

**TITLE 1                   GENERAL PROVISIONS**

|                     |   |
|---------------------|---|
| <b>Chapter 1.01</b> | <b><u>Code Adopted</u></b>                  |
| <b>Chapter 1.04</b> | <b><u>General Provisions</u></b>            |
| <b>Chapter 1.08</b> | <b><u>Right of Entry for Inspection</u></b> |
| <b>Chapter 1.12</b> | <b><u>City Seal</u></b>                     |
| <b>Chapter 1.16</b> | <b><u>General Penalty</u></b>               |

**Chapter 1.01           Code Adopted**

|                 |  |
|-----------------|--|
| <b>1.01.010</b> | <b><u>Adoption</u></b>                                       |
| <b>1.01.020</b> | <b><u>Title - Citation - Reference</u></b>                   |
| <b>1.01.030</b> | <b><u>Codification Authority</u></b>                         |
| <b>1.01.040</b> | <b><u>References Applies to all Amendments</u></b>           |
| <b>1.01.050</b> | <b><u>Title, Chapter and Section Headings</u></b>            |
| <b>1.01.060</b> | <b><u>Reference to Specific Ordinances</u></b>               |
| <b>1.01.070</b> | <b><u>Effect of Code on Past Actions and Obligations</u></b> |
| <b>1.01.075</b> | <b><u>Offenses and Failure to Appear</u></b>                 |
| <b>1.01.080</b> | <b><u>Effective Date</u></b>                                 |
| <b>1.01.090</b> | <b><u>Constitutionality</u></b>                              |

**1.01.010    Adoption**

Pursuant to the provisions of Utah Code Annotated, ' 10-3-701 et. seq. there is adopted the "Spanish Fork Municipal Code."

**1.01.020    Title - Citation - Reference**

This code shall be known as the "Spanish Fork Municipal Code"; and it is sufficient to refer to said code as the "Spanish Fork Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Spanish Fork Municipal code. Further reference may be had to the titles, chapters, sections and subsections of the Spanish Fork Municipal Code and such references shall apply to that numbered title, chapter, section and subsection as it appears in the code.

**1.01.030    Codification Authority**

The code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Spanish Fork, Utah, codified pursuant to the provisions of Utah Code Annotated ' 10-3-701 et. seq...

**1.01.040    References Applies to all Amendments**

Whenever a reference is made to this code as the "Spanish Fork Municipal Code" or to any portion thereof, or to any ordinance of the city of Spanish Fork, Utah, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

**1.01.050 Title, Chapter and Section Headings**

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

**1.01.060 Reference to Specific Ordinances**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

**1.01.070 Effect of Code on Past Actions and Obligations**

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

**1.01.075. Offenses and Failure to Appear**

A. When an offense under this Code is described as an infraction, a class C misdemeanor, or a class B misdemeanor, those designations shall have the same definitions and penalties as described in the Utah Code.

B. Any person who, having signed a promise to appear to answer to criminal charges, and having failed to appear, is subject to having a warrant of arrest issued by a judge of the court having jurisdiction over such offense. Such a warrant may be issued in all cases arising under this Code, whether the offense charged is an infraction or a misdemeanor. When a warrant of arrest is issued, the judge issuing the warrant (Ord. No. 13-16, Created 08/11/2016)

**1.01.080 Effective Date**

This code shall become effective on the date the ordinance adopting this code as "Spanish Fork Municipal Code" shall become effective.

**1.01.090 Constitutionality**

If any section, subsection, sentence, clause or phrase of this code is for any reason

held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**Chapter 1.04      General Provisions**

- 1.04.010      Definitions**
- 1.04.020      Construction**
- 1.04.030      Ordinances -- Enacting Clause**
- 1.04.040      Liability of Employers and Agents to Penalty for Violation**
- 1.04.050      Ordinances - Publication and Effective Date**
- 1.04.060      Conflict with State Law**

**1.04.010      Definitions**

The following words and phrases shall have the meanings assigned to them:

**"Bribe"** signifies any money, goods, right in action, property, things of value or advantage, present or prospective, or any promise or undertaking to give any, asked, given or accepted, with a corrupt intent to influence unlawfully the person to whom it is given in his action, vote or opinion in any public or official capacity.

**"City"** as used herein means Spanish Fork City.

**"Corruptly"** imparts a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person.

**"Highway"** and "road" includes public bridges and may be held equivalent to the words "county way," "county road," "common road" and "state road."

**"Knowingly"** imparts only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

**"Land"**, "real estate" and "real property" includes lands, tenements, hereditaments, water rights, possessory rights and claims.

**"Malice"** and "Maliciously" impart a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or by presumption of law.

**"Month"** means calendar month unless otherwise expressed, and the word "year" or the abbreviation "A.D." is equivalent to the expression "year of our Lord."

**"Neglect"**, "negligence" and "negligently" impart a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in action in his own concern.

**"Oath"** includes "Affirmation," and the word "swear" includes the word "affirm." Every mode of oral statement under oath or affirmation is embraced in the term "testify" and every written one in the term "depose."

**"Officers"** includes officers and boards in charge of departments and the members of such boards.

**"Owner"** applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

**"Person"** includes bodies, politic and corporate, partnerships, associations and companies.

**"Personal Property"** includes every description of money, goods, chattels, effects, evidences or rights in action, and all written instruments by which any pecuniary obligation,

rights or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.

**"Property"** includes both real and personal property.

**"Signature"** includes any name, mark or sign written with the intent to authenticate any instrument or writing.

**"Street"** includes alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

**"Tenant"** or "occupant" applies to a building or land includes any person who occupies the whole or any part of such buildings or land either alone or with others.

**"Willfully"**, when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate or to injure another or to acquire any advantage.

**"Writing"** includes printing, writing and typewriting.

**"UCA"** means Utah Code Annotated (1953, as amended).

#### **1.04.020     Construction**

In the construction of this code and all ordinances amendatory thereof the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context of the ordinances:

- A. The singular number includes the plural.
- B. Words used in the masculine gender comprehend as well, the feminine and neuter.
- C. Words used in the present tense include the future.
- D. When any time is specified in this code, it shall mean standard time, as distinguished from solar time, and the words "midnight" or "noon" shall be taken to be midnight or noon standard time.
- E. Words prohibiting anything being done, except in accordance with a license or permit or authority from a board or officer shall be construed as giving such board or officer power to license or permit to authorize such things to be done.

#### **1.04.030     Ordinances -- Enacting Clause**

The enacting clause of all ordinances of the city hereafter passed shall be in the following form: "Be it ordained by the City Council of Spanish Fork City" and no enacting clause shall be used in any section of any ordinance except the first.

#### **1.04.040     Liability of Employers and Agents to Penalty for Violation**

When the provisions of an ordinance prohibit the commission or omission of an act not only the person actually doing the prohibited thing or omitting the direct act, but also the employer and all other persons concerned or aiding or abetting therein shall be guilty of the offense described and liable to the penalty prescribed for the offense.

**1.04.050 Ordinances - Publication and Effective Date**

All ordinances before taking effect shall be deposited in the office of the city recorder and published at least once in some newspaper published within Spanish Fork City, or if there is no newspaper published therein, then by posting in three public places therein; provided, that whenever a revision is made and the revised ordinances are published by authority of the city council, no further publication shall be deemed necessary; and provided further, that ordinances establishing rules and regulations for the construction of buildings, the minimum standards that must be met to qualify a house or building for human habitation or occupancy, the installation of plumbing, the installation of electric wiring or other related or similar work and rules and regulations controlling traffic and relating to the prevention of fires within the corporate limits and other rules and regulations relating to municipal function and controls where such rules and regulations have been printed as a code in book form, may be adopted and shall take effect without further publication or posting thereof, if reference is made to such code and if not less than three copies of such code have been filed for use and examination by the public in the office of the recorder prior to the adoption of such ordinance by the city council. Ordinances shall not go into effect until the twentieth day after their publication or posting, nor until the thirtieth day after their final passage; but shall go into effect at the expiration of such twentieth day after publication or posting, or such thirtieth day after such final passage, or whichever of said days is the most remote from the final passage of such ordinance. Ordinances, if so provided therein, may take effect at a later date. Measures necessary for the immediate preservation of the peace, health or safety of the municipality may, if so provided in the ordinance, may take effect at an earlier date. The city recorder shall record all resolutions and ordinances in a book kept for that purpose, together with the affidavit of publication by the publisher or his agent or, if posted, with the certificates of the due posting thereof, and said book, or a certified copy of the ordinances and affidavit of publication or posting, under the seal of the city, shall be received as evidence in all courts and places without further proof, or if printed in book or pamphlet form by authority of the city council, they shall be so received.

**1.04.060 Conflict with State Law**

Whenever anything contained in this code becomes in conflict with any provision or provision of the laws of the State of Utah, the duly enacted laws of the State of Utah shall take precedence over the Spanish Fork City ordinances.

**Chapter 1.08      Right of Entry for Inspection****1.08.010      Designated****1.08.010      Designated**

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon the premises within the jurisdiction of this city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him/her by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he/she shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**Chapter 1.12      City Seal**

**1.12.010      City Seal Designated**

**1.12.010      City Seal Designated**

The municipal seal of the City shall be as follows:



(Ord. No. 12-11, Amended 08/16/2011)

**Chapter 1.16      General Penalty**

**1.16.010      Designated**

**1.16.010      Designated**

A. Whenever no other penalty is prescribed, a violation of any provision of ordinance duly enacted by the city council shall be punished as a class B misdemeanor.

B. Whenever the penalty prescribed for a violation of any ordinance as set forth herein as an infraction, a class C misdemeanor, a class B misdemeanor or a class A misdemeanor, the penalty attaching to such designation shall be the same as that set forth by Utah state law in the Utah Criminal Code for an infraction, a class C misdemeanor, or a class B misdemeanor or a class A misdemeanor, respectively.