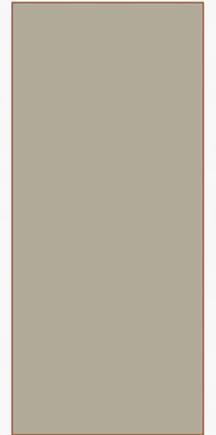


# PUBLIC NOTICING REQUIREMENTS

CODE TEXT AMENDMENT



# AMENDMENT TO REMOVE REFERENCES TO NEWSPAPER FOR NOTICING

Midway City Code Sections affected:

- 2.03.040 Mode of Appointment and Filling Vacancies
- 2.12.070 Salaries
- 2.14.040 Service of Notice
- 2.15.020 Notice of a Hearing
- 4.02.010 Purchasing
- 7.07.040 Special Event License Application Procedure
- 12.06.020 Process
- 16.22.040 General Requirements
- 16.26.010: Public Notice
- Section 16.26.040 Notice Regarding Changes To Zoning Ordinance Requirements

# BACKGROUND

- The referenced code requires noticing in a newspaper of general circulation.
- Historically, this has been through the Wasatch Wave, a longstanding local paper which went out of business in 2025.
- The Park City Record began circulating the Wasatch Record, which may be a great assistive vehicle for noticing.
- Recommendation to allow but not require publishing in recognition of the above and the fact that newspapers no longer have the monopoly they once held as a news source.

## 2.03.040 MODE OF APPOINTMENT AND FILLING VACANCIES

(deleted language shown in red and added in green)

1. Any vacancy in the Commission membership shall be [advertised in a newspaper of general circulation], posted in at least three public places within Midway City and on the official Midway City web site.

## 2.12.070 SALARIES

(deleted language shown in red and added in green)

B. [] Notice of the time, place, and purpose of the [meet]hearing shall be p[ublish]osted at least [seven] fourteen days prior thereto [by a publication in at least one issue of a newspaper published in Wasatch County and generally circulated in Midway City.] in at least three public places within Midway City and on the Midway City website. After the conclusion of the public hearing, the City Council may enact an ordinance fixing, changing, or amending the compensation of any elected or appointed officer of the City or adopting a compensation schedule applicable to any officer or officers.

## 2.14.040 SERVICE OF NOTICE

(deleted language shown in red and added in green)

- The Notice of Violation and other notices required or contemplated by this ordinance, shall be hand-delivered to the alleged violator or posted in a conspicuous place on the affected property or mailed by U.S. Mail with delivery tracking. [If these methods are unsuccessful in reaching the person, notice may be published in a newspaper of general circulation in the City.]

## 2.15.020 NOTICE OF A HEARING

(deleted language shown in red and added in green)

- Reasonable notice of a hearing on disposition by the City of real property is hereby deemed to require [publication of the notice once in a newspaper of general circulation at least 14 days before the hearing and] posting of the notice in at least three public places within Midway City and on the Midway City website at least 14 days before the hearing.

## 4.02.010 PURCHASING

(deleted language shown in red and added in green)

### H. Sealed Bids.

3. Legal notice of the request for bids shall be [given] posted on the Utah Public Notice Website and the Midway City website for at least [3] 2 consecutive weeks [in a newspaper of general circulation in Midway City and at least 5 days] before the [opening of bids] submission deadline. The City may use additional methods of publication to further publicize the notice at the discretion of the City.

## 4.02.010 PURCHASING

(deleted language shown in red and added in green)

1. Competitive Sealed Proposals

2. Proposals shall be solicited through a request for proposals. Legal notice of the request for proposals shall be ~~given~~ posted on the Utah Public Notice Website and the Midway City website for at least ~~3~~ 2 consecutive weeks ~~[in a newspaper of general circulation in Midway City. The notice shall be given for a reasonable time, but not less than one week]~~ prior to the ~~[advertised date of the opening of proposals.]~~ submission deadline and at least 5 days before the opening of bids. The City may use additional methods of publication to further publicize the notice at the discretion of the City.

## 7.07.04 SPECIAL EVENT LICENSE APPLICATION PROCEDURE

(deleted language shown in red and added in green)

- 2. B. City Council Hearing. Special Event applications requiring City Council review and appeals of administrative Special Event decisions shall be heard at a duly noticed public **meet**[**hear**]ing of the City Council. **Noticing shall be in accordance with the noticing provisions for City Council meetings under the Code.** [**The noticing requirement shall be fulfilled by a notice in a paper of general local circulation seven days prior to the hearing.**] [ ]

# 12.06.020 PROCESS

(deleted language shown in red and added in green)

Upon receiving such written notice, the City shall within five business days:

- B. Post notice of the proposed changes in three public places within Midway City, on the City website, and on the owner's property on which the structure is located.
- [C. Publish notice of the proposed changes once a week for three consecutive weeks in a newspaper of general circulation in the City.]

# 16.22.040

## General Requirements: (deleted text shown in red)

- K. Public Notice. For purposes of this Chapter, any special use request shall be pursuant to notification requirements outlined in Title 16, except that the notice required shall include posting [of the property] the notice in at least three public places within Midway City and on the Midway City website and mailing the notice to all property owners within 600 [1000] feet of the proposed use. [and publication in a newspaper of general circulation, regardless of any expression to the contrary to said notification requirements.]

# 16.26.010

## Public Notice: (deleted text shown in red)

- Notice of the date, time, and place of all public hearings concerning the adoption or modification of a land use ordinance or zoning map shall be posted in at least three public locations within Midway City **and** on the City's official website. In addition, at least ten calendar days before the hearing, the notice shall be mailed to each affected entity (as defined in Utah law). **[and published in a newspaper of general circulation in Midway City]**

# 16.26.040

## Notice Regarding Changes to Zoning Ordinance Requirements: (deleted text shown in red)

A. For public hearings to hear proposed changes to General Plan provisions or Land Use requirements for any one or more of the following subjects, the City shall provide notice as required in this Chapter:

1. A ten percent or more increase or decrease in the number of square feet or units that may be developed.
2. A ten percent or more increase or reduction in the allowable height of a building.

# 16.26.040

## Notice Regarding Changes to Zoning Ordinance Requirements: (deleted text shown in red)

3. An increase or reduction in the allowable number of stories.
4. A ten percent or more increase or decrease in the setback or open space requirements.
5. An increase or reduction in permitted uses.
6. Rezoning proceedings that may change the zoning classification of an individual real property owner's property.

# 16.26.040

## Notice Regarding Changes to Zoning Ordinance Requirements: (deleted text shown in red)

- A[B]. The City shall provide notice to real property owners pursuant to notification procedures for proceedings governed by this Chapter. Notice shall be sent by first class mail to each real property owner, as shown on the latest County assessment records, whose real property is directly governed by the changes. [or the City shall publish a summary of such changes in a newspaper of general circulation prior to the hearing. The summary shall be published in a “display ad” covering not less than one-eighth of a full page]

# PLANNING COMMISSION RECOMMENDATION

At its regularly scheduled meeting held December 9, 2025:

**Motion by Commissioner Wardle:** “I make a motion that we recommend approval for the proposed code, text amendment to Midway City Code Sections 16.22.040: General Requirements, 16.26.010: Public Notice, and Section 16.26.040 Notice Regarding Changes To Zoning Ordinances to reflect the fact that the local newspaper, the “Wasatch Wave” is no longer in business, and that might include all of the possible findings by the staff as part of the motion.”

**Second:** Commissioner Lineback

**Ayes:** Commissioners Osborne, Nokes, Probst, Knight

**Nays:** None

**Motion:** Passed

# PROPOSED FINDINGS

1. The Proposed amendments to the noticing provisions were prompted by the closure of the former Wasatch Wave, the only newspaper local to the county, and to avoid duplication of state and local law.
2. While other newspapers may develop circulation locally (e.g., the Wasatch Record), the closing of the longstanding Wasatch Wave suggests the impermanency of even long-established newspapers. While newspapers will continue to be an assistive vehicle to the City for noticing, removing it as a requirement in code while adding noticing through the City and state websites recognizes the fact that a former longstanding paper went out of business and newspapers are not the overwhelming source of news and notice they once were.

# PROPOSED FINDINGS CONT.

3. Noticing will be accomplished through posting in at least three public places within Midway City and on the Midway City website, generally, and mailing to affected entities and property owners where required by code.
4. The proposed amendments comply with the notice requirements under state law.
5. Midway policies and procedures should be amended to remain consistent with any changes in noticing.