

Title 1. Administration.

Chapter 1

General Provisions for Administration.

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Section 1.1.10. Adoption of Code.

Upon the adoption by the Town Council, this Code is hereby declared to be the official Town Code of Fairfield, Utah. This code of ordinances shall be known and cited as the *Fairfield Town Code* and is hereby published by authority of the Town Council and shall be supplemented to incorporate the most recent legislation of the Town as provided in Section 1.1.30 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 Code by title in any legal documents.

Adopted 10 January 2023 Ordinance No. 01102023

Section 1.1.20. Acceptance.

This Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the Ordinances of the Town of general and permanent effect.

Section 1.1.30. Amendments.

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

Section 1.1.40 Alterations.

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this 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 Town Council. The Town Recorder shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Town Recorder.

Any person having custody of a copy of this Code shall make every effort to maintain said Code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the Office of the Town Recorder. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the Town and shall be returned to the office of the Town Recorder when directed to do so by order of the Town Council.

Section 1.1.50. Definitions.

See Title 12. Definitions.

Section 1.1.60. General Rules of Construction.

A. In the construction of this code and all ordinances amending any part thereof, the following rules shall apply except where such construction would be inconsistent with the manifest intent or contrary to the context of the ordinance:

1. Words used in the present tense include the past and the future tense and vice versa;
2. Words in the masculine gender include the feminine and neutral;
3. Any gender mentioned in this code includes all gender types;
4. The singular includes the plural and the plural includes the singular;
5. Words prohibiting anything being done except in accordance with a license or permit or authority from a Town employee, board or officer shall be construed as giving such employee, board or office power to license or permit or authorize such a thing to be done; and
6. Words and phrases used in this code and not specifically defined shall be construed according to

the context and approved usage of the language.

Section 1.1.70. Administrative Enforcement Authority.

The Building Department, Fire Chief, Utah County Sheriff and others designated by the Town Council for code enforcement have the authority and powers necessary to determine whether a violation of the Code exists and the authority to take appropriate action to gain compliance with the provisions of the Municipal Code and applicable State codes. These powers include the power to issue notices of violation administrative citations, notice and orders and civil penalties, the power to inspect public and private property and use the administrative remedies which are available

Section. 1.1.80. Saving Clause.

A. Repeal of General Ordinances. All general ordinances of the Town passed prior to the adoption of this Code are hereby repealed, except such as are included in this 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 Town; and all special ordinances.

B. Court Proceedings. No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed 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 the 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 may be mitigated by any provisions of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

C. Repeals. This chapter 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.

D. Nothing contained in this section shall be construed as abating any action now pending under or by virtue of any general ordinance of the Town 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 provisions; 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 Town under any ordinance or provision thereof in force at the time of the adoption of this Code.

E. Severability Clause. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this 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 Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the

fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional invalid or ineffective.

Section 1.1.90. General Penalty For Violation of Ordinance.

A. Criminal. The Town Council may impose a minimum criminal penalty for the violation of any Town 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.

B. Civil. The Town Council may prescribe a civil penalty for the violation of any Town ordinance by a fine not to exceed the maximum Class B misdemeanor fine under Utah Code Annotated section 76-3-301. The Town may not impose a civil penalty and adjudication for the violation of a Town moving traffic ordinance.

C. Imprisonment. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture and disqualification, or any combination, with any fine not to exceed the maximum Class C misdemeanor fine under Utah Code Annotated section 76-3-301.

D. 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 Town, or for an offense defined outside of this code over which this Town has jurisdiction, for which no special corporate fine is specified, shall be to pay an amount fixed by the court, in the same and not exceeding the amounts fixed for violations of Town ordinances by individuals.

E. Fairfield Town may not impose a criminal penalty greater than an infraction for a violation pertaining to an individual's pet, or an individual's use of their residence unless the violation qualifies as the following:

1. Is a nuisance as defined in State code section [78B-6-1101\(1\)](#);
2. Threatens the health, safety, or welfare of the individual or an identifiable third party;
3. The Town has imposed a fine on the individual for a violation that involves the same residence or pet on three previous occasions within the past twelve (12) months;
4. The Town may not issue more than one infraction within a fourteen (14) day time period for a violation described in this section that is ongoing; and
5. The section does not apply to municipal enforcement of a building code or fire code ordinance in accordance with Utah Code Annotated, Title 15A, State Constructions and Fire Codes Act.

F. Any law enforcement officer, the Mayor, or any public official charged with the enforcement of the law may issue citations for violations of Town ordinances/code.

Section 1.1.100. Offenses Designated; Classified.

A. Sentencing In Accordance With Chapter. A person adjudged guilty of an offense under this code or the ordinances of this Town shall be sentenced in accordance with the provisions of this chapter.

B. 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.

C. Offenses are designated as misdemeanors or infractions.

D. Misdemeanors are classified into the following categories:

1. Class B misdemeanors; and
2. Class C misdemeanors.

E. Any offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this code or any ordinance of this Town when no other specification as to punishment or category is made, is a Class B misdemeanor.

F. Infractions. Infractions are not classified. Any offense which is made an infraction in this code or other ordinances of this Town, or which is expressly designated an infraction and any offense designated by this code or other ordinances of this Town which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

G. Continuing Violations. 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.

Section 1.1.110. Mayor and Town Council.

A. Town Government. The Town government is vested in a Town Council, consisting of a Mayor and four (4) Council members, to be elected at large.

B. Elected Terms. The election and term of office of the Town Council shall be as follows:

1. The terms shall all be four (4) years with the Mayor and two (2) Council members being elected in one (1) Town election year and the other two (2) council members being elected in the following Town election year;
2. The officers so elected shall enter upon their duties at twelve o'clock (12:00) noon on the first day of January next succeeding their election and shall be sworn in as soon thereafter as is convenient for the Council to convene; and
3. Mayor or Town Council vacancies shall be filled as provided in Utah Code Annotated section 20A-1-510.

C. Candidate Eligibility and Residency Requirements. A person filing a Declaration of Candidacy for a Town office shall:

1. Have been a resident of the Town for at least three hundred sixty five (365) days immediately before the date of the election;
2. Meet all other requirements of Utah Code Annotated section 20A-9-203;

3. A person living in an area annexed to the Town meets the residency requirement of this section if that person resided within the area annexed to the Town for at least three hundred sixty five (365) days immediately before the date of the election;
4. Each elected officer of the Town shall maintain residency within the boundaries of the Town during the officer's term of office;
5. If an elected officer of the Town establishes a principal place of residence, as provided in Utah Code Annotated section 20A-2-105, outside the Town during the officer's term of office, the office is automatically vacant;
6. Any person elected to a Town office shall be a registered voter in the Town; and
7. If an elected Town officer is absent from the Town any time during his term of office for a continuous period of more than sixty (60) days without the consent of the Town Council, the term of office is automatically vacant

D. Administration Vested in Mayor. The administrative powers, authority and duties are vested in the mayor or a person designated by the mayor to fulfill certain duties allowed by state code.

E. Powers and Duties of the Mayor. The Mayor is the Chief Executive Officer to whom all employees of the Town shall report. The Mayor shall:

1. Keep the peace and enforce the laws of the Town;
2. Perform all duties prescribed by law, resolution or ordinance;
3. Ensure that all the laws, ordinances and resolutions are faithfully executed and observed;
4. Report to the Town Council the condition of the Town and recommend for Town Council consideration, any measures that the Mayor considers to be in the best interests of the Town;
5. When necessary, call on the residents of the Town over the age of twenty one (21) years to assist in enforcing the laws of the State and ordinances of the Town;
6. Appoint, with the advise and consent of the Town Council, persons to fill Town offices or vacancies on commissions or committees of the Town;
7. At any reasonable time, examine and inspect the official, books, papers, records or documents of the Town or of any officer, employee or agent of the Town;
8. During Town Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to ensure the Town Council, staff and members of the public adhere to the Council's adopted procedures;
9. Mayor or designee shall be responsible to ensure that the code is kept up to date.

10. Give proper notice of openings on the Planning Commission and appoint Planning Commissioners with the advice and consent of the Town Council in order to have a full quorum at the first meeting of the Planning Commission in July of each year.
11. Be responsible for making sure a Hearing Officer is in place.

F. Powers and Duties of the Town Council. The principal job of a Town Council is to:

1. Set policy to preserve the health, provide for the safety and promote the welfare and prosperity, comfort and convenience of the community. To improve the morals, peace and good order, comfort and convenience of the Town and the inhabitants thereof and for the protection of property therein; and to enforce obedience to such ordinances with such fines or penalties as the Town Council may deem proper; provided, that the punishment of any offense shall comply with the authority granted by Utah Code 10-3-703;
2. Make policy. The Council is the policy-making legislative body. A policy is a course of action for a community. Policymaking often takes the form of passing ordinances or resolutions. After policy decisions are made by the legislative body, others perform the administrative task of implementing the **policies. The distinction between formulation and implementation may not always be clear. It is important to recognize that it is not the role of the councilmember to administer Town affairs. The Council sets policy. Open communication between legislators and administrators is essential;**
3. Act as an appeals authority. An appeals authority is a quasi-judicial body that works within the strict rules of the law as it is written. It is a very narrow area of land use law. The Appeal Authority does not have the power to rewrite or create new law. Even if it believes the law under consideration is silly, unwise, inappropriate, or unclear, the first responsibility is to determine whether the matter before it **is consistent with the law.** An Appeal Authority must both know the law and possess the courage to follow it. When the Town Council acts as the appeals authority it must and shall apply the law as written in the code/ordinance;
4. Look after the financial needs of the community. Setting policy through the budget is a continuous, year long process. It involves setting goals and establishing priorities. Public participation is critical to the budget process, and is required by law, because of the many policy decisions involved. The budget is one of the Town's strongest policy making tools;
5. Represent the interest of the citizens of the Town and should consider the interests of the citizens of the Town as a whole and vote accordingly; and
6. Council members should not attempt to exercise individual authority over the Town, its employees, and its enterprises.

G. Holding Office Created During Council Membership. No member of the Town Council shall hold or be appointed to any office which shall have been created or the salary which shall have been increased while he was a member, during the term for which he was elected and for one year after the expiration of such term.

H. Council Meeting Minutes. The approved minutes of Council meetings shall constitute the official record of such meetings and shall be filed in the office of the Town Recorder. All such records shall be available for public review and access in accordance with the State of Utah Government Records and Access Management Act (“GRAMA”).

I. Code of Conduct.

1. During Town Council meetings, Town Council members shall assist in preserving order and decorum and shall, neither by conversation or otherwise, delay or interrupt the proceedings;
2. A Town Council member desiring to speak shall address the chair and, upon recognition by the chair, shall confine the discussion to the question under debate, avoid discussion of personalities and indecorous language and refrain from personal attacks and verbal abuse, sidebar discussions, or political partisan rhetoric;
3. Town Council members, once recognized, shall not be interrupted while speaking unless called to order by the chair, unless a point of order is raised by another member, or unless the speaker chooses to field questions from another member if recognized by the chair; and
4. Town Council members shall confine their questions to the particular matters before the Council and in debate, shall confine their remarks to the issues before the Town Council.

J. Compensation. The compensation to be paid to each official of the Town shall be established by the Town Council by ordinance. (FF ORDINANCE NO. 082217)

K. Removal of the Mayor. The powers and duties of the Mayor are not inviolate or fixed. The Town Council, by ordinance, can take away or limit the duties of the Mayor and they can be given to either Council Members or hired professionals such as a town manager or administrator. Councils may not remove from the Mayor or delegate to another authority any of the Mayor's legislative or judicial powers or ceremonial functions, the Mayor's position as chair of the Council or any ex-officio position that the Mayor holds. Any ordinance that removes from or reinstates to the Mayor a power, duty, or function requires the affirmative vote of the Mayor and a majority of all other Council Members or all Council Members except the Mayor. Utah State Code 10-3b-303(1)(c);(2) and 403(1)(c);(2).

L. Town Council Land Use Authority. See Title 10.5.20.

Section 1.1.120. Fairfield Town Planning Commission.

See Title 10.5.30.

Section 1.1.130. Administrative Staff.

A. Code of Conduct for the Administrative Staff is as follows:

1. Members of the administrative staff and employees of the Town shall observe the same rules, procedures and decorum applicable to members of the Town Council;
2. The Mayor, or designee, is responsible for the orderly conduct and decorum of all Town employees;

3. The Mayor shall take such disciplinary action as may be necessary against Town employees acting within their scope of employment to ensure that decorum is preserved at all times in Town Council Meetings; and
4. All persons addressing the Town Council, including staff members and members of the public, shall be recognized by the chair and shall limit their remarks to the matter under discussion and, if applicable, to the time limit given by the chair.

B. Town Recorder and Deputy Town Recorder.

1. The Town Recorder shall be appointed by the Mayor and approved by the Town Council;
2. The Town Recorder of the Town shall be the custodian of, and must keep safely, the Corporate Seal, records, plates, books, and papers belonging to the corporation of the Town; shall attend all meetings of the Town Council and record its proceedings; shall audit all claims presented to, and draw warrants on, the Town Treasurer for all appropriations made by the Town Council; shall annually assist with an independent audit of the records of the Town and keep such records showing the financial condition of the Town, including receipts and disbursements, debts due to and owing by the Town and to or from whom due; and shall perform such duties as may be assigned or requested by ordinance or order of the Town Council; and
3. The Mayor may hire, at the discretion of the Town Council, a Deputy Recorder to work under the Town Recorder. Duties of the Deputy Town Recorder are to be assigned by the Mayor and/or Town Recorder/Clerk, as required.

C. Town Treasurer.

1. The Town Treasurer shall be appointed by the Mayor and approved by the Town Council. The Town Treasurer shall receive all funds belonging to the Town and shall disburse said funds only upon warrants signed by the Town Recorder; shall keep in suitable books a full account of all receipts and disbursements made by or to the Town, with the names of the persons paying or receiving such funds, and the object thereof; and shall give to each person paying money into the Town a receipt therefore, specifying the date of payment, and upon what account paid. The Town Treasurer shall perform such other duties as are or may be required by law or ordinance or order of the Town Council.

D. Bond Requirements:

1. Before taking the oath of office and entering on the duties of their respective office, the Town officials, as prescribed by Utah Code Annotated section 10-3-819, or as designated by the Town Council, shall each have a bond with good and sufficient securities, payable to the Town, conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to law and the ordinances of the Town, in such amounts as will be established by ordinance of the Town Council;
2. Town Treasurer: The Town Treasurer's bond shall be superseded by any rules, regulation or directive of the State Money Management Council when such rule, regulation or directive is binding on the Town;
3. The premium charged by any corporate surety for any bond required in

this section shall be paid by the Town; and

4. The bond required in this section may be a blanket bond.

E. Compensation. The compensation to be paid to each official of the Town shall be established by the Town Council by ordinance. (See FF Ordinance # 082217, Providing for the Compensation for Elected and Statutory Officers.)

F. Appointment of Other Officers. The Town Council may appoint such other officers as may be necessary for the order and well-being of the Town, define their duties, fix their term and compensation, and remove them from office without cause.

Section 1.1.140 Nepotism.

A. Prohibited. No elected, appointed officer or other employees shall employ, appoint or vote for the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law in or to any position or employment, when the salary, wages, pay or compensation of such appointee is to be paid out of any public funds. It is unlawful for such appointee to accept or to retain such employment when his or her initial appointment thereto was made in contravention of the foregoing sentence by a person within the degrees of consanguinity or affinity therein specified having the direct power of employment or appointment to such position, or by a board or group of which such person is a member.

B. Exceptions. The provisions of this chapter shall not apply, among others, to the following employment situations:

1. Where the employee or appointee was appointed or employed by the Town prior to the time during which said related person assumed said public position therein;
2. Where the employee or appointee was or is eligible or qualified to be employed by a department or agency of the Town as the result of his or her compliance with civil service laws or regulations and merit system laws or regulations, or as the result of certification as to his qualification and fitness by a department, agency, or subdivision of the state or Town authorized to do so by law;
3. Where the employee or appointee was or is employed by the employing unit because he or she was or is the only person available, qualified, or eligible for the position.; or
4. Where the employee or appointee is unanimously approved by the Town Council.

Section 1.1.150 Chief of Police.

Utah County Sheriff shall be the chief law enforcement officer of Fairfield Town.

Section 1.1.160 Fire Chief.

Cedar Valley Fire Chief shall be the Fire chief of Fairfield Town.

Section 1.1.170. Citizens and Visitors.

A. Code of Conduct:

1. Citizens and other visitors attending any public meeting shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Town Council and any commissions or boards that may be formed by them. Any person making personal, impertinent, profane, or slanderous remarks or who becomes boisterous while addressing any council, commission, or board while attending the public meeting shall be removed from the room if the deputy sheriff or his designee, is so directed by the chair, and the person shall be barred from further audience before the council, commission or board during that session. If the chair fails to act, any member of the council, commission or board may move to require enforcement of the rules, and the affirmative vote of a majority of the council, commission, or board shall require the chair to act. In addition to removal, violations of this rule may be subject to criminal penalties as described in Section 1.1.90 of this Chapter;
2. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the chair, who may direct the law enforcement present, to remove offenders from the room. Aggravated cases shall be prosecuted on appropriate complaints signed by the chair. In case the chair shall fail to act, any member of the council, commission, or board may move to require enforcement of the rules, and the affirmative vote of the majority of the council, commission, or board shall require the chair to act. In addition to removal, violations of this rule may be subject to criminal penalties as described in this section;
3. No placards, banners, or signs will be permitted in the public meeting chamber or in any other room in which the public is meeting. However, exhibits, displays, and visual aids used in connection with presentations to the council, commission, or board are permitted. Those used for presentations on specific agenda items must be reviewed by staff in advance of the meeting; and
4. The Town appointed law enforcement officer, as a chief law enforcement officer, shall, when necessary, be present at council meetings unless excused by the Mayor, and shall act as sergeant at arms for the Town Council and shall furnish whatever assistance is needed to enforce the rules of the Town Council. see Section 1.1.150 of this Title.

Section 1.1.180. Conflict of Interest.

A. Each public official who is a member of the Town Council, Planning Commission, or any other officially appointed and constituted public body of Fairfield Town shall disclose every conflict of interest of which the public official has knowledge prior to consideration of any action in any public meeting or hearing before such public body on a matter in which the official has a conflict of interest. For the purposes of this chapter, an official has a conflict of interest if the official knows or has reason to know that the official or a parent of the official or the official's spouse, sibling, child, or other member of the same household, agent, principal, client, employer or employee:

1. Is required to disclose a conflict of interest by the requirements of the Utah Municipal Officers and Employees Ethics Act; notwithstanding the provisions of said Act, however, the following definitions of a conflict also apply:
 - a. Has an ownership interest in a business having matters under proper consideration before the public body;
 - b. Has an ownership interest in property within Fairfield Town for which zoning, conditional

use or development approvals are under consideration; or

- c. Represents as an agent, professional services contractor, or other advisor an individual organization with matters under consideration before the public body;
2. Has an ownership interest in a business or property that:
 - a. Has been issued a business license, has a place of business, or otherwise operated a business offering or providing goods, products, or services in Fairfield Town; or
 - b. Uses or develops property located within the Town limits of Fairfield (other than the officials' individual personal residence or property), and which:
 - i. Offers the same goods, products, or services; or
 - ii. Would use or develop property in a similar way as a business or property which has matters under proper consideration before the public body or any Town Committee that reviews applications, issues, recommendations, or grants approvals.
 3. Has an ownership interest in property other than that of a primary residence, that might enjoy:
 - a. Direct and immediate financial benefit or suffer direct economic harm by zoning, conditional use; or
 - b. Development approvals of land before the public body, but which is not owned by the official; or
 4. Has an agreement with a party seeking approval that would financially benefit the public official if such approval was granted.

B. Disclosure Deadline - Conduct at Public Meetings - Influencing Other Officials. Each official with a conflict of interest as defined in subsection A of this section shall disclose such conflict in the meeting prior to consideration of the matter presenting the conflict. Officials with a conflict of interest shall not speak or vote in that portion of the public meeting considering the matter presenting the conflict, or Chair that portion of the meeting as a town official, but may speak as a member of the public on the matter under consideration. Exceptions may be made to this requirement if a majority of the remaining members of the body determine that adequate consideration of the matter requires responses from the officials or appointed staff.

C. Attendance at Meetings of Other Public Bodies. A public official with a conflict of interest as defined above may attend meetings of other public bodies of which he or she is not a member and at which the matter creating the conflict is considered. Such an official may speak on the matter under consideration only after first declaring a conflict of interest and explaining the nature of the conflict.

D. Abstention from Voting. A member of the Town Council, Planning Commission or other public body of Fairfield Town who is required by subsection A of this section to disclose a conflict of interest shall abstain from voting on the matter for which such conflict exists. If the member insists on voting, his or

her vote will be recorded in the minutes as an abstention. In determining whether a vote is tied or a matter is adopted, the abstention vote shall be treated as if the member were absent from the meeting.

E. Suspension of Rules of Procedure. These rules of procedure may be suspended by the Town Council or Planning Commission only upon a vote in which at least four (4) council members or four (4) commission members assent to such suspension.

F. Violation-Penalty. Each official who shall fail to disclose a potential conflict which is known or of which the official should know as defined in subsection A of this section shall be guilty of an offense in accordance with Section 10-2-1310, Utah Code Annotated 1953. Such violations may also result in removal from office or other disciplinary action in accordance with Section 10-3-1311, Utah Code Annotated 1953, or other action as defined in Section 10-3-1312, Utah Code Annotated 1953.

Section 1.1.190. Government Records Access and Management.

A. Adoption of State Standards. Except as otherwise provided in this chapter, the Town does hereby adopt all relevant provisions of the government records access and management act, Utah Code Annotated section 63G.-2-101 et seq., as the same may be amended from time to time. Town records shall be classified and managed pursuant to the standards set out in the act.

B. Fees. The Town shall establish by resolution reasonable fees for the cost of duplicating requested records. see Fairfield Town Fee Schedule.

C. Retention. Retention of Town records shall be in accordance with the Government Records Access and Management Act; however, the Town reserves the right to maintain any or all of its records beyond the time limits set out in the state retention schedule.

D. Appeals. Appeals shall be made pursuant to the requirements and time limits set out in the government records and access management act, except that appeals must be made to the town council, which shall constitute the “appeals board” referred to in the act.

Section 1.1.200. Reporting Fraud and Abuse.

A. Complaints should be submitted in writing. Complainants should also submit any evidence that supports the complaint at this time. Essential information includes specifics on ‘who, what, where, when’ as well as any other details that may be important such as information on other witnesses, documents, and pertinent evidence. Due to limited resources, our office is unable to accept complaints that are not specific in nature or that are not well supported by credible evidence. Submit complaints via the following methods:

1. Email recorder@fairfieldtown.org Or mayor@fairfieldtown.org

2. US Mail: Fairfield Town, Box 271, Fairfield Utah 84013.

Section 1.1.210. Travel.

A. Employees are responsible for seeking advance authorization for travel requests through their supervisory system, providing documentation of travel-related expenses and activities, and being familiar with the travel procedures prior to travel.

B. Employees will be reimbursed for in-state travel only when such travel has been approved in advance by the Department Manager. All out of state travel must be approved in advance by the Mayor

of Fairfield. Evidence of advance approval must be included with the Travel Expense Reimbursement Form.

C. Employees traveling together shall fill out and submit vouchers separately, being careful not to overlap claims.

D. Employees must sign all vouchers.

E. All expenses must be business related.

F. Original or copies of receipts shall be attached to all vouchers. All receipts shall be itemized and dated. In addition, names of the persons who are included in the bill shall be listed on the back of the receipt to avoid multiple reimbursements for the same expense.

G. The Department Manager and Mayor's signature must be on the voucher seeking reimbursement.

H. Employees shall identify the reason for the travel as part of the voucher description.

I. Business associates, vendors, or family members accompanying an employee traveling for business purposes are not eligible for travel reimbursement costs.

J. Vouchers must be submitted within 30 days of the event and/or travel for which reimbursement is sought.

Section 1.1.220. Personal Use of Entity Assets.

A. Personal Use of Town Resources (Funds, Property, Labor, Services and Equipment). Employees may not use Town resources, such as funds, property, labor, services, tools, and equipment, for their own personal use or for the private advantage of any other person, unless:

1. The use of resources is available to the public on the same terms;
2. The use is an acceptable de minimis or incidental use as outlined below; or,
3. The use is specifically allowed under specific sections of this code or Town policy manual such as employee wellness benefit, incidental use of computer and electronic systems, or incidental use of Town vehicles.

B. Acceptable De Minimus or Incidental Use. There are limited circumstances where de minimis and incidental use of some Town property, tools, or equipment during the course of a work day may occur and may be reasonable. "Incidental use" is intended to mean that the use is so infrequent and incurs so little cost that tracking it would be unreasonable. For example, an employee may use a Town telephone to make a local phone call, an employee may make a personal note on a piece of paper or use tape to hang up a family photo, or the employee may stop at a store to purchase a drink or deposit a check in a Town vehicle while on break. Such de minimis or incidental use is generally acceptable provided that the use:

1. Complies with other sections of this manual and other policies and procedures;
2. Does not disrupt, distract, or interfere with Town business activities;

3. Does not involve solicitation;
4. Does not support, operate, manage, or promote a for-profit business endeavor. Any Town employee with a second job or private business must conduct it on their own time, using their own equipment and supplies, and away from the workplace;
5. Does not involve illegal activity; and
6. Does not have the potential to harm, bring discredit to, or be adversarial to the Town or public confidence in our responsible use of Town resources.

Section 1.1.230. Security.

A. File Cabinet Security.

1. File cabinets shall remain locked at all times that the Recorder or Deputy Recorder, Financial Officer or mayor is not present.
2. Only the Town Recorder, Deputy Recorder, Financial Officer and Mayor will have access to the file cabinets.

B. Computer Security.

1. All information traveling over Fairfield Town computer networks that has not been specifically identified as the property of other parties will be treated as though it is a Fairfield Town asset. It is the policy of Fairfield Town to prohibit unauthorized access, disclosure, duplication, modification, diversion, destruction, loss, misuse, or theft of this information. In addition, it is the policy of Fairfield Town to protect information belonging to third parties that have been entrusted to Fairfield Town in a manner consistent with its sensitivity and in accordance with all applicable agreements.
2. The Mayor or Mayor's appointee is responsible for establishing, maintaining, implementing, administering, and interpreting organization-wide information systems security policies.
3. The computer and communications system privileges of all users, systems, and independently operating programs such as agents, must be restricted based on the need to know. This means that privileges must not be extended unless a legitimate academic/business-oriented need for such privileges exists.
4. Users are responsible for complying with this and all other Fairfield Town policies defining computer and network security measures. Users also are responsible for bringing all known information security vulnerabilities and violations that they notice to the attention of the Information Technology Department or in the absence of such a department, to the Mayor and/or Town Council.
5. Passwords. Fairfield Town has an obligation to effectively protect intellectual property and personal and financial information. Using passwords that are difficult to guess is a key step toward effectively fulfilling that obligation.

- a. Any password used to access information stored and/or maintained by Fairfield Town must be at least eight (8) characters long, contain at least one uppercase letter and one number or special character;
- b. Passwords will expire annually - every 365 days. When a password expires or a change is required, users should create a new password that is not identical to the last three passwords previously employed;
- c. Passwords stored electronically may not be stored in readable form where unauthorized persons might discover them;
- d. Passwords may not be written down and left in a place where unauthorized persons might discover them;
- e. Passwords may never be shared or revealed to anyone other than the authorized user or in some cases users;
- f. If a password is suspected of being disclosed or known to have been disclosed to anyone other than authorized users, it should be changed immediately; and
- g. Anytime an authorized user is changed or replaced a new password must be set.

C. Portable Computers. Employees in the possession of portable, laptop, notebook, handheld, tablet and other transportable computers containing confidential information must not leave these computers unattended at any time unless the information is stored in encrypted form. If a device is lost or stolen the responsible party must:

- 1. Report all lost or stolen devices to the Mayor immediately; and
- 2. Change all passwords immediately.

D. Violations. Fairfield Town network users who willingly and deliberately violate this policy will be subject to disciplinary action up to and including termination or legal action.

Title 1. Administration.

Chapter 3

Meetings Regulations.

- Section 1.3.10. Regular Meetings.
- Section 1.3.20. Definitions.
- Section 1.3.30. Emergency Meetings.
- Section 1.3.40. Open Meetings.

- Section 1.3.50. Electronic Meetings.
- Section 1.3.60. Quorum.
- Section 1.3.70. Voting.
- Section 1.3.80. Order of Business.

Section 1.3.10. Regular Meetings.

The governing body shall conduct one regular meeting a month.

Section 1.3.20. Definitions.

See Title 12, Definitions.

Section 1.3.30. Emergency Meetings.

A. Emergency meetings shall only be called in an emergency where normal noticing may be detrimental to the Town. The requirements for holding an emergency meeting are as follows:

1. If at any time the business of the Town requires an emergency meeting of the Town Council, such meeting may be ordered by the Mayor or any two (2) members of the Town Council;
2. The order shall be entered in the minutes of the Town Council;
3. The order shall abide by the open public meetings act for the noticing of the emergency meeting;
4. Notice thereof shall be served by the Town Recorder on each member who did not sign the order by delivering the notice personally or by leaving it at the members' usual place of abode, or by electronic means (texting or email);
5. The personal appearance by a council member at a special meeting of the Council constitutes a waiver of the notice required under this subsection; and
6. The written notice required in this subsection (4) shall state the time and place the emergency meeting is to be held and the purpose for which the emergency meeting is being called.

Section 1.3.40. Open Meetings.

Every meeting is open to the public, unless closed pursuant to Utah Code 52.4.201, 52.4.205 and 52.4.206.

Section 1.3.50. Electronic Meetings.

A. Procedures Established. The Town of Fairfield is empowered under the provisions of Utah Code 52-4-207 to establish and implement procedures for the conduct of electronic meetings.

B. Public Interest. The Town Council believes it is in the public interest to conduct telephonic or electronic conference meetings from time to time to assure all members of all public bodies organized by the Town Council and including the members of Town Council, have an opportunity to participate in their respective meetings regardless of the physical location of the individual members of their respective councils, commissions, boards or committees.

C. Participation in Electronic Meetings. A public body may convene electronic meetings when necessary. Unless otherwise indicated on the meeting agenda, public body members may participate in all meetings electronically. It shall be the responsibility of each body member to contact the meeting administrator prior to the meeting to assure that facilities are set up for the meeting to participate electronically.

D. Quorum Must Be Present. No electronic meeting shall be convened unless a quorum of the public body is able to participate either in person or electronically in the meeting.

E. Meeting Administrator. Each electronic meeting shall be convened by the meeting administrator by announcing the parties present at the meeting and by making available to members of the public at the anchor location an amplified speaker or video monitor enabling members of the public to hear the comments of public body members and the conduct of the meeting.

F. Maximum Number of Members to Participate. No more than three (3) members of the public body may participate in the meeting by electronic means at one time. There must always be at least two (2) public body members at the anchor location unless a written determination is made by the chair of the public body that determines an anchor location presents a substantial risk to the health and safety of those who may be present at an anchor location as described in [Utah state Code 52-4-207](#)

G. Disconnect of Electronic Participant(s). Upon determining that a sufficient number of the public body is present for the meeting to be convened and members of the public can adequately hear the comments of all members, the person conducting the meeting shall formally convene the meeting and take a roll call of those participating. If a Council member is disconnected during the meeting, it shall be within the discretion of the Mayor, Councilman or Chairman to determine whether to continue the meeting without the person or wait until they can be reconnected. The person conducting the meeting may also move agenda items to provide time to try to reconnect provided there is still a quorum connected or otherwise.

H. Minutes. In all respects, electronic or telephonic meetings shall be conducted, recorded and minutes shall be kept as required by law for all other open and public meetings or for all other record keeping purposes of the Town.

I. Catastrophic Events. In the case of a catastrophic event such as an earthquake, pandemic, etc., where it is necessary to hold a meeting, but not feasible to assemble in one place, electronic meetings may be held as per Utah State mandate.

Section 1.3.60. Quorum.

A. The number of members of the Town Council necessary to constitute a quorum is three (3) or more.

B. No action of the Town Council shall be official or of any effect, except when a quorum of the members are present. Fewer than a quorum may adjourn from time to time.

Section 1.3.70. Voting.

A. A roll call vote shall be taken and recorded for all ordinances, resolutions and any action which would create a liability against the Town and in any other case at the request of any member of the Town Council with a "yes" or a "No" vote. Every resolution or ordinance/code shall be in writing before the vote is taken.

B. The minimum number of votes required to pass any ordinance, resolution or to take any action by the Town Council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than three (3), regardless of absence or vacancy. Any ordinance, resolution or motion of the council having fewer favorable votes than required in this section is defeated and invalid.

Ut. Code 10-3-507(1)(2a)

C. A majority of the members of the Town Council, regardless of number, may fill any vacancy in the Town Council if:

1. A vacancy exists in one or more council seats, a majority of the council members presently occupying council seats, regardless of number, may vote to fill the vacancy as provided pursuant to section 20A-1-510 of the Ut. Code. (Ut. Code 10-30507(3))
2. More than three (3) council seats need to be filled, the remaining council members will select replacements until quorum requirements can be met to fill the remaining seats.

D. Any action taken by the Town Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the Town Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

Section 1.3.80. Order of Business.

A. The Town Recorder shall keep a record of the proceedings of the meetings of the Town Council, except that minutes of a closed meeting shall not be available to the public until such time as the Town Council shall make them public or by an order of the court.

B. Except as otherwise specifically required or provided by law, this code, or by resolution of the Town Council, the most current edition of Robert's Rules of Order shall govern the procedure and conduct of the meetings of the Town Council.

C. At the time and place set for each meeting of the members of the Town Council, the business of the Town shall be taken for consideration and disposition by following the items, in order, on the agenda, unless otherwise provided by motion of the Town Council.

D. The Town Council may, by motion, change, amend or delete any agenda item provided for in this subsection.

E. The Mayor shall be responsible for the content and the order of the agenda.

F. Any Town Council member may add an item to the agenda with the approval of the Mayor or an additional Councilmember.

Title 1 Administration.

Chapter 5 Takings.

- Section 1.5.10. Policy Considerations.
- Section 1.5.20. Definitions.
- Section 1.5.30. Guidelines Advisory.
- Section 1.5.40. Review of Decision.
- Section 1.5.50. Review of Guidelines.
- Section 1.5.60. Results of Review.

Section 1.5.10. Policy Considerations.

A. There is an underlying policy in the Town, strongly favoring the careful consideration of matters involving constitutional taking claims, in fairness to the owner of private property bringing the claim, and in view of the uncertainty and expense involved in defending lawsuits alleging such issues. At the same time, the legitimate role of government in lawfully regulating real property must be preserved and the public right to require the dedication or exaction of property consistent with the constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a constitutional taking. These provisions are to assist governments in considering decisions that may involve constitutional takings.

B. It is intended that a procedure for such a review be provided, as well as guidelines for such consideration. This chapter is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of the Town to lawfully regulate real property and fulfill its other duties and functions.

C. Actions by the Town involving the physical taking or exaction of private real property is not a “constitutional taking” if the physical taking or exaction:

1. Bears an essential nexus to a legitimate governmental interest; and
2. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

Section 1.5.20 Definitions.

See Title 12, Definitions.

Section 1.5.30. 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 Town liability for a constitutional taking. The review in body or person shall not be required to make a determination under this chapter, except pursuant to Section 1.5.40 of this Chapter.

Section 1.5.40. Review of Decision.

A. Any owner of private real property who claims there has been a constitutional taking of their private real property shall request a review of a final decision of any officer, employee, board, commission or council. The following are specific procedures established for such a review:

1. The person requesting a review must have obtained a final and authoritative determination, internally, within the Town, relative to the decision from which they are requesting review;
2. Within thirty (30) days from the date of the final decision that gave rise to the concern that a constitutional taking has occurred, the person requesting the review shall file in writing, in the office of the Town Recorder, a request for review of that decision. A copy shall be filed with the Town attorney;
3. The Town Council, or an individual or body designated by the Town Council, shall immediately set a time to review the decision that gave rise to the constitutional takings claim; and
4. In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:
 - a. Name of the applicant requesting review;
 - b. Name and business address of current owner of the property, form of ownership, whether

sole proprietorship, for profit or not for profit corporation, partnership, joint venture or other and, if owned by a corporation, partnership or joint venture, and address of all principal shareholder or partners;

- c. A detailed description of the grounds for the claim that there has been a constitutional taking;
 - d. A detailed description of the property taken;
 - e. Evidence and documentation as to the value of the property taken, including the date and cost and the date the property was acquired. This should include any evidence of the value of the same property before and after the alleged constitutional 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;
 - f. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;
 - g. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of application;
 - h. All appraisals of the property prepared for any purpose including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application;
 - i. The assessed value of and ad valorem taxes on the property for the previous three (3) years;
 - j. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including, but not limited to, right of purchasers to assume the loan;
 - k. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three (3) years;
 - l. 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; For income producing property, itemized income and expense statements from the property for the previous three (3) years;
 - m. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
 - n. The Town Council or their designee may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.
5. An application shall not be deemed to be "complete" or "submitted" until the reviewing

body/official certifies to the applicant that all the materials and information required above have been received by the Town. The reviewing body/official shall promptly notify the applicant of any incomplete application;

6. The Town Council or an individual or body designated by them, shall hear all the evidence related to and submitted by the applicant, Town or any other interested party;
7. A final decision on the review shall be rendered within fourteen (14) days from the date the completed application for review has been received by the Town Recorder. The decision of Town Council regarding the results of the review shall be given in writing to the applicant and the officer, employee, body, commission or council that rendered the final decision that gave rise to the constitutional takings claim; and
8. If the Town Council fails to hear and decide the review within fourteen (14) days, the decision appealed from shall be presumed to be approved.

Section 1.5.50. Review of Guidelines.

A. The Town Council shall review the facts and information presented by the applicant to determine whether or not the action by the Town constitutes a constitutional taking, as defined in this chapter. In doing so, they shall consider:

1. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest;
2. Whether a legitimate governmental interest exists for the action taken by the Town; and
3. Is the property and exaction taken, roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

Section 1.5.60 Results of Review.

After completing the review, the reviewing person/body shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the Town Council that made the decision that gave rise to the constitutional takings claim.

Title 1. Administration.

**Chapter 7.
Construction of Code, Ordinances and Resolutions.**

Section 1.7.10. Form of Ordinance and Code.

Section 1.7.20. Requirements as to Form.

Section 1.7.30. Resolutions.

Section 1.7.10. Form of Ordinance and Code and Resolutions.

A. Any ordinance passed by the Town Council shall contain and be in substantially the following order and form:

1. Title, Section, Name and Ordinance Number:
 - a. Title refers to the category the ordinance falls under such as Land Use (#10), ect.;
 - b. Section refers to the section where the ordinance is found within the Title;
 - c. Name indicates the nature of the subject matter of the ordinance (such as FF Soil Ordinance);
and

d. Ordinance number shall be the date the ordinance was passed and shall be written in the following order: month, day and 4 digit year.

2. Document Change line showing all changes and revisions of said ordinance and the date the changes or revisions were made;
3. The body or subject of the ordinance;
4. When applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of the Town ordinance; or, the penalty may establish a classification of penalties and refer to such ordinance in which the penalty for such violation it establishes;
5. A statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this section;
6. A line for the signature of the mayor or mayor pro tem to sign the ordinance;
7. A line for each council person to sign and mark how they voted; and
8. A line for the signature of the Town Recorder to attest to the ordinance and affix the seal of the Town.

B. Code Structure. Any code passed by the Town Council shall contain and be in substantially the following order and form:

1. This code maintains a structure by subject matter using a period-separated numbering system identifying the title, chapter, and section (for example: 1.1.10.). This complete set of numbers is designed to aid in searching the book, and to assist in subsequent codification as new legislation is added:
 - a. The first number in the sequence (1.1.10) designates the Title level. Title refers to the category the code falls under such as Land Use (Title 10), ect.;
 - b. The second series of numbers (1.1.10) designates the chapter level. The chapter indicates the nature of the subject matter of the ordinance (such as Building Requirements); and
 - c. The last series (1.1.10.) designates the section level.
2. Document Change line showing all changes and revisions of said code and the date the changes or revisions were made:
 - a. Example - 1.1.140. Fire Chief.
Cedar Valley Fire Chief shall be the Fire Chief of Fairfield Town.
(Document Changes - HISTORY Revised by Ord. 2018-03)

3. Vacant Titles, Chapters and Sections:

- a. Chapters have been numbered using odd numbers to leave room for future expansion;
- b. Sections have been numbered in multiples of ten (10) to leave room for future expansion;
and
- c. Wherein sequential numbers are missing, they are designed as such for future internal expansion. Titles and sections marked as "(Reserved)", allow for future expansion when/if the need arises.

Section 1.7.20. Requirements as to Form.

- A. Ordinances/Code passed or enacted by the Town Council shall be signed by the Mayor, or if absent, signed by the Mayor pro tempore, by the Town Council members present and attested by the Town Recorder. Ordinances are required to be signed in order to be enforced.
- B. Ordinances shall become effective upon final passage by the Town Council. Ordinances may become effective at a later date if so provided in the ordinance.
- C. Ordinances which do not have an effective date shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the Town Council, whichever is sooner.

Section 1.7.30 Resolutions.

- A. Purposes; Restrictions. Unless otherwise required by law, the Town Council may exercise all administrative powers by resolution, including, but not limited to:
 1. Establishing water rates;
 2. Charges for garbage collection and fees charged for Town services;
 3. Establishing personnel policies and guidelines;
 4. Regulating the use and operation of the Town property; but
 5. Punishment, fines or forfeitures may not be imposed by resolution.
- B. Form. Any resolution passed by the Town Council shall be in a form and contain sections and chapters substantially similar to that prescribed by ordinances.
- C. Publication; Effective Date of Resolutions. Resolutions may become effective without publication or posting and may take effect upon passage or at a later date as the Town Council may determine, but resolutions may not become effective more than three (3) months from the date of passage. Resolutions shall be posted in three places and put on the Utah Public Notice Website.

Title 1. Administration.

**Chapter 9.
Purchasing.**

Section 1.9.10.	Purposes.
Section 1.9.20.	Compliance and Exemptions.
Section 1.9.30.	Definitions.
Section 1.9.40.	Purchasing Agent.
Section 1.9.50.	Source Selection and Contract Information.
Section 1.9.60.	Specifications.
Section 1.9.70.	Appeals.
Section 1.9.80.	Ethics in Public Contracting.
Section 1.9.90.	Purchasing, Non-Contractual Purchases.
Section 1.9.100.	Petty Cash.
Section 1.9.110.	Reimbursements.
Section 1.9.120.	Debit/Credit Cards.
Section 1.9.130.	Checks.

Section 1.9.10. Purposes.

A. The Town is desirous of establishing policies and procedures to be followed in the purchasing of goods and services required for efficient operation of the Town. The underlying purposes of this policy are to:

1. Ensure fair and equitable treatment of all persons who wish to, or do conduct business with the Town;
2. Provide for the greatest possible economy in Town procurement activities; and
3. Foster effective broad based competition within the enterprise system to ensure that the Town will

receive the best possible service or product at the lowest possible price.

Section 1.9.20. Compliance and Exemptions.

A. This chapter shall not prevent the Town from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.

B. When a procurement involves the expenditure of federal assistance funds, the Town shall comply with applicable federal law and regulations.

Section 1.9.30. Definitions.

See Title 12, Definitions.

Section 1.9.40. Purchasing Agent.

The purchasing agent assigned to a department shall be responsible to make procurements, solicit bids and proposals, enter into and administer contracts, and make written determinations for the Town. All contracts shall be approved by the Town Council in a public meeting and shall be countersigned by the Town Recorder.

Section 1.9.50. Source Selection and Contract Formation.

A. Purchases not Requiring Sealed Bids:

1. Purchases and expenditures of less than \$5,000 shall not require bids or quotes of any type but are subject to the general policy of this chapter. These purchases and expenditures are intended to include materials, supplies and services regularly purchased and consumed by the Town such as office supplies, janitorial supplies, postage, food and beverages, water system supplies, etc.
2. Any contract, purchase, purchase order, check request, or service request for non professional services and supplies or building improvements in the total amount of \$5,000 or less may be made or approved by the Mayor or department head, or an employee or supervisor authorized to make such purchase, purchase order, check request, or service request.
3. All purchases and expenditures of more than \$5,000 but less than \$10,000 shall require two documented price quotes unless the purchase or expenditure is exempt from the competitive bidding requirement of this chapter or requires a sealed bid. These purchases require the approval of the Town Council.
4. All purchases and expenditures of more than \$10,000 shall require a minimum of three documented price quotes unless the purchase or expenditure is exempt from the competitive bidding requirement of this chapter or the purchase expenditure requires a sealed bid. The Town Council may approve a purchase or expenditure without the required price quotes if they determine that there are not three additional vendors or suppliers of such items.
5. Purchases made through the cooperative purchasing contracts administered by the state division of purchasing;
6. Purchases required during an emergency, i.e., an imminent threat to the public health, welfare or safety. However, as much competition as practical should be obtained and such purchases should be limited to amounts necessary to the resolution of the emergency; and

7. Purchases in excess of five thousand dollars (\$5,000.00) require Town Council approval.

B. Purchases Requiring Sealed Bids:

1. Contracts shall be awarded by competitive sealed bidding, except as otherwise provided by this chapter;
2. An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement. Public notice of the invitation for bids shall be given at least twenty one (21) days prior to the date set forth herein for the opening of bids. The notice may include publication in a newspaper of general circulation;
3. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection;
4. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids;
5. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the town or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the purchasing agent;
6. Award shall be made to the responsible bidder whose proposal shall be determined to be the most advantageous to the Town, taking into consideration quality of work, price, experience and the criteria set forth in the bid invitation.
7. When no bids are submitted, the purchasing agent may obtain bids by other means approved by the Town Council.

C. Cancellation and Rejection of Bids. An invitation for bids, a request for proposals or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interests of the Town. The reasons shall be made part of the contract file.

D. Use Of Competitive Sealed Proposals In Lieu Of Bids. When the purchasing agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the Town, a contract may be entered into by competitive sealed proposals. Competitive sealed proposals are most appropriately used for professional service type contracts:

1. Proposals shall be solicited through a request for proposals. Public notice of the request for proposals shall be given at least twenty one (21) days prior to the advertised date of the opening of the proposals;

2. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award;
3. The request for proposals shall state the relative importance of price and other evaluating factors;
4. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors;
5. Award shall be made to the person whose proposal is determined, in writing, to be the most advantageous to the Town, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made; and
6. Architect, Engineer Services. Architect and engineer services are qualification based procurements. Requests for such services should be publicly announced. Contracts should be negotiated by the Town based on demonstrated competence at fair and reasonable prices.

E. Determination Of Nonresponsibility Of Bidder. Determination of nonresponsibility of a bidder or offeror shall be made in writing. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this subsection shall not be disclosed outside of the purchasing division without prior written consent by the bidder or offeror.

F. Cost Plus A Percentage Of Cost Contracts Prohibited. Subject to the limitations of this section, any type of contract which will promote the best interests of the Town may be used; provided that the use of a cost plus a percentage of cost contract is prohibited. A cost reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the Town than any other type or that it is impracticable to obtain the supplies, services or construction required except under such a contract.

G. Required Contract Clauses:

1. The unilateral right of the Town to order, in writing, changes in the work within the scope of the contract that do not alter the scope of the contract work;
2. Variations occurring between estimated quantities of work in a contract and actual quantities; and
3. Suspension of work ordered by the Town;

Section 1.9.60. Specifications.

All specifications shall seek to promote overall economy and best use for the purposes intended and encourage competition in satisfying the Towns needs, and shall not be unduly restrictive. Where practical and reasonable, and within the scope of this chapter, Utah and local products shall be given preference.

Section 1.9.70. Appeals.

A. Time Limit For Filing. Any actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the purchasing agent. An appeal shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known of the facts.

B. Decision. The purchasing agent shall promptly issue a written decision regarding any appeal if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and inform the protestor, contractor or prospective contractor of the right to appeal to the Town Council.

C. Appeal To Town Council. The Town Council shall be the final appeal on the Town level.

D. Appeal To Court. All further appeals shall be handled as provided in Utah Code Annotated sections 63G-6a-1701 et seq., 63G-6a-1801 et seq., and 63G-6a-1901 et seq.

Section 1.9.80. Ethics in Public Contracting.

A. No person involved in making procurement decisions may have personal investments in any business entity which will create a substantial conflict between their private interests and their public duties.

B. Any person involved in making procurement decisions is guilty of a class B misdemeanor if the person asks, receives or offers to receive any emolument, gratuity, contribution, loan or reward, or any promise thereof, either for the person's own use or benefit of any other person or organization from any person or organization interested in selling to the Town. Violators shall be subject to penalty as provided in section 1.1.90 of this title.

Section 1.9.90. Purchasing, Non-Contractual Purchases.

Purchases in excess of five thousand (\$5,000.00) must follow the bidding process as defined in Title 1.9.50. or be approved by a majority vote of the Town Council. Purchases over fifteen hundred dollars (\$1500.00) must be approved by the Town Council.

Section 1.9.100. Petty Cash.

The Town of Fairfield retains no petty cash. All accounts payable shall be paid by check or debit/credit card.

Section 1.9.110. Reimbursements.

Any individual that is authorized by the Town to use personal cash, debit cards or credit cards to purchase supplies, fuel, etc. and expects to be reimbursed for the purchase by the Town of Fairfield shall retain a receipt for the amount of the purchase and turn the receipt in to the Town Recorder/Clerk or the Director of Finance. No reimbursements will be made without a receipt.

Section 1.9.120. Debit/Credit Cards.

A. Town Credit Cards shall be used for official business in accordance with the following procedures:

1. Credit card use cannot in any fashion be used to avoid adopted Purchasing Policies. Employees shall use existing accounts with vendors;
2. The credit card shall only be used by the card holder or authorized representative, and the card holder is personally responsible for all purchases made on such credit card;

3. Upon receiving a credit card receipt, employees shall record the following information on the receipt: Employees shall sign, date and provide a description of purchase. Employees shall submit the receipt to the Town Recorder within seven (7) days from the date of purchase;
4. Credit cards shall not be used for personal purchases;
5. Stolen or lost credit cards must be reported promptly to the the Town Treasurer but in no event later than the close of business on the next business day after the card is lost or stolen;
and
6. No more than five (5) purchases shall be made within a monthly billing cycle from any one credit card holder. If additional purchases are necessary they may be approved by the Mayor or Treasurer.

Section 1.9.130. Checks.

Checks will be written by the Town Recorder or Director of Finance only after verification that funds are available in that specific general ledger account. Checks will be approved by the Town Treasurer and signed by any two of the following: Town Treasurer, Town Council member, and/or Mayor.

Title 1. Administration.

**Chapter 11
Annexation Policy.**

Section 1.11.10. State Statute Adopted.

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 Utah Code Annotated 10-2-4, as amended, are hereby adopted by the Town.

Title 1. Administration.

Chapter 13

Capital Improvement Fund.

Section 1.13.10. Capital Improvement Fund.

Section 1.13.20. Funding.

Section 1.13.10. Capital Improvement Fund.

There is created a Fairfield Town Capital Improvement Fund in accordance with Utah Code Annotated section 10-6-116(5) for the purpose of accumulating and setting aside funds for the acquisition, repair and replacement of public property, structures and other improvements including, but not necessarily limited to, public safety equipment and facilities, streets, sidewalks, public buildings, library, parks, equipment and other public property or improvements.

Section 1.13.20. Funding.

The Fairfield Town Capital Improvement Fund shall be funded from year to year as funds are available and allocable pursuant to Utah Code Annotated section 10-6-116