**TOOELE CITY CORPORATION**

**ORDINANCE 2026-03**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING TOOELE CITY CODE CHAPTER 1-26, CLARIFYING APPLICATION OF FEE CHANGES TO NEW AND PENDING SUBMISSIONS, AND UPDATING REFERENCE TO UTAH CODE.**

WHEREAS, Utah Code §§ 10-3-717 and 10-3-718 authorize the City Council to exercise administrative powers, such as establishing city fees and regulating the use of city property, by resolution; and,

WHEREAS, in 2011, Tooele City Council passed Ordinance 2011-16, enacting Tooele City Code ("TCC") § 1-26 regarding the establishment of, and appeal process for, Tooele City fees; and,

WHEREAS, from time to time, the City Council finds it necessary to adjust fees in order to cover the costs to the City for applications, permits, services, and other activities regulated by the City; and,

WHEREAS, in order to comply with applicable law (see for example Utah Code §§ 10-1-203 and 10-20-904), the City Council may only raise a fee after the cost to the City related to the regulated activity has already been determined to have increased; and,

WHEREAS, in most cases, an application or submission to the City is not complete until the applicable fee is paid in full; and,

WHEREAS, the City Council desires to mitigate costs to the City – and to the taxpayers – in as efficient a manner as possible; and,

WHEREAS, reference to Utah Code currently in TCC Chapter 1-26 needs to be updated because the Utah Code has been renumbered; and,

WHEREAS, the City Administration discussed an amendment to TCC Chapter 1-26 regarding the application of fee changes to new and pending submissions, and regarding the updated reference to the Utah Code; and,

WHEREAS, consistent with instruction from City Council, the City Administration has prepared a draft of a revised Chapter 1-26, incorporating the above-described amendments, attached as Exhibit A, for the Council's consideration:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that TCC Chapter 1-26 is hereby amended as shown in its entirety in Exhibit A, attached.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this 18th day of February, 2026.

TOOELE CITY COUNCIL

(For) (Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

ATTEST:

Shilo Baker, City Recorder

SEAL

Approved as to Form: _____

Matthew C. Johnson, Tooele City Attorney

# Exhibit A

# TCC Chapter 1-26, As Proposed

(showing highlighted additions and deletions)

## CHAPTER 26. FEES



**1-26-1. Fee Establishment Authority.**

(1) The City Council is authorized to establish Tooele City fees by resolution, to be incorporated into a Tooele City Fee Schedule, for activities regulated by the City, for applications approved by the City, for permits issued by the City, for services delivered by the City, and otherwise as allowed by law.

(2) When the City Council enacts a change to any fee, the new fee amount shall apply to all new and pending applications and submissions for which the fee has not been paid in full, except where the fee amount is otherwise vested by law or by written agreement with the City.

(Ord. - - ; Ord. 2011-16, 08-17-11)

**1-26-2. Fee Appeal Authority.**

(1) Unless provided otherwise by a specific provision of the Utah Code or Tooele City Code, the Mayor shall be the Appeal Authority for purposes of appealing a City fee.

(2) Unless provided otherwise by a specific provision of the Utah Code or Tooele City Code, all appeals of City fees shall be filed in writing within the later of (a) 10 calendar days of payment of the fees, or (b) if an itemized fee statement has been requested pursuant to U.C.A. ~~§10-9a-510~~§10-20-904, within 10 calendar days of the City providing the itemized fee statement.

(3) The appellant has the burden of proving that the fee paid does not reflect the reasonable estimated cost of

(A) regulating the industry
(B) processing the application
(C) issuing the permit, or
(D) delivering the service.

(4) The appellant shall state in the written appeal the full legal and factual basis for the appeal.

(5) The Mayor shall evaluate the merits of the appeal and shall issue a written decision within 15 calendar days of the filing of the appeal. The Mayor's decision shall state its effective date and shall constitute the City's final decision regarding the fee.

(6) The Mayor shall provide a copy of each written decision to the City Council.

(7) The Mayor's decision is subject to District Court review as provided by U.C.A. §10-9a-801 *et. seq.*

(Ord. - - ; Ord. 2011-16, 08-17-11)