

ORDINANCE NO. 2025-33

AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL ENACTING CHAPTER 12.30 OF THE SOUTH SALT LAKE CITY MUNICIPAL CODE CREATING A TRANSPORTATION UTILITY, IMPLEMENTING TRANSPORTATION UTILITY FEES, AND ESTABLISHING A TRANSPORTATION UTILITY ENTERPRISE FUND.

WHEREAS, the South Salt Lake City Council (the “City Council”) is authorized to enact and amend ordinances establishing regulations related to the health, safety, and welfare of the residents of the City of South Salt Lake (the “City”); and

WHEREAS, the City engaged a consultant to conduct a study of the City’s streets in order to determine the current condition of the streets throughout the city and to determine how to provide sufficient revenue to continue to maintain the City’s streets, develop proportional and cost-based rates that reflect customer and system characteristics, and reflect prudent financial planning criteria including funding renewal and replacement needs; and

WHEREAS, the City’s consultant studied key issues such as how to adequately fund annual operating expenses and provide sufficient annual maintenance, renewal and replacement funding; and

WHEREAS, deferred maintenance of the City’s streets and related facilities ultimately results in increased maintenance, renewal, and replacement costs; and

WHEREAS, the City’s consultant reviewed and analyzed the key issues using accepted responsible methodology; and

WHEREAS, on June 11, 2025, the City’s consultant presented the results of the study to the Council; and

WHEREAS, on July 9, 2025, the Council considered the results of the study and the City’s needs in a work meeting and in its regular meeting; and

WHEREAS, the City Council finds that failure to provide regular maintenance, upkeep, improvement, and repair of the City’s streets and related facilities poses a hazard and significant risk to public health, safety, and welfare; and

WHEREAS, the City has authority under the Utah Municipal Code, Utah Code § 10-8-84(1) to “pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city;” and

WHEREAS, the Utah Supreme Court has held that “[r]epairing streets that are in poor condition – and are headed toward a ‘very poor to failing state’ – unquestionably falls within a municipality’s general power to provide for the public safety and welfare. And we generally give latitude to local governments in creating solutions to problems, especially in meeting the challenges and needs caused by accelerated urban growth” (*Larson v. Pleasant Grove*, 2023 UT 2 ¶ 18 (internal citations removed; cleaned up)); and

WHEREAS, the City Council hereby determines that enacting a transportation utility, authorizing a transportation utility fee, and establishing a transportation utility enterprise fund as shown in “Exhibit A,” which is attached hereto and incorporated by this reference, is in the best interest of the health, safety, and welfare of the residents of South Salt Lake City.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION 1. Enactment. Chapter 12.30 is hereby amended, as attached hereto and incorporated by reference in “Exhibit A.”

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION 4. Effective Date. This ordinance shall become effective upon Mayor’s signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

[signatures appear on next page; remainder of page intentionally left blank]

DATED this 23 day of July, 2025.

BY THE CITY COUNCIL:

Sharla Bynum
Sharla Bynum, Council Chair

ATTEST:

Ariel Andrus
Ariel Andrus, City Recorder

City Council Vote as Recorded:

Huff	<u>Yes</u>
Thomas	<u>Yes</u>
Bynum	<u>Yes</u>
Mitchell	<u>Yes</u>
Sanchez	<u>Yes</u>
deWolfe	<u>Yes</u>
Williams	<u>Yes</u>



Transmitted to the Mayor's office on this 25 day of July, 2025.

Ariel Andrus
Ariel Andrus, City Recorder

MAYOR'S ACTION:

Approve

Dated this 28th day of July, 2025.

Cherie Wood
Cherie Wood, Mayor

ATTEST:

Ariel Andrus
Ariel Andrus, City Recorder

Exhibit A:

12.30 - Transportation Utility

Sections:

12.30.010 - Policy and purpose.

The City has determined and hereby declares that the use of the city's streets and related facilities benefits and services all property within the incorporated limits of the City of South Salt Lake and that the public necessity to provide maintenance, upkeep, improvement, and repair of the City's streets and related facilities within the rights-of-way protects the health, safety, and welfare of the city and its residents, businesses, and visitors by reducing hazards to life and property and by reducing undesirable street, right-of-way, or other easement conditions through regular maintenance.

12.30.020 - Definitions.

For purposes of this Chapter the following definitions apply:

"Base rate" means the standard transportation utility user's fee set forth in the consolidated fee schedule for the City of South Salt Lake.

"City" means the City of South Salt Lake.

"Council" means City of South Salt Lake Council.

"Customer" or "person" means any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the state or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.

"Dwelling Unit" means a single unit that provides living space for one or more people. One Dwelling Unit is the standard measure of an Equivalent residential unit.

"Equivalent residential unit" or "ERU" for purposes of the Transportation utility fee means the standard trip ends for a dwelling unit adjusted for axle weight.

"Industrial" means use of a Parcel, Lot, or Building or a portion thereof for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing operations including manufacturing, processing, generation, or storage of hazardous and non-hazardous materials.

"Multi-family residential" means a residential building or buildings sharing a common Owner and containing more than one Dwelling Unit.

"Office" means a Building, or portion thereof containing housing firms or organizations and offices and facilities for professional services to individuals and businesses and where a majority of client contact occurs at the office including, but not limited to, advertising, accounting, architecture, law, insurance, real estate, investment, engineering, medical, dental, or psychiatric services, and computer services.

"Owner" has the same meaning as that term is defined in Title 4 of this Code, or successor provision.

"Place of worship" has the same meaning as that term is defined in Title 17 of this Code, or successor provision.

"Residential user" means an owner or resident of a residential dwelling unit.

"Retail/Commercial" means the sale of goods or services directly to the consumer, that generates point-of-sale sales tax revenues for South Salt Lake City.

"Single-family residential" means any one parcel of land containing no more than one single-family dwelling unit.

"Street" or "Streets" means any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement shoulders, gutters, parking areas, and other areas within the rights-of-way.

"Transportation utility fund" means the fund created by this ordinance to receive Transportation utility user fees and operate, maintain, repair, and improve the city's streets, rights-of-way and related facilities.

"Transportation utility" means the utility created by this chapter which operates, maintains, regulates, and improves streets and related facilities within the city.

"Transportation utility user fee" means the fee(s) calculated pursuant to this chapter and codified in the City of South Salt Lake Consolidated Fee Schedule, Title 3, Chapter 11.

12.30.030 Transportation utility.

- A. Creation. There is hereby created and established a Transportation utility operated by the City and funded by a service fee rate structure.
- B. Enterprise Fund. There is hereby established a Transportation utility enterprise fund ("Transportation utility fund") to record all revenue, expenses, asset, and liability information as well as other financial transactions related to the Transportation utility. All fees and other revenue collected in accordance with this ordinance shall be recorded into the Transportation utility fund accounts and shall be used exclusively for the Transportation utility. All revenue and expenses and other financial information shall be reported as prescribed by the State of Utah's Uniform Fiscal Procedures Act for Utah Cities, or its successor provisions.
- C. Administration. The Public Works Director of the City shall administer and enforce this Transportation utility ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation, and alteration of the streets and associated facilities unless otherwise designated by the Mayor.

12.30.040 Transportation utility user fee.

- A. Fee Imposed. All users of City utilities not expressly exempted by this Chapter shall pay the Transportation utility fee as established herein.
- B. Base Rate. The council, by ordinance or resolution, shall establish, and periodically adjust, the base rate for the Transportation utility to ensure adequate revenues to fund the costs of street maintenance and management. The base rate shall be set forth in the City of South Salt Lake Consolidated Fee Schedule, available at Title 3, Chapter 11.
- C. Amount of Charge. The Transportation utility user fee rate imposed shall be established based on the intensity of use as shown by a study commissioned by the City and overseen by the Public Works Director. The Public Works Director shall present the findings of the study to the Council who will then establish the rate by ordinance in the City of South Salt Lake Consolidated Fee Schedule, Title 3, Chapter 11.
- D. Property Owners Responsible for Charges. The property owner of record is responsible for the Transportation utility user fee and retains all obligations for payment of those fees.
- E. Exemptions. Transportation utility fees shall not be assessed by the City against Places of Worship or against Residential Users.
- F. Policies. The city may adopt policies and rules to assist in applying, administering, and interpreting any other provisions related to the Transportation utility.

- G. Appeals. Any person or property owner who is aggrieved by the provisions of this chapter, or the application and calculation of the service charge to their property may appeal to the City pursuant to Section 13.74.090 and Title 2.22 of the South Salt Lake City Code.

12.30.050 Billing and collection.

- A. The City shall bill users of City utilities for the Transportation utility user fee via a separate line item on existing utility bills or a separate invoice, consistent with the procedures set forth in Section 13.74.04 of the South Salt Lake City Code. Charges and fees shall be considered delinquent if not paid as determined by rules, policies, and procedures established by the City. Such delinquent fees shall be subject to recovery, with any assessed delinquent charges and fees, by civil action or otherwise pursuant to Section 13.74.040(H).
- B. Alternative Billing Arrangement. Owners may assign the payment of the Transportation utility user fee to non-owners by signing an "alternate billing agreement" with the City.

12.30.060 Annual report.

The City's Public Works Director shall develop an annual report on the Transportation utility, to be made available to the Council and Transportation utility Customers each year by the first Council meeting in October. This report shall summarize the financial activities of the utility and the major areas of expenditure, activities, accomplishments, and the upcoming year's priorities.

12.30.070 Severability.

If any section of this chapter is determined to be illegal, invalid, or superseded by other lawful authority, including any federal or state legislative, regulatory, or administrative action, such section shall be deemed a separate, distinct, and independent provision, and such determination shall have no effect on the validity of any other section.