

COURT OF APPEALS OF UTAH

Taylor v. Heber City

2026 UT App 84 · No. 20250940-CA · Decided May 29, 2026

SUMMARY

The Utah Court of Appeals held that a Heber City ordinance was passed when the city council voted to approve it on December 17, 2024, even though the ordinance’s effectiveness was contingent on later development agreements. Because the appellants filed their ballot referendum application on January 23, 2025, more than five days after passage, the court affirmed summary judgment for Heber City.

CASE DETAILS

COURT	Court of Appeals of Utah
WRITING FOR THE COURT	Amy J. Oliver; Michele Christiansen Forster; Ryan D. Tenney
JURISDICTION	Utah Court of Appeals
DECIDED	May 29, 2026
DOCKET	20250940-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a district court order granting Heber City summary judgment in an action seeking judicial review of the City's denial of a ballot referendum application as untimely.
STANDARD OF REVIEW	Summary judgment is reviewed for correctness.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Tracy Taylor, Lindy Reioux, Joseph Barney v. Heber City

TOPICS

- ballot access
- election law
- municipal law
- statutory interpretation
- preservation of error

PRACTICE AREAS

- election law
- municipal law
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the ordinance was passed on December 17, 2024, when the City Council voted to approve it subject to a contingency, or on January 21, 2025, when the related development agreements were approved.
2. Whether Appellants preserved the issue for appellate review.
3. Whether the district court correctly granted summary judgment to Heber City because the referendum application was untimely.

HOLDINGS

1. Appellants preserved the issue because they raised the ordinance's passage date before the district court in a manner that gave the court an opportunity to rule on it; they were not limited on appeal to the specific statutory interpretation argument advanced below.
2. A city ordinance is passed when the City Council completes the required deliberative process by voting on the ordinance, not when a later contingency is satisfied or a ministerial formality occurs. The ordinance therefore passed on December 17, 2024, when three of five council members voted for it.
3. The referendum application filed on January 23, 2025, was untimely because the ordinance passed on December 17, 2024, and the statutory five-day filing period had expired.

KEY QUOTATIONS

“There, our supreme court determined that a city ordinance is considered “passed” when “the deliberative process required of the . . . Council” is completed, not when “the last ministerial formality that must be bestowed on a legislative act” occurs.” (¶ 9)

“Thus here, like in Bissland, “passage occurred when three of the five members of the . . . [C]ouncil voted for the . . . [O]rdinance.”” (¶ 9)

FACTUAL BACKGROUND

At a December 17, 2024 meeting, the Heber City Council voted three to two to approve an ordinance concerning the North Village Development Annexation. The motion made the ordinance contingent on the later approval and execution of two development agreements, which the Council approved on January 21, 2025. Appellants filed a referendum application on January 23, 2025, but the City rejected it as untimely because the ordinance had passed on December 17, 2024.

PROCEDURAL HISTORY

Appellants filed a ballot referendum application on January 23, 2025, seeking to overturn a city ordinance. Heber City denied the application as untimely under Utah Code section 20A-7-601(6), determining that the ordinance had passed on December 17, 2024. The district court agreed and granted summary judgment to the City. The Utah Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Burton v. Chen, 2023 UT 14, ¶ 5 n.2, 532 P.3d 1005
- North Fork Special Serv. Dist. v. Bennion, 2013 UT App 1, ¶ 27, 297 P.3d 624
- Bahr v. Imus, 2011 UT 19, ¶ 12, 250 P.3d 56
- Bissland v. Bankhead, 2007 UT 86, ¶¶ 9, 11, 171 P.3d 430
- True v. Utah Dep't of Transp., 2018 UT App 86, ¶¶ 24, 32, 427 P.3d 338
- Staszkievicz v. Thomas, 2024 UT App 183, ¶ 23 n.3, 562 P.3d 723, cert. denied, 568 P.3d 260 (Utah 2025)

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