
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: December 29, 2005
SUBJECT: Omnibus Housekeeping Ordinance
AFFECTED COUNCIL DISTRICTS: Citywide
STAFF REPORT BY: Gary Mumford
ADMINISTRATIVE DEPT. City Attorney's Office
AND CONTACT PERSON: Larry Spendlove

On October 20, 2005, the City Council was briefed on an ordinance to correct minor procedural changes, technical errors, inconsistencies, ambiguities, duplications, language that conflicts with state or federal law, and changes as a result of recent court decisions. Subsequent to the work session, the following changes have been made to the proposed ordinance:

Write-in candidates - The wording "regular general election" has been removed since it is not applicable to municipalities.

Traffic violations - Hearing officers will retain the authority to make decisions regarding moving traffic violations under Title 2 (civil code) until the criminal code can be updated.

Recycling on private streets - Recycling will continue to be allowed on private streets with a written agreement. Two such private streets currently receive recycling services.

Legal descriptions of parks - Descriptions for missing parks and golf courses will be added to the code. This will be accomplished through a separate ordinance since additional inconsistencies have recently come to the attention of the City Attorney's Office relating to Title 15 of City Code.

POTENTIAL MOTIONS:

The proposed ordinance has been revised to reflect the Council's discussion at the work session. Since two Council Members were not available for the work session and one additional Member has joined the Council, some additional questions may arise during formal consideration of the ordinance.

1. ["I move that the Council"] Adopt an ordinance amending various sections of the Salt Lake City Code in order to correct typographical or other technical errors, internal inconsistencies, ambiguities, duplications, language preempted by state or federal laws, and language conflicting with judicial decisions.
2. ["I move that the Council"] Request additional information or make further revisions if additional questions on concerns are discussed during formal consideration of the ordinance.

The following information was provided previously. It is provided again for your reference. Changes as a result of questions asked during the briefing are noted in bold italics.

| SUMMARY OF PROPOSED ORDINANCE CHANGES | | |
|---------------------------------------|---|---|
| Section # | Description | Proposed Revisions |
| 1 | Disposal of unclaimed property to public interest organizations is subject to UCA 10-8-2 | "Subject to Utah Code Annotated Section <u>10-8-2</u> , or its successor, the mayor, by executive order, may specify the procedure to be used by the chief of police to dispose of property for public interest use ..." |
| 2 | Appeal of notice to remove trees or shrubs due to disease, insect infestation, root damage to sidewalks, dangerous low hanging branches, etc. | "Notice of appeals may be filed with the <u>Public Services Parks</u> Director..." |
| 3 | Conflict of interest disclosures by City Council staff | Conflict of interest disclosures "shall be filed with the Mayor, or, in the case of disclosure by the Mayor or by the <u>City Council staff</u> , with the City Council." |
| 4 | Repeal early retirement incentive program | The City's early retirement incentive program ended June 2002. The incentive was offered to employees that retired when first eligible or at age 62 if eligible for retirement (extra 2-months base pay plus 100% of accumulated sick leave). |
| 5 | Personnel system rules: Probationary period for some positions is longer due to the job cycle (e.g. budget analyst). In these cases the probationary period is disclosed in the job announcement. Probationary period for police officers and fire fighters is one year. Revision to seniority is to be consistent with current practice. | "All persons employed by the city in regular full-time employment shall be deemed to be on probation for <u>at least one hundred eighty days</u> following the date of <u>initial employment except for civil service employees whose probationary period may be established by the Salt Lake City Civil Service Commission.</u> " "Seniority according to these rules shall consist of the <u>accumulated continuous full-time</u> paid service of the employee with the city." |

| Section # | Description | Proposed Revisions |
|-----------|--|--|
| 6 | <p>Write-in candidates – revisions to comply with state law</p> <p>Note: This amendment is consistent with state code 20A-9-601(1)(a). However, the words “regular general election” appear to relate to registering before the state lieutenant governor and may not be necessary in city code.</p> | <p>“Each person wishing to become a valid write-in candidate for mayor or for city council members shall file a declaration of candidacy with the city recorder and pay the fee as provided by this chapter not later than 14 days five o’clock P.M. on the Wednesday before the <u>regular general election</u> or municipal general election in which the person intends to be a write-in candidate.”</p> <p><i>Note: Subsequent to the briefing, the words “regular general election” have been removed.</i></p> |
| 7 | <p>Transfer traffic violations code from civil to criminal (the 2003 legislature re-criminalized moving violations)</p> <p>Reporting of points; traffic school</p> | <p>Eliminates reporting of points to state for civil violations;</p> <p>eliminates “traffic school” relating to civil violations</p> |
| 7-8 | <p>Mandatory appearance before a judge for certain traffic violations is moved to criminal code under Title 12 (the 2003 legislature re-criminalized moving violations)</p> <p>Note: No change in current mandatory appearances.</p> | <p>Mandatory appearance before judge moved to criminal code section;</p> <p>Mandatory appearances continues for (1) speed contest or exhibition, (2) busses & certain trucks not stopping at railroad crossings, (3) driving around railroad crossing gates, (4) failure to stop for school bus with flashing red lights, (5) negligent operation of vehicle causing bodily injury, (6) failure to yield to pedestrian in crosswalk with brightly colored flag, (7) failure to stop for pedestrian in crosswalk for second and subsequent violations within one year</p> |
| 9 | Park hours during Olympics | Eliminate extended park hours during large-scale special events (Olympics); sunset April 30, 2002 |
| 10 | Beer & Alcohol in certain parks during Olympics | Eliminate the use of beer & alcohol during large scale special events (Olympics) sunset April 30, 2002 |
| 11 | State regulates certain business and doesn’t allow for municipal licensing (e.g. insurance, securities, real estate) | <u>“A license is required for all persons engaged in or carrying on business within Salt Lake City unless exempted under other applicable law”</u> |
| 12 | Business license hearing required – to include denial of renewal, which is the current practice | <u>“Any suspension revocation or denial of the renewal of a license by the City shall not be imposed until a hearing is first held...”</u> |

| Section # | Description | Proposed Revisions |
|-----------|---|--|
| 13 | Definition of seminude dancing bar to include class B private clubs that permit dancing in a state of seminudity (Class B private clubs, by definition, serve both food and alcohol.) | "Seminude dancing bars means any business licensed as a <u>class B or a class C</u> private club <u>or as a class C tavern</u> , which permits dancing, modeling, or other performance or appearance however characterized, <u>in a state of seminudity.</u> " |
| 14 | Appeal procedures regarding sexually oriented businesses – provides that the mayor may designate a representative to consider appeals | "If objections are received, the <u>mayor or the mayor's designee</u> shall have 10 working days to consider such objections before issuing the <u>mayor's or the mayor's designee's</u> final decision. The <u>mayor or the mayor's designee</u> may, <u>in the his or her</u> mayor's discretion, take additional evidence or require written memorandum on issues of fact or law. The standard by which the <u>mayor or the mayor's designee</u> shall review the decision of the hearing officer is whether substantial evidence exists in the record to support the hearing officer's recommendation." |
| 15 | To modify the requirement for a permit to display items for sale (to be consistent with other ordinance such as artist ordinance) | Adds "except as otherwise provided in this code" to the prohibition against displaying material for sale on streets |
| 16 | Door-to-door solicitors – eliminates licensing interview (Supreme Court ruling) | Eliminates interview requirement for door-to-door solicitors in licensing office regarding procedures, polices and manner |
| 17 | Repeals prohibition to soliciting customers into a business from the sidewalk (Supreme Court ruling) | Repeal section 5.86.30 "Soliciting Patronage Upon Streets" |
| 18 | Animal Shelter Hours – to allow minor flexibility without decreasing total hours of operations | "The Animal Services Office shall be open to the public <u>during regular business hours</u> for business from 9:30 A.M. to at least 5:30 P.M. on all days other than Sundays and legal holidays, and such hours shall be posited on the main entrance. <u>The facility shall be open to the public for a minimum of 48 hours per week during weeks without a legal holiday, and open for a minimum of 40 hours per week during weeks with a legal holiday, with exception of the week of Thanksgiving.</u> " |

| Section # | Description | Proposed Revisions |
|-----------|---|--|
| 19 | Provisions regarding attacking dogs to apply to any animal (to be consistent with Health Department requirement to report any bite) | "It is unlawful for the owner or person having charge, care, custody or control of any <u>animal dog</u> to allow such <u>animal dog</u> to attack, chase or worry any person, any domestic animal have a commercial value, or any species of hoofed protected wildlife..." |
| 20 | No licensing of hybrid wild animals such as half dog/half wolf | Delete a very old 30-day grandfathering period for owners to license hybrid wild animals. |
| 21 | Correcting title of parks director relating to requesting permission to hold a dance on public grounds (dancehall license not required for incidental dance on public property) | Permission to hold a dance in a park, street or public grounds is requested "of the <u>parks and recreation director</u> ." |
| 22 | Garbage pickup - multi-family properties or businesses may be eligible for City refuse collection due to limited space for commercial dumpster or truck assess. Current practice also applies to churches. | <p>"The city will provide for the collection and disposal, at the expense of the property owner, of garbage ... or other such refuse from residences, eligible multi-family properties and eligible businesses, <u>churches and non profit organizations</u> ..."</p> <p><i>Note: Subsequent to the briefing, allowing collection of recycling material on private streets will remain in the code.</i></p> |
| 23 | <p>Payment for damaged or missing refuse container (to be consistent with current practice)</p> <p>No sod to be placed in refuse container (current instructions)</p> <p>Lid must be closed (Health Department rule)</p> <p>Residences are currently limited to one free recycling container.</p> | <p>"Damage caused by hot ashes, clinkers, hot oil or any other material or substance that cuts, melts or ignites the container shall be paid for by the property owner <u>at the cost of the container plus \$10 for delivery. A police case number will be required on all cases of stolen containers. Missing containers without a case number shall be charged at the city's cost plus a \$10 delivery fee. If a stolen container is subsequently recovered, the cost of the container shall be credited to the property owner's account.</u>"</p> <p>"No rocks, dirt, <u>sod</u> or concrete shall be placed in automated containers."</p> <p>"Place all material to be collected within the container or containers <u>with the lid closed.</u>"</p> <p>"Residences are limited to one recycling container for every refuse container"</p> |

| Section # | Description | Proposed Revisions |
|-----------|--|---|
| 24 | Hours and placement of refuse container to be consistent with current instructions (Health Department noise rules do not allow pickup before 7:00 a.m.) | "Receptacles must not be set out upon the street for collection prior to the evening of the day before collection, and must be set out on the day of collection <u>by seven a.m. and spaced three feet (where possible) from any parked vehicle or other container</u> before the hour of collection designated by the city county health department" |
| 25 | Traffic school - current teaching materials address only Utah traffic laws | "... to educate public as to the laws and safety practices associated with the movement of traffic, including motor vehicles, other self-propelled vehicles, bicycle, other human powered vehicles and pedestrian traffic within the <u>State of Utah United States of America, its territories or possessions.</u> |
| 26 | Transfer traffic violations code from civil to criminal | See item 7 above |
| 27 | Driving under the influence of drugs or alcohol - eliminate need to conduct chemical test within two hours of operating vehicle (To make consistent with state law) | "It is unlawful and punishable as provided in this section for any person to operate or be in actual physical control of a vehicle within this city if the person has a blood or breath alcohol content of 0.8 grams or greater by weight as shown by a chemical test given within two hours after the alleged operation or physical control " |
| 28 | City employee parking areas | "Certain areas have been designated for parking by employees of Salt Lake City Corporation and Salt Lake County . Such areas include below <u>Library Square the Metropolitan Hall of Justice Complex</u> " |
| 29 | Permits to play radios, musical instruments, etc. after 9:00 p.m. on public property - to correct the title of the Director of Health Department | "Permits to exceed the limits for special events on public property may be issued by the Chief of Police or the Director of the Salt Lake Valley City County Health Department. |
| 30 | Salt Lake Valley Health Department | "All references in Salt Lake City Code to 'Salt Lake City-County Health Department' shall be amended to read 'Salt Lake Valley Health Department'" |
| 31 | Clarifying a prohibition of crossing an airport runway | "Aircraft, vehicles and pedestrian shall not cross any runway <u>or taxiway</u> at Salt Lake City international airport until clearance by the control tower has been received." |

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Omnibus Housekeeping Ordinance)

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE *SALT LAKE CITY CODE* IN ORDER TO CORRECT TYPOGRAPHICAL OR OTHER TECHNICAL ERRORS, INTERNAL INCONSISTENCIES, AMBIGUITIES, DUPLICATIONS, LANGUAGE PREEMPTED BY STATE OR FEDERAL LAWS, AND LANGUAGE CONFLICTING WITH JUDICIAL DECISIONS.

WHEREAS, it has been brought to the attention of this City Council that the *Salt Lake City Code* currently contains certain typographical or other technical errors, internal inconsistencies, ambiguities, duplications, language that has been preempted and is in conflict with state or federal laws, and language that is in conflict with various judicial decisions; and

WHEREAS, it is in the public interest that the aforesaid language be corrected or otherwise made internally consistent and in conformity with statutory and decisional law;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

That the sections of the *Salt Lake City Code* set forth below be amended or repealed as follows:

SECTION 1. That Subsection A of Section 2.10.150, *Salt Lake City Code*, pertaining to public interest use be, and the same hereby is, amended to read as follows:

2.10.150 Public Interest Use:

A. Executive Procedural Order: Subject to Utah Code Annotated Section 10-8-2, or its successor, tThe mayor, by executive order, may specify the procedure to be used by the chief

of police to dispose of property for public interest use, which procedure shall include the following:

SECTION 2. That Section 2.26.270, Salt Lake City Code, pertaining to notice to abate be, and the same hereby is, amended to read as follows:

2.26.270 Notice To Abate:

Except as provided in Section 2.26.260 of this Chapter or its successor, the City may serve a notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which a nuisance may be found, or upon the person who may be the cause of such nuisance, requiring the person to abate the nuisance within a fourteen (14) day period. Failure to give a notice as provided herein shall not relieve the author of any nuisance from the obligation to abate such nuisance, or from the penalty provided for the maintenance thereof. Notice of appeal may be filed with the Public Services~~Parks~~ Director within fourteen (14) days of service of notice. Appeals from the Public Services~~Park~~ Director's decision shall be heard by a hearing officer designated by the Mayor within fourteen (14) days.

SECTION 3. That Subsection B of Section 2.44.050, Salt Lake City Code, pertaining to disclosure of substantial interest be, and the same hereby is, amended to read as follows:

2.44.050 Disclosure Of Substantial Interest:

B. Time Of Disclosure: Public servants and volunteer public servants shall make such disclosures within thirty (30) days after being appointed or elected or otherwise commencing their employment or public service, and again during January of each year if such public servant's or volunteer public servant's position in the business entity has changed or if the value of such public servant's or volunteer public servant's interest in the entity has materially

increased since the last disclosure. Such disclosure shall be made in a sworn written statement in a form prescribed by the City and shall be filed with the Mayor, or, in the case of disclosure by the Mayor or by the City Council staff, with the City Council. Unless otherwise provided by the law, the statements are public records and shall be made available for inspection by members of the City Council and the public upon request.

SECTION 4. That Section 2.52.025, *Salt Lake City Code*, pertaining to early retirement incentive program be, and the same hereby is, repealed.

~~2.52.025 Early Retirement Incentive Program:~~

~~A. Purpose:~~

- ~~1. It is the intent and purpose of this section, or its successor, to provide a gratuitous award to qualified retiring employees of Salt Lake City Corporation for their valued years of service to the city and to establish a cost effective city management mechanism to encourage eligible employees to retire at specified times, according to optional retirement incentives.~~
- ~~2. The provisions of this section or its successor are not employee benefits and do not create or vest any property interests or contract rights. The city council reserves the right to amend, modify or repeal this section, or its successor, and its terms and conditions at any time.~~

~~B. Definitions As Used In This Section:~~

- ~~1. "Base pay" means the gross salary (excluding incentive payments, overtime and other additional allowances) the employee who is retiring under the early retirement incentive program is receiving on the date the employee became eligible for the elective incentive.~~
- ~~2. "Employee" means a full-time salaried employee of Salt Lake City Corporation.~~

3. ~~"Member of the firefighters' retirement system" means an employee who belongs to the retirement system established by the Utah firefighters' retirement act, chapter 5, title 49 of the Utah Code Annotated, and any successor statutes.~~

4. ~~"Member of the public employees' retirement system" means an employee who belongs to the contributory or noncontributory retirement system established by the Utah public employees' retirement act, chapter 2, title 49 of the Utah Code Annotated and the Utah public employees' noncontributory act, chapter 3, title 49 of the Utah Code Annotated and any successor statute.~~

5. ~~"Member of the public safety retirement system" means an employee who belongs to the retirement system established by the Utah public safety retirement act, chapter 4, title 49 of the Utah Code Annotated and any successor statutes.~~

6. ~~"Window period" means the period of time between July 1 and August 31.~~

7. ~~"Years of service" means the number of periods, to consist of twelve (12) full months, during which an employee performed employment services for Salt Lake City Corporation as determined by the city, according to its personnel records. No other services or employment shall be included.~~

~~C. — Eligibility For Incentive A.1.:~~

1. ~~An employee who is a member of the public employees' retirement system and who has thirty (30) years of service with Salt Lake City Corporation shall be eligible to retire at any age under this incentive A.1.~~

2. ~~An eligible employee who retires under this incentive A.1. shall receive the following gratuitous award: two (2) months' base pay, one hundred percent (100%) of the employee's accrued, unused vacation and one hundred percent (100%) of the employee's accrued, unused~~

sick leave; provided, that the total award under this incentive A.1. shall not exceed one times the employee's annual base pay.

~~3. An employee who is a member of the firefighters' retirement system or the public safety retirement system shall not be eligible for this incentive A.1.~~

~~D. — Eligibility For Incentive A.2.:~~

~~1. An employee who is a member of the public employees' retirement system and who has thirty (30) years of service with Salt Lake City Corporation, but who does not retire under incentive A.1. because the employee is not yet eligible for social security benefits, shall be eligible to retire under this incentive A.2. at age sixty-two (62).~~

~~2. An eligible employee who retires under this Incentive A.2. shall receive the following gratuitous award: two months' base pay, one hundred percent of the employee's accrued, unused vacation and one hundred percent of the employee's accrued, unused sick leave; provided, that the total award under this Incentive A.2. shall not exceed one times the employee's annual base pay.~~

~~3. An employee who is a member of the Firefighters' Retirement System or the Public Safety Retirement System shall not be eligible for this Incentive A.2.~~

~~E. — Eligibility for Incentive B.~~

~~1. An employee who is a member of the Public Employees' Retirement System who is sixty-two years of age and who has ten or more years of service with Salt Lake City Corporation shall be eligible to retire under this Incentive B.~~

~~2. An eligible employee who retires under this Incentive B. shall receive the following gratuitous award: one month's base pay, one hundred percent of the employee's accrued, unused vacation~~

and one hundred percent of the employee's accrued, unused sick leave; provided, that the total incentive award under this Incentive B. shall not exceed one times the employee's annual base pay.

3. An employee who is a member of the Firefighters' Retirement System or the Public Safety Retirement System shall not be eligible for this Incentive B.

~~F. — Eligibility for Incentive C.~~

1. An employee who is a member of the Public Employees' Retirement System who is sixty-five years of age and who has four or more years of service with Salt Lake City Corporation is eligible to retire under this Incentive C.

2. An eligible employee who retires under this Incentive C. shall receive the following gratuitous award: one month's base pay, one hundred percent of the employee's accrued, unused vacation and one hundred percent of the employee's accrued, unused sick leave; provided, that the total award under this Incentive C. shall not exceed one times the employee's annual base pay.

3. A member of the Firefighters' Retirement System or the Public Safety Retirement System shall not be eligible for this Incentive C.

~~E. — Eligibility for Incentive D.1.~~

1. An employee who is a member of the Firefighters' Retirement System or the Public Safety Retirement System, and who has twenty years of service with Salt Lake City Corporation, shall be eligible to retire under this Incentive D.1.

2. An eligible employee who retires under this Incentive D.1. shall receive the following gratuitous award: two months' base pay, one hundred percent of the employee's accrued, unused

~~vacation and one hundred percent of the employee's accrued, unused sick leave not to exceed in value a maximum of four and one half months of sick leave.~~

~~3. The total award under this Incentive D.1. shall not exceed one times the employee's annual base pay.~~

~~4. An employee who is a member of the Public Employees' Retirement System shall not be eligible for this Incentive D.1.~~

~~F. — Eligibility for Incentive D.2.~~

~~1. An employee who is a member of the Firefighters' Retirement System or the Public Safety Retirement System and who has twenty-five years of service with Salt Lake City Corporation shall be eligible to retire under this Incentive D.2.~~

~~2. An eligible employee who retires under this Incentive D.2. shall receive the following gratuitous award: two months' base pay, one hundred percent of the employee's accrued, unused vacation and one hundred percent of the employee's accrued, unused sick leave not to exceed in value a maximum of six months of sick leave.~~

~~3. The total award under this Incentive D.2. shall not exceed one times the employee's annual base pay.~~

~~4. An employee who is a member of the Public Employees' Retirement System is not eligible for this Incentive D.2.~~

~~G. — Implementation for Incentives A.1., A.2., B. or C.~~

~~1. An employee who is a member of the Public Employees' Retirement System and who is eligible to retire under Incentives A.1., A.2., B. or C. may retire at any time during the period of the employee's eligibility, provided that fifty percent of the incentive award shall be paid during~~

~~the first window period following the employee's actual date of retirement and the remaining fifty percent of the award shall be paid according to subsection I of this section.~~

~~2. As a condition for receipt of the award under Incentives A.1., A.2., B. or C., the eligible employee, one month prior to the employee's actual date of retirement, shall notify, in writing, the employee's department head and the city's department of human resource management of the employee's election to retire under the early retirement incentive program.~~

~~H. — Implementation Under Incentives D.1. and D.2.~~

~~1. As a condition to receipt of the award under Incentives D.1. and D.2., the eligible employee shall retire and be off the city payroll during the first window period (which is the time period between July 1st and August 31st) following the anniversary date the employee has completed twenty years of service if the employee elects to retire under Incentive D.1., or twenty-five years of service if the employee elects to retire under Incentive D.2.~~

~~2. As a condition to receipt of the award under Incentives D.1. and D.2., the eligible employee shall notify his or her department head and the city's department of human resource management, in writing, between July 1st and July 14th in the year the employee retires, that the employee elects to retire under Incentive D.1. or D.2.~~

~~I. — Payment of the Awards. Employees who are eligible for an award under the early retirement incentive program provided by this section shall be paid the award in two installments as follows:~~

~~1. For Incentives A.1., A.2., B. and C., fifty percent of the award shall be paid during the first window period following the actual date of the employee's retirement. For incentives D.1. and~~

~~D.2., fifty percent of the award shall be paid during the window period in which the employee retires and is off the city payroll.~~

~~2. The remaining fifty percent of the award shall be paid within six months from the date the employee received the first installment.~~

~~J. — Impact on the Department Budget. The position which is vacated by the retirement of an employee under this early retirement incentive program shall remain open until the cost of the award is recouped in the respective department's budget.~~

~~K. — Grandfather in Eligible Employees Who Are Members of the Firefighters' Retirement System and the Public Safety Retirement System. Employees who are members of the Firefighters' Retirement System or the Public Safety Retirement System, and who had twenty or more years of service with Salt Lake City Corporation on February 28, 1989, the effective date of the ordinance codified in this section, shall be eligible until June 30, 1997, to retire under the provisions of Executive Order No. 3.11.300, Salt Lake City Policy Manual, dated September 26, 1988; provided, however that after June 30, 1997, no employee shall be eligible to retire under the provisions of Executive Order No. 3.11.300, Salt Lake City Policies and Procedures Manual dated September 26, 1988.~~

~~L. — Separate From Other Retirement Systems. The terms and conditions of this early retirement incentive program shall be construed separate and apart from any other retirement plans, including the Utah State Retirement System.~~

~~M. — Supersedes Other Policies. Except as provided in subsection K of this section, this early retirement incentive program shall supersede Executive Order 3.11.300 of the Salt Lake City Corporation Policies and Procedures Manual. (Ord. 6-89 § 1, 1989)~~

N. ~~Eligibility for Incentive E. Notwithstanding the provisions of subsections A through M of this section, Incentive E shall be provided under the following terms and conditions:~~

~~1. In order to be eligible for the gratuitous award under Incentive E provided in this subsection N:~~

~~a. The employee must have been, prior to July 1, 1992, eligible to retire under either Incentive A.1, A.2, B, C, D.1 or D.2 of this section or under Executive Order 3.11.300 as provided in subsection K of this section and, at the time of eligibility, decided not to retire and continued employment with the city; and~~

~~b. Before 5:00 p.m. August 31, 1992:~~

~~—— i. The employee is off the city payroll,~~

~~ii. The employee has notified, in writing, the employee's department head and the city's division of human resource management of the employee's election to retire under the early retirement incentive program,~~

~~—— iii. The employee has taken all actions to retire;~~

~~2. An eligible employee retiring under this Incentive E shall receive the following gratuitous award:~~

~~a. The respective incentive benefit (either A.1, A.2, B, C, D.1, D.2 or Executive Order 3.11.300 as provided in subsection K) under which the employee was previously eligible but decided, at the time, not to retire;~~

~~b. An additional one-month base pay as determined on the date of retirement.~~

~~3. The total award under this Incentive E shall not exceed, in value, the equivalent of thirteen months of the employee's base pay as determined on the date of retirement.~~

~~4. Employees who elect to retire under Incentive E shall be paid the gratuitous award as follows:~~

~~a. Fifty percent shall be due and payable on or before February 1, 1993.~~

~~5. Employees who elect to retire under this Incentive E shall not be eligible for any other incentive award.~~

~~O. — Section 2.52.025 and the gratuitous award provided herein shall expire on midnight, June 30, 2002 and be of no force and effect thereafter, unless earlier amended, modified or repealed.~~

~~P. — Additional Benefits for Employees Who Retire Between July 1, 1992 and August 31, 1992.~~

~~1. Notwithstanding the provisions of subsections A through M of this section, an employee who becomes eligible for either Incentive A.1, A.2, B, C, D.1, D.2 or under Executive Order 3.11.300 as provided in subsection K between July 1, 1992, and August 31, 1992, and who takes all actions to retire under the incentive prior to August 31, 1992, shall receive, in addition to the gratuitous award provided under the incentive, one month's base pay. Further, the maximum gratuitous award under the incentive shall be extended by one month and shall not exceed the equivalent of thirteen months of the employee's base pay as determined on the date of retirement.~~

~~2. The additional benefit provided in this subsection P is a one time option and shall be available only between July 1, 1992 and August 31, 1992. (Ord. 26-97 § 1, 1997; Ord. 57-92 § 1, 1992; Ord. 50-92 § 1, 1992; Ord. 6-89 § 1, 1989)~~

SECTION 5. That Sections 2.52.030, 2.52.060 and 2.52.070 of the *Salt Lake City Code*, relating to Personnel System Rules and Regulations be, and the same hereby are amended as follows:

2.52.030 Scope of chapter.

It is the purpose of this chapter to establish uniform rules and regulations governing personnel administration in all departments of city government; provided, however, that the provisions of this chapter shall not apply to elective officials, their administrative assistants, their personal secretaries, heads of departments, nor to civil service personnel of the police, and fire and health departments.

* * *

2.52.060 Probationary period.

All persons employed by the city in regular full-time employment shall be deemed to be on probation for at least one hundred eighty days following the date of initial employment; except for civil service employees whose probationary period may be established by the Salt Lake City Civil Service Commission. During such period, the employee shall be subject to immediate discharge or dismissal with or without cause, and during such period, the employee shall have no formal grievance rights, but in all other respects, such employee during such period shall be considered a regular, full-time employee of the city. For vacation purposes, time worked during a probationary period will be counted towards vacation eligibility.

2.52.070 Seniority.

Seniority according to these rules shall consist of the ~~accumulated~~ continuous full-time paid service of the employee with the city. An employee's earned seniority shall not be lost because of absence due to illness, authorized leaves of absence or temporary layoffs.

SECTION 6. That Section 2.68.020, Salt Lake City Code, pertaining to write-in candidates be, and the same hereby is, amended to read as follows:

2.68.020 Write-In Candidates:

A. Each person wishing to become a valid write-in candidate for mayor or for city council member shall file a declaration of candidacy with the city recorder and pay the fee as provided by this chapter not later than 14 days five o'clock (5:00) P.M. on the Wednesday before the municipal general election in which the person intends to be a write-in candidate.

B. 1. The city recorder shall:

a. Read to the candidate the constitutional and statutory requirements for office and the requirements for office under this chapter; and

b. Ask the candidate whether or not the candidate meets the requirements.

2. If the candidate cannot meet the requirements of office, the city recorder may not accept the write-in candidate's declaration of candidacy.

SECTION 7. That Section 2.75.020, Salt Lake City Code, pertaining to hearing officers be, and the same hereby is, amended to read as follows:

2.75.020 Hearing Officer:

A. Duties: Consistent with the policies and procedures promulgated by the justice court, the hearing officer may adjust and set, as authorized, sums due as civil penalties, surcharges, and assessments owed; ~~certify to the state that violations did occur so that points may be assessed to the violator pursuant to Utah Code Annotated section 53-3-221;~~ reduce civil penalties owed; dismiss citations upon payment of fees and attendance at traffic school; enter into agreements for the timely or periodic payment of penalties, surcharges and assessments; and perform such other duties as deemed necessary or desirable by the justice court to carry out the purposes of this chapter in accordance with justice and equity.

B. Accountability: The hearing officer shall serve as staff for the justice court but shall be supervised as an employee, under the direction of the city director of management services or his/her designee.

~~C. Exceptions: Regardless of provisions in this section to the contrary, violations of the following city code sections shall require a mandatory appearance before a judge of the justice court for disposition, and shall not be disposed of by a hearing officer:~~

- ~~1. Section 12.36.040 of this code.~~
- ~~2. Section 12.48.070 of this code.~~
- ~~3. Section 12.48.080 of this code.~~
- ~~4. Section 12.48.100 of this code.~~
- ~~5. Subsection 12.52.355C of this code.~~
- ~~6. Subsection 12.76.045A1a of this code.~~
- ~~7. Subsection 12.76.045A1b of this code for a second and for each subsequent violation within one year of a previous conviction or forfeiture of penalty for a violation of said subsection.~~

SECTION 8. That Section 2.75.030, Salt Lake City Code, pertaining to civil violations be, and the same hereby is, amended to read as follows:

2.75.030 Civil Violations:

A. When an enforcement officer determines that a civil violation of this code has occurred, the officer shall issue a civil citation, the matter shall be handled by the justice court, and the penalty for such civil violation shall be as provided in section 1.12.050 of this code, or its successor.

B. ~~Unless a mandatory appearance before the justice court is required by subsection 2.75.020C of this chapter, or its successor,~~ Any person having received a civil citation shall, within twenty (20) days, either pay the civil penalty as contained in the default penalty schedule or file a written request for a hearing before the justice court.

C. ~~Unless a mandatory appearance before the justice court is required by subsection 2.75.020C of this chapter, or its successor,~~ Any person receiving a civil citation who requests a hearing shall discuss the matter with a hearing officer for informal resolution prior to the hearing before the justice court.

D. If the matter is resolved by the hearing officer, the hearing request shall be dismissed.

E. If the civil penalties payable to the city remain unsatisfied and no written request for a hearing has been filed after twenty (20) days from the issuance of the civil citation, the city may use such lawful means as are available to collect such penalties, including late charges, administrative and court costs and attorney fees. Any additional penalties are stayed upon filing the request for hearing, until judgment is rendered in the matter.

SECTION 9. That Section 4.15.08.025, Salt Lake City Code, pertaining to park hours - large scale special events be, and the same hereby is, repealed.

~~4.15.08.025 Park Hours-Large-Scale-Special-Events:~~

A. ~~Hours Of Closure: Except as provided in subsection B of this section with respect to large scale special events, as defined in chapter 4.3.52 of this title, all public parks of the city shall be closed to the public between the hours of eleven o'clock (11:00) P.M. at night and five o'clock (5:00) A.M. the following morning, with the exception of:~~

~~1. Charles Lee Miller park, which shall be closed to the public between the hours of nine o'clock (9:00) P.M. at night and five o'clock (5:00) A.M. the following morning; and~~

~~2. Pioneer park, which shall be closed to the public between one-half (1/2) hour after sunset to seven o'clock (7:00) A.M. the following morning.~~

~~B.—— Event Exemption: During a "large scale special event", as defined in chapter 4.3.52 of this title, Liberty park, Pioneer park, Washington square, the Memorial House in Memory Grove park, Dinwoody park, City Creek park and Memory Grove park may be open to the public at all hours except between three o'clock (3:00) A.M. and five o'clock (5:00) A.M., but only if a large-scale special event permit or a special event permit under chapter 3.50 of this code, has been obtained for an activity at such park during the large scale special event.~~

~~C.—— Memorial House: Except as provided in subsection B of this section with respect to large scale special events, as defined in chapter 4.3.52 of this title, the Memorial House in Memory Grove shall be closed to public use at twelve o'clock (12:00) midnight; outdoor activities on the leased south lawn shall be closed at eleven thirty o'clock (11:30) P.M.; and the Memorial House shall be locked and vacant no later than two o'clock (2:00) A.M. Between twelve o'clock (12:00) midnight and two o'clock (2:00) A.M., use of the Memorial House shall be limited to employees cleaning the premises after an activity.~~

~~D.—— Permitted In Parks: No person or persons shall be permitted in said parks, either on foot or on or in any type of vehicle, during such hours unless for the express purpose of traveling directly through the park on a public street which passes through the park.~~

~~E.—— Sunset Date: This section shall expire at twelve o'clock (12:00) midnight on April 30, 2002, and be of no force and effect thereafter, unless earlier amended, modified or repealed.~~

SECTION 10 That Section 4.15.08.055, *Salt Lake City Code*, pertaining to beer and alcoholic beverages - large scale special events be, and the same hereby is, repealed.

~~4.15.08.055 Beer And Alcoholic Beverages Large Scale Special Events:~~

~~A. — Beer And Alcohol In Parks And Public Squares: Except as provided in subsection B of this section with respect to a "large scale special event", as defined in chapter 4.3.52 of this title, it is unlawful for any person to consume beer or any alcoholic beverage, or to have in his or her possession any beer or alcoholic beverage, within any public park described in chapter 15.04 of this code, or its successor, or any public square described in chapter 15.12 of this code, or its successor; provided, however, that this provision shall not apply to: 1) those parks or public squares in which the city has expressly granted a concessionaire operating in the park or public square a license to sell beer consistent with city ordinance; or 2) those parks designated by the mayor for the use of beer or alcoholic beverages during a large scale special event. In Memory Grove park, alcoholic beverages may be served and consumed only on the leased Memorial House premises, including the south lawn area, subject to provisions of any city lease agreement. Sacramental wines may be consumed in conjunction with permitted activities such as weddings in the chapel in the Memorial Grove park or as otherwise specified in an agreement with the city for management of the Memorial House operations.~~

~~B. — Parks And Public Squares During Large Scale Special Events:~~

~~1. In General: During a large scale special event, beer or alcoholic beverages may be consumed or possessed within the following parks and public squares, but only within a designated area approved by the mayor: Pioneer park, Washington square, Liberty park, and Dinwoody park.~~

2. Rules And Regulations: The mayor shall promulgate rules and regulations regarding the consumption and possession of beer and alcoholic beverages in such parks or public squares. Such rules and regulations shall: a) prohibit the sale, dispensing, or service in parks of beer or alcoholic beverages to minors; b) prohibit beer or alcoholic beverages being brought into or taken out of parks or public squares; c) require all sellers, dispensers, and servers of beer or alcoholic beverages in the parks or public squares to be TIPS (training for intervention procedures) trained for such service; d) prohibit the selling, dispensing, or serving of beer or alcoholic beverages to any person that appears to be intoxicated; e) require signage at the entrances of the parks or public squares and at the points of service of beer or alcoholic beverages stating the applicable restrictions regarding such beer or alcoholic beverages; f) provide reasonable regulations regarding checking the identification of persons seeking to purchase beer or alcoholic beverages who appear to the seller, dispenser, or server to be under twenty-one (21) years of age; g) describe the area or areas, in such parks or public squares, where beer and alcoholic beverages may be consumed, and describe how access to such area or areas shall be controlled; h) require any person selling, dispensing, or serving beer or alcoholic beverages in such parks or public squares to provide to the city, prior to such selling, dispensing, or serving: 1) an insurance certificate evidencing that such person is covered by dramshop liability insurance in the amount of at least one million dollars (\$1,000,000.00) and naming the city as an additional insured under such insurance, and 2) an indemnification agreement, in a form satisfactory to the city attorney's office, providing that such person, or such person's employer, shall indemnify, hold harmless, and defend the city from any liability arising out of such person's selling, dispensing, or serving of beer or alcoholic beverages in such park or public square; and i) regulate such other matters

~~deemed reasonably necessary by the mayor to induce compliance with city and state of Utah laws regarding the lawful use of alcoholic beverages and to protect the safety and good order of the city.~~

~~C. Sunset Date: This section shall expire at twelve o'clock (12:00) midnight on April 30, 2002, and be of no force and effect thereafter, unless earlier amended, modified or repealed.~~

SECTION 11 That Section 5.02.010, *Salt Lake City Code*, pertaining to license required to transact business be, and the same hereby is, amended to read as follows:

5.02.010 License-Required To Transact Business:

It is unlawful for any person to engage in or carry on any business within Salt Lake City, for the transaction or carrying on of which a license is required, without first taking out or procuring a license required for such business. A license is required for all persons engaged in or carrying on business within Salt Lake City unless exempted from such licensure under these ordinances or under other applicable law.

SECTION 12. That Section 5.02.260, *Salt Lake City Code*, pertaining to license denial, suspension or revocation procedure be, and the same hereby is, amended to read as follows:

5.02.260 License-Denial, Suspension Or Revocation-Procedure:

A. Hearing Required-Notice: Any suspension, revocation or denial of the renewal of a license by the City shall not be imposed until a hearing is first held before the Mayor or a hearing examiner appointed by the Mayor. Reasonable notice of the time and place of the hearing, together with notice of the nature of the charges or complaint against the licensee, premises or applicant sufficient to reasonably inform the licensee or applicant and enable him/her

to answer such charges and complaint, shall be served upon the licensee or applicant personally or by mailing a copy to the licensee or applicant at his or her last known address.

B. Hearing Procedures: All witnesses called at such hearings shall be sworn by a person duly authorized to administer oaths, and a record of such hearing shall be made by a recording or a court reporter. A licensee or applicant shall have the right to appear at the hearing in person or by counsel, or both, present evidence, present argument on the licensee's or applicant's behalf, cross-examine witnesses, and in all proper ways defend the licensee's or applicant's position.

SECTION 13. That Subsection A. 18 of Section 5.61.040, *Salt Lake City Code*, pertaining to definition of "seminude dancing bars" be, and the same hereby is, amended to read as follows:

5.61.040 Definitions:

18. "Seminude dancing bars" means any business licensed as a class B or a class C private club or as a class C tavern, which permits dancing, modeling, or other performance or appearance however characterized, in a state of seminudity.

SECTION 14. That Subsections F through H of Section 5.61.380, *Salt Lake City Code*, pertaining to appeal procedures regarding sexually oriented businesses be, and the same hereby is, amended to read as follows:

5.61.380 Appeal Procedures:

F. Either party may object to the recommendation of the hearing officer by filing the party's objection and reasons, in writing, to the mayor or the mayor's designee within seven (7) days following the recommendation. In the event the hearing officer recommends upholding a

suspension or revocation, the license shall be immediately suspended, and shall remain suspended until any subsequent appeal is decided. If no objections are received within the seven (7) days, the mayor or the mayor's designee may immediately adopt the recommendation of the hearing officer.

G. If objections are received, the mayor or the mayor's designee shall have ten (10) working days to consider such objections before issuing the mayor's or the mayor's designee's final decision. The mayor or the mayor's designee may, in ~~the~~ his or her mayor's discretion, take additional evidence or require written memorandum on issues of fact or law. The standard by which the mayor or the mayor's designee shall review the decision of the hearing officer is whether substantial evidence exists in the record to support the hearing officer's recommendation.

H. An applicant aggrieved by the mayor's or the mayor's designee's decision shall have judicial review of such decision pursuant to rule 65.B., Utah rules of civil procedure, or any other applicable ordinance, statute or rule providing for such review.

SECTION 15. That Section 5.64.010, *Salt Lake City Code*, pertaining to displaying materials on streets - permit required - limitations be, and the same hereby is, amended to read as follows:

5.64.010 Displaying Materials On Streets-Permit Required-Limitations:

A. It is unlawful for any person to engage in or carry on any business or occupation upon any street in the city, except in, upon or along any of the streets designated in this chapter. Except as otherwise provided in this code, ~~n~~No person shall, from any vehicle, stand or structure stationed, placed or located upon any street in the city by display or any advertising matter of any

goods, wares, merchandise, fruits or vegetables in or about such vehicle, stand or structure or about such street, invite travelers upon such streets to transact business or purchase any such wares then displayed upon or near such street, nor shall any person leave or permit to remain upon any street in the city any goods, wares, merchandise, fruits or vegetables displayed or offered for sale.

B. This chapter shall not be construed to prohibit the use of the streets to travelers, or to licensed vendors conveying goods, wares, merchandise, fruits or vegetables lawfully upon or along any street while traveling from place to place or house to house exposing, offering for sale or selling such goods, wares, merchandise, fruits or vegetables as peddlers and hawkers.

C. Upon receipt of a written application therefor, the mayor may, in his or her discretion and upon such terms as he or she deems necessary, grant to person owning or in lawful possession of real property abutting upon any street written permission to use a portion of the street contiguous to such property to display or sell merchandise for such period of time as is specifically stated in such written permit. Such permission granted may be revoked by the mayor at any time without cause.

D. "Street", as used in this chapter, means and shall embrace all land platted as a street between the adjacent property lines including sidewalk and parking.

SECTION 16. That Section 5.64.020, Salt Lake City Code, pertaining to Solicitors appearing for interviews be, and the same hereby is, repealed.

~~5.64.020 Solicitors To Appear For Interview:~~

~~Every person desiring to solicit or take orders for any goods, wares, merchandise, books, periodicals, subscriptions, photographs or services from door to door or from private residence to~~

private residence, or in, upon or along the streets of the City, whether engaged in interstate commerce or intrastate commerce, shall appear in the license office of the City, at a prior arranged time and prior to selling any of the above listed items or taking orders therefor. The license office may require information at such appearance as to the procedures, policies and manner of the proposed sales campaign. The license office may request that an agent from the State Consumer Protection Agency be present to discuss procedures and policies relative to applicable laws.

SECTION 17. That Section 5.86.030, *Salt Lake City Code*, pertaining to Soliciting patronage upon streets prohibited be, and the same hereby is, repealed.

5.86.030 Soliciting Patronage Upon Streets Prohibited:

A. —It is unlawful for any person to solicit patronage for any hotel, lodging house, apartment house, restaurant or cafe, or to solicit patronage for any purpose whatever in front of any regularly established place of business, or in or upon any public street or alley or other public place in the City; provided, that the provisions of this Section shall not be construed to prohibit any person duly licensed from soliciting such patronage at terminals of public transportation carriers in the manner provided by law.

B. —It is unlawful for any person to offer or agree, upon any public street or alley or other public place in the City, to provide for another an escort service, parties, entertainment or other recreational activities with the expectation of compensation, regardless of the place or location at which such compensation is offered or agreed upon.

SECTION 18. That Section 8.04.310, *Salt Lake City Code*, relating to animal shelter hours be, and the same hereby is amended to read as follows

8.04.310 Animal Shelter-Hours:

The public facility of the Animal Services Office shall be open to the public during regular business hours ~~for business from nine thirty o'clock (9:30) A.M. to at least five thirty o'clock (5:30) P.M.~~ on all days other than Sundays and legal holidays, and such hours shall be posted on the main entrance. The facility shall be open to the public for a minimum of 48 hours per week during weeks without a legal holiday, and open for a minimum of 40 hours per week during weeks with a legal holiday, with the exception of the week of Thanksgiving.

SECTION 19. That Section 8.04.410, *Salt Lake City Code*, relating to dogs attacking persons and animals be, and the same hereby is amended to read as follows:

8.04.410 ~~Animals~~Dogs Attacking Persons And Animals:

A. Attacking ~~Animals~~Dogs: It is unlawful for the owner or person having charge, care, custody or control of any ~~animal~~døg to allow such ~~animal~~døg to attack, chase or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry", as used in this section, means to harass by tearing, biting or shaking with the teeth.

B. Owner Liability: The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such ~~animal~~døg shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

C. Defenses: The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

1. That the ~~animal~~døg was properly confined on the premises;

2. That the animal~~dog~~ was deliberately or maliciously provoked.

D. Animals~~Dogs~~ May Be Killed: Any person may kill an animal~~dog~~ while it is committing any of the acts specified in subsection A of this section, or while such animal~~dog~~ is being pursued thereafter.

SECTION 20. That Section 8.04.430, Salt Lake City Code, relating to wild animals attacking persons and animals be, and the same hereby is amended to read as follows:

8.04.430 Wild Animals:

~~A.——~~It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor or purchase any wild animal, as defined in subsection 8.04.010SS of this chapter, or its successor; except, the animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

~~B.——~~Notwithstanding the foregoing, ~~all persons who, within thirty (30) days of the effective date hereof, declare to the animal services director that they are the owner of a hybrid wild animal, defined in subsection 8.04.010SS4 of this chapter, or its successor, shall be issued a license for such hybrid wild animal, providing the animal services director has not received any prior complaints with respect to such hybrid wild animal, and providing all other requirements for licensing of animals, as provided in this title, are met. Such hybrid wild animal shall be licensed in the manner and subject to all of the provisions of this title. No such licensing of hybrid wild animals shall be effected after thirty (30) days from the effective date hereof.~~

SECTION 21. That Section 9.04.010, Salt Lake City Code, relating to definitions regarding public dances, dance halls and dance studios be, and the same hereby is amended to read as follows:

9.04.010 Definitions:

As used in this chapter:

A. "Dance studio" means any room, place or space in which classes in dancing are held and instruction in dancing is given for hire.

B. "Nonpublic dances" means dances conducted and sponsored by public or private schools and churches for the students or members thereof, even though an admission fee is charged; and dances conducted in private homes on a private basis shall not be deemed to be public dances, and shall be exempt from the licensing provisions of this chapter.

C. "Public dance" means any dance to which the general public may gain admission with or without the payment of a fee, or any dance which is conducted in the normal course of business on the premises of a restaurant, tavern or private club, but shall not include any dance conducted on or in any public park, street or public grounds by permission of the parks director of ~~city parks and recreation~~, under the supervision of such director, or the Salt Lake County recreation department.

D. "Public dance hall" means any room, place or space in which a public dance is held and in which dancing or providing space for dancing is the principal business.

E. "Public schools" means the public education system and higher education system as defined in article X of the Utah state constitution and as implemented by appropriate state statutes.

F. "Private school" means, for the purposes of this chapter, any school accredited by the state of Utah whether by formal state action, or by state acceptance of accreditation given to an academic program which has been accepted as an alternative to public schools.

SECTION 22. That Section 9.08.030, Salt Lake City Code, relating to garbage and recycling pick up services be, and the same hereby is amended to read as follows:

9.08.030 Garbage And Recycling Pick Up Services:

The city will provide for the collection and disposal, at the expense of the property owner, of garbage, community waste, stove ashes, recyclable material and other such refuse from residences, eligible multi-family properties and eligible businesses, churches and non profit organizations as provided herein. Said collection shall be under the supervision of the department of public services pursuant to the following:

A. Garbage And Recycling Pick Up Services To Residences:

1. Garbage Service To Residences And Responsibility For Payment: Except where water, sewer and garbage service to the owner's premises is properly terminated or the owner notifies in writing the director of public services that the owner's garbage will be picked up by a private collector, the owner of every residence shall be responsible and liable for the below enumerated monthly charges for garbage service. The charge for such service shall be billed with the city's regular water and sewer billings to the owner of such dwelling units as the department of public utilities has records, and directly to the address of all other such residences provided by the director of the city's department of public services. In those instances where the water and sewer bill is currently being sent to a tenant at the owner's request, the garbage service

will be similarly billed. However, the owner is responsible to pay and is liable for all charges for garbage service furnished to the residence if such tenant or occupant shall fail to pay the same.

2. Charges For Garbage Service To Residences:

a. Monthly charges for general garbage pick up service provided to residences for the city's fiscal year 2002-2003, whether from a single family unit, duplex, triplex or other dwelling units approved by the director of the streets/sanitation division, shall be nine dollars seventy five cents (\$9.75) per month for the first automated container. The first automated refuse container shall be delivered to residences without a delivery charge. Additional automated containers can be obtained for nine dollars seventy five cents (\$9.75) each per month plus a delivery fee of ten dollars (\$10.00) each. These fees shall remain the same through fiscal year 2006-2007, subject to modification by future city councils.

3. Recycling Pick Up Services Available To Residences: Owners or occupants of residences are encouraged~~may elect~~ to subscribe to the city's recycling pick up service. Owners or occupants of residences will not be charged for this service in addition to the fee set forth in subsection A2 of this section.

B. Recycling Pick Up Service Available To Eligible Multi-Family Property Owners And Eligible Businesses, Churches and Non Profit Organizations:

1. Recycling Pick Up Service: Owners of eligible multi-family properties and eligible businesses, churches and non profit organizations may elect to subscribe to the city's recycling pick up service. A business, church, non profit organizations or multi-family complex located outside of the service provider's normal routes may not be eligible to subscribe to the recycling program. Such service shall be billed with the city's regular water and sewer billings to

owners of eligible multi-family properties and eligible businesses, churches and non profit organizations as the department of public utilities has records. In those instances where the water and sewer bill is currently being sent to a tenant at the owner's request, the recycling pick up service will be similarly billed. However, the owner is responsible to pay for the recycling pick up service furnished such tenant, or any other occupant of the premises named in the department of public utilities application, if such tenant or occupant shall fail to pay the same. The city may collect from private streets with a signed written agreement between the department of public services and the private street owner.

2. Charges For Recycling Pick Up Services: Charges for recycling pick up service provided to the owner of an eligible multi-family property or eligible business, church or non profit organization for the city's fiscal year 2002-2003 shall be three dollars fifty cents (\$3.50) per month for the first automated container. Additional automated containers can be obtained for three dollars fifty cents (\$3.50) each per month. Automated recycling containers shall be delivered to eligible multi-family properties and businesses without a delivery charge. These fees shall remain the same through fiscal year 2006-2007, subject to modification by future city councils.

3. Promotion And Education Requirements Regarding Recycling Pick Up Service In Multi-Family Properties, ~~And Businesses,~~ Churches and Non Profit Organizations: The ~~business~~ owner or manager of any eligible business, church or non profit organization who has subscribed to the city's recycling pick up service must distribute general recycling information and current program recycling guidelines to every employee or other person having responsibility for disposing of materials of the entity for recycling within fourteen (14) days of employment and

to all such employees and other persons having such responsibility for ~~of the entity~~ business annually. The owner or manager of any eligible multi-family property who has subscribed to the city's recycling pick up service must distribute general recycling information and current program recycling guidelines to every tenant housed in the complex within thirty (30) days of occupancy and to all tenants housed in the complex annually. If requested, the city will assist by providing educational flyers.

C. Billing:

1. Periodic Billing Statements: The department of public utilities shall cause billings for garbage collection and recycling pick up services to be rendered periodically at rates established in this chapter. In the event partial payment is made on a combined bill, the payment shall be applied first to franchise fees due, and then to each service on a pro rata basis as determined by the director of public utilities.

2. Delinquency: Fees and charges levied in accordance herewith shall be a debt due to the city. If this debt is not paid within thirty (30) days after billing it shall, at the option of the director of public utilities, be deemed delinquent and subject to recovery in a civil action for which the city may recover reasonable attorney fees, and/or said department shall have the right to terminate water, sewer, garbage collection and recycling pick up services to said premises. Any uncollected amount due from the owner on any inactive, terminated or discontinued account may be transferred to any active account under the owner's name and upon failure to pay said bill after at least five (5) days' prior written notice, water, sewer and/or garbage collection and recycling pick up services to that account and premises may be discontinued.

3. Restoration Of Service: Water, sewer, garbage and recycling pick up service shall not be restored until all charges shall have been paid.

D. Deposits Required From Nonowners: All new water, sewer and garbage collection service users who are not the owners of the premises shall pay to the department of public utilities for deposit with the city treasurer an amount sufficient to cover the cost of garbage collection services which may accumulate. The amount deposited shall be not less than twice any monthly or bimonthly bill for garbage collection over the preceding year on such premises, but in no case shall it be less than ten dollars (\$10.00). The department of public utilities shall issue a certificate of deposit. The amount deposited shall be refunded by the city treasurer to the holder upon the surrender of the certificate properly endorsed, provided all garbage bills and other charges are paid. All bills for garbage service must be paid promptly without reference to said deposit. Whenever any user of garbage collection services shall have failed to pay for garbage services rendered to such premises, the money deposited or any part thereof may be applied to the payment of such delinquent bills by the department of public utilities. The owner of the premises will be required to pay the remainder.

E. Abatement: Those owners, each year, granted indigent abatement for taxes on their dwelling by Salt Lake County under section 59-2-1106 et seq., Utah Code Annotated, or its successor, shall be granted a fifty percent (50%) annual abatement of the above garbage pick up charges.

F. Enterprise Fund: All funds received from garbage service and recycling pick up service shall be placed in the garbage enterprise fund and left separate and apart from all other

city funds. The collection, accounting and expenditure of all such funds shall be in accordance with existing fiscal policy of the city.

G. Vacancies: In the event a residence being served is vacant and the owner is trying to sell it, or it is or will be vacant because of an extended vacation of the occupant, the owner may apply to the public services director in writing for termination of garbage service for a specified period. The automated refuse and recycling container(s) will be picked up and returned pursuant to the owner's request upon payment of a ten dollar (\$10.00) service fee. If said service fee is paid, no garbage collection fee shall be charged during the period of vacancy.

SECTION 23. That Section 9.08.070, *Salt Lake City Code*, relating to refuse container specifications be, and the same hereby is amended to read as follows:

9.08.070 Refuse Container Specifications:

A. This section shall apply only to collections made by the city or a private contractor working for the city. In the event any container that does not conform to the provisions of this section is set out for collection, the service provider shall have the authority to deny collection services for such container. Any container not meeting the requirements of this section will be tagged by the service provider, and shall not be used again, but shall promptly be replaced by the user thereof.

B. Containers must meet the following specifications:

1. Automated refuse and recycling containers shall be made available by the city, and shall be made from durable plastic with a close fitting lid and shall be designed for collection by automated refuse and recycling collection vehicles. These containers shall be of such durability that they will be warranted for a minimum of five (5) years of normal use.

2. Damage to such refuse and recycling containers caused by hot ashes, clinkers, hot oil or any other material or substance that cuts, melts or ignites the container or other materials shall be paid for by the property owner at the cost of the container plus \$10.00 for delivery of the replacement container. A police case number will be required on all cases of stolen containers before such container shall be replaced. Missing containers replaced without a case number shall be charged at the city's cost plus a \$10.00 delivery fee. If a stolen container is subsequently recovered, the cost of the container shall be credited to the property owner's account.

3. No rocks, dirt, sod or concrete shall be placed in automated containers.

4. Owners of residences and eligible multi-family properties and businesses using automated containers shall place all material to be collected within the container or containers with the lids closed. No cans, boxes, barrels or bundled refuse other than that contained in the automated containers shall be collected. There is no limit on the number of automated containers that may be obtained from the city by owners of residences and then placed out for collection.

~~Residences are limited to one recycling container for every refuse container.~~

5. There is no limit on the number of automated recycling containers that may be obtained from the city by owners of eligible multi-family properties and businesses and then placed out for collection.

SECTION 24. That Section 9.08.090, Salt Lake City Code, relating to collection time - placement of containers be, and the same hereby is amended to read as follows:

9.08.090 Collection Time-Placement Of Containers:

A. Receptacles containing garbage, recyclable material and other waste matter to be collected and hauled by the service provider, shall be set out for collection at the places and at such times as may be designated by the order of the Salt Lake Valley city-county Health Department. Such receptacles must not be set out upon the street for collection prior to the evening of the day before collection, and must be set out on the day of collection by seven a.m. before the hour of collection designated by the city-county health department and spaced three feet (where possible) from any parked vehicle or other container as designated by the Salt Lake Valley Health Department.

B. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case must be removed from the street the same day they are emptied. No such receptacle shall be permitted to remain on any street longer than may be necessary for the removal of the contents thereof.

C. Recycling containers must be set on a city street for collection, not in a parking lot or alleyway.

SECTION 25. That Section 12.08.150, Salt Lake City Code, pertaining to traffic school permitted be, and the same hereby is, amended to read as follows:

12.08.150 Traffic School Permitted:

Salt Lake City Corporation may develop a program to be known as "traffic school" to be used to educate the public as to the laws and safety practices associated with the movement of traffic, including motor vehicles, other self-propelled vehicles, bicycles, other human powered vehicles and pedestrian traffic within the State of Utah~~United States of America, its territories or~~

possessions. Persons attending the school shall pay a fee of fifty dollars (\$50.00) per course to offset the costs of the program.

SECTION 26. That Section 12.20.033, *Salt Lake City Code*, pertaining to mandatory appearance before a judge be, and the same hereby is, enacted to read as follows:

12.20.033 Mandatory appearance before Justice Court Judge

Violations of the following city code sections shall require a mandatory appearance before a judge of the justice court for disposition, and shall not be disposed of by payment of bail in the absence of such appearance:

1. Section 12.36.040.
2. Section 12.48.070.
3. Section 12.48.080.
4. Section 12.48.100.
5. Subsection 12.52.355C.
6. Subsection 12.76.045A1a.
7. Subsection 12.76.045A1b for a second and for each subsequent violation within one year of a previous conviction or forfeiture of penalty for a violation of said subsection.

SECTION 27. That Subsection A of Section 12.24.100, *Salt Lake City Code*, relating to driving under the influence of drugs and intoxicants prohibited - penalties be, and the same hereby is amended to read as follows:

12.24.100 Driving Under The Influence Of Drugs And Intoxicants Prohibited-Penalties:

A. It is unlawful and punishable as provided in this section for any person to operate or be in actual physical control of a vehicle within this city if the person has a blood or breath

alcohol content of 0.08 grams or greater by weight as shown by a chemical test ~~given within two~~
~~(2) hours after the alleged operation or physical control~~, or if the person is under the influence of
alcohol or any drug, or the combined influence of alcohol and any drug to a degree which renders
the person incapable of safely driving a vehicle within the city. The fact that a person charged
with violating this section is or has been legally entitled to use alcohol or a drug does not
constitute a defense against any charge of violating this section.

SECTION 28. That Section 12.56.260 of the *Salt Lake City Code*, relating to city and
county employee parking areas designated be, and the same hereby is amended to read as
follows:

12.56.260 City ~~And County~~ Employee Parking-Areas Designated:

Certain areas of the city have been designated for parking by employees and officials of
Salt Lake City Corporation ~~and Salt Lake County~~. Such areas include, but are not limited to, the
underground parking facilities below Library Square ~~the Metropolitan Hall of Justice Complex,~~
~~designated parking in the Metropolitan Hall of Justice parking lot~~, parking adjacent to the Salt
Lake City and County Building, and miscellaneous parking areas designated for vehicles of
employees of various departments of Salt Lake City Corporation ~~and Salt Lake County~~.

SECTION 29. That Section 12.89.010 of the *Salt Lake City Code*, relating to radios,
television sets, tape recorders, compact disk players, musical instruments and similar devices be,
and the same hereby is amended as follows:

**12.89.010 Radios, Television Sets, Tape Players, Compact Disk Players, Musical
Instruments And Similar Devices:**

—A.—It is unlawful for any person to use, operate or permit the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound:

1. Between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. in a way that is plainly audible at their property boundary or perimeter of the source; or

2. On public property or on a public right of way at any time so as to be plainly audible fifty feet (50') (15.25 meters) from the device. Permits to exceed the limits of this Section may be issued for special events on public property by the Chief of Police or the Director of the Salt Lake Valley City-County Health Department upon approval from the agency operating the public property.

SECTION 30. That all references in the *Salt Lake City Code* to "Salt Lake City-County Health Department" be, and are hereby, amended to read: "Salt Lake Valley Health Department." All references to "Salt Lake City-County Board of Health" are hereby amended to read: "Salt Lake Valley Board of Health."

SECTION 31. That Section 16.28.040, *Salt Lake City Code*, relating to crossing runways be, and the same hereby is amended as follows:

16.28.040 Crossing Runways:

Aircraft, vehicles and pedestrians shall not cross any runway or taxiway at Salt Lake City international airport until clearance by the control tower has been received.

SECTION 32. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____,
2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.

I:\Ordinance 05\2005 Omnibus (Housekeeping)\Omnibus Housekeeping 12-02-05 draft