city over the age of 21 years to aid in enforcing the laws, in suppressing riots and other disorderly conduct. (Prior code § 9-24.)

2.04.100 Supervisory authority.

The mayor shall supervise the conduct of all city officers and may suspend any appointive officer from office for what he shall deem sufficient cause, such suspension, however to terminate at the next regular meeting of the city council, unless such officer is, after a hearing and an opportunity to present his defense, thereupon removed from office; provided, that such meeting of the city council may be adjourned from time to time for the purpose of passing upon the right of the officer to continue office. (Prior code § 9-25.)

2.04.110 Signature on documents.

The mayor shall sign all contracts, leases, bonds, and other writings on the part of the city authorized by the city council, or required by certificates of license issued, by or under authority of any ordinance of the city, and all warrants on the city treasurer for money authorized to be drawn there from by the city council or by law, except as otherwise provided by law or ordinance. (Prior code §9-26.)

2.04.120 Committee appointments.

The mayor will appoint all committees authorized

by ordinance or resolution of the city council. (Prior code §9-27.)

2.04.130 Granting of Privileges.

The mayor may grant such privileges and free licenses as are authorized by ordinance. (Prior code §9-28.)

2.04.140 Appointment of officers and assistants.

The mayor by and with the advice and consent of the council may appoint all appointive officers and agents that may be provided for by law or ordinance, and in like manner, fill all vacancies among the same, except as otherwise provided by law; except that elective officers shall have the sole right to appoint all their deputies and assistants who shall be confirmed by the city council. (Prior code §1-29.)

Chapter 2.08

CITY COUNCIL

Sections:

- 2.08.010 Meetings.
- 2.08.020 Quorum.
- 2.08.030 Disciplinary power.
- 2.08.040 Authority to create rules.
- 2.08.050 Voting and passage procedures.
- 2.08.060 Taking of office.
- 2.08.070 Vacancy.
- 2.08.080 Open meetings of governing body.
- 2.08.090 Conduct of public at meetings.
- 2.08.100 Requiring attendance of witnesses, production of evidence.
- 2.08.110 Failure to comply with subpoena

2.08.010 Meetings.

The legislative body of the city shall be the city council. The city council shall consist of five members or such other number as may be required by Utah State law. The city council together with the mayor shall constitute the governing body of the city. The city council shall meet each first and third Tuesday of each month at 7:00 p.m. at the

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Lindon City offices, 100 North State Street, Lindon, Utah. In the absence of other provisions therefor by resolution, if a meeting shall be held on the next business day following, and adjourned meetings shall be held from time to time as circumstances may require. The mayor or any two council members may call special meetings by issuing a written notice to each member of the city council and the mayor, served personally or left at the member's or mayor's usual place of residence, and no business shall be transacted at any special meeting except that stated in the notice thereof, unless all council members are present and unanimously consent thereto. (Ord. no. 6-92, effective date 7-1-92.)

2.08.020 Quorum.

The majority of the council elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time and are empowered to compel the attendance of absent members, and may when necessary, direct the marshal to bring in such members under arrest. Should any member of the council refuse or neglect to attend any meeting of the council when notified by the marshal or other proper officer that his presence is necessary to form a quorum, or should any member leave the council when in session without the consent of council when such leaving would break the quorum, he may be fined any sum not to exceed \$50. (Prior code §9-7.)

2.08.030 Disciplinary power.

The city council may punish its members for disorderly conduct and with the concurrence of 2/3 of the members, the council may expel a member for cause, but no member shall be removed for cause unless furnished with a copy of the charges against him and given an opportunity of being heard in his own defense. (Prior code § 9-8.)

2.08.040 Authority to create rules.

The council may, from time to time, make such rules for the government of its proceedings as may be deemed necessary and proper. (Prior code §9-

9.)

2.08.050 Voting and passage procedures.

A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the municipality and in any other case at the request of any member of the governing body by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken. The concurrence of a majority of the members elected to the city council shall be necessary to the passage of any ordinance, resolution, or other action of the city council. Unless otherwise prescribed by law, in no event shall the city council pass any ordinance or resolution, or take any other action unless at least three votes favor the proposed ordinance, resolution, or action. All ordinances passed must be signed by the mayor and attested to by the recorder as proof of their regular passage. In no event shall the mayor have the power to veto any act of the governing body unless otherwise specifically authorized by Utah State statute. (Ord. no. 6-92, effective 7-1-92, Prior code §9-8.)

2.08.060 Taking of office.

The city council shall take office on the first Monday of January after their election. (Prior code § 9-11.)

2.08.070 Vacancy.

Whenever a vacancy shall occur in the office of a city council member, the city council shall appoint a registered voter in the municipality to fill the unexpired term of the office vacated until 12:00 noon on the first Monday of January following the next municipal election, except as provided in paragraph 2 of this section.

1. If, for any reason, the council does not fill the vacancy within 30 days after the vacancy occurs, the two persons having the highest number votes of the council shall come before the council. If neither candidate receives a majority vote of the council at that time, the vacancy shall be filled by lot in the presence of

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the council.

2. A vacancy in the office of a city council member shall be filled by an interim appointment, followed by an election to fill a two-year term, if:
 - a. The vacancy occurs, or a letter of resignation is received by the governing body at least 14 days before the deadline for filing for election in an odd-numbered year; and
 - b. Two years of the vacated term will remain after the first Monday of January following the next municipal election.

2.08.080 **Open meetings of governing body.**

All meetings of the governing body of Lindon City shall be held in compliance with the provisions of Chapter 4 of Title 52, U.C.A. 1953, relating to open and public meetings. (Ord. no. 6-92, effective date 7-1-92.)

2.08.090 **Conduct of public at meetings.**

The governing body on a 2/3 vote may expel any person who is disorderly during the meeting of the governing body. This section or any action taken by the governing body pursuant hereto, shall not preclude prosecution under any other provision of law. (Ord. no. 6-92, effective date 7/1/92.)

2.08.100 **Requiring attendance of witnesses, production of evidence.**

The governing body of Lindon City may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of Lindon City. The governing body may issue subpoenas in its own name in the same manner as is provided in the Utah Rules of Civil Procedure. (Amended 6/92, Ord. no. 6-92, effective date 7/1/92.)

2.08.110 **Failure to comply with subpoena**

Failure to comply with a subpoena issued by the City Council pursuant to this Section shall be punishable as a Class B. Misdemeanor. (Ord 2010-6, adopted 9-22-2010)

Chapter 2.12

CITY RECORDER

Sections:

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|----------|--|
| 2.12.010 | Duties. |
| 2.12.020 | Payment of money into treasury. |
| 2.12.030 | Open inspection of records and papers. |
| 2.12.040 | Mayor may not serve as recorder. |

2.12.010 **Duties.**

It shall be the duty of the city recorder to keep the records, papers and seal of the city in order, the date of all laws and resolutions passed by the city council in a book kept for that purpose. He shall keep in a separate book a record of the proceedings of the city council, whose meetings it shall be his duty to attend. He shall keep in a book provided for that purpose the name of all persons elected or appointed to any office within the city, their terms of office and the dates of the death, resignation or removal of any such officer, and the names of the person appointed to fill the vacancy so created. He shall cause a certified copy of all laws passed by the city council to be posted in three public places in the city within one week after the passage of such law by the city council unless published as otherwise provided by law. (Ord. no. 6-92, amended 6-28-92, effective date 7-1-92.)

2.12.020 **Payment of money into treasury.**

The city recorder shall pay into the city treasury all moneys belonging to the city coming into his hands by virtue of his office. He shall deliver to his successor in office the corporate seal, together with all books, papers, records and other property in his possession belonging to the city. (Prior code §9-48.)

2.12.030 **Open inspection of records and papers.**

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All records, books, papers and documents belonging to any office in the city government shall be open to the inspection of the public at all reasonable office hours. (Prior code § 9-49.)

2.12.040 Mayor may not serve as recorder.

The mayor of Lindon City may not serve as the city recorder.

Chapter 2.16

JUSTICE OF THE PEACE

Sections:

2.16.010 Duties--Generally.
2.16.020 Payment of moneys received.
2.16.030 Vacancy.

2.16.010 Duties--Generally.

The city justice of the peace shall keep his office at such place as the city council may from time to time direct. He shall perform the duties required of him by the ordinances of the city and the general law. He shall report monthly to the city council at its first regular meeting in each month showing the total number of cases brought before him on behalf of the city during the previous month, the amount of fines levied and the amount collected. (Prior code §9-66.)

2.16.020 Payment of moneys received.

The city justice of the peace shall pay all moneys belonging to the city received by him for fines or otherwise into the city treasury on or before the second Monday of each and every month taking the treasurer's receipt therefore; provided, however, that said justice shall retain as part of the compensation for said office all fees in civil cases brought in that justice's court. (Prior code §9-67.)

2.16.030 Vacancy.

If a vacancy shall occur in the office of the city justice of the peace, the mayor by and with the

consent of the city council shall forthwith fill any vacancy by appointment for the unexpired term, the person so appointed shall qualify in the same manner as a city justice and shall have and exercise all the powers conferred by law upon a city justice. In case the city justice shall for any reason be unable or disqualified to perform the duties of his office, or shall be absent, the mayor shall appoint some other justice of the peace residing within the county to act as city justice of the peace pro tem, and he shall have the powers and discharge the duties of such city justice during the existence of such disability or absence only in the same manner and to the same extent as the city justice might have done. (Prior code § 9-68.)

Chapter 2.20

CITY ATTORNEY

Sections:

2.20.010 Appointment.

2.20.010 Appointment.

The council shall, if it deems expedient, at any regular or special meeting appoint a city attorney. The city attorney must be a regularly licensed attorney and shall perform the duties required of him by the general laws and by the ordinances of the city and such other duties as the council may by law or resolution require. In case of disability or inability, the city attorney may with the consent and approval of the city council appoint a deputy to advise the city officers in any or all legal matters and to perform any duty ordinarily performed by the city attorney. Instead of appointing a city attorney, the council may, upon recommendation of the mayor, employ an attorney to perform such duties as shall prescribe. (Prior code §9-35.)

Chapter 2.24

CITY ENGINEER

Sections:

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2.24.010 Appointment.

2.24.010 Appointment.

The council shall, if it deems expedient, at any regular or special meeting, appoint a city engineer. The city engineer shall perform the duties required of him by the general laws and by the ordinances of the city and such other duties as the council may by law or resolution require. Instead of appointing a city engineer, the council may, upon recommendation of the mayor, employ an engineer to perform such duties as it shall prescribe. (Prior code § 9-35.)

Chapter 2.28

OFFICERS GENERALLY

Sections:

2.28.010 Official bond and oath.
2.28.020 Approval of bond and surety.
2.28.030 Oath.
2.28.040 Execution of new bond.
2.28.050 Amount of bonds.
2.28.060 Adoption of compensation schedule.
2.28.070 Appointment by council.
2.28.080 Modification of compensation.
2.28.090 Time of payment of officers.
2.28.100 Use of office for personal benefit prohibited.

2.28.010 Official bond and oath.

All elective and appointive officers of this municipality shall before assuming the duties of office, file with the city recorder an official bond with corporate sureties and constitutional oath of office, except the bond of the recorder which shall be filed with the treasurer. (Prior code §9-72.)

2.28.020 Approval of bond and surety.

Before any of the officers of this municipality, except the mayor, shall be entitled to assume the duties of his office, his bond and the sureties thereon must be approved by the mayor. The bond of the mayor must be approved by the city council. (Prior code §9-73.)

2.28.030 Oath.

Before any officer of this municipality shall be entitled to assume the duties of his office, he shall take and subscribe to the following oath:
I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the constitution of this State; that I will discharge the duties of my office with fidelity.
(Prior code §9-74.)

2.28.040 Execution of new bond.

In case of the insolvency of any surety upon an official bond during the incumbency of the principal in said bond, the said principal shall immediately execute, deliver, and file a new bond, and in the event of his failure to do so within 10 days after notice from the mayor or from the city council of a demand for such new bond, his office shall be deemed to be vacant, and the proper appointing power will proceed to fill said the vacancy in manner conformable to law and ordinance. (Prior code §9-75.)

2.28.050 Amount of bonds.

The amount for which the respective officers shall give bond as stated in Section 2.28.040 shall be as follows:

Mayor	\$500
Marshal	\$500
Police officers	\$500
Treasurer and deputies	\$3,000
Recorder and deputies	\$5,000
Councilmembers	\$500
Attorney	\$500
Justice of the Peace	\$500

The bond of marshal as above set forth shall also cover his duties as supervisor of the streets and manager of the city waterworks, when those offices are consolidated. The city council may at any time require further and additional bonds of any officer elected or appointed as it may deem proper. (Prior code §9-76.)

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2.28.060 Adoption of compensation schedule.

1. A schedule of compensation for elected and appointed officials of Lindon City:

Lindon City Mayor \$630.57/month

Lindon City Councilmembers \$349.06/month
Councilmember assigned

to Planning Commission \$399.06/month

Lindon City Administrator/Recorder

According to Annually

Adopted Pay Schedule

Lindon City Treasurer

According to Annually

Adopted Pay Schedule

Lindon City Justice of the Peace

According to Annually

Adopted Pay Schedule

2. Elected city officials will receive any annually approved cost of living increases.

(Ord. 116 §1, 1985; Ord. 95 51, 1983; prior code §9-82.)(Ord. 99-3, Amended, 10/03/2000)

2.28.070 Appointment by council.

The city council may appoint such other officers as may be necessary for the order and well-being of the city, define their duties, fix their term and compensation, remove them from office at pleasure and require them to take and subscribe an oath and give bond as they shall provide by resolution or ordinance. (Prior code § 9-86.)

2.28.080 Modification of compensation.

In the event the governing body decides that compensation or compensation schedules should be adopted, changed, or amended, it shall set a time and place for public hearing at which all interested persons shall be given an opportunity to be heard. Notice of the time, place, and purpose of the meeting shall be published at least seven days prior thereto by publication at least once in a newspaper published in Utah County and circulated in Lindon City. After the conclusion of the public hearing, the governing body may enact an ordinance fixing, changing, or amending the compensation of any elective or appointive Lindon City officer or

adopting a compensation schedule applicable to any officer or officers. (Ord. no. 6-92, enacted 6/92, effective date 7/1/92.)

2.28.090 Time of payment of officers.

The compensation of all Lindon City officers, if any, shall be paid at least monthly out of the municipal treasury. (Ord. no.92-6, amended 7-1-97, effective date 7-1-92.)

2.28.100 Use of office for personal benefit prohibited.

1. No elected or appointed officer or municipal employee shall:

- a. Improperly disclose private, confidential, or protected information acquired by reason of his official position or improperly use such information to secure special privileges or exemptions for himself or others;

- b. Use or attempt to use his official position to secure special privileges or exemptions for himself or others; or

- c. Knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for himself or another if the gift or loan tends to influence him in the discharge of his official duties.

2. This Section does not apply to:

- a. An occasional non-pecuniary gift having a value of less than \$50;

- b. An award publicly presented;

- c. Any bona fide loan made in the ordinary course of business;

- d. A political campaign contribution if the contribution is actually used in a political campaign.

3. In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this Section, shall be dismissed from employment or removed from office and shall be subject to prosecution pursuant to state law.

(Ord 2010-6, amended 9-22-2010, Ord. no 92-6, enacted 7-1-92, effective date 7-1-92.)

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Chapter 2.30

EMERGENCY MANAGEMENT SUCCESSION OF OFFICES

Sections:

2.30.010	Definitions.
2.30.020	Designating interim successors
2.30.030	Master list
2.30.040	Duties of interim successors
2.30.050	No oath of office required
2.30.060	City Council approval
2.30.070	Seat of Government

2.30.010 Definitions.

For purposes of this chapter, the following words are defined as follows:

1. "Absent" means not physically present or not able to be communicated with for 12 hours, or, during an emergency, such shorter period of time as determined by the Mayor, or his successor, on a case-by-case basis. Absent does not include a person who can be communicated with via telephone, radio, or telecommunications.
2. "Attack" means a nuclear, conventional, biological, or chemical warfare action against the United States of America or the State of Utah.
3. "Disaster" means a situation causing, or threatening to cause, widespread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomenon, or technological hazard.
4. "Emergency interim successor" means a person designated by this chapter to exercise the powers and discharge the duties of an office when the person legally exercising the powers and duties of the office is unavailable.
5. "Executive director" means the person with ultimate responsibility for managing and overseeing the operations of each department, however denominated.

6. "Internal disturbance" means a riot, prison break, disruptive terrorism, or strike.
7. "Natural Phenomenon" means earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, drought, epidemic, or other catastrophic event.
8. "Office" includes all city offices, the powers and duties of which are defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws, including all heads of departments.
9. "Place of governance" means the physical location where the powers of an office are being exercised.
10. "Political subdivision officer" means a person holding an office in the city.
11. "Technological hazard" means any hazardous materials accident, mine accident, train derailment, air crash, radiation incident, pollution, structural fire, or explosion.
12. "Unavailable" means absent from the place of governance during a disaster that seriously disrupts normal governmental operations, whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

2.30.020 Designating interim successors
Each person holding an office, as defined in this Chapter, shall provide to the City Council, within thirty (30) days from the effective date of this Chapter, and on or before the 1st day of July of each year thereafter, a written list designating three emergency interim successors and their order of succession. Each officer shall also submit a new list if the officer or any of the successors changes.

2.30.030 Master list
After the City Council approves the emergency interim successors and their order of succession, the lists shall be given to the City Recorder, who shall compile a master list for Lindon City and submit it to the Division of Comprehensive Emergency Management for the State of Utah.

2.32.040 Duties of interim successors

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If the officer is unavailable once a disaster has occurred, the designated emergency interim successor shall exercise the power and duties of the office according to the order of succession. The emergency interim successor shall exercise the powers and duties of the office only until the vacancy is filled in accordance with the Constitution or statutes, or until the officer, his deputy, or an emergency interim successor earlier in the order of succession become available to exercise the powers and duties of the office.

2.32.050 No oath of office required
The emergency interim successor shall not be required to take an oath of office, unless specifically provided by law.

2.32.060 City Council approval
Until persons designated as emergency interim successors succeed to the exercise of the powers and duties of an office, they shall serve as emergency interim successors at the pleasure of the City Council and may be approved and replaced by the City Council at any time, with or without cause.

2.32.070 Seat of government
The City Council, upon a determination that the Lindon City offices are not capable of functioning as the seat of government for the City, may designate another location, outside of the City if necessary, to serve as a seat of government during the emergency.

Chapter 2.32

FIRE DEPARTMENT

Sections:

2.32.010	Chief appointment.
2.32.020	Salary.
2.32.030	Appointment and removal power.
2.32.040	Chief--Duty and powers.
2.32.060	Removal of poles/ wires and buildings- - Authority.
2.32.070	Street blockades.
2.32.080	Authority to prescribe limits in vicinity of fire.

2.32.090	Unlawful interference penalty.
2.32.100	Authority regarding use of water.
2.32.110	Places of public assemblage--Authority to prescribe rules.
2.32.130	Right of entry.
2.32.140	Defective structures.
2.32.150	Unoccupied buildings.
2.32.160	Fire investigation and report.
2.32.170	Causing a fire.
2.32.180	Apparatus--Maintenance.
2.32.190	Apparatus--Interference-penalty.
2.32.200	False alarms--Penalty.
2.32.210	Violation--Penalty.

2.32.010 Chief appointment.
The council shall appoint a chief of the fire department who shall qualify by taking and subscribing the constitutional oath and filing with the recorder a bond as fixed by the city council. (Prior code § 7-1.)

2.32.020 Salary.
The salary of the chief of the fire department and the members of the fire department shall be fixed by resolution of the city council from time to time, and shall be paid from the funds of the city upon warrants drawn upon the city. (Prior code §7-3.)

2.32.030 Appointment and removal
power.
The chief of the department shall have power to appoint members and to remove any officer or member of the department at any time he sees fit, subject to confirmation by the city council. (Prior code §7-3.)

2.32.040 Chief--Duty and powers.
The duty of extinguishing fires and of protecting life and property within the city is entrusted to the chief of the fire department. He may divide the city into fire districts and make such rules and regulations, subject to the approval of the city council for the government of all officers and members of the department, as he may deem expedient. He may make suitable regulations under which the officers and members of the department shall be required to wear an appropriate uniform or badge, by which, in case of

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fire and at other times, their authority and position in the fire department may be known. The chief shall have sole and entire command over all officers and members of the department at fires. He shall have full charge at all times of all apparatus and appurtenances belonging to the department, and he shall adopt such measures as he shall deem expedient for the extinguishment of fire, protection of property or preservation of order and observation of the laws of the state, duties required of him by law and the ordinances of the city council. It shall be the duty of the chief of the department to examine the condition of all houses, and to inspect engines, hose and hook and ladder equipment of the city fire department. (Prior code § 7-4.)

2.32.060 Removal of poles/ wires and buildings-- Authority.

When a fire is in progress, the chief of the department, or in his absence the officer in charge, in case of urgent public necessity, may order any telegraph, telephone, electric light wire or poles, in close proximity thereto, to be torn down or otherwise disposed of, and he may likewise order any building or buildings, in close proximity thereto, to be torn down or otherwise disposed of for the purpose of checking the conflagration, but neither the chief of the department nor any other officer or member of the fire department shall unnecessarily or recklessly destroy or injure any building or other property. (Prior code §7-6.)

2.32.070 Street blockades.

Whenever a fire shall occur it shall be lawful for the chief, or the officer in command, to blockade any street, avenue, alley, sidewalk or other place if in his judgment it is necessary to secure the ladder apparatus under his command, and to protect the hose of said department from injury. It is unlawful for any person to break through said blockade. (Prior code §7-8.)

2.32.080 Authority to prescribe limits in vicinity of fire.

The marshal, in conjunction with the fire officer in charge, may prescribe the limits in the vicinity of the fire within which no person, except members of the department, marshal and police, or those admitted by order of the officer in charge, shall be permitted to come. (Prior code §7-8.)

2.32.090 Unlawful interference penalty.

Any person who shall willfully hinder any officer or foreman in the charge of his duty at a fire, or in any manner injure, deface, or destroy any engine, hose or other fire apparatus belonging to the city or who shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or in any way interfere with the water or its source of supply, shall be deemed guilty of a Class B misdemeanor. (Ord 2010-6, amended 9-22-2010, Prior code §7-10.)

2.32.100 Authority regarding use of water.

The chief of the department, or other officer in charge, shall have the right to use water from any source for the purpose of extinguishing fires or for saving property in danger of being destroyed thereby. (Prior code §7-11.)

2.32.110 Places of public assemblage-- Authority to prescribe rules.

It shall be the duty of the fire chief, subject to the approval of the city council, to name such rules and regulations as may be necessary for the prevention of fire in theaters, schools, churches and other places of assemblage or public amusement. Such rules and regulations shall be printed and posted in conspicuous places as designated by the fire chief and it is unlawful for any person to remove, obstruct or deface the same. It shall be the duty and responsibility of the owner, manager, agent or person having control of such building to cause and bring about compliance with all such rules and regulations. (Prior code §7-12.)

2.32.130 Right of entry.

Whenever necessary to make an inspection to

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enforce any of the provisions of this chapter, or whenever the chief or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the chief or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the chief by this chapter, provided that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the chief or his authorized representative shall have recourse to every remedy provided by law to secure entry. (Ord. no. 125 §1, prior code §7-13.)

2.32.140 Defective structures.

Whenever, in the judgement of the fire chief, any building or structure, or any portion thereof, or any appurtenances or fixtures thereto, or any chimney, smokestack, stove, oven, furnace or wiring or thing connected with such building or premises is deemed defective or unsafe, and such defect or unsafe condition is such as to create a danger from fire; or whenever the owner or occupant of such building or structure or part thereof keeps or stores any explosive, combustible, flammable material, waste or rubbish of any description in such manner that the same creates a danger from fire, the fire chief or his deputies shall give the owner or person having control of such building or structure notice not exceeding five days of required changes, alterations or repairs necessary to render the same safe to life and property from fire, and any person refusing or neglecting to comply with such notice shall be deemed guilty of a Class B misdemeanor. (Ord 2010-6, amended 9-22-2010, Prior code §7-15)

2.32.150 Unoccupied buildings.

Whenever any unoccupied building is not properly secured or enclosed, the fire chief, or his deputies,

shall immediately visit the premises and notify the owner or person having control of the same, forthwith to secure or enclose the same, and the person so notified as aforesaid shall, within 48 hours, comply therewith. (Prior code §7-16.)

2.32.160 Fire investigation and report.

The chief (or in his absence his assistants in charge of the fire) shall, after its extinguishment, make a prompt and thorough investigation of the cause of the fire, the time of breaking out, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other affected buildings and premises, and shall secure all other useful information and data available and record the same in a record book kept for that purpose in the office of the department and shall report the same to the city council at such times as it may direct. (Prior code §7-17.)

2.32.170 Causing a fire.

It is unlawful for any person, wilfully or negligently, to ignite or cause to be ignited, any tree or shrub, cultivated crop or fence, building or other property on any land not his own, or to throw away any lighted cigar, cigarette, match or other burning material whatsoever on any land cover which will carry fire. A person violating this Section shall be guilty of a Class B misdemeanor. (Ord 2010-6, amended 9-22-2010, Prior code §7-18.)

2.32.180 Apparatus--Maintenance.

All engines, hose and other fire equipment shall be kept at such place or places as the city council shall provide and designate and shall be kept in proper condition for immediate use. (Prior code §7-22.)

2.32.200 False alarms--Penalty.

Any person who shall without cause give an alarm of fire by outcry or ringing of bells or otherwise, shall be deemed guilty of a Class B misdemeanor. (Ord 2010-6, amended 9-22-2010, Prior code § 7-24.)

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2.32.210 Violation--Penalty.

1. Any person violating any provision of this chapter shall be deemed guilty of a Class B misdemeanor.
2. Each day that any violation continues after notification by the Chief or his agent that such violation exists shall be considered a separate offense. (Ord 2010-6, amended 9-22-2010, Prior code § 7-27.)

Chapter 2.36

POLICE DEPARTMENT

Sections:

- | | |
|----------|--|
| 2.36.010 | Marshal--Duties generally. |
| 2.36.020 | Marshal--Duties specifically. |
| 2.36.030 | Marshal--Duty to inquire into violations. |
| 2.36.040 | Marshal--Authority as chief of police. |
| 2.36.050 | Marshal--Register of arrest. |
| 2.36.060 | Marshal--Nuisance abatement--
Financial accounting. |
| 2.36.070 | Marshal--Authority to make regulations. |
| 2.36.080 | Authority of mayor to appoint officers. |
| 2.36.090 | Duty of officers. |

2.36.010 Marshal--Duties generally.

The marshal shall perform the duties required of him by the general laws and the ordinances of the city and such other duties as the city council may by ordinance or resolution require. (Prior code § 14-1.)

2.36.020 Marshal--Duties specifically.

The marshal shall at the request of the mayor attend meetings of the city council; shall have charge of the city prison, police quarters and furniture and appurtenances hereunto belonging and cause the same to be kept in good order; execute all orders of the mayor and city council; preserve the peace and good order of the city; quell all riots; serve all processes issued by the city justice of the peace, and to him directed, and see that all orders and judgments of said court are carried into effect; and shall take such measures as

shall secure the peace and good order of all public meetings and of the city generally. (Prior code §14-2.)

2.36.030 Marshal--Duty to inquire into violations.

The marshal shall diligently inquire into all violations of the city ordinances that come to his attention or knowledge and shall enter complaint before the proper court against all persons who he has good cause to believe guilty of such violation. (Prior code § 14-3.)

2.36.040 Marshal--Authority as chief of police.

The marshal is the chief of police and all policemen are subordinate to him and must obey all reasonable and lawful commands made by him. (Prior code §14-3.)

2.36.050 Marshal--Register of arrest.

The marshal shall provide and cause to be kept in the police headquarters in the city hall a register of all arrests upon which shall be entered a statement showing the date and hour of such arrests, the name of the person arrested, the offense charged and a description of any property found on the person arrested. (Prior code §14-5.)

2.36.060 Marshal--Nuisance abatement-- Financial accounting.

The marshal shall cause to be abated or removed any nuisance found within the limits of the city; he shall keep a correct account in a book provided for that purpose of all moneys which may, by virtue of his office, come into his hands, stating from whom and on what account received and pay into the city treasury monthly all moneys in his hands belonging to the city or which by law are required to be paid into the treasury. (Prior code §14-6.)

2.36.070 Marshal--Authority to make regulations.

The marshal is authorized and required to make all needful regulations not inconsistent with the

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ordinances of the city or general laws for the government and control of the police department; and the marshal must report to the mayor any violations of such rules or the ordinances by any policeman. The marshal may, by and with the advice and consent of the mayor, appoint special policemen on holidays or such other times as in his judgment it becomes necessary. (Prior code § 14-7.)

2.36.080 Authority of mayor to appoint officers.

The mayor, by and with the consent of the city council, may from time to time appoint such number of policemen as shall be necessary for the good government of the city. (Prior code § 14-8.)

2.36.090 Duty of officers.

Policemen are officers of the city and must diligently and faithfully perform the duties imposed upon them by the ordinances of the city or the resolutions of the city council. They must obey the rules provided by the mayor and marshal and must diligently enforce all ordinances concerning the public peace. (Prior code § 14-9.)

Chapter 2.38

HISTORIC PRESERVATION COMMISSION

Sections:

2.38.010	Purpose.
2.38.020	Historic preservation commission.
2.38.030	Commission duties.
2.38.040	Lindon City historic sites list.
2.38.050	Lindon historic landmark register.
2.38.060	Standards for rehabilitation.

2.38.010 Purpose.

The Lindon City recognizes that the historical heritage of the Lindon community is among its most valued and important assets. It is therefore the intent of Lindon City to identify, preserve, protect, and enhance historic areas and sites lying

within the city limits of Lindon City.

2.38.020 Historic preservation commission.

1. The commission shall consist of a minimum of five members with a demonstrated interest, competence, or knowledge in historic preservation, appointed by the city council for terms of not less than two years.
2. To the extent available in the community, two Commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture, or architectural history.
3. The Commission shall meet at least twice each year and conduct business in accordance with the Open Public Meeting laws of Utah. This includes public notification of meeting place, time, and agenda items.
4. Written minutes of each Commission meeting shall be prepared and made available for public inspection. A historic preservation commission is hereby established by Lindon City with the following provisions:

2.38.030 Commission duties.

The historic preservation commission shall have the following duties:

1. Survey and Inventory Community Historic Resources. The Historic Preservation Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every 10 years.
2. Review Proposed Nominations to the National Register of Historic Places. The Historic Preservation commission shall review and comment to the State Historic Preservation Officer on all proposed National Registry nominations for properties within the

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boundaries of Lindon City. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission shall seek expertise in that area before rendering its decision.

3. Provide advice and information.
 - a) The historic preservation commission shall act in an advisory role to other officials and departments of government regarding the identification and protection of local historic and archaeological resources.
 - b) The historic preservation commission shall work toward the continuing education of citizens regarding historic preservation and community history.
4. Enforcement of state historic preservation laws.
 - a. The commission shall support the state laws relating to historic preservation. These include, but are not limited to: U.C.A. §17A-3-1301 through 1306, "The Historic District Act;" and U.C.A. §9-8-301 through 506 regarding the protection of Utah antiquities and historic sites.
 - b. Anyone violating this Chapter or any portion of the State Code adopted or referenced herein shall be guilty of a Class B Misdemeanor. Each day that a violation of this Chapter continues after notification by the commission or its agent that such violation exists shall be considered a separate offense.

2.38.040 Lindon City historic sites list.

The historic preservation commission may designate historic properties to the historic sites list as a means of providing recognition to and encouraging the preservation of historic properties in the community.

1. Criteria for designating properties to the Lindon historic sites list. Any district, building, structure, object, or site may be designated to the historic sites list if it meets all the criteria outlined below:

- a. It is located within the official boundaries of the city.
 - b. It is at least 50 years old.
 - c. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.
 - d. It has been documented according to the Utah State Historic Preservation office standards for intensive level surveys (January 1990 version or subsequent revisions) and copies of that documentation have been placed in the local and state historic preservation files.
2. Nomination and list procedures. Any person, group, or government agency may nominate a property for listing in the Lindon historic sites list. The nomination and listing procedures are as follows:
 - a. Completed intensive level survey documentation for each nominated property must be submitted in duplicate to the historic preservation commission.
 - b. The commission will review and consider properly submitted nominations at its next scheduled meeting. The commission will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the nominating party's option in order to

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- accommodate "last-minute" submittals, although no nomination will be reviewed if it is submitted to the commission less than 48 hours prior to the meeting.
- c. The historic preservation commission will review the documentation for completeness, accuracy, and compliance with the criteria for designating historic properties to the "Lindon historic sites list" and will make its decision accordingly.
 - d. Owners of officially designated historic sites may obtain a historic site certificate from the historic preservation commission. The certificate contains the historic name of the property, the date of designation, and signatures of the mayor and the historic preservation commission chairperson.
 - e. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
 - f. The city will delay issuing a demolition permit for a maximum of one week and will notify a member of the historic preservation commission, which will take responsibility for the documentation.
 - g. Documentation will include, at minimum exterior photographs (both black-and-white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor plan drawing of the building.
 - h. The demolition permit will be issued after one week of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the commission completes its documentation before the one-week deadline.
 - i. The documentation will be kept in the Commission's historic site files, which are open to the public.
3. Removal of properties from the historic sites

list. Properties which, in the opinion of the historic preservation commission, no longer meet the criteria for eligibility may be removed from the historic sites list after review and consideration by the committee.

2.38.050 Lindon historic landmark register.

Significant historic properties may be designated to the historic landmark register for the purpose of recognizing their significance and providing incentives and guidelines for their preservation.

1. Criteria for designation to the Lindon historic landmark. Any district, building, structure, object, or site may be designated to the historic landmark register if it meets all the criteria outlined below:
 - a. It is located within the official boundaries of the city.
 - b. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.4(s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following National Register criteria:
 - i. Associated with events that have made a significant contribution to the broad patterns of our history; or
 - ii. Associated with the lives of persons significant in our past; or
 - iii. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - iv. Has yielded, or may be likely to yield, information important in prehistory or history (archeological sites, for example).

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- c. The owner of the property approves of the action to designate his/her property to the historic landmark register and has submitted to the commission a written statement to that effect.
2. Designation procedures.
 - a. Official designation proceedings must begin with the submittal of a written request for designation by the property owner to the commission chairperson. The letter must identify the property by its address and historic name, give the date the property was listed in the National Register where officially determined eligible, and include a statement verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by informal contacts with the property owner by commission members, private citizens, local officials, or others regarding designation of the property.
 - b. Upon receipt of the written request for designation, the commission chairperson shall arrange for the nomination to be considered at the next commission meeting, which shall be held at a time not to exceed 30 days from the date the request was received.
 - c. The decision by the commission shall be based on the eligibility of the property in terms of meeting the criteria for designating properties to the Lindon historic landmark register. The commission shall forward its recommendations in writing to the city council within 14 days.
 - d. The city council may, by approval and passage of an appropriate resolution, designate properties to the historic landmark register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this ordinance.
 - e. After a property has been formally designated to the historic landmark register, the designation may be amended or rescinded in the same manner as the original designation was made.
 - f. Upon official designation, the commission shall record the designation with the county recorder's office to indicate such designation on the official title thereof.
 - g. Results of designation to the historic landmark register.
 - h. Properties designated to the historic landmark register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.
 - i. In the event of rehabilitation of the property, local building officials, to the extent permitted by applicable law, will consider waiving certain code requirements in accordance with Section 104(f) of the Uniform Building Code (1988 Edition, which deals with historic buildings, or the uniform code for building conservation, a special code for existing buildings.)
 - j. Owners of historic landmarks may seek assistance from the historic preservation commission in applying for grants or tax credits for rehabilitating their properties.
 - k. Proposed repairs, alterations, or additions to historic landmarks are subject to the review of the historic preservation commission and the subsequent review and approval of the city council. The purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible.
 - l. Applications for permits pertaining to historic landmark properties shall be forwarded by the building inspector to the historic preservation commission prior to their issuance.
 - m. At its next scheduled meeting, the commission shall review the applications and proposed work for compliance with the Secretary of the Interior's "Standards

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for Rehabilitation," hereafter referred to as the "standards."

- n. The commission's recommendation shall be forwarded within three days to the city council for their consideration in reviewing the applications. The recommendation must indicate which of the standards the commission's decision was based on and, where appropriate, a brief explanation. Copies of the recommendation shall be sent to the building inspector and the property owner at the same time.
 - o. The city council shall schedule the matter for its next city council meeting and, upon review of the historic preservation commission's recommendation and other comments given at the meeting, make a decision regarding the appropriateness of the proposed action. Approved projects will be issued a "Certificate of Historical Appropriateness" which authorizes the building permit to be issued.
3. Enforcement. The provisions of this section are subject to the enforcement provisions established with regard to building permits and building codes. (Ord. no. 12-92, effective date 1/1/93.)

2.38.060 Standards for rehabilitation.

The following "standards for rehabilitation" shall be used by the historic preservation commission and city council when determining the historic appropriateness of any application pertaining to historic landmark properties:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical

development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. (Ord 2010-6, amended 9-22-2010, Ord. no. 12-92, effective date 1/1/93)

Chapter 2.40

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CITY PRISON

Sections:

2.40.010 Jailor--Designated.
2.40.020 Jailor--Duty to adopt rules.
2.40.030 Jailor--Duties Generally.
2.40.040 Prisoner labor.

2.40.010 Jailor--Designated.
The city marshal shall be ex officio jailor and he shall perform the duties of jailer without extra compensation. (Prior code §14-10.)

2.40.020 Jailor--Duty to adopt rules.
It shall be the duty of the jailor to formulate a system of prison rules and to keep a record on which he shall enter a statement of every infraction thereof committed by any person confined therein. (Prior code §14-12.)

2.40.030 Jailor--Duties Generally.
It shall be the duty of the Jailor to take charge of the city prison, to cause to be warmed and lighted when it shall be necessary and kept clean and in proper order. He shall have the custody of the inmates thereof and shall see to feeding and otherwise caring for them. He shall see that all rules prescribed by the city council for the government of the prison are carried into effect. (Prior code § 14-13.)

2.40.040 Prisoner labor.
Whenever any person is sentenced to imprisonment for violation of any city ordinance and such person is required by the judgment of the court to labor, such labor shall be performed under the direction of the city marshal. If committed for nonpayment of a fine, for such work the person so required to labor shall be allowed \$2 for each day's work on account of such fine. (Prior code § 14-14.)

Chapter 2.42

CITY SEXTON

Sections:

2.42.010 Office of city sexton.
2.42.020 Duties of city sexton.
2.42.030 Sexton to record plats and conveyances.
2.42.040 Sexton to furnish burial rights certificate.
2.42.050 Sexton to file transcripts.
2.42.060 Sexton to attend to interments.
2.42.070 Receipts deposited with treasurer.
2.42.080 Prohibited activities.
2.42.090 Compensation.

2.42.010 Office of city sexton.
The office of city sexton is hereby created, which office shall be filled by appointment of the mayor with the approval of the city council. (Ord. no. 92-11, enacted 11-4-92, effective date 11-6-92.)

2.42.020 Duties of city sexton.
The city sexton shall possess such supervisory and administrative powers, duties, and responsibilities relating to city cemeteries as are not repugnant to law or contrary to any specific direction or limitation set forth by Lindon City, including, but not limited to, the following:

1. Supervising the operations and maintenance of the cemetery grounds and improving such grounds under the direction of the city council.
2. Recommending to the city council such additional rules and regulations as may be required for the proper and efficient operation, maintenance, use, and protection of city cemeteries.
3. Subdividing all city cemeteries into sections and lots, and maintaining a plat of the cemetery grounds showing the location of the same.
4. Maintaining an accurate, indexed record of the

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present ownership or use of all burial lots in all city cemeteries. Said record shall indicate the identity of the purchaser.

5. Preventing any city cemetery from being used beyond its capacity, as established by the city council.
6. Preventing the trespass of animals not confined at all times within a vehicle and of minors not employed by the city and not accompanied by an adult; enforcing traffic regulations within city cemeteries in cooperation with the city police; reporting as well as preventing, to the extent practicable, the vandalism of cemetery property.
7. Opening and closing or causing to be opened or closed all graves required for the burial of the dead in city cemeteries.
8. Interring or permitting the interment of the remains of the dead only if such interment is to be made by a licensed funeral director or by a person in possession of a burial-transit permit as required by U.C.A. §26-12-17, and all other state and local laws and regulations.
9. Complying with the procedures mandated by U.C.A. §26-2-12, and all other state and local laws and regulations.
10. Keeping current a true and complete record of all interments made in city cemeteries, setting forth the name of the decedent, the place of death, the date of burial, and the name and address of the funeral director or other person making the interment. Such record shall be prepared and maintained at the expense of the city and shall be open to public inspection.
11. Preparing and sending a list of interments, made in city cemeteries each month, in the manner and to the state officer designated in U.C.A. §26-2-17(3), and other applicable law.
12. Collecting in advance such charges and fees relating to city cemeteries as the city council may set by resolution.
13. Selling burial rights and collecting all sums arising from such sales, to include the purchase price of the burial rights and the fees established by resolution of the city council.
14. Removing or causing to be removed, without

notice, floral pieces, displays, or other items left on any grave, as deemed necessary to the appearance or maintenance of city cemeteries.

15. Directing the parking, standing, or movement of vehicles through city cemeteries.
16. Performing such other duties in relation to the cemetery as may be required by this chapter and Chapter 8.32 of this Code. (Ord. no. 92-11, enacted 11-4-92, effective date 11-6-92.)

2.42.030 Sexton to record plats and conveyances.

The city sexton shall file and cause to be filed in the office of the Utah County Recorder an accurate plat of all city cemeteries, which shall clearly show the section of burial lots for which burial rights have been conveyed, the names of the persons owning such burial rights, and the sections of burial lots for which no burial rights have been conveyed. The city sexton shall periodically update its filings with the County Recorder to reflect changes in the foregoing information and shall, prior to the offering for sale any burial rights in any additions of land to a city cemetery, record a plat for the addition to the cemetery. (Ord. no. 92-11, enacted 11-4-92, effective date 11-6-92.)

2.42.040 Sexton to furnish burial rights certificate.

The city sexton shall furnish every purchaser of burial rights in a city cemetery with a certificate of burial rights, properly executed, in form sufficient to permit filing and recording by the county recorder upon payment of the purchase price and all fees required by the city. All such certificates shall state that the holder thereof has not acquired any title or interest in real property, but only holds a right to burial. Each certificate shall constitute the sole evidence of the purchaser's interest. A certified copy of such certificate shall remain on file at the office of the city sexton. (Ord. no. 94-3, amended 2-15-94, effective date 2-16-94, ord. no. 92-11, enacted 11-4-92, effective date 11-6-92.)

2.42.050 Sexton to file transcripts.

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On the first days of January and July of each year, the city sexton shall file with the Utah County Recorder a transcript, duly certified by the city sexton, of any and all burial rights, certificates of sale, or evidences of burial rights issued by the city sexton during the preceding six months. (Ord. no. 92-11, enacted 11-4-92, effective date 11-6-92.)

2.42.060 Sexton to attend to interments.
The city sexton shall attend to every interment in the city cemetery in person or by a competent deputy.
(Ord. no. 92-11, enacted 11-4-92, effective date 11-6-92.)

2.42.070 Receipts deposited with treasurer.
All receipts and cash received by the city sexton in connection with the sexton's duties at city cemeteries shall be deposited with the city treasurer, for which deposits the sexton shall take a receipt and retain the same on file in the sexton's office for a period of at least two years. (Ord. No. 92-11, enacted 11-4-92, effective date 11-6-92.)

2.42.080 Prohibited activities.

The city sexton and employees or other persons assigned to work at a city cemetery shall not, either directly or indirectly, knowingly act or serve as agents, employees, or salespersons for (1) any person or company furnishing materials used at a city cemetery; (2) any mortuary, funeral home, or similar establishment; or (3) any person or company selling grave markers or monuments. The city sexton and employees or other persons assigned to work at a city cemetery shall not be interested in any manner in any monument, vault, casket manufacturing, or related business, and shall not in any manner receive any profits or rewards growing out of the sale or placement of any monuments, caskets, vaults, or markers. Each

violation of this section is a Class C misdemeanor. Each day a person acts or serves as an agent, employee or sales person in violation of this Section shall constitute a separate offense. (Ord 2010-6, amended 9-22-2010, Ord. no. 92-11, enacted 11-4-92, effective date 11-6-92.)

2.42.090 Compensation.
The city sexton shall receive such compensation as may be fixed by resolution of the city council. (Ord. no. 92-11, enacted 11-4-92, effective date 11-6-92.)

Chapter 2.44

ELECTIONS

Sections:

2.44.010 Municipal election--Term of office.
2.44.020 Election of officers.
2.44.030 Determining two and four year terms.
2.44.040 Primary Election
2.44.050 Persons eligible to register and vote--
Exceptions.
2.44.060 Declaration of Candidacy
2.44.070 Nomination of Candidates
2.44.080 Write in Candidates
2.44.090 Certification of Candidates-Objections
to Candidates
2.44.100 Campaign Materials on City Property
Prohibited.
2.44.110 Tie Votes
2.44.120 Residency Required after Election
2.44.130 Campaign Finance Disclosure

2.44.010 Municipal election--Term of office.
1. A municipal general election shall be held in Lindon City on the first Tuesday after the first Monday in November of each odd-numbered year. At the municipal general election, the voters shall:
a. choose person to serve as municipal officers to fill all elective offices vacated by 12:00 noon on the first Monday in January following the election; and
b. approve or reject any proposed initiatives or referenda that have qualified for the

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ballot as provided by law and any other ballot propositions submitted to the voters that are authorized by the Utah Code.

2. The officers elected shall continue in the office to which they were elected for four years except in case of death, resignation, removal, or disqualification from office. The officers so elected shall begin their term of office at 12 o'clock noon on the first Monday in January following their election.

(Ord 2007-7, amended 06/15/2007, Ord. No. 92-6, effective date 7/1/92, prior code §91-1.)

2.44.020 Election of officers.

The election and terms of office shall be as follows:

1. The offices of mayor and two councilmen shall be filled in municipal elections held in every fourth year after 1977. Their terms shall be for four years.
2. The offices of the other three councilmen shall be filled in municipal elections held in every fourth year after 1979. The terms shall be for four years.
3. The officers shall be elected in at-large elections which are held at the time and in the manner provided for electing municipal officers.

2.44.030 Determining two and four year terms.

Where both two and four year terms are to be filled by election or appointment, the election ballot or appointment shall clearly state which persons are to be elected or appointed to the shorter term and to the longer term. (Ord. no. 92-6, effective date 7/1/92, prior code §91-1.)

2.44.040 Primary Elections

Lindon City shall utilize the primary election procedure established by Utah Code Annotated §20A-9-404 and §20A-1-201.5, 1953 as amended, as the procedure to establish candidates for municipal offices if the number of candidates

for any particular city office exceeds twice the number of persons needed to fill that office. (Ord 2007-1, amended 06/15/2007, Ord. no. 8-93, Ord. no. 92-6, prior code §91-1.)

2.44.050 Persons eligible to register and vote--Exceptions.

Any person who is eligible or qualified to vote in a general election may register and vote in a municipal election in Lindon City, except:

1. a person involuntarily confined in a jail or prison within Lindon City who was not a resident of Lindon City prior to confinement or incarceration; or
2. a person who resides outside the boundaries of the Lindon City; or
3. a person who has not registered to vote within the time and in the manner prescribed by Chapter 2, Title 20A, U.C.A., 1953. (Ord. 2007-7, amended 06/15/2007, Ord. no. 92-6, effective date 7/1/92, prior code §91-1.)

2.44.060 Declaration of Candidacy Requirements

1. Each person seeking to become a candidate for municipal office shall file a declaration of candidacy in person with the City Recorder during office hours and not later than 5 p.m. between July 1 and July 15 of any odd numbered year. When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended until 5 p.m. on the following business day.
2. Before filing a declaration of candidacy for election to any City office, a person shall:
 - a. be a registered voter
 - b. have resided within the boundaries of Lindon City for at least 12 consecutive months immediately preceding the date of the election. In the case of annexation by Lindon City, any person who has resided in the territory annexed for the prescribed 12-month period is deemed to

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- meet the residence requirements for candidacy in Lindon City; and
- c. not have had their right of hold public office restricted pursuant to Article IV, Section 6 of the Utah Constitution and U.C.A. §20A-2-101.5.
- 3. A person seeking to file a declaration of candidacy may not:
 - a. be a candidate for more than one office, including offices within Lindon City, the state of Utah, or any other political subdivision of the state, during any election year;
 - b. be the candidate of more than one political party; or
 - c. be a current employee of Lindon City.
- 4. Before accepting any declaration of candidacy, the filing officer shall;
 - a. read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and
 - b. Require the candidate to state whether or not the candidate meets those requirements.
- 5. If the prospective candidate states that he does not meet the qualification requirements for the office, the filing officer may not accept the prospective candidate's declaration of candidacy. If the candidate states that he meets the requirements of candidacy, the filing officer shall:
 - a. provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that signing the pledge is voluntary and that signed pledges shall be filed with the city for public inspection;
 - b. accept the candidate's declaration of candidacy;
 - c. if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of

- the county or state political party of which the candidate is a member; and
- d. if the candidate elects to sign the pledge of fair campaign practices, the filing officer shall accept the candidate's pledge and provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member if the candidate has filed for a partisan office.
- 6. The form of the declaration of candidacy shall be as established by Utah Code Annotated 20A-9-203, 1953 as amended. (Ord 2007-7, amended 06/15/2007, Ord. No. 92-6, effective date 7/1/92, prior code §91-1.)

2.44.070 Nomination of Candidates

- 1. Any resident of Lindon City may nominate a candidate for a city office by filing a nomination petition with the City Recorder or Town Clerk during office hours but not later than 5 p.m. between July 1 and July 15 of any odd numbered year. When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended until 5 p.m. on the following business day.
- 2. The nomination petition must be signed by 25 residents of Lindon City who are at least 18 years old.
- 3. The form of the nomination petition shall be as established by Utah Code Annotated 20A-9-203, 1953 as amended. (Ord 2007-7, amended 0/15/2007.)

2.44.080 Write in Candidates

- 1. Each person wishing to become a valid write-in candidate shall file a declaration of candidacy with the City Recorder not later than 30 days before the regular municipal general election. If the filing deadline falls on a weekend or holiday, it

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- shall be extended to the next regular business day.
2. The City Recorder shall;
 - a. read to the candidate the constitutional and statutory requirements for the office as required in this chapter; and
 - b. ask the candidate whether or not the candidate meets the requirements. If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.
 3. A voter may cast a write-in vote by entering the name of a valid write-in candidate on a paper ballot or ballot sheet or in the areas designated on any other form of ballot provided. (Ord 2007-7, amended 06/15/2007.)

2.44.080 Certification of Candidates - Objection to Candidates

1. The City Recorder shall verify with the county clerk that all candidates are registered voters. Any candidate who is not registered to vote is disqualified and the recorder may not include the candidate's name on the ballot.
2. Immediately after expiration of the period for filing a declaration of candidacy, the City Recorder shall:
 - a. cause the names of the candidates as they will appear on the ballot to be published in at least two successive publications of a newspaper with general circulation in Lindon; and
 - b. notify the lieutenant governor of the names of the candidates as they will appear on the ballot.
3. A declaration of candidacy or nomination petition is valid unless a written objection is filed with the clerk within five days after the last day for filing. If an objection is made, the clerk shall;

- a. mail or personally deliver notice of the objection to the affected candidate immediately; and
 - b. decide any objection within 48 hours after it is filed..
4. If the City Recorder sustains the objection, the candidate may correct the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.
 5. Challenges to the City Recorder's decision upon objections shall be made pursuant to U.C.A. 20-9-203. (Ord 2007-7, amended 06/15/2007.)

2.44.100 Campaign Materials on City Property Prohibited

No candidate for any public office, including city, county, state, or federal offices or the offices of any other political subdivision of the state or federal government, may place campaign signs or materials on Lindon City property. This section shall in no way be interpreted as prohibiting any candidate or citizen from engaging in political speech in public or in displaying such materials on private property. (Ordinance 2007-2, amended 06/15/2007.)

2.44.110 Tie Votes

1. If two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within 30 days of the canvass or within 30 days of the recount if one is requested or held.
2. For any primary election, if two or more candidates for a position have an equal and the highest number of votes for any

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office, the election officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within five days of the canvass or within five days of the recount if one is requested or held. (Ord 2007-7, amended 06/15/2007.)

2.44.120 Residency required after election.

Each elected Lindon City officer shall maintain residency within the boundaries of Lindon City during his term of office. If an elected officer established his place of residence, as provided in U.C.A. §20-2-14, 1953, outside the boundaries of Lindon City during his term of office, the office is automatically vacant. If an elected Lindon City officer is absent from Lindon City any time during his term of office for a continuous period of more than 60 days without the consent of the city council, the office is automatically vacant. (Ord 2007-7, amended 06/15/2007, Ord. no. 92-6, effective date 7/1/92, prior code §91-1.)

2.44.130 Campaign Finance Disclosure

1. Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the City Recorder a campaign finance statement;
 - a. no later than seven days before the date of the municipal general election; and
 - b. no later than 30 days after the date of the municipal general election.
2. Each candidate for municipal office who is eliminated at a municipal primary election shall file with the City Recorder a campaign finance statement no later than 30 days after the date of the municipal primary election.
3. The definition of contribution and expenditure includes cash, in-kind, and other non-monetary contributions and expenditures.
4. The reporting limit for any contribution shall

be \$50.00.

5. As used in this section “reporting date” shall mean ten days before Lindon City’s general election, for those campaign finance statements required to be filed no later than seven days before the general election and the day of filing, for those campaign finance statements required to be filed no later than 30 days after the primary or general election.
6. The campaign finance statement for each candidate who receives more than \$500.00 in campaign contributions or spends more than \$500.00 on the candidate’s campaign, shall;
 - a. report all of the candidate’s itemized and total campaign contributions received before the close of the reporting date;
 - b. report all of the candidate’s campaign expenditures made through the close of the reporting date;
 - c. identify for each campaign expenditure, the amount of the expenditure and the name of the recipient of the expenditure;
 - d. for each contribution that exceeds the reporting limit, identify the amount of the contribution and the name of the donor; and
 - e. show the aggregate total of all contributions that individually do not exceed the reporting limit.
7. The campaign finance statements for each candidate who receives \$500.00 or less in campaign contributions and spends less than \$500.00 on the candidate’s campaign shall report the total amount of all campaign contributions and expenditures.
8. The City Recorder shall, at the time a candidate for municipal office files a declaration of candidacy, and again 14 days before each municipal general election, notify the candidate in writing of;
 - a. the provisions of this ordinance;
 - b. the dates when the candidate’s campaign finance statement is required to be filed; and
 - c. the penalties that apply for failure to file a timely campaign finance statement,

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- including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.
9. The City Recorder shall make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed.
 10. If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified herein, the City Recorder shall inform the appropriate election official who shall if practicable,
 - a. remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters;
 - b. or if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted.
 11. Election officials may not count any votes for that candidate who's name has been removed from the ballot for failure to comply with this section.
 12. A candidate who files a campaign finance statement seven days before a municipal general election is not disqualified if the statement details accurately and completely the information required herein, except for inadvertent omissions or insignificant errors or inaccuracies and the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
 13. A campaign finance statement required under this section is considered filed if it is received in the City Recorder's office by 5 p.m. on the date that it is due.
 14. If the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required herein, a candidate for municipal office shall not be subject to the provisions of

this section, but shall be subject to the campaign finance disclosure requirements as contained in section 10-3-208 of the Utah Code, as amended.

15. In addition to the other penalties established herein, any candidate who fails to comply with the requirements of this section is guilty of an infraction.

(Ord 2007-7, amended 06/15/2007, Ord. no. 2001-7, effective date 7/17/01)