

ORDINANCE NO. 05-03-2023-B

AN ORDINANCE AMENDING, REPEALING, AND ENACTING PORTIONS OF THE PAYSON CITY MUNICIPAL CODE, TITLE 1.16, ELECTIONS AND TITLE 13.32.030.5, CAMPAIGN SIGNS.

WHEREAS, Payson City has previously adopted Title 1.16, Elections and Title 13.32.030.5, Campaign Signs of the Revised Ordinances of the Payson City; and

WHEREAS, the Payson City Council desires to update and amend Title 1.16, Elections and 13.32.030.5, Campaign Signs; and

WHEREAS, Utah State Code has changed over the last few years and the language in Title 1.16, Elections was ere found to redundant and inconsistent with Utah Code. This change cleans up Title 1.16, Elections and simplifies it with a reference to Utah Code; and

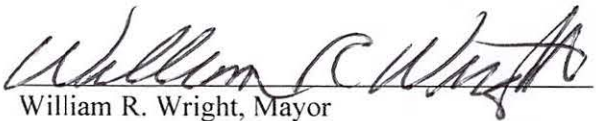
WHEREAS, Title 13.32.030.5, Campaign Signs is amended to reference the Elections in Title 1.16; and

NOW, THEREFORE, be it ordained by the City Council of Payson, Utah, that Titles 1.16 and 13.32.030.5, is hereby amended as follows.

(SEE ATTACHED)

This Ordinance shall take effect immediately upon passage by the City Council and subsequent publication in a newspaper having general circulation in Payson City.

Passed and ordained this 3rd day of May, 2023.


William R. Wright, Mayor

Attest:


Kim E. Holindrake, City Recorder



SECTION 1: AMENDMENT “1.16.010 Primary Elections Re-Established” of the Payson Municode Code is hereby *amended* as follows:

AMENDMENT

1.16.010 ~~Primary Elections Re-Established~~Effective Date

~~Payson City Ordinance No. 2.9.84, passed February 9, 1984, by the City Council of Payson, Utah, is hereby repealed, and primary elections are hereby re-established as provided in Utah Code 20A (1953 as amended). This ordinance shall become effective upon publication according to state law and previous ordinances relative to Elections are hereby repealed.~~

SECTION 2: AMENDMENT “1.16.020 Effective Date” of the Payson Municode Code is hereby *amended* as follows:

AMENDMENT

1.16.020 ~~Effective Date~~General, Primary, And Special Elections

~~This ordinance shall become effective upon publication, and shall not affect the 1989 Payson City Elections, but shall apply to Payson City Elections held thereafter. General, Primary, and Special Elections shall be held at the times and in a manner identified in Utah Code Title 20A Election Code.~~

SECTION 3: AMENDMENT “1.16.030 Campaign Finance Disclosure” of the Payson Municode Code is hereby *amended* as follows:

AMENDMENT

1.16.030 ~~Campaign Finance Disclosure~~Cancellation of Election

~~A. Definitions (All Definitions Not Listed Here Shall Be Defined by the State Election Laws):~~

~~CANDIDATE means any person who: (a) files a declaration of candidacy for a public office; or (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.~~

CONTRIBUTION means any of the following when done for political purposes: (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity; (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity; (iii) any transfer of funds from another reporting entity or a corporation to the filing entity; (iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity; (v) remuneration from any organization or its directly affiliated organization that has a registered lobbyist to compensate a legislator for a loss of salary or income while the Legislature is in session; (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of the state, including school districts, for the period the Legislature is in session; and (vii) goods or services provided to or for the benefit of the filing entity at less than fair market value. (b) **CONTRIBUTION** does not include: (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the filing entity; or (ii) money lent to the filing entity by a financial institution in the ordinary course of business.

ELECTION means each: (a) regular general election; (b) regular primary election; and (c) special election at which candidates are eliminated and selected.

EXPENDITURE means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:

1. any disbursement from contributions, receipts, or from the separate bank account required by Utah Code 20A-11;
2. a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
3. an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
4. compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
5. a transfer of funds between the filing entity and a candidate's personal campaign committee;
6. goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value; or
7. an independent expenditure, as defined in Utah Code § 20A-11-1702.

EXPENDITURE does not include:

- a. services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
- b. money lent to a reporting entity by a financial institution in the ordinary course of business; or
- c. anything listed in this definition that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

REPORTING DATE means: (i) ten days before a municipal general election, for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election;

REPORTING LIMIT means \$50.00

- B. Filing and Timing of Campaign Finance Statement.** Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the City Recorder a campaign finance statement: (A) no later than seven (7) days before the municipal general election and (B) no later than thirty (30) days after the municipal general election. Each candidate for municipal office who is eliminated at a municipal primary election shall file with the City Recorder a campaign finance statement no later than thirty (30) days after the municipal primary election. A campaign finance statement is considered filed if it is received in the City Recorder's office by 6:00 p.m. on the date it is due.
- C. Filing Fee.** The Governing Body may from time to time assess a declaration of candidacy filing fee. This fee will be set by the Governing Body as part of the fee schedule resolution.
- D. Contents of Statement.**
1. Each required campaign finance statement, except as provided in paragraph D.2, shall:
 - a. Report all of the candidate's itemized and total campaign contributions, including in-kind and other non-monetary contributions, as of the reporting date;
 - b. report all of the candidate's itemized and total expenditures as of the reporting date;
 - c. identify for each contribution that exceeds the reporting limit, the amount of the contribution and the name of the donor;
 - d. identify the aggregate total of all contributions that individually do not exceed the reporting limit; and
 - e. identify for each campaign expenditure, the amount of the expenditure and the name of the recipient of the expenditure.
 2. Report the total amount of all campaign contributions and expenditures if the candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidate's campaign.
- E. Public Information.** Notwithstanding any provision of Title 63, Chapter 2, Governmental Records Access and Management Act, the City Recorder shall make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed.
- F. Penalty for Noncompliance.** Any candidate who fails to comply with this ordinance is guilty of an infraction. If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified above, the municipal clerk or recorder shall inform the appropriate election official who: (i) shall: (A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or (B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the

~~candidate has been disqualified and that votes cast for the candidate will not be counted; and (ii) may not count any votes for that candidate. A candidate who files a campaign finance statement seven days before a municipal general election is not disqualified if: (i) the statement details accurately and completely the information required under paragraph D, except for inadvertent omissions or insignificant errors or inaccuracies; and (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.~~

The City Council may cancel the election pursuant to the provisions of Utah Code § 20A-1-206.

SECTION 4: **ADOPTION** “1.16.040 Elective Offices, Terms, And Vacancies” of the Payson Municode Code is hereby *added* as follows:

ADOPTION

1.16.040 Elective Offices, Terms, And Vacancies(*Added*)

- A. There shall be elected in the year 2023, three councilmembers for a term of four (4) years and quadrennially thereafter. There shall be elected in the year 2025, a mayor and two councilmembers for the term of four (4) years and quadrennially thereafter.
- B. The officers so elected shall be required to take the oath of office on the first Monday in January, following the election, or as soon thereafter as practically possible.
- C. Vacancies in the office of Mayor or City Council shall be filled according to Utah Code § 20A-1-510.

SECTION 5: **ADOPTION** “1.16.050 Candidates And Filing Fee” of the Payson Municode Code is hereby *added* as follows:

ADOPTION

1.16.050 Candidates And Filing Fee(*Added*)

- A. Persons become a candidate for elective office by meeting the qualifications and deadlines and following the procedures found in Utah Code § 10-3-301 and Title 20A-9.
- B. A non-refundable filing fee shall be assessed with any form of candidacy, which shall be set forth in the City Fee Schedule.

SECTION 6: **ADOPTION** “1.16.060 Campaign Signs” of the Payson
Municode Code is hereby *added* as follows:

ADOPTION

1.16.060 Campaign Signs(*Added*)

Campaign signs, including a document, for the purpose of advocating or announcing an election, candidacy of any person or persons seeking public office, or a ballot proposition are regulated as follows:

- A. Campaign signs shall not be erected, placed, or constructed on or overhang publicly-owned property or in the public right-of-way including traffic signs, street signs, and utility poles.
- B. Campaign signs shall not be erected, placed, or constructed within one hundred fifty (150) feet of a building that serves as a polling place (Voter Assistance Center) on election day or during early voting according to Utah Code § 20A-3a-501.
- C. Payson City reserves the right to remove any campaign sign without notice that is noncompliant or constitutes a safety hazard, obstructs view, or creates a nuisance.
- D. Persons erecting, constructing, or maintaining Campaign Signs on private property shall receive permission from the private property owner prior to placement.
- E. Campaign Signs shall comply with Utah Code § 20A-17, Political Campaign Signs.

SECTION 7: **ADOPTION** “1.16.070 Election Officer And Conduct” of the
Payson Municode Code is hereby *added* as follows:

ADOPTION

1.16.070 Election Officer And Conduct(*Added*)

The City Recorder shall be the Election Officer of the City and shall follow the election requirements found in Utah Code Title 20A, Election Code.

SECTION 8: **ADOPTION** “1.16.080 Election Offenses” of the Payson
Municode Code is hereby *added* as follows:

ADOPTION

1.16.080 Election Offenses(*Added*)

Violation by any person of any of the provisions of this Chapter or any person who violates the provisions of Utah Code Title 20A, Election Code, shall be punished as set forth by state law.

SECTION 9:AMENDMENT “13.32.030.5 Signs Not Regulated By This Chapter” of the Payson Municode Code is hereby *amended* as follows:

A M E N D M E N T

13.32.030.5 Signs Not Regulated By This Chapter

This Chapter shall not apply to signs used exclusively for the following activities:

- A. Directional, warning, or public information signs intended to inform the general public of potential hazard or danger relating to a public or private utility function containing no advertising.
- B. Any sign of a non-commercial nature when used to protect the health, safety or welfare of the general public.
- C. Any official flag, pennant, or insignia of any nation, state, city, or other political unit.
- D. Campaign signs ~~are addressed in PCC 1.16.060 for the purpose of announcing the candidacy of any person or persons seeking public office, provided:~~
 - ~~1. Campaign signs shall not be erected more than forty-five (45) days before the primary election and must be removed within seven (7) days following the primary/general election, as applicable.~~
 - ~~2. Campaign signs shall not be placed upon publicly owned property or in the public right-of-way.~~
 - ~~3. Campaign signs shall not be placed within one hundred fifty (150) feet of the building where an official voting station is located.~~
 - ~~4. Payson City reserves the right to remove any campaign sign that impedes traffic visibility or creates a safety hazard following notification of the candidate.~~
 - ~~5. The person seeking office shall receive permission from the private property owner prior to placement of any campaign signs.~~
- E. Signs notifying the general public of community or civic events.
- F. Monuments approved by the City Council that signify an historic event or location important to the heritage of the City.
- G. Signs erected by a unit of government for control of traffic and other regulatory purposes including street signs, danger and warning signs, railroad crossing signs, hospital signs, directional or warning signs for public service companies or signs erected by or on the order of a public officer in performance of public duty.
- H. Real estate signs located on-premise that does not exceed nine (9) square feet in size and four (4) feet in height. Real estate signs are not allowed off premise.
- I. Signs for children’s entrepreneur projects such as the selling of lemonade and worms, which shall be on-premise signs.

J. Signs identifying public parks, trails and other public spaces and associated signs that notify the public of specific regulations.