

Title 11. PUBLIC PROPERTY AND BUILDINGS

Chapters:

- Chapter 11.01. Regulation of Speech on Public Property.
- Chapter 11.02. Regulation of City Parks, Trails, and Recreation Areas.
- Chapter 11.03. City Cemetery.
- Chapter 11.04. Disposal of City Property.

Chapter 11.01 Regulation of Speech on Public Property

Sections:

- 11.01.01. Purpose and Intent.**
- 11.01.02. Definitions.**
- 11.01.03. General Provisions for Public Forum.**
- 11.01.04. Limited Purpose Public Forums.**
- 11.01.05. Permitting and Approval Process.**
- 11.01.06. Enforcement and Penalties.**
- 11.01.07. Protected Speech.**
- 11.01.08. Permissible Restrictions.**
- 11.01.09. Prohibited Conduct.**
- 11.01.10. Designated Public Forum Areas.**
- 11.01.11. Application for Permit.**
- 11.01.12. Appeals.**
- 11.01.13. Enforcement.**
- 11.01.14. Severability.**

11.01.01. Purpose and Intent.

The purpose of this Chapter is to regulate speech on public property within the City of Saratoga Springs (“City”), consistent with federal and state constitutional protections of free speech. The City recognizes the importance of public forums as venues for free expressions, preserving public safety, protecting the rights of all individuals, and ensuring that public spaces are used in a manner that is respectful, orderly, and conducive to the enjoyment of all people.

(Ord. 25-40)

11.01.02. Definitions.

For purposes of this Chapter, the following definitions shall apply:

1. **“Designated Public Forum”** means a public space where the City allows speech and expressive activities as part of the City’s commitment to fostering open dialogue.
2. **“Limited Purpose Public Forum”** means government-owned or controlled property that is open to the public for a specific purpose or for specific types of speech (e.g., a city auditorium or public meeting room).
3. **“Non-Public Forum”** means City-owned property that does not meet the definition of other forums in this Subsection 11.01.02 and thus is not open to the public for public speech.
4. **“Public Property”** means property owned or controlled by the City, including parks, streets, sidewalks, buildings, meeting spaces, plazas, and any other area generally accessible to the public.
5. **“Speech”** means any form of communication, including verbal, written, printed, nonverbal, symbolic, or visual expressions, as well as any conduct or activity that conveys a message or idea.

6. **“Time, Place, and Manner Restrictions”** means regulations that limit the time, location, or method of speech in order to balance the right to free expression with the City’s interest in maintaining public order and safety.
7. **“Traditional Public Forum”** means a place that has traditionally been open for public expression, such as streets, parks, or sidewalks, and is available for free speech and assembly, subject to reasonable time, place, and manner restrictions

(Ord. 25-40)

11.01.03. General Provisions for Public Forums.

All public forums within the City shall remain open for the free expression of ideas, subject to the following restrictions:

1. Time, place, and manner restrictions may be imposed, provided they are content-neutral, narrowly tailored, and serve a significant government interest.
2. Speech shall not incite violence, defamation, hate speech, or any unlawful activity.
3. The use of sound amplification equipment is permitted only in designated areas or with prior authorization to prevent undue disruption of other activities and public safety concerns.
4. The posting of materials (e.g., posters, signs, flyers, etc.) on public property may be regulated to prevent litter, damage to property, or obstruction of public pathways.

(Ord. 25-40)

11.01.04. Limited Purpose Public Forums.

A limited purpose public forum may be established or designated by the City for specific uses, such as town halls, civic meetings, or other events where certain types of speech or activities are allowed. In a limited purpose public forum, restrictions may be imposed on the subject matter of the speech or the type of activity conducted, provided that:

1. Such restrictions are clearly defined and consistent with the purpose of the forum.
2. The restrictions are content-neutral and serve a significant government interest.
3. The restrictions do not discriminate based on viewpoint, except where the content of the speech is incompatible with the specific purpose of the forum.
4. Speakers and activities may be limited in number, duration, and frequency, but must be done so in a manner that does not suppress or discriminate against particular viewpoints.

(Ord. 25-40)

11.01.05. Permitting and Approval Process.

1. Any individual or group seeking to engage in speech, assembly, or activity in a public forum, including a limited purpose public forum, may be required to obtain a permit if the event is expected to involve:
 - a. Sound amplification equipment.
 - b. A gathering of more than a specified number of people (e.g., 25 people).
 - c. The use of public property for displays, signs, or materials.
2. The City shall not deny a permit based on the content of the speech or expression, but may impose reasonable conditions concerning the time, place, and manner of the event to ensure public safety, prevent disruption, and protect individual rights.
3. Permits may be revoked if the terms and conditions of approval are violated or if the event or activity becomes unlawful or threatens public safety.
4. Permits shall be governed by the City's policies on the issuance of special event permits and large gatherings.

(Ord. 25-40)

11.01.06. Enforcement and Penalties.

1. The City may designate law enforcement or City officials to enforce the provisions of this code.
2. Individuals who violate the terms of this code, including engaging in prohibited conduct or failing to obtain necessary permits, may be subject to fines, penalties, or removal from the public forum.
3. Violations of this code may result in criminal charges, including trespassing, disturbing the peace, or other relevant offenses under city, state, or federal law.

(Ord. 25-40)

11.01.07. Protected Speech.

The City affirms the right of individuals to engage in speech and expressive activities on public property, subject to the limitations set forth in this ordinance. All speech that is protected by the First Amendment to the U.S. Constitution, as well as relevant Utah state laws, is permitted in public spaces.

(Ord. 25-40)

11.01.08. Permissible Restrictions.

While speech on public property is generally protected, the City may impose reasonable and content-neutral restrictions on the time, place, and manner of speech in the following circumstances:

1. **Public Safety:** To prevent disruptions to public order, to protect public health, safety, and welfare, and to ensure safe pedestrian and vehicular traffic flow.
2. **Permit Requirements:** Certain activities or events that involve amplified sound, large gatherings, or the use of structures (such as tents or stages) may require a permit from the City. The City will issue permits in a nondiscriminatory manner based on criteria such as location, time, and the number of participants.
3. **Obstruction of Public Passage:** Speech activities may not block, obstruct, or impede the use of streets, sidewalks, or other public pathways by members of the general public.
4. **Cleanliness and Safety:** Participants must comply with all applicable health, sanitation, and safety codes, and may be required to remove any waste or materials left behind after an event.

(Ord. 25-40)

11.01.09. Prohibited Conduct.

The following conduct is prohibited on public property:

1. **Disruption of Government Operations:** Speech that disrupts or interferes with the normal operations of government functions, such as City meetings or services.
2. **Unlawful Speech:** Speech that incites violence, constitutes harassment, or is otherwise prohibited by state or federal law, including but not limited to defamation, obscenity, and fighting words.
3. **Noise Violations:** Speech or expression that creates unreasonable noise or sound levels that disturb the peace, including amplified sound in residential areas or during prohibited hours as defined by the City Noise Ordinance codified in Title 10.
4. **Unlawful Assembly:** Any gathering or demonstration that occurs without the proper permits or in violation of other applicable laws, including those related to public health or safety.
5. **Harassment:** Speech or conduct that is intentionally threatening, discriminatory, or harassing.
6. **Incitement of Violence:** Speech that incites imminent violence or illegal activity.

7. **Obstruction:** Blocking or hindering access to public facilities, services, or transportation.
8. **Obscene Speech:** Speech that, by its content, violates established standards for obscenity under local, state, or federal law.

(Ord. 25-40)

11.01.10. Designated Public Forum Areas.

1. The City will designate certain public areas for expressive activities based on their accessibility and capacity to accommodate speech without disrupting other public uses.
2. **Locations:** The City will maintain a list of locations where expressive activities are permitted and will make this list publicly available.
3. **Permit Process:** Persons or groups wishing to use public property for expressive activities that exceed certain thresholds (e.g., amplified sound, large crowds, etc.) must apply for a permit. The City will review and process requests in a timely and nondiscriminatory manner, considering factors such as the proposed location, time, and the impact on other users of the space.

(Ord. 25-40)

11.01.11. Application for Permit.

1. An application for a permit to engage in speech or expression on public property must be submitted to the City pursuant to the City's Special Event Permit policy. The City will approve or deny the permit application within based on such policy.
2. If the permit is denied, the City will provide a written explanation of the reasons for the denial.

(Ord. 25-40)

11.01.12. Appeals.

1. Any individual or group aggrieved by a decision regarding the denial of a permit or the imposition of a restriction may appeal the decision to the City Manager within 7 calendar days of the denial.
2. Appeals shall be reviewed in a timely manner and based on the criteria established in this code and the City's Special Event Permit policy, including considerations of public safety, the right to free expression, and the public interest.

(Ord. 25-40)

11.01.13. Enforcement.

1. City personnel may issue warnings or citations for violations of this ordinance. If a violation persists after a reasonable warning, law enforcement officers may take appropriate action, including removing individuals from public property or arresting them in cases of unlawful behavior.
2. No person shall be subject to arrest or penalty for speech or expression that is protected by the First Amendment, unless such speech violates specific, content-neutral time, place, or manner regulations.

(Ord. 25-40)

11.01.14. Severability.

If any provision of this ordinance is found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

(Ord. 25-40)

Chapter 11.02. Regulation of City Parks, Trails, and Recreation Areas.

Sections:

- 11.02.01. Purpose.**
- 11.02.02. Authority.**
- 11.02.03. Definitions.**
- 11.02.04. Days and Times of Use; Fees.**
- 11.02.05. Regulation of General Conduct.**
- 11.02.06. Regulation of Recreational Activity.**
- 11.02.07. Motorized Vehicle Restrictions.**
- 11.02.08. Encroachments.**
- 11.02.09. Enforcement.**

11.02.01. Purpose.

The purpose of this Chapter is to further develop parks, trails, and recreational facilities for the welfare and enjoyment of its residents, and to ensure the orderly and suitable use of such facilities, thus furthering the safety, health, comfort, and welfare of all persons in the use thereof.

(Ord. 25-40)

11.02.02. Authority.

1. **Establishment of Parks, Trails, and Recreational Facilities.** The City Manager may propose the establishment of certain parks, trails, and recreational facilities, which shall, upon the advice and consent of the City Council, be created as the City Council deems fit. The City Manager shall advise the City Council on the establishment of parks, trails, and recreation facilities and may recommend funding sources to pay for said improvements.
2. **Rules.** The City Manager may prescribe certain uses, restrictions, and hours of use for City parks, trails, and recreation facilities as deemed reasonable and necessary for the protection and preservation of public health, safety, and welfare, as well as protection and maintenance of the natural resources and public facilities consistent with this Chapter and other City ordinances. Any restrictions on the use of City parks, trails, and recreation facilities other than those contained in this Chapter shall be posted on the property in locations reasonably likely to be seen by the public.
3. **Exceptions.** The City Manager may grant exceptions on a limited basis for City-sponsored events only, if enforcement of the rules is impractical or will impede the City's ability to provide recreational opportunities for City residents.

(Ord. 25-40)

11.02.03. Definitions.

As used in this Chapter:

1. **“All-Terrain Vehicle”** means any class of all-terrain vehicle defined by Utah Code § 41-6a-102 as amended, whether street legal or not.
2. **“Bicycle”** means a wheeled vehicle propelled by human power by feet or hands acting upon pedals or cranks, with a seat or saddle designed for the use of the operator; designed to be operated on the ground; and whose wheels are not less than fourteen inches (14") in diameter. "Bicycle" includes an electric assisted bicycle.
3. **“City Manager”** means the City Manager or designee.
4. **“Electric Assisted Bicycle, Class 1 Electric Assisted Bicycle, Class 2 Electric Assisted Bicycle, or Class 3 Electric Assisted Bicycle”** means the same as Utah Code § 41-6a-102 as amended.
5. **“Natural Resource”** Any open space, conservation area, land, water, vegetation, mineral, fossil, wildlife, wildlife habitat or other space under the control of the City, regardless of whether such control is through ownership, dedication, lease, easement, covenant, memorandum of understanding, intergovernmental agreement, contract or other mechanism of control.
6. **“Off Highway Vehicle (OHV)”** means any class of off-highway vehicle as defined by Utah Code § 41-6a-102 as amended, whether street legal or not.
7. **“Open Space”** means Saratoga Springs-owned land that is in a predominantly open and undeveloped condition, which is primarily used for conservation, scenic, wildlife habitat, or non-motorized recreation uses.
8. **“Park”** means a specific piece of ground, either within the City or that is under the ownership or control of the City that is operated and maintained by the City and set apart for the use of the general public, whether developed or undeveloped, including natural parks and open space, and that may be planted with trees, lawns and other shrubbery. A park may include within its boundary facilities for sport, entertainment, dancing, recreation, swimming, or similar functions. A park may be planned for any beneficial use by the citizenry. A park may have numerous facilities or may have no facilities.
9. **“Recreation”** means a leisure activity or diversion which restores one's strength, spirit or vitality and which refreshes the mind or body.
10. **“Recreation or Recreational Facilities or Facilities”** means parks, trails, recreation areas, and recreation centers which are owned or operated by the City, or for which the City has enforcement or maintenance responsibilities.
11. **“Street Licensed Vehicle”** means any motorized vehicle such as an automobile, motorcycle, or truck that is equipped and licensed for use on public roads.
12. **“Trail”** means a linear corridor of property that is part of the parks, trails and recreation master plan, connects planned trails, or is maintained by the City for the purposes of hiking, walking, jogging, running, equestrian, cycling, or other such use allowed by this Chapter.
13. **“Yield”** means to slow down, establish communication, be prepared to stop if necessary, and pass in a safe manner.

(Ord. 25-40)

11.02.04. Days and Times of Use; Fees.

1. **Designated Hours and Days.** Except for unusual or unforeseen events, City recreational facilities shall be open to the public every day of the year during designated hours as posted at each recreational facility. Unless otherwise noticed by signs or other communications, facilities shall open each day at six o'clock (6:00) A.M. and shall be closed at ten o'clock (10:00) P.M. Any section or part may be declared closed to the public by the City Manager at any time and for any interval of time, either temporarily or at regular and stated intervals, and either entirely or for certain uses as the City Manager shall find necessary. With the exception of government, police, fire, emergency, or other authorized vehicles, no person shall enter a recreational facility during the hours or days it is closed.
2. **Fees.** The City may establish fees for the use of certain parks, trails, and recreational facilities. Such fees shall be set by resolution or ordinance of the City Council and shall be published in the City's consolidated fee schedule.

(Ord. 25-40)

11.02.05. Regulation of General Conduct.

1. **Destruction or Defacement of Facilities or Signs.** It shall be unlawful for any person to deface, vandalize, or remove recreation facility property, buildings, or equipment, or to deface, destroy, cover, damage, or remove any placard, notice, or sign or parts thereof, whether permanent or temporary, posted or exhibited by the City at such facilities.
2. **Disturbance of Natural Resources.** It shall be unlawful for any person to remove, alter, injure, or destroy any natural resource at a recreation facility or from open space without authorization from the City Manager, excepting City personnel in furtherance of their duties.
3. **Disturbance of Wildlife.** Except for peace officers acting in performance of their official duties or persons acting under the authority or direction of a peace officer or animal control officer, it shall be unlawful for any person to kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, or have in possession any species of wildlife found within the confines of any recreation facility.
4. **Fishing.** Fishing may be permitted in accordance with official rules established by the City Manager for a given facility. In the absence of any such rules, it shall be unlawful to fish where signs prohibiting fishing are posted. A violation of the official or posted rules or this subsection shall be an Infraction subject to a \$100 fine.
5. **Littering.** It shall be unlawful for any person to deposit, scatter, drop, or abandon in or along any recreation facility any paper, bottles, cans, sewage, waste, trash, or other debris, except in receptacles provided by the City for such purpose. No person shall deposit in any receptacle at any facility any accumulation of waste or trash generated outside the boundaries of the recreation facility.

6. **Disorderly Conduct.** It shall be unlawful for any person to engage in fighting or indulge in riotous, disorderly, threatening, or indecent conduct or use any abusive, threatening, profane, or indecent language while on or in a recreation facility.
7. **Alcohol and Beverages and Tobacco Products.** It shall be unlawful for any person to use, possess, or sell any alcoholic beverages while at a recreation facility as provided in Section 10.08.01. Violations shall be enforced as provided in Section 10.08.03.
8. **Noise Restrictions.** No person may play or cause to be played amplified music or sound at a recreation facility without the express written approval of the City Manager and without obtaining a license for such purpose. Such permission or license may be denied by the City Manager where it is reasonably believed that such noise would disturb other patrons of the facility, annoy residents neighboring the facility, or disturb wildlife. The written permission and license to play amplified sound must be provided to any City employee or official upon demand during the time for which it is granted. Issuance of permission and a license does not exempt the holder or permittee from all other rules, regulations, ordinances, and statutes.
9. **Fires.** It shall be unlawful for any person to burn an open fire at a recreation facility except in barbecue or grill areas provided by the City. The City Manager may restrict allowed uses for the protection and preservation of public health, safety and welfare, and public facilities.
10. **Unlawful Occupancy.** It shall be unlawful for any person to enter any recreation facility building, installation, or area that may be under construction, locked, or closed to public use, or to enter, remain in, or be upon any building, installation, or area after the closing time or before the opening time, or contrary to the posted notice at any recreation facility.
11. **Domesticated Animal Restrictions.** At any recreation facility, any owner of a domesticated animal or person having charge, care, custody, or control of such animal shall remove and properly dispose of any feces left by the animal. It is prohibited for any person to take or permit any unrestrained domesticated animal at a recreation facility not specifically designated by the City for that purpose. Such animals must be continually kept on a leash. Such animals shall not enter or be watered at any fountain, pond, lake, or stream, except as locations specifically designated by the City for that purpose.
12. **Grazing.** It shall be unlawful to use any recreational facility for the purposes of grazing domestic livestock, such as horses, donkeys, mules, llamas, cattle, sheep, or goats without authorization from the City Manager.
13. **Concessions.** It shall be unlawful for any person to operate any dispensary or concessions stand at any recreational facility without the express written consent of the City Manager or without first obtaining a current, valid business license from the City.
14. **Inflatable Attractions, Mechanical Rides, Water Slides.** It shall be unlawful for any person to set up a private attraction such as inflatable bounce houses, water slides, slip-

and-slides, mechanical bulls, carnival type rides, and other related-attractions in any City park except as permitted by the City Manager for specific City events.

15. **Trail Etiquette Standard.** It shall be unlawful to fail to yield to other trail users in the manner posted by the City. In the case of no postings, pedestrians and bicyclists shall yield to equestrian users, bicyclists shall yield to pedestrian users, and downhill hikers shall yield to uphill hikers.
16. **Bridges.** It shall be unlawful for any user to climb bridges, attach rope swings, hammocks, locks, signs, or any other item to any bridge, jump off of or from bridges, or engage in any activity on a bridge that is reckless or unreasonable.

(Ord. 25-40)

11.02.06. Regulation of Recreational Activity.

1. **Reserved Use.** No person may assume exclusive use of a recreation facility, including a reservation picnic site, shelter, or field without a reservation permit. It shall be unlawful for any person to use a portion of a recreation facility, including a reservation picnic site, shelter, or field, without a permit, if the area is reserved by a permitted group.
2. **Walking, Hiking, and Jogging.** It shall be unlawful for any person to walk, hike, or jog at a recreation facility that prohibits such use or in areas closed to public use.
3. **Bicycling.** It shall be unlawful for any person to operate a bicycle at a recreation facility except on designated bikeways, roadways, trails, and other areas designated for that purpose and except as close to the right hand side of a trail or roadway as conditions permit. It shall be unlawful to operate Class 2 or Class 3 electric assisted bicycles on a trail. It shall be unlawful to operate a bicycle in a careless or reckless manner.
4. **Roller Skating, In-Line Skating, Skateboarding.** It shall be unlawful for any person to operate skates or a skateboard at a recreation facility, except on designated bikeways, roadways, trails, and other areas designated for that purpose and except as close to the right hand side of a trail or roadway as conditions permit. Skates and skateboards shall not be operated in a careless or reckless manner.
5. **Equestrian Riding.** It shall be unlawful for any person to ride, lead, or allow a horse, donkey, mule, llama, or similar hooved animal at a recreation facility except on designated equestrian trails and other areas designated for equestrian purposes. No person shall ride a hooved animal in a reckless manner so as to create a nuisance or to endanger the safety or property of any visitor to a recreation facility. Such animals shall not be tethered to a tree, shrub, plant, building, or recreation facility equipment. Such animals shall not enter or be watered at any fountain, pond, lake, or stream, except at locations specifically designated by the City for that purpose.
6. **Designated Trails.** All trail users are required to remain on designated trails. It is unlawful for users to leave designated trails at a recreation facility without authorization.

from City. It is unlawful for a trail user to utilize a trail at a recreation facility when muddy conditions exist.

7. **Camping.** As more fully specified in Section 10.10.08 of the City Code, as amended, it shall be unlawful for any person to camp, lodge, or remain overnight at any recreation facility or open space, except in cases of local emergency as declared by the City Council.
8. **Swimming.** It shall be unlawful for any person to swim, bathe, or wade in any lake, pond, fountain, or stream, including flood detention ponds when water is present, not specifically designated by the City for that purpose, except that persons wearing fishing waders may wade where fishing is allowed. No person shall pollute the water of any recreation facility, including any fountain, pond, lake, or stream.
9. **Winter Activities.** It shall be unlawful for any person to ice skate, sled, slide, snowshoe, or ski at a recreation facility except in designated areas.
10. **Golfing.** It shall be unlawful for any person to golf at a recreation facility not specifically designated by the City for that purpose.
11. **Paintball.** It shall be unlawful for any person to shoot any projectile or paintball at any recreational facility not specifically designated by the City for that purpose.

(Ord. 25-40)

11.02.07. Motorized Vehicle Restrictions.

1. **Off Highway Vehicles.** It shall be unlawful for any person to operate an off-highway or all-terrain vehicle, including any motorized recreation vehicle at a recreation facility, except for governmental, police, fire, emergency, or other City-authorized use.
2. **Street Legal Vehicles.** It shall be unlawful for any person to operate a street legal vehicle at a recreation facility other than in areas specifically designated and posted by the City for that particular purpose, except for government, police, fire, emergency, or other City-authorized use. The City Manager shall have the authority to order roads or parking lots within any recreation facility closed during the process of construction, reconstruction, or repair, or when, in the opinion of the City Manager, weather conditions render travel unsafe or unduly destructive.
3. **Parking.** It shall be unlawful to park at a recreation facility or open space:
 - a. on any vegetation,
 - b. in violation of posted signs,
 - c. in such a manner that poses a danger to others; or
 - d. in such a manner that blocks or restricts access to a recreation facility or open space.

(Ord. 25-40)

11.02.08. Encroachments.

1. **Prohibition.** It shall be unlawful for any person to encroach on any City recreation facility or public open space with landscaping, fencing, retaining walls, structures, sprinkling systems, drainage pipes, curbing, or other equipment or to disturb the natural or planted landscaping, vegetation, or public structures or equipment on such facilities or open space except as allowed in this section or elsewhere in this Code.
2. **Private Fences.** Private fences within or extending into City recreation facilities or public open space areas shall be removed within thirty (30) days of the effective date of this section by the abutting property owner. They may be reinstalled by the abutting property owner upon the property line of the facility or open space and the abutting property, at the abutting property owner's expense.
3. **Private Structures; Equipment.** Except as otherwise provided in this section, private structures and equipment other than fences, including, but not limited to, trampolines, gazebos, swimming pools, sports courts, retaining walls, curbing, and sprinkling systems may not exist on City recreation facilities or on public open space and shall be removed by the abutting property owner responsible for its placement, maintenance, or existence, as directed by the City's public works department.
4. **Existing Vegetation.** Existing trees, shrubs, grass, and other vegetation placed within City recreation facilities or public open space by abutting property owners may remain if they blend with or enhance the natural setting of such facilities or open space, or are necessary to control erosion, as determined by the City's public works department.
5. **Failure to Remove.** If the abutting property owner fails to timely remove an offending fence or structure, the City may do so and may cause the costs for such work to be assessed against the abutting property and collected through court or other lawful action. Failure to remove the fence or structure as directed by the City's public works department shall result in an administrative fee of five hundred dollars (\$500.00) being added to the costs of removal. The City shall not be liable for any costs, damages, or claims associated with such removal. If the abutting property owner denies any interest in the structure or fence, the City shall remove the structure or fence at its own expense.
6. **Signage.** The City may erect signs designating City recreation facilities or public open space and describing rules for public use of the same.

(Ord. 25-40)

11.02.09. Enforcement.

1. **Eviction.** Any person violating any of the rules or instructions established by the City or the City Manager may be evicted immediately from the facility. Any person who, having been given direction to leave by the City and who does not leave, is guilty of violating this Chapter.

2. **Penalty.** Unless otherwise stated, violations of this Chapter shall be punished as an administrative citation pursuant to Title 20 of the City Code or as a Notice of Violation for ongoing violations.
3. **Enforcement.** Code enforcement or law enforcement officers, as applicable and in connection with their duties imposed by the City Code, shall enforce the provisions of this Chapter and may issue administrative citations and Notices of Violation, evict any persons acting in violation of the provisions of this Chapter, issue criminal citations as provided herein, and abate any violations of this Chapter pursuant to city and state law. Code enforcement officers shall also have the authority to seize, confiscate and impound any substance, plant, animal, or other similar article which is used or possessed in violation of this Chapter.

(Ord. 25-40)

Chapter 11.03. City Cemetery.

Sections:

- [11.03.01 Definitions](#)
- [11.03.02 Name Established](#)
- [11.03.03 Cemeteries Covered](#)
- [11.03.04 Hours](#)
- [11.03.05 Burial of Human Remains](#)
- [11.03.06 Vaults Required](#)
- [11.03.07 Burial Rights and Ownership](#)
- [11.03.08 Applicability of Traffic Regulations](#)
- [11.03.09 Funeral Processions](#)
- [11.03.10 Right to Maintain](#)
- [11.03.11 Prohibitions](#)
- [11.03.12 Grave Markers](#)
- [11.03.13 Burials](#)
- [11.03.14 Infant Burials](#)
- [11.03.15 Disinterment](#)
- [11.03.16 Disputes](#)
- [11.03.17 Liability](#)
- [11.03.18 Burials Outside the Cemetery](#)
- [11.03.19 Animals Prohibited](#)
- [11.03.20 Holiday Funerals](#)
- [11.03.21 Fees](#)
- [11.03.22 Resale Restricted](#)
- [11.03.23 Damaging Property](#)
- [11.03.24 Duties of Sexton](#)
- [11.03.25 Duties of City Recorder](#)
- [11.03.26 Additional Regulations and Authority](#)
- [11.03.27 Abandonment/ Termination of Rights](#)

11.03.01. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Burial” shall mean the opening and closing of a grave for the interment or inurnment of human remains.

“Burial Right Owner” shall mean the purchaser of the burial rights or privileges evidenced by a Burial Rights Certificate.

“Cemetery” shall mean the Cemetery owned or maintained by the City for the purpose of receiving human remains.

"Cemetery Registrar" or **"Registrar"** shall mean the person appointed by the City Manager whose duty it is to keep all of the Cemetery and burial records of the City, including the issuance of burial rights certificates, burial, and disinterment permits and maintenance of the cemetery plat.

"City" shall mean the City of Saratoga Springs.

"Cremains" means the cremated remains of a body recovered after the completion of the cremation process.

"Cremation" means the technical process, using direct flame and heat, or a chemical process, that reduces the human remains to bone fragments through heat and evaporation, or a chemical process, and includes the processing and usually the pulverization of the bone fragments.

"Cremation Container" means a container specifically designed to hold human remains during the cremation process. The container must be durable, safe for use in a crematory, and constructed of materials such as wood, cardboard, or other suitable substances that will not interfere with the cremation process. The cremation container is not returned after cremation is completed.

"Crematory" means a facility or structure that is equipped with the necessary machinery and equipment to perform the cremation of human remains. This includes the use of a cremation chamber or cremator that applies heat to reduce human remains to ashes. A crematory may also provide services related to the storage, handling, or disposition of cremains.

"Disinterment" shall mean the removal from an interment space of human remains.

"Human Remains" shall mean either the body of a deceased human or the cremains of a human.

"Infant" shall be a child who is two years of age or younger. Casket and vault must be less than 50" in length.

"Interment" shall mean the act of burying a deceased person.

"Inurnment" shall mean to put into an urn, especially ashes after cremation, to bury.

"Lot" shall mean a gravesite in the Cemetery owned by the City.

"Sexton" shall mean an employee of the City that is in charge of the care and custody of the Cemetery. The Sexton may, but is not required to, also serve as the Registrar.

"Resident" shall mean a person whose principal place of residence is within the legal limits of the City of Saratoga Springs.

"Principal Place of Residence" means the single location where a person's habitation is fixed and to which, whenever a person is absent, that person has the intention of returning.

A person has not lost the person's principal place of residence in the City if that person moves to a foreign country or another city, or state for the temporary purposes with the intention of returning.

A person is not a resident of the City if that person comes for temporary purposes and does not intend to make the City the person's principal place of residence.

A person loses the person's principal place of residence in the City if the person moves outside the legal limits of the City with the intention of making the other location the person's principal place of residence.

“Urn” means a receptacle designed to permanently encase cremains.

(Ord. 25-40)

11.03.02. Name Established.

The Cemetery of the City shall be known and designated as the City of Saratoga Springs Cemetery.

(Ord. 25-40)

11.03.03. Cemeteries Covered.

All cemeteries owned or maintained by the City, or which may hereafter be acquired by the City, wherever situated, are hereby declared subject to the provisions of this Chapter.

(Ord. 25-40)

11.03.04. Hours.

It shall be unlawful for any person other than a City employee performing their duties to be in the Cemetery between the hours of 10:00pm and 6:00am without prior written consent from the Sexton.

(Ord. 25-40)

11.03.05. Burial of Human Remains.

Only human remains may be buried in the Cemetery. The City may permit cremains to be interred in a gravesite either within an existing casket that already contains human remains, at the time of burial, or in a separate, individual vault designated specifically for the cremains. If interring the cremains in a separate vault, the individual or their representative shall be responsible for the cost of the vault and any associated expenses. All interments must comply with Cemetery regulations, and the appropriate arrangements and permits must be obtained prior to burial.

At no time will human remains be disinterred or disturbed in order to accommodate the interment of pet remains. The Cemetery is committed to maintaining the dignity and respect of all individuals and their resting places.

(Ord. 25-40)

11.03.06. Vaults Required.

It shall be unlawful for any person to be buried in the Cemetery unless the casket is placed in a City approved vault made of concrete or another material that has similar structural properties as concrete. No wood shall be used in the construction of any part of a vault. Exceptions may be granted for cremation or infant burials only. In such instances the design and construction of the burial vault shall be approved by the City Sexton.

(Ord. 25-40)

11.03.07 Burial Rights and Ownership

All property including lots, plots, and grave sites within the Cemetery is owned by the City. The City reserves the right to relocate any burial lot to one of equal or greater value, determined at the City's sole discretion, and will make best efforts to ensure that lots purchased together remain co-located. A burial right is simply a right to be buried within the Cemetery

1. **Taxes.** All burial rights conveyed shall be exempt from taxation.
2. **Descent and Inheritance of Rights.** Subject to the abandonment and termination rights contained in Utah Code Section 8, burial rights in the Cemetery are conveyed to a person or persons named therein and their heirs forever. All legal heirs are presumed to have legal right to the rights of burial, unless heirship to the contrary has been determined by a court of probate after named parties in the original Certificate or Purchase of Cemetery Lots are deceased.
3. **Use of Lot.** No person, except the owner of the burial rights in a lot, shall be buried in the lot, unless a form provided by the City has been signed by the owner or legal heirs to those rights, giving permission for someone else to be buried in the lot.
4. **Burial per Lot.** Up to two (2) burials may be allowed per grave space. Combined parent-infant burials and cremations may be authorized by the Sexton if, in the Sexton's judgment, conditions at the grave allow for such combined burial.

(Ords. 25-59; 25-40)

11.03.08. Applicability of Traffic Regulations.

The provisions of the City traffic ordinances and Utah Traffic code relative to the operation of vehicles and conduct of pedestrians shall apply in the Cemetery.

(Ord. 25-40)

11.03.09. Funeral Processions.

Funeral processions shall proceed to the Cemetery under the direction and guidance of the funeral director. At no time shall a funeral procession within the City limits impede the flow of traffic, stop traffic, or violate any traffic laws or ordinances of the State or City.

Once within the Cemetery grounds, City employees or authorized personnel may direct traffic to ensure the proper flow of vehicles and the orderly parking of cars. All vehicles operating within the Cemetery shall do so in a careful, respectful, and orderly manner to maintain safety and respect for the solemnity of the occasion.

(Ord. 25-40)

11.03.10. Right to Maintain.

The City is responsible for the maintenance of the Cemetery. The City reserves the right to enter upon any lot to perform all work necessary for the maintenance of the Cemetery. The City shall not be responsible for the repair or replacement of grave markers or other memorial structures of any nature, unless the City caused the damage or destruction to the grave marker or other memorial structure.

(Ord. 25-40)

11.03.11. Prohibitions.

- 1. Private Improvements Prohibited.** It shall be unlawful for any person to erect or maintain any structure, fence, bench, corner post, coping, hedge, decorative stone, or permanent marker of any kind upon any lot, street, or driveway in the Cemetery, or to grade the ground or land thereon. The City shall, upon request, furnish the boundary lines of lots. The City shall prohibit landmarks and any grading that might destroy or interfere with the general slope of the land.
- 2. Plantings.** It shall be unlawful for any person to plant, shrubs, trees, lawns, flowers, or any other type of permanent vegetation upon any lot in the Cemetery.
- 3. Decorations.** The decoration of grave markers and lots must be in compliance with the Cemetery Policy and Procedures Manual.
- 4. Other Objects.** For safety reasons, objects such as wires, shepherds hook, sticks, pegs, pinwheels, or metal rods are not permitted in the ground and will be removed by Cemetery personnel. The only exception(s) to this requirement is for funeral decoration and Memorial Day, Veteran's Day, or Christmas decorations.
- 5. Damage/Theft.** The City shall not be responsible or liable for damage or theft of grave markers, vases, flowers, grave decorations, or other personal property left on the grave marker, on the lot, or anywhere in the Cemetery.

(Ord. 25-40)

11.03.12. Grave Markers.

All headstones or grave markers in any Cemetery shall be restricted as to the size and general make-up. All grave markers shall be placed by a licensed and insured monument company only, under the direction of the City. Within one year of interment the owner of any burial rights or relatives of the deceased person buried in any lot shall place or cause to be placed upon the grave a suitable marker with the name of the deceased plainly inscribed thereon. If any person does not comply with this requirement, the City may install a grave marker to identify the deceased and recover the costs of such installation from the estate of the deceased or the responsible party.

1. **Number.** Only one grave marker per lot shall be permitted. Upon approval of the Sexton or City Council, an additional headstone may be permitted for military and first responders.
2. **Other Markers.** There shall be no other markers, monuments, or structures placed upon any lot other than those provided in this Chapter.
3. **Variance.** Any person who wishes to seek a variance to the restriction to grave markers as outlined herein or in the Cemetery Policies and Procedure Manual shall be able to request a variance which may be granted by the City Council based upon the Council's findings. The Council may require other restrictions or stipulation that it finds necessary to allow for a variance to the restrictions herein.
4. **Removal and Resetting of Grave Markers.** Once a grave marker has been installed, the City shall not be responsible for the removal and resetting of that grave marker. It shall be the responsibility of the burial right owner or purchaser to arrange for the removal of the grave marker by a monument company forty-eight hours prior to the opening of a grave. Grave markers that have been removed from a lot must be immediately removed from the Cemetery premises. Any grave marker that has been removed must be reset within thirty days after a burial is completed. Extensions of this 30-day period must be coordinated and approved by the Sexton. The City shall not be liable for any damage to the grave markers or vases that may occur during the removal or resetting process.

(Ord. 25-40)

11.03.13. Burials.

1. **Duties of the City.** The City Manager shall designate a City employee responsible for burials for the City who will be responsible for maintaining all burial records. The City shall prepare a grave lot for burial upon request and after a burial receipt has been issued by the City. The City shall provide supervision for every interment and disinterment.
2. **Burial Request.** Before burying any human remains in the Cemetery, the relatives or other persons having charge or the human remains shall be required to furnish in writing to the Registrar a burial request, which shall be recorded in a record kept for that purpose by the Registrar. The request shall include the name of the decedent, the place of death, the date

of death, the name and address of the funeral director or other person requesting the interment, and any other information the Registrar deems necessary. These records shall be open to public inspection.

3. **Restrictions.** Burials shall not take place sooner than forty-eight (48) hours after the information required in Subsection B has been received and the burial has been approved by the City. Weekends and City-observed holidays will not be counted in the 48-hour period. The City will not be held responsible for any errors in opening graves.
4. **Burial Days.** Burials shall be scheduled Monday through Friday, excluding City-recognized holidays. Burials shall never be scheduled on Sundays. On a limited basis, burials may be permitted on Saturdays under the following conditions:
 - a. **Qualifying Circumstances.** A Saturday burial may be approved by the Sexton if one or more of the following apply:
 - i. **Religious Observation.** The deceased's religious tradition requires burial within a specified time period that would otherwise necessitate a Saturday service.
 - ii. **Public Health or Emergency.** The burial is required for health, safety, or emergency reasons as determined by the City or local health authority.
 - iii. **Family Necessity.** Demonstrated hardship or scheduling necessity for immediate family members who cannot reasonably attend a weekday service.
 - iv. **Other Good Cause.** The Sexton (or designee) determines that other exceptional circumstances justify a Saturday burial.
 - b. **Advance Approval.** Requests for Saturday burials must be submitted to the Sexton (or designee) no later than 12:00pm on the preceding Thursday.
 - c. **Additional Fees.** An increased weekend service fee, as set forth in the City's Fee Schedule, will apply.
 - d. **Staff Availability.** Saturday burials are contingent upon availability of cemetery staff. If staff cannot be reasonably scheduled, the City reserves the right to deny a Saturday request.
 - e. **Time Restrictions.** Weekend burial shall be conducted only between the hours of 10:00 a.m. – 2:00 p.m.
 - f. **City Discretion.** The City reserves the right to approve or deny requests in accordance with these provisions to ensure proper cemetery operations and respect for the grounds.

(Ordinances. 25-60; 25-40)

11.03.14. Infant Burials.

A portion of the Cemetery may be designated for the burial of infants, with spaces for such burials being one-half the size of regular burial spaces. The right to use infant burial spaces shall be sold for a fee established by the City and are not available for preneed purchase. Vaults used for infant burials shall not exceed fifty inches in length. Additionally, with the permission of the owner of

the burial right, two infants may be interred in a single regular cemetery space, provided that neither vault/casket exceeds the maximum length of fifty inches.

Families who purchase an infant burial right may, within five (5) years of the original purchase, reserve and purchase the immediately adjacent full-size burial lot.

Subject to prior approval by the City and a determination by the Sexton that the burial space meets all necessary requirements, an infant burial may be permitted beneath the headstone of a standard lot without the necessity of purchasing an additional lot. All other applicable fees shall remain in effect.

(Ord. 25-40)

11.03.15. Disinterment.

The City must balance its responsibilities for the health, welfare, and safety of its employees with the requests of a burial right owner when asked to disinter human remains. Any request to disinter shall comply with all applicable federal, state, and local laws.

1. **Permitted.** Subject to applicable federal, state, and local laws, the City shall honor a request to disinter human remains upon written court order or a written request on a form provided by the City from the owner of burial rights, provided the disinterment may be accomplished without endangering the health, safety, and welfare of the City's employees or the public. The City may, on its own initiative, disinter human remains in instances where a natural or manmade disaster has exposed a grave and disinterment is necessary to protect the public health, safety, or welfare.
2. **Prohibited.** The City shall not disinter the remains of a person who died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.
3. **Double Depth Disinterment.** The disinterment of the first interred casket in a double-depth burial is prohibited once a second casket or urn vault has been placed above it, except pursuant to a valid court order.
4. **City's Duties.** The Sexton shall determine whether a disinterment poses a danger to the health, safety, or welfare of City employees or the public. The Sexton may refuse to perform a disinterment if they determine there is a danger to the health, safety, or welfare to City employees or the public. The Sexton may also refuse to authorize a disinterment if they determine that the disinterment would disturb or damage an adjacent lot. The Sexton may make his determination at any time during the disinterment process. The City shall provide supervision for every disinterment.

Upon a determination that a disinterment poses no danger to the health, safety, or welfare of City employees or the public and that the disinterment would not disturb or damage an adjacent burial lot, the City shall excavate and refill the burial lot.

Notwithstanding these provisions, the City shall comply with any court order.

5. **Requestor's Duties.** Absent a court order and at least seven business days prior to a disinterment, the requestor shall submit a disinterment permit from the Utah County Board of Health, the City's Request for Disinterment form and pay all applicable fees prior to the City commencing any disinterment.

The requestor shall arrange for and pay any associated costs for a funeral director to be present at a disinterment.

The requestor shall arrange for and pay any associated costs for a licensed vault company to remove the vault and its contents from the lot. If the lot does not contain a vault or the Sexton determines the existing vault has deteriorated to the point that it will not retain its structural integrity during disinterment, the requestor shall replace the deteriorated vault with a structurally sound vault at the requestor's expense. The requestor shall arrange to dispose of any old vault in a manner meeting federal, state, and local laws.

(Ord. 25-40)

11.03.16. Disputes.

The City shall endeavor to carry out the wishes of the person or persons charged with the right and duty to control the disposition of a deceased person, including but not limited to decisions regarding the burial or disinterment of remains, and any other acts relating to the disposition of human remains, such as the selection, design, and placement of a grave marker. In the event of a dispute, the City shall look to the applicable provisions of the Utah State Code Annotated, as amended, to resolve the matter, unless directed otherwise by a court of competent jurisdiction.

(Ord. 25-40)

11.03.17. Liability.

1. The City shall not be liable for any property damage, including but not limited to damage to caskets, vaults, memorials, grave markers, or any other objects, nor for bodily injury sustained during the interment or disinterment of remains, where such damage or injury arises from causes beyond the reasonable control of the City.
2. The City shall not be liable for the acts or omissions of any third party, regardless of the reason or circumstances.
3. The City shall not be liable for any damage to the contents of a casket or to adjacent burial lots, where such damage is caused by circumstances beyond the reasonable control of the City.
4. The City shall not be liable for any mental anguish, shock, or emotional distress, whether intentional or negligent, arising from or related to any interment or disinterment.

5. The City shall not be liable for any personal property left at the Cemetery.
6. The City shall not be responsible or liable for grave decorations, funeral designs, flowers or other items that are removed, discarded, damaged, stolen, or destroyed.

(Ord. 25-40)

11.03.18. Burials Outside the Cemetery.

It shall be unlawful to bury human remains within the City, except at sites designated and approved by the City.

(Ord. 25-40)

11.03.19. Animals Prohibited.

Dogs and cats are allowed on the Cemetery grounds, but must be restrained on a leash or in an appropriate carrier at all times. Other animals are not permitted on the property.

(Ord. 25-40)

11.03.20. Holiday Funerals/ Time of Interment.

1. Interments and disinterments in the Cemetery shall not be allowed on New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day weekend beginning Saturday through Memorial Day, Juneteenth, Labor Day, Columbus Day, Thanksgiving Day and the following Friday, Christmas Eve, Christmas Day, and any other City-observed holiday. In the event that a holiday falls on a Saturday, the preceding Friday shall be treated as the holiday. In the event that a holiday falls on a Sunday, the following Monday shall be treated as the holiday. No interments or disinterments shall be allowed in the Cemetery on any Sunday.
2. Burials must be completed at the Cemetery at or before five p.m. if the grave is to be filled in with the earth the same day.
3. All interments shall be scheduled at the sole discretion of the City and must be formally arranged with the City prior to the commencement of any burial.

(Ord. 25-40)

11.03.21. Fees.

All prices, fees, and charges pertaining to the Cemetery shall be established by resolution of the City Council, and may be updated as necessary through executive order of the City Manager. No burial, opening, closing, interment, or disinterment shall take place until all appropriate fees have been paid to the City.

(Ord. 25-40)

11.03.22. Resale Restricted.

No person who owns any burial rights shall sell such burial rights to any buyer except the City. The City may agree to repurchase any unused burial right. The repurchase amount shall be the current market value, minus the non-refundable administrative processing fee.

(Ord. 25-40)

11.03.23. Damaging Property.

It shall be unlawful for any person to damage, injure, or deface any monument, landscaping, building, structure, or facility on the grounds of the Cemetery.

(Ord. 25-40)

11.03.24. Duties of Sexton.

1. The City Sexton, under the direction of the City Manager or their designee, shall have entire control and superintendence of the City Cemetery, and shall perform such other duties in relation to cemeteries as may be hereafter provided by the laws of the State of Utah or by ordinance, order or resolution of the City Council.
2. The Sexton shall keep in proper repair the enclosure around the said Cemetery and prevent its being entered by animals, and so far as practicable shall prevent the destruction of or defacing of any tablet or marker placed or erected therein.
3. It shall be the duty of the Sexton to perform those duties required by law and this Chapter.
4. The Sexton shall direct the care of the Cemetery generally, which shall include, but is not limited to mowing of all lots and graves at reasonable intervals, also resodding, seeding and filling in sunken graves, sodding of the surface of graves to lot level, removing dead flowers and other decorations, trimming trees and shrubbery when necessary, and raking and cleaning the lots, but shall not include repair or replacement of markers memorial structures of any nature, except when the need for repair or replacement is directly caused by City.
5. The Sexton shall, whenever required, furnish the true lines of any lots according to official survey, and shall prevent and prohibit any marking of the same save and except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.
6. It shall be the duty of the Sexton to see that the owners of lots within the Cemetery obey all rules and regulations made by the City Council regarding the care of said lots and the erection of fences or other obstructions and to enforce all other regulations herein provided; keep the streets, alleys, walks and avenues in said cemetery in good order and unobstructed, so that every access can be had to any lot; and supervise the placing of markers. If any

person shall fail to comply with this ordinance or rule or resolution passed pursuant thereto, or the lawful instructions of the Sexton, the Sexton shall make the necessary corrections at the expense of the person owning or interring in said lot.

7. Whenever a Certificate of Burial Right for a lot reverts to the City, as provided in this Chapter or pursuant to State law, and before new certificates are issued covering said lot, the original certificate shall be cancelled, a new certificate given, and the record so changed by the Cemetery Registrar and Sexton.
8. The City Sexton is hereby empowered, with the approval of the Mayor and the City Council, to make and enforce such other reasonable rules and regulations for the proper care and protection of the cemetery not in conflict with the provisions of this ordinance.

(Ord. 25-40)

11.03.25. Duties of Cemetery Registrar.

The City Manager shall appoint a Cemetery Registrar for the City, who shall work under the direction of the City Manager or their designee. The Cemetery Registrar shall be responsible for maintaining an accurate and up-to-date record of available lots, sold lots, and lots containing remains. The Cemetery Registrar shall oversee the sale of all spaces within the City's Cemeteries. Upon the sale of a space, the Registrar shall provide the purchaser with a receipt for the financial transaction, or a Burial Right Purchase Receipt, and a certificate for the space. In the event of an interment, the Registrar shall require an Application for Burial. All documents shall be recorded in a record kept for that purpose by the Registrar. The Cemetery Registrar shall prepare and file with the County, a transcript of burial rights issued, no later than January 1 and July 1 of each year, in accordance with Utah Code Annotated Title 8.

11.03.26. Additional Regulations and Authority.

The City may prepare additional rules and regulations for the operation of the cemeteries that are not contained in this Chapter. These additional rules and regulations include those found in the Cemetery Policy and Procedures Manual as approved by the City Council. The City Code shall prevail in any conflict between the Cemetery Policies and Procedures Manual and this Code.

(Ord. 25-40)

11.03.27. Abandonment/ Termination of Rights.

Pursuant to Utah Code Annotated Section 8-5-6, as amended, the City Council may pass a resolution requiring the owner of a lot, site, or portion of the Cemetery that has been unused for burial purposes for more than one-hundred (100) years to file notice with the City Recorder regarding any claim to the lot, site, or portion of the Cemetery. Notice to the owner shall be provided as outlined in Utah Code Annotated Section 8-5-6, as amended. If, within thirty (30) days after the final service or publication of the resolution, the owner or any person with a legal interest in the Cemetery lot fails to assert a valid interest in the lot, site, or portion of the Cemetery for burial purposes, the owner's rights to the property shall be terminated, and the portion of the Cemetery shall revert to the City.

(Ordinances: 25-59; 25-40)

****NOTE: Moved from Chapter 2.08****

Chapter 11.04. Real Property Disposal.

Sections:

11.04.01. Purpose of Provisions – Statutory Authority.

11.04.02. Definitions.

11.04.03. Disposal of Significant Parcels of Real Property – Method.

11.04.04. Disposal of Non-Significant Parcels of Real Property – Method.

11.04.01. Purpose of Provisions – Statutory Authority.

In enacting the ordinance codified in this chapter, it is the purpose of the City Council to provide for the manner of disposal of real property held by the City. Disposal of real property shall be done in accordance with this Chapter. This Section shall not apply to a vacation of a road or easement under Utah Code Chapter 10-9a.

(Ord. 25-40; Ord. 20-26)

11.04.02. Definitions.

For the purposes of this chapter, the following definitions apply:

1. **“Full and Adequate Consideration”** means consideration for an interest in real property that is at least reasonably proximate to the real property interest's fair market value. Such consideration may be other than monetary; and
2. **“Public Hearing”** means any special or regularly scheduled meeting of the City Council, for which all persons interested in the hearing's subject may appear and be heard. Notice of the public hearing shall be provided as required by Utah Code Chapters 10-8-2 and 52-4.
3. **“Real Property”** means land and improvements thereon; and
4. **“Significant Parcel of Real Property”** means:
 - a. A fee simple interest in a parcel of real property one acre or greater in size where the parcel of real property will be deeded or transferred through other instruments to another governmental entity for a perpetual public purpose with an accompanying deed or other instrument restriction; or
 - b. A fee simple interest in a parcel of real property .25 acres or greater in size where the parcel of real property will be deeded or transferred through other instruments to a private party or another governmental entity without a deed or other instrument restriction prohibiting non-public use of the real property.
5. **“Non-Significant Parcel of Real Property”** means:

- a. A fee simple interest in a parcel of real property less than one acre in size where the parcel of real property will be deeded or transferred through other instruments to another governmental entity for a perpetual public purpose with an accompanying deed or other instrument restriction; or
- b. A fee simple interest in a parcel of real property less than .25 acres in size where the parcel of real property will be deeded or transferred through other instruments to a private party or another governmental entity without a deed or other instrument restriction prohibiting non-public use of the real property; or
- c. Property interests less than fees simple, such as easements, leases and licenses.

(Ord. 25-40; Ord. 23-20; Ord. 20-26)

11.04.03. Disposal of Significant Parcels of Real Property – Methods.

1. Proposed dispositions of significant parcels of real property require a public hearing. Notice of the public hearing shall be provided as required by Utah Code Chapters 10-8-2 and 52-4.
2. Upon approval of the disposition of the significant parcels of real property by the City Council and after the public hearing, the City Manager and/or the City Mayor may execute the documents necessary to effect the disposition of such real property.
3. The disposition of real property, including fee interests, shall be by any lawful manner or means.
4. Dispositions shall not be for less than full and adequate consideration unless otherwise permitted by law.

(Ord. 25-40; Ord. 23-20; Ord. 20-26)

11.04.04. Disposal of Non-Significant Parcels of Real Property – Methods.

1. Subject to the conditions set forth herein, the City Manager shall have discretion over the disposition and manner of disposition of non-significant parcels of real property, and approval by the City Council of the disposition is not necessary.
2. The City Mayor or City Manager may sign the deed or other instrument disposing of non-significant parcels of real property without City Council consideration or approval.
3. The disposition of non-significant real property, including fee interests, easement interests, licenses, and leasehold interests, shall be by any lawful manner or means.
4. Dispositions shall not be for less than full and adequate consideration unless otherwise permitted by law.

(Ord. 25-40; Ord. 20-26)