

Ordinance No. 23-12

**An Ordinance of Roy City Amending Various Sections of the Roy City Code
Concerning Public Notice Requirements**

WHEREAS, the Utah Code recently amended the public noticing requirements; and

WHEREAS, the Roy City Planning Commission held a public hearing on July 11, 2023 on the Title 10 Zoning Regulations portions of this Ordinance, as required by law and has favorably recommended amendments to the City Council; and

WHEREAS, the Roy City Council has determined that it is in the best interest of the citizens of Roy City to amend the current ordinance to provide clarification and ensure compliance with State Code;

NOW THEREFORE, be it ordained by the Roy City Council as follows:

Title 1, Title 5, Title 6 and Title 10 of the Roy City Municipal Code is hereby amended by adopting and updating the following chapters and sections of Title 1, Title 5, Title 6 and Title 10 of the Roy City Code:

**TITLE 1
ADMINISTRATION**

**CHAPTER 3
DEFINITIONS**

1-3-2: DEFINITIONS, GENERAL

AFFECTED AREA: The Roy City Municipal Building.

**CHAPTER 6
MAYOR AND CITY COUNCIL**

1-6-5: MEETINGS; PROCEDURE AND CONDUCT

- A. Regular Meetings: The City council shall hold regular meetings which are scheduled in advance over the course of a year which shall be fixed by ordinance. Regular meetings shall be held at least once each month. Public notice of the annual meeting schedule shall be published at least once each year and shall specify the date, time and place of the scheduled meetings. ~~Additionally, public notice shall be given not less than 24 hours before each meeting specifying the date, time and place of the meeting along with the meeting's agenda. The public notices shall be posted at the Roy City Municipal building and on the Utah Public Notice Website and shall be given to at least one newspaper of general circulation within the geographic jurisdiction of Roy City or to a local media correspondent.~~ Public Notice shall be provided in accordance with RMC 1-6-7(B).

B. Special Meetings: If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the City Council. The order shall be entered in the minutes of the governing body. The order shall provide at least three (3) hours' notice of the special meeting and notice thereof shall be served by the City Recorder on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required in this section. Public notice shall be provided ~~as required for regular meetings~~ in accordance with RMC 1-6-7(B).

C. Emergency Meetings: [NO CHANGE].

D. Electronic Meetings:

1. Roy City Council Meetings may be conducted electronically. Council members unable to physically attend a council meeting should make a request at least twenty four hours in advance of the meeting to allow for arrangements to be made for their electronic participation. Council members participating electronically may be included for purposes determining if a quorum is present. The anchor location for electronic meetings shall be the Roy City Council Chambers located at 5051 South 1900 West. If an alternate location is to be used, notice of the location shall be given. Space and facilities will be provided at the anchor location for interested persons and the public to attend, monitor and, if public comment is accepted, participate in the open portions of the meeting. Public notice shall be provided ~~the same as for regular meetings in Section 1-6-5 (A))~~ in accordance with RMC 1-6-7(B) and shall be posted additionally, at the anchor location. Notice of the electronic meeting must also be given to City Council members at least 24 hours in advance and include a description of how the members will be connected to the meeting.

1-6-6: ORDINANCES AND RESOLUTIONS

A. [NO CHANGE]

B. [NO CHANGE]

C. Publication And Posting of Ordinances:

1. Requirements: Before an ordinance may take effect, the legislative body adopting an ordinance, except an ordinance enacted under Utah Code Annotated sections 10-3-706, 10-3-707, 10-3-708, 10-3-709 or 10-3-710, shall: a) deposit a copy of the ordinance in the office of the city recorder; and b) ~~publish a short summary of the ordinance at least once in a newspaper published within the municipality or, if there is no newspaper published within the municipality, in a newspaper of general circulation within the municipality or, post a complete copy of the ordinance in three (3) public places within the municipality.~~ publish in accordance with RMC 1-6-7(B).

1-6-7: PUBLIC NOTICE

- A. Public notice shall be given not less than 24 hours before each meeting specifying the date, time and place of the meeting along with the meeting's agenda.
- B. For a Class A Notice the City:
 - 1. shall publish the public notice on the Utah Public Notice Website;
 - 2. shall publish the public notice on the Roy City Website;
 - 3. shall publish the public notice at the Roy City Municipal Building;
 - 4. If the affected area is a public street shall publish the public notice on or adjacent to the public street; and
 - 5. If the affected area is an easement, shall publish the public notice on or adjacent to the easement.
- C. For a Class B Notice the City:
 - 1. shall comply with the requirements described in Section 1-6-7(B);
 - 2. if a State Statute or City Code requires that the notice be provided for a designated geographic area, mail or otherwise deliver the public notice or a notice summary statement to each residence within, and, in accordance with Subsection (D), to each owner of real property located within, the designated geographic area; and
 - 3. if a State Statute or City Code requires that the notice be provided to one or more designated persons or real property owners, mail or otherwise deliver the public notice or a notice summary statement, in accordance with Subsection (D), to each designated person and real property owner.
- D. When providing notice to a real property owner, the City shall:
 - 1. use the current residential address or business address of the real property owner;
 - 2. if the City is not reasonably able to obtain the address described in Subsection (D)(1), use the last known address of the real property owner that the City is able to obtain via a reasonable inquiry into public records; or
 - 3. if the City is not reasonably able to obtain an address described in Subsection (D)(1) or (2), post the notice on the real property.

CHAPTER 7 OFFICERS AND EMPLOYEES

1-7-3: COMPENSATION; SALARIES

- A. Schedules Adopted:
 - 1. [NO CHANGE]
 - 2. [NO CHANGE]

3. Notice of the time, place and purpose of the meeting shall be published at least seven (7) days prior thereto ~~by publication in at least one issue of a newspaper published in Weber County and generally circulated in the city.~~ in accordance with RMC 1-6-7(B).

CHAPTER 10 DISPOSAL OF UNCLAIMED AND PERSONAL PROPERTY

1-10-1: DISPOSAL OF UNCLAIMED AND PERSONAL PROPERTY

- A. Any stolen, lost or abandoned personal property which has been recovered by the police department and held in storage by said department for a period of ninety (90) days, or over, without having been claimed by the owner thereof, may, by the police department, be sold at public or private sale. ~~Notice of the time and place of said sale, which notice shall contain a description of such personal property to be sold, shall be given by publishing such notice twice, the first publication of which shall be at least fifteen (15) days before the day of sale, and the last publication of which shall be not later than the Thursday immediately preceding the day of sale, in a newspaper published at the city in Weber County and having general circulation in said county. The proceeds of such sales shall forthwith be paid over to the city treasurer.~~
 1. Notice of the time and place of said sale shall contain a description of such personal property to be sold and the date of the intended sale of such personal property.
 2. At least fifteen (15) days before the day of sale, the police department shall:
 - a. publish notice of the intent to dispose of the personal property on the Utah Public Notice Website;
 - b. post a similar notice on the Roy City Website; and
 - c. post a similar notice in a public place designated for notice within the police department.

CHAPTER 14 DISPOSITION OF REAL PARCELS OF LAND

1-14-2: DEFINITIONS

As used in this chapter:

DISPOSITION: [NO CHANGE]

~~REASONABLE NOTICE: Posting notice of the hearing in at least three (3) public places within Roy City, or on the city's official website; and publishing notice of the hearing in a newspaper of general circulation.~~

SIGNIFICANT PARCEL: [NO CHANGE]

1-14-5: NOTICE

The city shall provide the required notice of its intent to dispose of significant city-owned real parcels of land. Notice shall be provided by the city at least fourteen (14) days before the date of the public hearing ~~by posting notice of the hearing in at least three (3) public places within the city, or on the city's official website; and publishing notice of the hearing in a newspaper of general circulation~~ by publishing notice in accordance with RMC 1-6-7(B).

TITLE 5 LAW ENFORCEMENT

CHAPTER 1 ANIMAL CONTROL

5-1-8: RABIES CONTROL; BITES

- A. [NO CHANGE]
- B. [NO CHANGE]
- C. Rabies Scare Or Epidemic: The mayor is hereby authorized upon reasonable apprehension of danger from dogs or other animals with rabies to issue a proclamation forbidding all dogs and other animals from running at large in the city limits. All dogs and other animals must be securely confined or on a sufficient chain, cord or leash to hold the animal during such periods. Any animal running loose while this proclamation is in force shall be captured and impounded. The proclamation shall take effect upon publication ~~in a newspaper of general circulation in the city~~ as a Class A Notice in accordance with RMC 1-6-7(B).

TITLE 6 MOTOR VEHICLES AND TRAFFIC

CHAPTER 2 ILLEGALLY PARKED AND ABANDONED VEHICLES

6-2-5: SALE AT AUCTION OF UNCLAIMED VEHICLES

- A. Notice Requirements: If, at the expiration of fifteen (15) days after mailing the notice provided for in RMC 6-2-2, such vehicle is not redeemed by the owner or his proper representative, the chief of police or his authorized agent shall proceed to sell the same at public auction to the highest bidder after first giving at least ten (10) days' notice of such sale by publishing such notice ~~at least once in a newspaper published in the county~~ as a Class A Notice in accordance with RMC 1-6-7(B), stating the time and place of such sale. Such notice shall also describe the vehicle to be sold with reasonable certainty and shall state to whom, if anyone, the records of the office of the motor vehicle department of the state tax commission show the same to belong, and if the name of the owner be

unknown, such fact shall be stated. If the name of the owner or recorded lienholder, if any, be known, the police department shall send such owner or recorded lienholder a copy of such notice as published immediately after the publication of the same, which notice shall be mailed to their last known address as shown on the records of the motor vehicle division of the state tax commission. A copy of this notice as published shall, immediately after publication, be mailed to the owner of the place of storage.

TITLE 10 ZONING REGULATIONS

CHAPTER 9 PUBLIC NOTICING REQUIREMENTS

10-9-2: REQUIRED NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS TO CONSIDER GENERAL PLAN OR GENERAL PLAN AMENDMENT APPLICATIONS:

- 1) Public Hearings. The Zoning Administrator and/or City Recorder for public hearings before the Commission, shall provide notice of the public hearing to consider the Roy City General Plan or General Plan Amendment Applications, as follows:
 - a) Notice of date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:
 - i) ~~Published in a newspaper of general circulation in the area;~~
 - ii) E-Mailed to each “affected entity” identified herein as:
 - (1) Weber County ~~Board of County~~ Commissioners
 - (2) ~~City of Ogden~~ Adjacent Cities
 - (3) Special Service Districts
 - (4) Weber County School District
 - (5) ~~Questar~~ Dominion Energy
 - (6) ~~Utah Power~~ Rocky Mountain Power
 - (7) ~~Qwest~~ Century Link
 - (8) Sanitary Sewer Districts
 - (9) Culinary and Secondary Water providers
 - iii) ~~Posted in at least three (3) public locations within the~~ on the Public Notice Website, at the City Municipal Building; ~~or~~ and on the City’s official website; and
 - iv) Provide notice to the Applicant(s).
 - 2) Public Meetings. The Zoning Administrator and/or City Recorder for public meetings before the Commission, and the Council, shall provide notice of the public meeting to consider the Roy City General Plan or General Plan Amendments Applications, as follows:
 - a) Notice of the date, time, and place of the public meeting, at least 24 hours before the meeting, which notice shall be:
 - i) ~~Submitted to a newspaper of general circulation in the area;~~
 - ii) ~~Posted in at least three (3) public locations within the~~ on the Public Notice Website, at the City Municipal Building; ~~or~~ and on the City’s official

website and
iii) Provide notice to the Applicant(s).
(Ord. No. 17-1; 3-7-2017)

10-9-3: REQUIRED NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS ON ADOPTION OR MODIFICATION (AMENDMENTS) OF LAND USE ORDINANCES:

- 1) Public Hearings. The Zoning Administrator and/or City Recorder for public hearings before the Commission, shall provide notice of a public hearing to consider the adoption of modification (amendments) of the Roy City Land Use Ordinances, including this Ordinance, as follows:
 - a) Notice of the date, time, and place of the each public hearing shall be at least ten (10) -calendar days before the public hearing and the notice shall be provided by the following means:
 - i) ~~Published in a newspaper of general circulation in the area.~~
 - ii) E-Mailed to each “affected entity” (as identified in 10-9-2); and
 - iii) ~~Posted in at least three (3) public locations within the~~ on the Public Notice Website, City Municipal Building; ~~or~~ and on the City’s official website; and
 - iv) E-mailed to the “affected area” identified herein as:
 - (1) Roy City municipal building. ~~Actual notice provided by regular U.S. mail and is postmarked at least ten (10) calendar days prior to the public hearing to all property owners located within three hundred (300) feet which is the subject of a Land Use Ordinance adoption or modification.~~
- 2) Public Meetings. The Zoning Administrator and/or City Recorder for public meetings before the Commission, and the Council, shall provide notice of the public meeting to consider the Roy City General Plan or General Plan Amendments Applications, as follows:
 - a) Notice of the date, time, and place of the public meeting, at least 24 hours before the meeting, which notice shall be:
 - i) ~~Posted in at least three (3) public locations within the~~ on the Public Notice Website, at the City Municipal Building; ~~or~~ and on the City’s official website; and
 - ii) Provide notice to the Applicant(s).
 - iii) E-mailed to the “affected area”

(Ord. No. 17-1; 3-7-2017)

10-9-4: REQUIRED NOTICE FOR OTHER PUBLIC HEARINGS:

When required by the provisions of this Ordinance, the Zoning Administrator and/or City Recorder for public hearings before the Commission, shall provide notice of the public hearing as follows:

- 1) Notice of the date, time, and place of each public hearing shall be at least ten (10) calendar days before the public hearing provided by the following means:

- a) ~~Published in a newspaper of general circulation in the area.~~
- b) ~~Posted in at least three (3) public locations within the~~ on the Public Notice Website, City Municipal Building; ~~or~~ and on the City's official website; and
- c) Actual notice provided by regular U.S. mail and is postmarked at least ten (10) calendar days prior to the public hearing to all property owners located within three hundred (300) feet which is the subject of the public hearing.

(Ord. No. 17-1; 3-7-2017)


10-9-5: REQUIRED NOTICE FOR OTHER PUBLIC MEETINGS:

When required by the provisions of this Ordinance the Zoning Administrator and/or City Recorder for a public meeting by the Commission, the HO, and the Council, shall provide notice of the public meeting as follows:

- 1) Notice of the date, time, and place of each public meeting, at least 24 hours before the public meeting, which notice shall be:
 - a) ~~Posted in at least three (3) public locations within the~~ on the Public Notice Website, City Municipal Building; ~~or~~ and on the City's official website; and
 - b) Provide notice to the Applicant(s).

(Ord. No. 17-1; 3-7-2017)

This Ordinance shall not become effective upon passage, lawful posting, and recording. This Ordinance has been approved by the Roy City Council this 19 day of September, 2023.



Robert Dandoy
 Robert Dandoy
 Mayor

ATTEST:

Brittany Fowers
 Brittany Fowers
 City Recorder

This Ordinance has been approved by the following vote of the Roy City Council:

Councilmember Ann Jackson	<u>" Aye "</u>
Councilmember Diane Wilson	<u>" Aye "</u>
Councilmember Sophie Paul	<u>" Aye "</u>
Councilmember Randy Scadden	<u>" Aye "</u>
Councilmember Joe Paul	<u>" Aye "</u>