

GENERAL DUTIES

(Excerpted from the ULCT Powers and Duties Handbook)

The governing body of a municipality may create any office it deems necessary for the government of the municipality and provide for the filling of vacancies in elective and appointive offices. There are, however, some mandatory officers and offices.

Cities of the first and second class must appoint a qualified person to each of the offices of recorder, treasurer, engineer, and attorney, and may create any other office that it deems necessary for the government of the city. They may also regulate and prescribe the powers, duties, and compensation of all officers of the city, except as otherwise provided by law.^[1] The person appointed as city engineer must be a registered professional engineer. The mayor or city manager in a first or second class city may appoint all officers and agents as may be provided for by law or ordinances, and fill all vacancies.

The city engineer's office in cities of the first and the second class must be an office of record for all maps, plans, plats, profiles, drawings, final estimates, specifications, and contracts that in any way relate to the public improvements and engineering affairs of the city. The city engineer is the custodian of all these drawings and documents.

The city council of each city of the first or the second class must create, support, maintain, and control a police department and may create, support, maintain, and control a fire department in their respective cities.^[2]

The administration of the police and fire departments consists of a chief of the department and such officers, members, employees, and agents as the city council may by ordinance prescribe, and the mayor or city manager appoints the heads of these departments. The appointments are made with the advice and consent of the city councils.

The chief of police has the same authority as the sheriff within the boundaries of the municipality of appointment. The chief has authority to:

- (a) suppress riots, disturbances, and breaches of the peace;
- (b) apprehend all persons violating state laws or city ordinances;
- (c) diligently discharge his duties and enforce all ordinances of the city to preserve the peace, good order, and protection of the rights and property of all persons; and
- (d) attend the municipal justice court located within the city when required, provide security for the court, and obey its orders and directions.^[3]

Within the boundaries of the municipality, police officers have the same authority as deputy sheriffs, including at all times the authority to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads, and highways, enforce every law relating to the suppression of offenses, and perform all duties required of them by ordinance or resolution.

In each city of the third, fourth, and fifth class, and town, on or before the first Monday in February following a municipal election, the mayor, with the advice and consent of the city council, must appoint a qualified person to each of the offices of city recorder and treasurer. The city recorder and treasurer cannot be the same person.^[4] The city recorder is also the ex officio city auditor and performs the duties of that office. The duties of the city recorder and treasurer are more fully set out in other chapters of this handbook.

The mayor, with the advice and consent of the council, may also appoint and fill vacancies in all offices provided for by law or ordinance. All appointed officers continue in office until their successors are appointed and qualified. This is an important concept. If a new mayor wishes to change recorder or treasurer and cannot get the consent of the council to the new appointments, the office cannot be vacant. The serving recorder and treasurer remain in office until some agreement between the mayor and council on their successors is reached.

The governing body of cities of the third, fourth, and fifth class, and towns, may but does not have to, by ordinance establish the office of municipal engineer and prescribe the duties and obligations for that office that are consistent with the duties and obligations of the city engineer in cities of the first and second class.

In cities of the third, fourth, and fifth class, and towns, the chief of police or marshal exercises and performs the duties as may be prescribed by the governing body. The chief of police or marshal may, with the consent of the legislative or governing body, appoint assistants to the chief of police or marshal.^[5]

The chief of police, marshals, and their assistants in cities of the third, fourth, and fifth class and towns have all of the powers, rights, and duties respectively conferred on similar officers in first and second class cities.

With the advice and consent of the city council, the mayor of a city of the third, fourth, and fifth class may appoint from among the officers and members of the police department of the city one or more discreet persons as a bail commissioner. A bail commissioner has authority to fix and receive bail for a person arrested within the corporate limits of the city in accordance with the uniform bail schedule adopted by the Judicial Council or a reasonable bail for city ordinances not contained in the schedule for misdemeanors under the laws of the state for violation of the city ordinances.

A municipality may create a justice court if it complies with the state law.^[6] If a court is created, the city must run it in compliance with the regulations of the Office of the Court Administrator.

As discussed in the chapter on municipal administration and city managers, a city not under an optional form may, by ordinance, create the position of city manager and delegate to it some or all of the executive and administrative power of the mayor.

Since the primary officers in the smaller third, fourth, and fifth class cities and towns are the city recorder (clerk) and treasurer, the following chapters of this handbook detail these offices' statutory duties.

As discussed in other chapters of this handbook, the salaries of the elected and statutory officers of a city or town must be set by ordinance with a public hearing held on the subject. The public must be given at least seven days notice of the hearing.^[7] The procedure for adopting a salary ordinance and a simple sample of one is included in the appendix to this book.

[1] Utah code section 10-3-902.

[2] Utah code section 10-3-909.

[3] Utah code section 10-3-913.

[4] Utah code sections 10-3-916 and 10-3-810.

[5] Utah code section 10-3-918.

[6] Utah code title 78 chapter 5.

[7] Utah code 10-3-818.