

**Title 3. ADMINISTRATIVE CODE.**

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## **Chapter 3.01. General Provisions Relating to City Departments.**

### **Sections:**

#### **3.01.01. Department Creation.**

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#### **3.01.04. Additional Employment.**

#### **3.01.01. Department Creation.**

The City Council may create any department, division, or section deemed necessary or appropriate for the administration of the City and shall prescribe by resolution or ordinance the organization, powers, and duties of such bodies. In addition to such designated duties and functions, each department and unit thereof shall be open during regular business hours as defined by the City, shall make a daily deposit with the City Treasurer or his or her designee of any public monies, and shall pay out monies belonging to the City only in the manner prescribed by law, ordinance, regulation, or policy.

(Ord. 11-9; Ord. 07-1)

#### **3.01.02. Interdepartmental Cooperation.**

Each department shall cooperate with other departments and furnish, upon the direction of the City Manager or City Council, such service, labor, and materials as may be requisitioned by the head of such other department.

(Ord. 11-9; Ord. 07-1)

#### **3.01.03. Administrative Provisions Regarding Department Heads.**

Except as otherwise required under Section 2.02.02, within each department of the City there shall be appointed by the Manager, with the advice and consent of the City Council, a Department Head who shall have such powers and duties as prescribed by the City Council, including the following:

1. administer the department and all activities assigned thereto;
2. develop and maintain current departmental policies and procedures for carrying out departmental operations;
3. plan and supervise the operations of the department for the full and effective use of personnel, equipment, and financial resources assigned to the department;
4. establish department goals, priorities, and work plans;
5. conduct performance evaluations of department employees;

6. implement risk management programs to protect the health, safety, and welfare of City employees and the public and to prevent financial losses and the potential for claims and lawsuits against the City;
7. maintain spending within the budget parameters established by the City Council;
8. purchase equipment, supplies, and services in accordance with procedures set forth in the City Procurement Code;
9. recruit, select, and appoint employees as directed by the City Manager;
10. keep informed of the latest practices relating to the department and implement such practices;
11. create and maintain a work environment free from sexual harassment and discrimination based on race, color, age, sex, religion, disability, or national origin;
12. suspend any subordinate officers, employees, or agents in accordance with City disciplinary procedure and Utah Code § 10-3-912, when in his or her judgment the good service and best interest of the City demands it;
13. submit reports as required by the City Manager detailing the activities of the department; and
14. establish and maintain a system of filing and indexing records and reports of department activities.

(Ord. 11-9; Ord. 07-1)

#### **3.01.04. Additional Employment.**

Department Heads shall obtain written approval from the City Manager prior to accepting or pursuing employment outside his or her duties as a City Department Head.

(Ord. 11-9; Ord. 07-1)

## **Chapter 3.02.           Public Works Department.**

### **Sections:**

#### **3.02.01.           Creation.**

#### **3.02.02.           Public Works Director.**

#### **3.02.01.           Creation.**

There is hereby created and established the Public Works Department within the City of Saratoga Springs which shall be responsible for maintaining public properties of the City including street, parks, storm drain, and water systems of the City.

(Ord. 12-9; Ord. 11-9; Ord. 07-1)

#### **3.02.02.           Public Works Director.**

There is hereby created the position of Public Works Director who shall act as the Department Head of the Public Works Department. The Public Works Director shall have such powers and duties as designated and assigned to him or her.

(Ord. 12-9; Ord. 11-9; Ord. 07-1)

**Chapter 3.03.           Water Department.**

**Sections:**

**3.03.01.           Creation.**

There is hereby created and established a Water Department within the City of Saratoga Springs which shall be responsible for maintaining the City water system.

(Ord 13-17; Ord. 12-9; Ord. 11-9; Ord. 07-1)

## Chapter 3.04. Planning Commission.

### Sections:

#### 3.04.01. Creation.

#### 3.04.02. Term of Office.

#### 3.04.03. Organization.

#### 3.04.04. Duties and Powers.

#### **3.04.01. Creation.**

1. Pursuant to authority granted in Utah Code § 10-9a-301, there is hereby created and established a Planning Commission of the City of Saratoga Springs to recommend and monitor the planning and development of the City. The Planning Commission shall consist of seven members. The members shall be appointed by the Mayor with the advice and consent of the City Council.
2. Members shall be selected without respect to political affiliation. The legislative body may fix per diem compensation for the members of the Planning Commission, based on necessary and reasonable expenses and on meetings actually attended.

(Ord. 18-09; Ord. 13-17; Ord. 11-9; Ord. 07-1, Ord. 98-001)

#### **3.04.02. Term of Office.**

1. **Term.** Each member of the Planning Commission shall serve for a term of four years and until their successor is appointed, provided the terms shall be staggered so that the terms of the members shall expire on different years when possible, and on December 31, of each year. The term of office for each member shall commence on the first day of January.
2. **Removal.** A member of the Planning Commission may be removed by the Mayor with the advice and consent of the City Council.
3. **Vacancy.** Any vacancy occurring on said Commission by reason of death, resignation, removal, or disqualification shall be filled in the same manner as an original appointment for the unexpired term.
4. **Term Limits.** No planning commissioner may serve more than two consecutive four-year terms. This term limit does not apply to a partial, unexpired term served by a replacement commissioner appointed pursuant to subsection 3. Vacancy, in which case such commissioner may serve two additional consecutive four-year terms after the expiration of the partial term.

(Ord. 20-41; Ord. 18-09; Ord. 13-17; Ord. 11-9; Ord. 98-001)

#### **3.04.03. Organization.**

1. At its first meeting in January of each odd year, the Planning Commission shall elect one of its members as Chair and a second member as Vice-Chair. The Chair and Vice-Chair shall serve for a term of two years and until a successor is chosen. A vacancy in the position of Chair or Vice-Chair shall be filled for the unexpired term by election at the next meeting of the Planning Commission. A person may be elected to serve consecutive terms as Chair and Vice-Chair.
2. The Chair shall preside at all meetings of the Planning Commission. In the absence of the Chair, the Vice-Chair shall preside. If both the Chair and Vice-Chair are absent, the Commission shall elect one of its members as Chair Pro-Tem to preside at that meeting.
3. The Chair or designee shall present such matters to the City Council as are appropriate and receive such instruction and guidance as required from the City Council and the Mayor as may affect the Planning Commission.
4. Subject to the approval of the City Council, the Planning Commission shall adopt Rules of Procedure consistent with this Code for its own organization and for the transaction of business. Such rules shall not be inconsistent with any directive or instruction received from the City Council.
5. Meetings of the Planning Commission shall be held as frequently as the Commission deems advisable.
6. Reports of official acts and recommendations of the Planning Commission shall be made in writing to the City Council and shall indicate how each member of the Commission voted with respect to such act or recommendation. Any member of the Commission may also make a concurring or dissenting report or recommendation to the City Council whenever he or she so desires.

(Ord. 20-41; Ord. 13-17; Ord. 11-9; Ord. 98-001)

#### **3.04.04. Duties and Powers.**

The Planning Commission shall have the following duties and powers:

1. prepare and recommend to the City Council a General Plan and amendments to the General Plan as provided in Utah Code Chapter 10-9a, Municipal Land Use, Development, and Management Act;
2. recommend zoning ordinances and maps, and amendments to zoning ordinances and maps to the City Council;
3. recommend subdivision regulations and amendments to such regulations to the City Council;
4. recommend approval or denial of subdivision applications, as provided by State Law;

5. advise the Council on matters as the City Council directs;
6. hear or decide any matters that the City Council designates, including the approval or denial or the recommendation to approve or deny conditional use permit;
7. conduct hearings and meetings with interested property owners, officials, and citizens in the process of carrying out its functions;
8. exercise any other powers that are necessary for it to perform its function or which are delegated by the legislative body; and
9. enter upon any land at reasonable times to make examinations and surveys.

(Ord. 13-17; Ord. 11-9; Ord. 98-001)



## **Chapter 3.05. Boards and Committees.**

### **Sections:**

#### **3.05.01. Creation.**

#### **3.05.02. General Rules.**

#### **3.05.03. Library Advisory Board.**

#### **3.05.01. Creation.**

The City Council may create any agencies, boards, bureaus, committees, or commissions deemed necessary or appropriate for the administration of the City and shall prescribe by resolution or ordinance the organization, powers, and duties of such bodies.

(Ord. 11-9; Ord. 10-10)

#### **3.05.02. General Rules.**

Unless otherwise provided by law or these ordinances, the following rules shall apply to all City boards, commissions, committees, councils, foundations, and agencies, all of which are hereinafter referred to as “Committees”:

1. Committees shall be an advisory board only;
2. Committees shall consist of a number of members as the City Council shall provide by ordinance or resolution;
3. Committee members shall be appointed by the Mayor with the advice of the City Council;
4. Committee members may be removed from office with or without cause by the Mayor;
5. Committee members shall receive no compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties, and except as otherwise provided, shall be deemed “volunteers” for purposes of City ordinances, rules, and regulations regarding personnel;
6. The Mayor shall appoint a City Council Member as chairperson for each Committee or provide for the Committee to elect its own chairperson, and the Mayor shall also appoint a second City Council Member to serve as vice-chairperson for each Committee;
7. Meetings of Committees may be called by the chairperson, a majority of the Members of the Committee, the Mayor, City Manager, City Council, or the Department Head assigned to work with the Committee; and
8. Committees may receive funds by an annual appropriation in the City budget, by government, corporate or private grants or donations, and from proceeds of approved

Committee functions, which funds shall be held and managed as directed by the City Council.

(Ord. 11-9; Ord. 07-1)

### **3.05.03. Library Advisory Board.**

1. **Created.** The Saratoga Springs Library Advisory Board is hereby created.
2. **Purpose.** The Library Board shall serve in an advisory capacity to the City Council and shall also coordinate with, and provide input to, the Utah State Library Division and local library officials.
3. **Membership.** There shall be five members of the Library Advisory Board.
4. **Appointment.** The members of the Library Board shall be appointed by the Mayor, subject to the advice and consent of the City Council.
5. **Terms of Office.**
  - a. Library Board members shall serve three-year terms. To allow for the staggering of terms for the initial Library Board and appointment or reappointment, as appropriate, the terms shall be as follows: two members for a term of three years, two members for terms of two years, and one member for a term of one year. Terms shall expire the 30th day of June.
  - b. The position of a member shall become vacant upon such member's ceasing to meet the Membership requirements. The position of a member shall be forfeited and become vacant for failure to attend three regular consecutive meetings of the board, unless such absence is excused by a majority of the members of the board. A vacancy occurring other than through the expiration of terms shall be filled for the unexpired term in the same manner as for appointments as provided in this ordinance.
6. **Rules of Procedure.** The Library Board shall elect its own Chairperson and may create and fill such other offices as may be determined to be required. A majority of the membership of the Library Board shall constitute a quorum for the transaction of business. Any action taken by a majority of the members present, when those present constitute a quorum, at any meeting of the Library Board is authorized to adopt the rules of procedure for the conduct of its business.
7. **Compensation.** Members shall serve without compensation but may be reimbursed for reasonable expenses pursuant to City ordinances and policies.
8. **Meetings.** The Library Board shall hold such meetings as may be deemed to be necessary for the completion of its responsibilities. The Library Board is authorized to hold meetings in conjunction with the Utah State Library Board its officials, and other local library officials.

9. **Reports to the City Council.** The Library Board, or designee, may make such verbal or written reports and recommendations to the City Council as may be deemed advisable, but shall, at a minimum report annually to the Council as to the status of library services and facilities being made available to the residents of the City.

10. **Legal Compliance.** The members of the Library Board will fully comply with all federal and state laws and local ordinance.

(Ord. 20-08; Ord. 13-17; Ord. 11-9; Ord. 10-10)

## **Chapter 3.06. Justice Court.**

### **Sections:**

- 3.06.01. Creation of Justice Court.**
- 3.06.02. Certification of Justice Court.**
- 3.06.03. Compliance with Minimum Requirements.**
- 3.06.04. Territorial Jurisdiction.**
- 3.06.05. Jurisdiction.**
- 3.06.06. Trial Facilities.**
- 3.06.07. Reference Materials.**
- 3.06.08. Court Days.**
- 3.06.09. Hours of Business.**
- 3.06.10. Powers of the Justice Court.**
- 3.06.11. Process, Subpoenas, and Warrants.**
- 3.06.12. Docket.**
- 3.06.13. Monthly Reports.**
- 3.06.14. Collection and Deposit of Funds.**
- 3.06.15. Remittal of Fines, Fees, and Forfeitures.**
- 3.06.16. Disposition of Monies Received.**
- 3.06.17. Appeals.**

### **3.06.01. Creation of Justice Court.**

There is hereby established a court within the City known as the Saratoga Springs City Justice Court which court shall not be a court of record, hereinafter referred to as the “Justice Court.” Based on the number of citations and cases filed monthly with the Justice Court, the Saratoga Springs Justice Court is designated as a Class III justice court.

(Ord. 11-9; Ord. 7-18)

### **3.06.02. Certification of Justice Court.**

Pursuant to Utah Code §§ 78A-7-102 to -103, the Utah Judicial Council certified the creation of the Saratoga Springs Justice Court on November 26, 2007.

(Ord. 11-9; Ord. 7-18)

### **3.06.03. Compliance with Minimum Requirements.**

The City shall comply with and meet the minimum requirements set forth by the Judicial Council for the creation and certification of the Justice Court in accordance with Utah Code § 78A-7-103.

(Ord. 11-9; Ord. 7-18)

### **3.06.04. Territorial Jurisdiction.**

1. The territorial jurisdiction of the Justice Court extends to the corporate limits of the City.
2. The territorial jurisdiction of the Justice Court functioning as a magistrate may extend beyond the boundaries in Subsection (1) as provided in Utah Code § 78A-2-220, and to the extent necessary to carry out magisterial functions under Utah Code § 77-7-23, regarding jailed persons.

(Ord. 11-9; Ord. 7-18)

**3.06.05. Jurisdiction.**

1. The Justice Court has jurisdiction over Class B and C misdemeanors, violations of ordinances, and infractions committed within its territorial jurisdiction, except those offenses over which the juvenile court has exclusive jurisdiction.
2. The Justice Court has jurisdiction over traffic misdemeanors and infractions committed by persons 16 or 17 years of age that occur within the territorial jurisdiction of the Justice Court pursuant and subject to the provisions set forth in Utah Code § 78A-7-106.
3. The Justice Court has jurisdiction of small claims cases under Small Claims Courts, Utah Code Chapter 78A-8, if the defendant resides in or the debt arose within the territorial jurisdiction of the Justice Court.

(Ord. 11-9; Ord. 7-18)

**3.06.06. Trial Facilities.**

1. The City shall provide adequate courtroom and auxiliary space for the Justice Court. The facility need not be specifically constructed for or allocated solely for the Justice Court if existing facilities adequately serve the purposes of the Justice Court.
2. The Justice Court Judge shall hold Court in the City at the location designated by the City pursuant to Subsection (1) and shall conduct all official Court business in such location or an office located in a public facility which is conducive and appropriate to the administration of justice.

(Ord. 11-9; Ord. 7-18)

**3.06.07. Reference Materials.**

The City shall provide and keep current for the Justice Court a copy of the motor vehicle laws of Utah, appropriate copies of the Utah Code, the Justice Court Manual published by the State Court Administrator, State laws affecting local government, City ordinances, and other legal reference materials as determined necessary by the Justice Court Judge.

(Ord. 11-9; Ord. 7-18)

### **3.06.08. Court Days.**

1. **Generally.** The Justice Court is open and judicial business may be transacted on any day, except as otherwise provided.
2. **Closed.** Judicial business on Sunday and Saturday, on any day on which a general election is held, and on any legal holiday, is limited to the following purposes:
  - a. to give, upon their request, instructions to a jury when deliberating on their verdict;
  - b. to receive a verdict or discharge a jury;
  - c. for the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature; or
  - d. judicial business not involving a trial or hearing unless the Judge finds it necessary for the fair administration of justice.

(Ord. 13-17; Ord. 11-9; Ord. 7-18)

### **3.06.09. Hours of Business.**

The Justice Court shall be open and judicial business shall be transacted during regular business hours as provided by law. The hours the Justice Court is open shall be posted conspicuously at the Court and in local public buildings. The Justice Court Judge and clerk shall attend the Court at regularly scheduled times.

(Ord. 11-9; Ord. 7-18)

### **3.06.10. Powers of the Justice Court.**

The Justice Court has the authority necessary to exercise its jurisdiction as more particularly provided in Utah Code §§ 78A-2-201 to - 202.

(Ord. 11-9; Ord. 7-18)

### **3.06.11. Process, Subpoenas, and Warrants.**

Process from the Justice Court may be issued to any place in the State. Subpoenas in any action or proceeding of the Justice Court may be issued to any place in the State. All warrants issued by the Justice Court for violation of any State law or local ordinance within the Court's jurisdiction shall be directed to the Sheriff, any constable of the County, or to the City Police.

(Ord. 11-9; Ord. 7-18)

### **3.06.12. Docket.**

The Justice Court Judge shall keep or cause to be kept a docket containing information as required pursuant to Utah Code § 78A-2-109. The Justice Court Judge shall keep or cause to be

kept an alphabetical index to the names of the parties to each judgment in his or her docket with a reference to the page of entry. The names of the parties shall be entered in the index by the first letter of the family surname. The dockets kept or caused to be kept by the Justice Court Judge shall be kept as public records in accordance with the provisions of the Utah Government Records Access and Management Act, as set forth in Utah Code §§ 63G-2-101, et seq.

(Ord. 11-9; Ord. 7-18)

### **3.06.13. Monthly Reports.**

The Justice Court Judge shall file monthly with the State Court Administrator a report of the judicial business of the Judge on forms supplied by the State Court Administrator. The report shall state the number of criminal and small claims actions filed, the dispositions entered, and other information as specified in the forms. A copy of the report shall be furnished by the Justice Court Judge to the City Council or to such other person as the City Council may designate.

(Ord. 11-9; Ord. 7-18)

### **3.06.14. Collection and Deposit of Funds.**

1. The Justice Court shall deposit public funds in accordance with Utah Code §§ 78A-7-121 and 51-4-2.
2. With the approval of the City Council, a trust or revolving account may be established in the name of the Justice Court and the City Treasurer for the deposit of money collected including bail, restitution, unidentified receipts, and other money that requires special accounting. Disbursements from this account do not require the approval of the City Auditor, City Recorder, or City Council. The account shall be reconciled at least quarterly by the City Auditor.
3. In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge of \$32.00 shall be assessed on all convictions for offenses listed in the uniform bail schedule adopted by the Judicial Council and moving traffic violations in accordance with Utah Code § 78A-7-122.

(Ord. 13-17; Ord. 11-9; Ord. 7-18)

### **3.06.15. Remittal of Fines, Fees, and Forfeitures.**

All fines and forfeitures collected by the Justice Court shall be remitted in accordance with the provisions of Utah Code § 78A-7-120, and the State Money Management Act, Utah Code § 51-7-1, et seq.

(Ord. 11-9; Ord. 7-18)

### **3.06.16. Disposition of Monies Received.**

Money received or collected on any civil process or order issued from the Justice Court shall be paid within seven days to the party or parties entitled or authorized to receive the money.

(Ord. 11-9; Ord. 7-18)

**3.06.17. Appeals.**

Any appeal of a judgment rendered in the Justice Court may be made to the district court by filing a notice of appeal in accordance with and subject to applicable statutes. The appeal to the district court is a trial de novo as provided by law.

(Ord. 11-9; Ord. 7-18)



## **Chapter 3.07. Justice Court Judge and Staff.**

### **Sections:**

- 3.07.01. Justice Court Judge.**
- 3.07.02. Powers of Justice Court Judge.**
- 3.07.03. Administrative Responsibilities.**
- 3.07.04. Appointment.**
- 3.07.05. Term and Vacancy.**
- 3.07.06. Compensation.**
- 3.07.07. Limitation on Secondary Employment.**
- 3.07.08. Disqualification.**
- 3.07.09. Annual Training.**
- 3.07.10. [Reserved]**
- 3.07.11. Temporary Justice Court Judge.**
- 3.07.12. Clerical Personnel.**
- 3.07.13. Justice Court Staff.**

### **3.07.01. Justice Court Judge.**

The Justice Court shall be presided over by a municipal justice court judge known as the Saratoga Springs City Justice Court Judge, herein referred to as the “Justice Court Judge.” The City Council may assign and appoint as many Justice Court Judges as required for efficient judicial administration of the Justice Court.

(Ord. 11-9; Ord. 7-18)

### **3.07.02. Powers of Justice Court Judge.**

The Justice Court Judge has the same authority regarding matters within his or her jurisdiction as judges of courts of record and such powers and duties as set forth in Utah Code Chapter 78A-7.

(Ord. 11-9; Ord. 7-18)

### **3.07.03. Administrative Responsibilities.**

The Justice Court Judge shall comply with and ensure that court personnel comply with applicable City rules and regulations related to personnel, budgets, and other administrative functions, in accordance with Utah Code § 78A-7-210.

(Ord. 11-9; Ord. 7-18)

### **3.07.04. Appointment.**

The Justice Court Judge shall be appointed by the Mayor and confirmed by a majority vote of the City Council in accordance with Utah Code § 78A-7-202. After a newly appointed Justice Court Judge has been confirmed, the City Council shall report the confirmed Judge’s name to the

Judicial Council for certification. The Justice Court Judge may not perform judicial duties until certified by the Judicial Council in accordance with Utah Code § 78A-7-202. Any person appointed as Justice Court Judge shall meet the eligibility and qualification requirements set forth in Utah Code § 78A-7-201.

(Ord. 11-9; Ord. 7-18)

### **3.07.05. Term and Vacancy.**

1. The term of office of the Justice Court Judge is set as determined in Utah Code § 78A-7-203(1).
2. If a vacancy occurs in the office of the Justice Court Judge before the completion of his or her term of office, the City Council may fill the vacancy in accordance with procedures set forth in Utah Code §§ 78A-7-202 and 20A-1-506.
3. The City Council shall notify the office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a Justice Court Judge.

(Ord. 11-9; Ord. 7-18)

### **3.07.06. Compensation.**

1. **Amount.** The Justice Court Judge shall be paid a fixed compensation determined by the City Council taking into consideration recommendations of the office of the State Court Administrator as provided in Utah Code § 78A-7-206.
  - a. The compensation shall be comprised of a monthly salary and shall be computed upon the number of hours, days, or other periods of time that the Justice Court Judge is to be available to perform all judicial functions, but in no case may the salary be an amount greater than eighty-five percent of the salary of a district court judge.
  - b. If the Justice Court Judge is employed by more than one entity as a justice court judge, the Justice Court Judge may not receive a total salary for service as a justice court judge greater than the salary of a district court judge.
2. **Review.** The City Council shall annually review the compensation paid to the Justice Court Judge and may adjust such compensation as deemed appropriate; provided however, that the salary fixed for a Justice Court Judge may not be diminished during the term for which the Justice Court Judge has been appointed.
3. **Notice.** A copy of the resolution, ordinance, or other document fixing the salary of the Justice Court Judge and any adjustments to the document shall be furnished to the State Court Administrator by the City Council.

(Ord. 11-9; Ord. 7-18)

### **3.07.07.        Limitation on Secondary Employment.**

Secondary employment and certain other activities of the Justice Court Judge are limited in accordance with the provisions of Utah Code § 78A-7-206.

(Ord. 11-9; Ord. 7-18)

### **3.07.08.        Disqualification.**

1. Except by consent of all parties, no Justice Court Judge may sit or act in any action or proceeding:
  - a. to which he or she is a party, or in which he or she is interested;
  - b. when he or she is related to either party by consanguinity or affinity within the third degree, computed according to the rules of common law; or
  - c. when he or she has been attorney or counsel for either party in the action or proceeding.
2. The provisions of this Section shall not apply to the arrangement of the calendar or the regulation of the order of business, nor to the power or transferring the action or proceeding to some other court.

(Ord. 11-9; Ord. 7-18)

### **3.07.09.        Annual Training.**

1. The Justice Court Judge shall attend continuing education conducted under the supervision of the Judicial Council each calendar year which education shall include instruction regarding competency and understanding of constitutional provisions and laws relating to the jurisdiction of the Court, rules of evidence, and rules of civil and criminal procedure. Completion of such continuing education is evidenced by a certificate awarded by the Judicial Council.
2. Any Justice Court Judge not obtaining for two consecutive years the certificate required under Subsection (1) may be removed from office for cause under this Section.
3. The City shall assume the expenses of travel, meals, and lodging for any Justice Court Judge to attend the education and training seminars conducted by the Judicial Council and required herein.

(Ord. 11-9; Ord. 7-18)

### **3.07.10.        [Reserved]**

(Ord. 13-17)

### **3.07.11.        Temporary Justice Court Judge.**

If the Justice Court Judge is absent or disqualified, the City Council may appoint another Justice Court Judge currently holding office within the judicial district to serve as a temporary Justice Court Judge. A retired Justice Court Judge may also be appointed as a temporary Justice Court Judge under rule of the Utah Supreme Court.

(Ord. 11-9; Ord. 7-18)

### **3.07.12. Clerical Personnel.**

1. The City shall provide and compensate clerical personnel to conduct the business of the Justice Court.
2. The selection, employment, supervision, and discipline of Court clerical personnel shall be in accordance with personnel policies and procedures as adopted by the City.
3. In the employment of relatives as Court clerical personnel, the City shall conform with state law as detailed in Utah Code §§ 52-3-1 to -4.
4. The City shall assume the cost of travel and training expenses of clerical personnel at required training sessions conducted by the Judicial Council.

(Ord. 11-9; Ord. 7-18)

### **3.07.13. Justice Court Staff.**

The City shall provide:

1. sufficient staff public prosecutors to attend the Justice Court and perform the duties of prosecution before the Justice Court;
2. adequate funding for the costs of defense for persons charged with a public offense who are determined by the Justice Court to be indigent under the Indigent Defense Act, Utah Code Chapter 77-32; and
3. sufficient local law enforcement officers to attend and provide security for the Justice Court when required.

(Ord. 11-9; Ord. 7-18)

## **Chapter 3.08. Small Claims.**

### **Sections:**

- 3.08.01. Small Claims.**
- 3.08.02. Jurisdiction.**
- 3.08.03. Counterclaims.**
- 3.08.04. Procedure.**
- 3.08.05. Deferral of Multiple Claims.**
- 3.08.06. Judges Pro Tempore.**
- 3.08.07. Hearing Not of Record.**
- 3.08.08. Judgment and Execution.**
- 3.08.09. Appeals.**
- 3.08.10. Fees.**
- 3.08.11. Costs.**

### **3.08.01. Small Claims.**

Small claims actions may be brought before the Justice Court as provided herein.

(Ord. 11-9; Ord. 7-18)

### **3.08.02. Jurisdiction.**

A small claims action is a civil action for the recovery of money where the amount claimed does not exceed the amount in Utah Code § 78A-8-102.

(Ord. 11-9; Ord. 7-18)

### **3.08.03. Counterclaims.**

Counterclaims may be maintained in small claims actions if the counterclaim arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim. A counterclaim may not be raised for the first time in the trial de novo of the small claims action.

(Ord. 11-9; Ord. 7-18)

### **3.08.04. Procedure.**

Small claims matters shall be managed in accordance with simplified rules of procedure and evidence promulgated by the Utah Supreme Court.

(Ord. 11-9; Ord. 7-18)

### **3.08.05. Deferral of Multiple Claims.**

If a person or corporation other than a municipality or political subdivision of the State files multiple small claims in the Justice Court, the Justice Court Judge or clerk may remove all but the initial claim from the Court's calendar in order to dispose of all other small claims matters in accordance with Utah Code § 78A-8-102. Claims so removed shall be rescheduled as permitted by the Court's calendar.

(Ord. 11-9; Ord. 7-18)

### **3.08.06. Judges Pro Tempore.**

The Justice Court may request that the Utah Supreme Court appoint a member of the Utah State Bar in good standing, with the member's consent, as judge pro tempore to hear and determine small claims actions at times, including evening hours, to be set by the Justice Court. Such judges pro tempore, after being duly sworn, shall serve voluntarily and without compensation at the request of the Justice Court, shall be extended the same immunities, and shall have the same powers with respect to matters within the jurisdiction of the Justice Court as may be exercised by a Judge thereof.

(Ord. 11-9; Ord. 7-18)

### **3.08.07. Hearing Not of Record.**

The hearing in a small claims action has the sole object of dispensing speedy justice between the parties. The record of small claims proceedings shall be as provided by rules of the Judicial Council.

(Ord. 11-9; Ord. 7-18)

### **3.08.08. Judgment and Execution.**

1. The judgment in a small claims action may not exceed \$7,500.00 including attorney fees but exclusive of court costs and interest.
2. Attachment, garnishment, and execution may issue after judgment as prescribed by law, upon the payment of the fees required for those services.

(Ord. 11-9; Ord. 7-18)

### **3.08.09. Appeals.**

1. Either party may appeal the judgment in a small claims action to the Fourth District Court, Utah County, by filing a notice of appeal with the Justice Court within thirty days of entry of the judgment.
2. The appeal to the District Court is a trial de novo and shall be tried in accordance with the procedures of the small claims action, except a record of the trial shall be maintained.

3. The trial de novo may not be heard by a judge pro tempore appointed in accordance with the provisions of this Chapter. The decision of the trial de novo may not be appealed unless the Court rules on the constitutionality of a statute or ordinance.

(Ord. 11-9; Ord. 7-18)

**3.08.10. Fees.**

The filing fees for small claims actions shall be assessed in accordance with the filing fees required by law as set forth in Utah Code § 78A-2-301, and shall be collected and remitted as provided in Utah Code § 78A-8-105.

(Ord. 11-9; Ord. 7-18)

**3.08.11. Costs.**

The prevailing party in any small claims action is entitled to costs of the action and also the costs of execution upon a judgment rendered therein.

(Ord. 11-9; Ord. 7-18)

## **Chapter 3.09. Employee Appeals Hearing Officer.**

### **Sections:**

- 3.09.01. Employee Appeals Hearing Officer.**
- 3.09.02. Selection and Appointment of Hearing Officer.**
- 3.09.03. Right to Appeal.**
- 3.09.04. Appeals Procedure.**

### **3.09.01. Employee Appeals Hearing Officer.**

There is hereby created a Hearing Officer to hear employee appeals of final decisions under Utah Code § 10-3-1106.  
(Ord. 12-16)

### **3.09.02. Selection and Appointment of Hearing Officer.**

The Hearing Officer shall be appointed by the City Council after recommendation from the City Manager. The City Manager shall identify a qualified candidate who can competently fill the position. The candidate shall have knowledge of public human resource law and appeals procedures. The candidate shall be impartial and not have any conflicts of interest with the City.  
(Ord. 12-16)

### **3.09.03. Right to Appeal.**

All full-time employees of the City, other than those employees identified in Utah Code § 10-3-1105 (2), shall have the right to appeal any discharge, suspension of more than two days, or involuntary transfer for less remuneration to the Hearing Officer.  
(Ord. 12-16)

### **3.09.04. Appeals Procedure.**

The Hearing Officer and City employees shall comply with the appeal procedures set forth in Utah Code § 10-3-1106 as well as the City's current Personnel Manual.  
(Ord. 12-16)

## **Chapter 3.10. Procurement of Contracts.**

The procurement of contracts by City departments shall be governed by the official policy adopted by resolution of the City Council. A copy of the official policy is on file with the City Recorder and may be obtained by filing a records request under the Utah Government Records Access and Management Act.  
(Ord. 13-17; Ord. 11-9; Ord. 05-12)



## **Chapter 3.11. Administrative Law Judge—Administrative Code Enforcement.**

### **Sections:**

#### **3.11.01. Establishment of Administrative Code Enforcement Program.**

#### **3.11.02. Administrative Law Judge.**

#### **3.11.01. Establishment of Administrative Code Enforcement Program.**

There is hereby established in the City of Saratoga Springs the Administrative Code Enforcement Program (“ACE Program”). The procedures to be followed in the administration of this program are located in Title 20 of the City Code. The ACE Program may be used by the City for the administrative enforcement of City Code violations in accordance with the procedures outlined in Title 20.

(Ord. 12-9)

#### **3.11.02. Administrative Law Judge.**

1. An Administrative Law Judge (“ALJ”) shall preside over hearings and proceedings for the ACE Program in the City. The City Manager shall appoint the ALJ and shall determine, if any, the salary, compensation, and benefits of the ALJ.
2. The ALJ position may be a merit, volunteer, or contract position and is subject to all personnel rules.
3. The ALJ may not be disciplined for any decision made while conducting a hearing, as long as the decision is lawful and made in accordance with City ordinances, City policy and procedure, and policies and ordinances pertaining to the ACE Program.
4. The ALJ shall be trained and knowledgeable in the City Code, due process, rules of evidence, civil procedure, administrative law and procedure, nuisance law, and zoning law.
5. The ALJ position is not a supervisory position. The ALJ is supervised by the City Manager or designee.

(Ord. 13-17; Ord. 12-9)

## **Chapter 3.12. City Records**

### **Sections:**

- 3.12.01. Purpose.**
- 3.12.02. State Statute Adopted By Reference.**
- 3.12.03. Fees.**
- 3.12.04. Retention of Records.**
- 3.12.05. Records Request.**
- 3.12.06. Appeal to the City Manager.**
- 3.12.07. Penalties for Known Violations.**

#### **3.12.01. Purpose.**

The purpose of this section is to provide, consistent with state and federal law, criteria and procedures relating to the records practices of the City including management and retention of City records and amendment to City records.

(Ord. 25-64)

#### **3.12.02. State Statute Adopted By Reference.**

Unless otherwise provided in this Chapter, Utah Code § 63G-2-101 et seq., the Government Records Access and Management Act (“GRAMA”), is hereby adopted as the government records access and management ordinance for the City and incorporated into this Chapter. Those portions of Utah Code § 63G-2-101 et seq. that do not apply to municipalities are excluded from this adoption.

(Ord. 25-64)

#### **3.12.03. Fees.**

Applicable fees are set forth in the City’s consolidated fee schedule. If the fee schedule is silent, applicable fees under GRAMA shall apply.

(Ord. 25-64)

#### **3.12.04. Retention of Records.**

All government records of the City shall be retained in accordance with the City of Saratoga Springs retention schedule. The City may classify or reclassify any particular record, record series, or information contained therein at any time, consistent with the applicable provisions of the Utah Code. The retention schedule shall be adopted and amended by the City Manager by executive order.

The Chief Administrative Officer is responsible for appointing one or more records officers of the City who shall be responsible for implementing and maintaining various aspects of the Data Privacy Program.

As defined in the Governmental Data Privacy Act, a records officer's primary responsibility is to care, maintain, use, schedule, dispose, classify, designate, manage access to, and preserve records in accordance with applicable laws.

In accordance with Utah Code § 63A-12-103, the Chief Administrative Officer is required to report the following information to the Utah Division of Archives and Records Service:

1. The name of the City's Chief Administrative Officer;
2. The name of the City's Records Officers;
3. The designation of each record series that the City maintains; and
4. The classification of each record series that the City has classified.

The City Recorder will serve as the Records Officer for the Data Privacy Program.

Any appointed records officers are required to be trained in the care, maintenance, scheduling, disposal, classification, designation, access, and preservation of records, and must be certified annually to act as a records officer under the Government Records Access and Management Act.

The Utah Division of Archives and Records Service has developed online training courses for records officers and maintains a list of all certified City records officers on the Division's website in accordance with Utah Code § 63A-12-110.

(Ord. 25-73; Ord. 25-64)

### **3.12.05. Record Request.**

Any person requesting a record shall file a written request with the City Recorder. Such request shall include the requestor's name, mailing address, email address (if available), daytime phone number (if available), and description of the record requested that identifies the record with reasonable specificity. The request shall be submitted and processed in accordance with GRAMA.

(Ord. 25-64)

### **3.12.06. Appeal to the City Manager.**

Any person aggrieved by the City's access determination or the imposition of fees under this Chapter may appeal the determination within thirty days by filing a written notice of appeal with the City Manager, in accordance with the provisions of Utah Code Annotated § 63G-2-401. The notice of appeal shall include the petitioner's name, mailing address, daytime telephone number, and relief sought. It should also contain a brief statement of facts, the reasons for the appeal, and any legal authority supporting the petitioner's position. The City Manager shall issue a determination on the appeal within the timeframes set forth in Utah Code Annotated § 63G-2-

401. Written notice of the determination, including any rights to further appeal, shall be sent to all petitioners.

(Ord. 25-64)

**3.12.07. Penalties for Known Violations.**

Any violation of this Chapter or GRAMA shall be determined pursuant to Utah Code Annotated § 63G-2-801.

(Ord. 25-64)

## **Chapter 3.13. Personal Data and Privacy Program**

### **Sections:**

- 3.13.01. Title.**
- 3.13.02. Utah Government Data Privacy Act.**
- 3.13.03. Purpose.**
- 3.13.04. Scope.**
- 3.13.05. Policy.**
- 3.13.06. Definitions.**
- 3.13.07. Conflicts.**
- 3.13.08. Administration.**
- 3.13.09. Implementation Dates.**

#### **3.13.01. Title.**

This Chapter shall be referred to as the City of Saratoga Springs Data Privacy Program and may be cited herein as the “Data Privacy Program” or these “Policies.”

(Ord 25-73)

#### **3.13.02. Utah Government Data Privacy Act.**

The City is required to comply with applicable provisions of the Utah Government Data Privacy Act (“GDPA”), as set forth in Utah Code §§ 63A-19-101, et seq., regarding the processing and protection of personal data. The Government Data Privacy Act requires all governmental entities to initiate a data privacy program by December 31, 2025.

(Ord 25-73)

#### **3.13.03. Purpose.**

The purpose of the Data Privacy Program is to document City policies, practices, and procedures for the processing of personal data in accordance with the Utah Government Data Privacy Act and to provide City employees, officers, and elected officials with the knowledge and guidelines to safeguard and protect important data and information.

(Ord 25-73)

#### **3.13.04. Scope.**

The Data Privacy Program and the policies and procedures set forth herein apply to all City employees involved in the management, creation, and maintenance of records or who have access to personal data as part of their job duties. Pursuant to Utah Code § 63A-19-401(4), these policies and procedures also apply to all contractors of the City that process or have access to personal data as a part of the contractor's duties under an agreement with the City.

(Ord 25-73)

### **3.13.05. Policy**

The City is committed to safeguarding the personal data of its residents, employees, businesses, and stakeholders and processing personal data in a manner consistent with the interests and expectations of the Utah Government Data Privacy Act. In accordance with the Act, the City is encouraged to obtain and process the minimum amount of personal data reasonably necessary to perform the services of government.

(Ord 25-73)

### **3.13.06. Definitions**

For purposes of the Data Privacy Program set forth in this Chapter, the terms and definitions set forth in the Government Data Privacy Act, including, but not limited to, Utah Code § 63A-19-101, are hereby adopted by reference. In the event of conflict between the State law definitions and City definitions, the State law definitions shall govern.

(Ord 25-73)

### **3.13.07. Conflicts**

If any provision of these Policies conflicts with any provision of State law, the provisions of State law shall govern.

(Ord 25-73)

### **3.13.08. Administration**

Chief Administrative Officer. The City Manager is hereby designated as the Chief Administrative Officer under the Government Data Privacy Act responsible for administering, implementing, and enforcing the Data Privacy Program. The Chief Administrative Officer shall perform all statutory duties set forth in the Government Data Privacy Act, including, but not limited to, Utah Code § 63A-12-103. The Assistant City Manager will serve as the Data Privacy Officer. The Chief Administrative Officer is given authority to prepare and adopt Privacy practices for the City in accordance with Utah Code requirements.

The Data Privacy Officer shall ensure that all designated records officers receive required training on the procedures and requirements of the Government Data Privacy Act and the Government Records Access and Management Act.

The Data Privacy Officer shall ensure that, in addition to designated records officers, any employee of the City that receives or processes records requests receive required training on the procedures and requirements of the Governmental Entities Privacy Act and the Government Records Access and Management Act.

(Ord 25-73)

**3.13.09. Implementation Dates.**

1. The City is required to initiate a data privacy program by December 31, 2025.
2. The City is required to meet the data privacy requirements of the Government Data Privacy Act for all new processing activities implemented by the City on or after May 7, 2025.
3. For any processing activity implemented before May 7, 2025, the City shall, as soon as reasonably practicable, but no later than July 1, 2027, perform the following: (1) identify any non-compliance processing activity; (2) document the non-compliant processing activity; (3) prepare a strategy for bringing the non-compliant processing activity into compliance with the Government Data Privacy Act; and (4) report such information in the annual privacy programming report.
4. The City is required to implement the data privacy training requirements set forth in Utah Code § 63A-19-401.2 for all employees who have access to personal data as part of the employee's work duties or who supervise an employee who has access to personal data by May 7, 2025.
5. The City is required to implement the contract clause requirements set forth in Utah Code § 63A-19-401.4 for a contract entered into or renewed between a contractor and the City after July 1, 2026.
6. The City is required to implement the privacy annotation requirements set forth in Utah Code § 63A-19-401.1 for each record series containing personal data that the City collects, maintains, or uses by July 1, 2027.
7. The City is required to prepare and submit an annual privacy program report on or before December 31 of each year in accordance with Utah Code § 63A-19-401.3. The annual privacy program report is required to be prepared by the Chief Administrative Officer. The privacy program report shall be made available at the request of the Utah Office of Data Privacy State Privacy. The privacy program report shall be considered a protected record in accordance with Utah Code § 63G-2-305.

(Ord 25-73)