

**TITLE 9****PUBLIC PEACE, MORALS AND WELFARE**

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**Chapter 9.04      State Criminal Code**

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**9.04.010      Adoption of State Criminal Code**

- A. Titles 76 and 58 of Utah Code Annotated, as it may from time to time be amended is adopted by reference and is made a part of the ordinances of Spanish Fork City as fully as if set out in the body of the municipal code and shall take effect and be controlling within the limits of the city; provided, however, that this chapter is not intended to and does not purport to grant unto the city any power or jurisdiction not specifically or by implication granted by law.
- B. Any crimes specified within Titles 76 and 58 which are designated felonies are specifically excluded from inclusion in this chapter.
- C. Whenever a conflict in language or penalty between this chapter and an ordinance previously passed shall arise, the provisions of this chapter shall govern.

**9.04.020      Failure to Appear - Misdemeanor**

Any person who willfully fails to appear before a court pursuant to a citation issued with Spanish Fork City under the provisions of Utah Code Annotated ' 77-7-18 is guilty of a class B misdemeanor, regardless of the disposition of the charge upon which he or she was originally cited.

**9.04.030     Alcohol Regulations**

- A. The criminal provisions of title 32B of Utah Code Annotated, as it may be amended from time to time, are hereby adopted by reference and are made a part of the ordinances of Spanish Fork City as fully as if set out in the body of the Municipal Code and shall take effect and be controlling within the limits of the City.
- B. For purposes of unlawful consumption of alcoholic beverages as set forth in U.C.A. § 32B-4-421, the following definitions shall apply:
1. A public building shall have that meaning set forth in U.C.A. § 32B-1-102(82);
  2. Park shall mean publicly owned property dedicated to relaxation and/or recreational activities, including any parking lots or parking areas associated with such park. Park shall include areas designated as a park by the City, public fairgrounds, ball fields or other recreational fields, publicly owned gun clubs or related facilities, publicly owned green spaces, and public trails, including jogging paths, bicycle, and horse trails. Parks shall also include any buildings, pavilions, or other structures located in such areas. Parks shall not include golf courses or designated over-night camping areas;
  3. Stadium means a structure with tiers of seats for spectators.

(Ord. No. 05-97, Enacted 03/18/1997)

(Ord. No. 18-13, Amended 10/01/2013)

**9.04.040     Leaving Children in Vehicles**

- A. It shall be unlawful for any person within the limits of this City, having in his or her care, control, or under his or her guidance, any minor child under six (6) years of age, to at any time leave such a child unattended in any automobile, bus, or other vehicle or trailer, located upon a public street, a publicly-owned or privately-owned parking lot open to the general public or to business invitees, or at any other public place, if the child's health or welfare could be adversely effected.
- B. A child is unattended within the meaning of this section if the oldest person in the vehicle is a person under the age of twelve (12) years.

- C. Violation of this section is a class B misdemeanor.

(Ord. No. 09-06, Enacted 09/01/06)

**Chapter 9.08      Abusive Language**

**9.08.010      Abusive Language**

(Ord. No. 04-93, Amended 04/07/1993)  
(Ord. No. 18-14, Repealed 12/02/2014)

**Chapter 9.12                    Disturbance of the Peace**

- 9.12.010        Loudspeakers**
- 9.12.020        Driving Animals on Streets**
- 9.12.030        Driving on Sidewalks**
- 9.12.050        Sale or Use of Fireworks**
- 9.12.060        Loitering Defined**
- 9.12.070        Loitering Prohibited**
- 9.12.080        Release of Prisoners**

**9.12.010        Loudspeakers**

- A. It is unlawful within the limits of this city for any person to maintain, operate, connect or suffer or permit to be maintained, operated or connected any calliope or radio apparatus, sound device or any talking machine or loudspeaker attached thereto in such a manner that the loudspeaker or amplifier causes the sound from such radio apparatus or sound device or talking machine to be projected directly therefrom outside of any building, vehicle or out-of-doors, provided that the chief of police may grant a permit to so broadcast any events or happenings of cultural, political, intellectual or religious interest. Every person desiring a permit to so broadcast shall make application, file a statement showing the place where he or she proposes to broadcast, the times and probable duration, and the nature, topics or title of said broadcast. Said permit shall not be arbitrarily denied and when an application for a permit is denied, the chief of police shall set forth in writing and with particularity the grounds for so denying the application for a permit.
- B. Nothing herein contained shall be construed to prevent the operation of a radio apparatus, sound device, amplifier or talking machine used in a reasonable manner by any person within any building, vehicle or structure even though the sound therefrom may be heard on the outside of such building, vehicle or structure, provided that the said apparatus, sound device, amplifier or talking machine shall not project the sound therefrom directly outside of any building, vehicle or out-of-doors, and provided further that no such radio apparatus, sound device, amplifier or talking machine is in any way fastened to or connected with any outside wall or window in any building, vehicle or structure so that sound therefrom is projected outside of such walls or window.
- C. It is unlawful within the limits of Spanish Fork City for any person to maintain, operate, connect or suffer or permit to be maintained, operated, or connected any speakers, sound device, or radio apparatus that projects a sound that can be heard for a distance of two hundred (200) feet or greater from the source of the sound, amplification, speakers, sound device or radio apparatus, with the exception that any such device being projected within the boundaries of one's own

real property, it shall only be unlawful to project the sound two hundred (200) feet or greater beyond the edges of the property boundaries.

- D. A person who violates any provision of this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

(Ord. No. 05-15, Amended 02/03/2015)

### **9.12.020 Driving Animals on Streets**

(Ord. No. 18-14, Repealed 12/02/2014)

### **9.12.030 Driving on Sidewalks**

It is a violation for any person to drive or propel any motor vehicle upon the sidewalk, ride, drive, or lead any horse or other animal upon the sidewalk, or to stop any motor vehicle, team, or other vehicle on a sidewalk so as to impede public travel within the limits of the City except for the purpose of entering or leaving a city lot. A person who violates this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

(Ord. No. 05-15, Amended 02/03/2015)

### **9.12.050 Sale or Use of Fireworks**

The sale or use of fireworks shall be governed in strict accordance with the provisions of Utah Code Annotated §11-3-1 et seq. A person who violates this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

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

### **9.12.060 Loitering Defined**

Loitering shall mean the congregation of one (1) or more person(s) upon public streets, highways, or sidewalks of business districts, or residential areas, who are not carrying on any legitimate business within the city and who are impeding access to any business or impacting by noise, litter, or vandalism, any residential or business district. It shall also include the congregation of one or more persons in or upon a parked vehicle in or upon a public street or highway in residential or business districts.

(Ord. No. 04-91, Enacted 03/20/1991)

**9.12.070 Loitering Prohibited**

It shall be unlawful for any person to loiter, as defined in the preceding section, within the city. A violation of this section shall be a class C misdemeanor.

(Ord. No. 04-91, Enacted 03/20/1991)

**9.12.080 Release of Prisoners**

(Ord. No. 18-07, Repealed 09/18/2007)

(Ord. No. 07-94, Enacted 03/16/1994)

**Chapter 9.16      Interference with or Injury to Property****9.16.010      Cleaning Sidewalks****9.16.020      Flooding of Streets and Sidewalks****9.16.030      Culverts and Boxes over Water Ditches****9.16.010      Cleaning Sidewalks**

It is a violation for any occupant or owner of any property abutting on any street within the City to neglect or fail to clean and keep clean of all weeds, dirt, or rubbish, the sidewalks in front of or adjacent to his or her premises. A person who violates this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

(Ord. No. 02-05, Amended 02/15/2005)

(Ord. No. 05-15, Amended 02/03/2015)

**9.16.020      Flooding of Streets and Sidewalks**

It is a violation for any person to willfully, carelessly, or negligently obstruct, injure, or flood any street or sidewalk by the flow or seepage of water, or who willfully, carelessly, or negligently permits water under his or her control to escape in any manner so as to obstruct, injure, or flood any street or sidewalk within the City. A person who violates this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

(Ord. No. 05-15, Amended 02/03/2015)

(Ord. No. 13-16, Amended 08/16/2016)

**9.16.030      Culverts and Boxes over Water Ditches**

(Ord. No. 18-14, Repealed 12/02/2014)

**Chapter 9.20            Curfew**

<b>9.20.010</b>	<b><u>Definitions</u></b>
<b>9.20.020</b>	<b><u>Hours Established</u></b>
<b>9.20.030</b>	<b><u>Parental Liability</u></b>
<b>9.20.040</b>	<b><u>Enforcement</u></b>
<b>9.20.050</b>	<b><u>Exceptions</u></b>
<b>9.20.060</b>	<b><u>Severability</u></b>

**9.20.010    Definitions**

- A. Care and Custody means the legal authority of a parent or guardian to supervise or otherwise be responsible for a minor, or the express authority given from such parent or legal guardian of a minor to a responsible adult to supervise or otherwise be responsible for the activities and care of the minor.
- B. Emergency errand means any errand or travel undertaken to directly and immediately seek to prevent or reduce the consequences of an illness or injury, criminal or potential criminal activity, or fire or other serious accident and shall include the seeking of aid and assistance from medical or emergency response personnel or for the purchase of medications.
- C. Public Places means any place open to the public whether privately owned, excluding but not limited to, a parking lots, the interior and exteriors of commercial establishments such as restaurants, stores, or places of entertainment.

(Ord. No. 11-96, Enacted 11/20/1996)

**9.20.020    Hours Established**

- A. It is unlawful for any minor under the age of sixteen years to remain or loiter upon any sidewalk, street, alley, or public place in the City between the hours of 11:00 p.m. and 5:00 a.m. the following morning unless accompanied by an adult having the care and custody of said minor.
- B. It is unlawful for any minor sixteen or seventeen years of age to loiter or remain upon any sidewalk, street, alley, or public place in the City between the hours of 11:00 p.m. and 5:00 a.m. the following morning except for Saturday and Sunday mornings when the hours shall be between 1:00 a.m. and 5:00 a.m., unless accompanied by an adult having the care and custody of said minor.
- C. Any person who violates any provision of this section is guilty of a Class C Misdemeanor.

(Ord. No. 11-96, Enacted, 11/20/1996)

**9.20.030 Parental Liability**

It shall be unlawful for any parent, guardian, or other person having the care and custody of any minor to knowingly allow or permit the minor to violate the provisions of this chapter.

(Ord. No. 11-96, Enacted 11/20/1996)

**9.20.040 Enforcement**

- A. Any juvenile who is in violation of the provisions of this chapter is subject to arrest and/or citation.
- B. Upon arrest, the minor may be returned to the custody of the parent, guardian, or other person in charge of the care and custody of the minor, or may be taken to a youth receiving or other similar facility for holding.
- C. It shall be unlawful for any parent, guardian, or other person charged with the care and custody of the minor, who is violation of this chapter, to refuse to appear and take custody of said minor after being ordered to do so by a peace officer.
- D. Any person who violates the provisions of this section is guilty of a Class C Misdemeanor.

(Ord. No. 11-96, Enacted 11/20/1996)

**9.20.050 Exceptions**

The provisions of this chapter shall not apply to any circumstance in which the minor is:

- A. Accompanied by an adult, guardian, or other responsible adult having the care and custody of such minor;
- B. Engaged in a legitimate trade, employment, or occupation which requires the minor=s presence in or on the sidewalks, streets, alleys, or public places while working at or traveling to or from such employment;
- C. Engaged on an emergency errand directed by the minor=s parent, guardian, or other responsible person having the care and custody;
- D. In a motor vehicle engaged in normal interstate travel in, traveling through, or ending in Spanish Fork City;
- E. Attending or engaged in travel between the minor=s home or place of residence and the place where any religious, municipal, social, entertainment, sporting, political, library, or school function is occurring;
- F. Within the boundaries of the minor=s place of residence.

(Ord. No. 11-96, Enacted 11/20/1996)

**9.20.060 Severability**

If any section or sub-section of this chapter is held by a court of jurisdiction to be invalid, the remaining portions shall remain in full force and effect.

(Ord. No. 11-96, Enacted 11/20/1996)

**Chapter 9.24      Unlawful Activities near Schools****9.24.010      Designated - Prohibited****9.24.010      Designated - Prohibited**

- A. It is unlawful for any person to annoy, disturb or otherwise prevent or attempt to prevent the orderly conduction of the activities, administration or classes of any elementary, intermediate or high school in the city.
- B. It is unlawful for any person to annoy, disturb, assault or molest any student or employee of any elementary, intermediate or high school within the city while in or at such school or school building or parking lot or on any grounds thereof.
- C. It is unlawful for any person to loiter, idle, wander, stroll or play in, about or on any elementary, intermediate or high school grounds or buildings, either on foot or in or on any vehicle without having some lawful business therein or thereabouts or in connection with such elementary, intermediate or high school or the employees thereon within the city, during such hours when school is in session.
- D. It is unlawful for any person to conduct himself or herself in an obscene, lewd, wanton or mischievous manner in speech or behavior in, about or at any school, whether elementary, intermediate or high school building or grounds thereof, in the city.
- E. It is unlawful for any person to park or move a vehicle in the immediate vicinity of or on the grounds of any elementary, intermediate or high school in the city for the purpose of annoying or molesting the students or employees thereof, or to induce, entice or invite students or employees into or on the vehicle for any unlawful purpose.
- F. Any person violating any provision of this section is guilty of a class C misdemeanor.

(Ord. No. 09-94, Amended 11/03/1993)

**Chapter 9.28      Carrying and Discharge of Weapons****9.28.010      Definitions - Unlawful Acts****9.28.020      Minors****9.28.010      Definitions - Unlawful Acts**

A. It is unlawful for any person to discharge any firearm, including airguns, bows and arrows, and other devices which project a missile, within the limits of the City, provided that this section shall not apply to peace officers in the pursuit of official duties, persons acting in self-defense, or to persons who are members of or guests at a shooting gallery or rifle club and who discharge their firearms within the safe confines of said club or gallery, provided that adequate safety measures have been observed in the construction of said club or gallery so as to protect the health and safety of the public, nor shall this section apply to persons hunting with shotguns during regularly scheduled hunting seasons provided that any person hunting must strictly comply with state laws and regulations concerning carrying loaded firearms and concerning distance requirements from roads, vehicles, and buildings.

B. A violation of this section is a Class B Misdemeanor.

(Ord. No. 17-98, Amended 12/15/1998)

**9.28.020      Minors**

A. It is unlawful for any parent or guardian or person having the charge of or control of any minor to allow or permit such minor to use within the city limits any firearm or air gun or rifle, provided this section shall not apply to the use of such weapons at a licensed club or shooting gallery when minors are superintended by one or more responsible adults.

B. A person who violates any provision of this subsection is guilty of an infraction.

**Chapter 9.32            Noise**

<b>9.32.010</b>	<b><u>Scope and Purpose</u></b>
<b>9.32.020</b>	<b><u>Definitions</u></b>
<b>9.32.030</b>	<b><u>Classifications</u></b>
<b>9.32.040</b>	<b><u>Noise Measurement Procedures</u></b>
<b>9.32.050</b>	<b><u>Noise Limits</u></b>
<b>9.32.060</b>	<b><u>Exceptions</u></b>
<b>9.32.065</b>	<b><u>Compression Engine Brakes</u></b>
<b>9.32.070</b>	<b><u>Violation</u></b>

**9.32.010        Scope and Purpose**

The Council finds that the creation and/or continuation of loud, continuous, or obnoxious noises can be a danger to the general health, safety, welfare, and well-being of the residents of the City. The goal of this chapter is to regulate, and if necessary, abate noises which constitute a danger to the general health, safety, welfare, and well-being of the residents of the City.

**9.32.020        Definitions**

For the purposes of this ordinance, certain words and phrases used herein are defined as follows:

**"Continuous Sound"** means any sound that exists, essentially without interruption, for a period of two (2) minutes or more.

**"Decibel"** means logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is abbreviated dB.

**"Dynamic breaking device" (commonly referred to as a "jake brake")** means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

**"Emergency Work"** means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

**"Motor Vehicles"** shall include, but not be limited to automobiles, trucks, motorcycles, snowmobiles, recreational vehicles, minibikes, go-carts, aircraft and motorboats.

**"Noise"** means an undesired or harmful sound.

**"Noise Source"** means any instrument or device or anything which produces, reproduces or amplifies sound. The term shall include multiple sources of sound.

**"Person"** means a person, firm, association, partnership, joint venture, corporation or other legal entity, public or private in nature.

**"Residential/Agricultural", "Commercial" or "Industrial"** zones shall conform to the zone designations set forth in the city zoning codes.

**9.32.030 Classifications**

The creation of noise within the City generally may be classified under one of three headings:

- A. Sounds of commerce and industry: In this category are those noises necessarily made by commercial vehicles in process of transporting persons or goods, necessary noises of construction or demolition and other sounds necessarily connected with the carrying on of modern business life. Enforcement agencies of the City are hereby specifically authorized to work with the producers of this type of noise to either eliminate, modify and/or muffle such sounds in a way that will allow progress to continue while minimizing the disturbing effects of the noise. Such noises, when they reach such a stage that they become harmful or disturbing, are declared to be a public nuisance and shall be abated. Refusal to modify excessive noise is a violation of this chapter.
  
- B. Public disturbance noises: In this category are those noises which because of their intensity, the decibel level, the constancy of the noise or proximity to residences, businesses and generally inhabited areas, create a disturbance to human life and efficiency. Included in this category and typical thereof, though not exclusive of others not so listed, would be the following:
  1. inadequately or defectively muffled vehicles, engines and motors;
  2. loud machinery and pneumatic apparatus;
  3. amplified music or other amplified sounds;
  4. miscellaneous noises, including those of machinery, gunfire, etc., when their emission creates a public disturbance, either because of the intensity, or disturbing nature and/or the time of the emission. Noises of these categories are a violation of this chapter and are further determined to be a nuisance which may be abated by the proper authorities in the City.
  
- C. Intentionally caused noises: In this category are those noises which are caused for the sake of making noise without regard to the comfort, sleep, or general health and welfare of other persons. Production of such noise is unlawful and constitutes a misdemeanor. Typical of these type of noises are the following:
  1. improperly muffled vehicle engines, when the same are rapidly accelerated or decelerated, and especially during such hours that they are likely to interfere with the sleep or peaceful calm of residential neighborhoods;
  2. sounds that are mechanically, pneumatically or electronically produced or amplified, when the same are not enclosed within a building or enclosure which absorbs the sound, so as not to disturb the surrounding area;
  3. sounds or music created or amplified within a public building or enclosure with such volume and intensity that the sound produced is actually or potentially dangerous to hearers within the enclosure.

**9.32.040 Noise Measurement Procedures**

- A. It is the intent of the city council to incorporate into the noise ordinance those standards of measurement hereinafter set forth, which will take into account the latest scientific advances in noise measurement and control while at the same time, preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, sound level measurements, while universally desirable, shall not be required to demonstrate violation of this chapter if other evidence or testimony establishes the creation of a disturbance or public nuisance.
- B. It is the intention that each separate provision of this chapter shall be deemed independent of all other provisions therein, and if any provision of this chapter be declared to be invalid, all other provisions thereof shall remain valid and enforceable.
- C. In no event shall the peak intensity of sound exceed a sound level in excess of the limits established in section 050, measured in decibels.
- D. The decibel meter or other instrument used to measure the intensity of a noise may be placed at any point on the property line (if the noise source radiates into private property) and shall be at least five (5) feet from any wall and not less than three (3) feet above the ground. If it is not possible to measure five (5) feet from a wall, five (5) dB variance will be allowed. When measurements are made inside buildings or enclosures, readings may be obtained from any area to which persons may have access. The following limits refer to the largest reading obtained, using the above procedure.

**9.32.050 Noise Limits**

- A. Noise levels shall be based on continuous noise for two minute intervals or intermittent noise which exceeds the level five or more times within a ten minute period. Noise levels shall not exceed the following limits:

<u>Zone</u>	<u>DAY</u> <u>6 am - 9 pm</u>	<u>NIGHT</u> <u>9 pm - 6 am</u>
Residential/Agricultural	65 dB (A)	55 dB (A)
Commercial (including Public Facility Zone and Professional Office Zone)	70 dB (A)	65 dB (A)
Industrial	80 dB (A)	65 dB (A)

- B. When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

- C. It shall be unlawful to sustain, in any place of public entertainment, including, but not limited to restaurants, private clubs, cafes, discotheques, or dance halls; any sound levels equal to or in excess of:
  - 1. One hundred five (105) dBA at any time, (if the sound level exceeds one hundred five (105) dBA at any time, a mandatory ten (10) minutes sound break at a level below eighty-five (85) dBA will be taken). The restriction contained in this subparagraph is in addition to any other applicable limits stated in this chapter
- D. Amplified noise, including music, which can be heard with the human ear at a distance of 200 feet or more from the source of the sound.
- E. Construction noise that is normally associated with building of a building or other infrastructure is limited to the hours of 7:00 a.m. to 9:00 p.m.
- F. Enforcement officials are the Community Development Director, building inspectors, and police officers.

**9.32.060     Exceptions**

- A. Sounds created by emergency activities or emergency vehicles; or sounds giving warning of emergencies shall be exempt from the provisions of this chapter.
- B. Gunfire sounds emanating from the Spanish Fork Gun Club or police firing ranges shall be exempt from the provisions of this chapter.
- C. Sounds created by parades, carnivals, special public social events, or special construction projects may be exempted from the noise provisions of this chapter. An exemption is granted by a permit from the City Manager, or designee, which must be in writing and shall describe:
  - 1. the special nature of the exempted event;
  - 2. the dBA limitation (maximum allowed);
  - 3. the time period for which the exemption is in force. The permit shall be for one event only. The City Manager, or designee, may impose reasonable conditions on the issuance of a permit as necessary to protect the public peace and welfare. The permit may be withdrawn if the provisions thereof are violated.

**9.32.065     Compression Engine Brakes**

- A. It shall be unlawful for the operator of any vehicle equipped with a dynamic breaking device to use or otherwise apply such a device when traveling upon any street within the city limits.
- B. This section does not apply to emergency vehicles.

- C. This section does not apply in cases of bona fide emergencies when using an engine brake is reasonably necessary for public or personal safety.

**9.32.070 Violation**

- A. Violation of the noise provisions of this chapter, or of the conditions of an exemption permit shall be an infraction.
- B. A civil action to abate or enjoin a nuisance, or for damages for causing or maintaining a nuisance (including the cost, if any, of cleaning the subject property), may be brought by Spanish Fork City or by any private person directly affected.

(Ord. No. 19-94, Enacted 07/06/1994)

(Ord. No. 02-12, Enacted 02/07/2012)

(Ord. No. 08-13, Enacted 06/04/2013)

(Ord. No. 13-16, Amended 08/16/2016)

**Chapter 9.36      Fugitive Dust and Emissions****9.36.010      Fugitive Dust and Emissions****9.36.020      Violation****9.36.010      Fugitive Dust and Emissions**

- A. No person shall cause, suffer, allow or permit the emission of fugitive particulate matter from any process, including any material handling or storage activity that is in violation of the fugitive emissions and fugitive dust standards as set by Utah Air Quality Board.
- B. No person shall cause, suffer, allow or permit a building or its appurtenances or open areas to be used, constructed, repaired, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering, landscaping, paving, treating, or by other reasonable terms.
- C. No person shall cause, suffer, allow or permit the repair, construction, or reconstruction of a roadway or an alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other particulate shall be kept to a minimum by employing temporary paving, wetting down, detouring, or by other reasonable means. Soil or other material shall be promptly removed which has been transported onto paved streets by trucking or earth moving equipment, erosion by water, or by other means.
- D. The owner or operator of a commercial establishment or industrial plant shall maintain control of the establishment premises or plant premises and establishment or plant owned, leased or controlled access roads by paving, oil treatment, or other suitable measures.
- E. No person shall cause, suffer, allow or permit crushing, screening, drying, handling, conveying of materials, stockpiling, or other operations likely to give rise to airborne dust without taking the following precautions to prevent particulate matter from becoming airborne:
  - 1. All unpaved roads and other unpaved operational areas which are used by mobile equipment shall be water sprayed and/or chemically treated to reduce fugitive dust. Control is required at all times (24 hours per day, everyday) for the duration of the project/operation. The application rate of water shall be a minimum of 0.5 gallons per square yard. Application shall be made at least once every two (2) hours during all times the installation is in use unless daily rainfall exceeds 0.10 of an inch or unless the road is in a

muddy/damp/moist condition or unless it is covered with snow or unless the ambient temperature is below freezing. Records of water treatment shall be kept for all periods when the process plant is in operation. The records shall include the following items:

- a. Date;
- b. Quantity of treatment;
- c. Time of day treatments were made.

Records of treatment shall be made available upon request and shall include a period of two years ending with the date of the request.

2. The truck haul road shall be paved and shall be periodically swept or water sprayed clean as dry conditions warrant. Records of cleaning of paved roads shall be made available upon request and shall include a period of two (2) years prior to the date of request.
  3. Water sprays or chemical dust suppression spray shall be installed at the following points to control fugitive emissions:
    - a. All crushers;
    - b. All screens;
    - c. All conveyor transfer points.The sprays shall operate whenever dry conditions warrant.
  4. The storage piles shall be watered or chemically treated to minimize generation of fugitive dust as dry conditions warrant.
- F. No person shall cause, suffer, allow, or permit sandblasting or related abrasion operations unless sufficient containment measures are taken to prevent the sand and/or abrasive material from traveling beyond the property line where the operation is being conducted.
- G. No owner, operator, or lessee of any real property located or situated within the city shall, after the topsoil has been disturbed or the natural cover removed, allow the same to remain unoccupied, unused, vacant, or undeveloped, without taking all reasonable precautions to prevent fugitive dust from becoming airborne. Dust and other particulate shall be controlled by compacting, chemical sealers, resin sealers, asphalt sealers, or plating or vegetation or other reasonable means.

(Ord. No. 20-94, Enacted 07/06/1994)

### **9.36.020 Violation**

- A. A person who violates any section of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.
- B. A civil action to abate or enjoin a nuisance, or for damages for causing or maintaining a nuisance (including the cost, if any, of cleaning the subject property),

may be brought by Spanish Fork City or by any private person directly affected.

C. Those persons authorized to issue citations under section 12-04-060 are also authorized to issue citations under this chapter.

(Ord. No. 20-94, Enacted 07/06/1994)

(Ord. No 10-99, Amended 07/13/1999)

(Ord. No. 12-16, Amended 08/16/2016)

**Chapter 9.40      Fireworks Restrictions****9.40.010      Fireworks Prohibited - Areas****9.40.020      State Law Requirements****9.40.030      City Sponsored Events****9.40.035      Private Events****9.40.040      Penalty - Parental Responsibility****9.40.010      Fireworks Prohibited - Areas**

Fireworks are prohibited in the following areas:

- A. The use of fireworks is prohibited in all of the Industrial 3 (I-3) zones;
- B. The use of fireworks is prohibited in all areas south of the Spanish Fork River from the west end of the Spanish Oaks Golf Course, eastwardly to the city limits;
- C. The use of fireworks is prohibited within 200 feet of any open field, unimproved lot with dry vegetation, or a lot with a vacant building and dry vegetative growth on the lot.

**9.40.020      State Law Requirements**

- A. Fireworks are allowed in other areas only in strict accordance with the requirements of state law.
- B. A licensed fireworks display operator may display fireworks by complying with state law and providing to the City proof of insurance and paying a fee to cover the cost of City Inspections and having a fire truck and personnel at the site.

**9.40.030      City Sponsored Events**

An exception to the restrictions imposed in this chapter is granted for any city sponsored public display of fireworks where trained personnel set off the fireworks and the fire department is present to immediately extinguish any fire.

**9.40.035      Private Events**

- A. The City may issue a Special Events Permit for the discharge of fireworks for public and private events. The Special Events Permit is obtained from the park and recreation department. The following conditions must be met for the discharge of fireworks.
  1. The operator is licensed by the State of Utah for the type of fireworks to be discharged;
  2. Liability insurance with an insurer licensed in the State of Utah is provided, in the minimal amount of \$2,000,000.00 for spectator coverage, with the City, its officers, employees, and agents named as additional insureds;

3. A safe perimeter is established, in the sole discretion of the Public Safety Director or designee, where no spectators or buildings are allowed;
  4. Fire apparatus and personnel are on site, the type of apparatus and number of personnel to be determined in the sole discretion of the Public Safety Director or designee; and
  5. The location, dates, and times are approved by the Public Safety Director or designee.
- B. The cost of the permit will be established by the Council as part of its annual budget. The permit fee shall include the cost of the fire apparatus and personnel required to be on site for safety reasons.

(Ord. No. 11-18, Enacted 05/01/2018)

**9.40.040 Penalty - Parental Responsibility**

- A. A violation of this ordinance is a Class C misdemeanor.
- B. It is a Class C misdemeanor for a parent or guardian to allow a child in their control or custody to use fireworks in violation of this ordinance.

(Ord. No. 06-03, Enacted 07/01/2003)

(Ord. No. 10-16, Enacted 07/12/2016)

**Chapter 9.44            False Alarms**

<b>9.44.010</b>	<b><u>Definitions</u></b>
<b>9.44.020</b>	<b><u>Registration Required to Operate Alarm Business</u></b>
<b>9.44.030</b>	<b><u>Unlawful to Operate an Alarm System without an Alarm Permit</u></b>
<b>9.44.040</b>	<b><u>Alarm Permits</u></b>
<b>9.44.050</b>	<b><u>User Instructions</u></b>
<b>9.44.060</b>	<b><u>False Alarms</u></b>
<b>9.44.070</b>	<b><u>Right to Hearing and Appeal</u></b>
<b>9.44.080</b>	<b><u>Deliberate False Alarms</u></b>
<b>9.44.090</b>	<b><u>Local Alarm System-Cutoff Required</u></b>
<b>9.44.100</b>	<b><u>Public Safety Call Records</u></b>
<b>9.44.110</b>	<b><u>Administration and Enforcement</u></b>
<b>9.44.120</b>	<b><u>Operational Defects to be Remedied</u></b>
<b>9.44.130</b>	<b><u>Automatic Dialing and Prerecorded Message Alarm Systems Unlawful</u></b>
<b>9.44.140</b>	<b><u>City Liability Limitations</u></b>
<b>9.44.150</b>	<b><u>Violation Penalty</u></b>

**9.44.010    Definitions**

For the purposes of this Article, the following words and phrases shall have the meaning set forth herein:

- A. **Alarm business** means any person engaged in the business of installing, planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving or removing alarm systems in the City.
- B. **Alarm coordinator** means the individual designated by the Director of Public Safety Director to issue permits and enforce the provisions of this Article.
- C. **Alarm permit or permit** means a permit issued by the City that authorizes a person to operate an alarm system in the City.
- D. **Alarm system** means any mechanism, equipment, or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a fire, robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:
  - 1. Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
  - 2. Devices which are not installed, operated or used for the purpose of reporting an emergency to the Department of Public Safety;
  - 3. Alarm devices affixed to motor vehicles; and

4. Alarm devices installed on a temporary basis by the Department of Public Safety.
- E. **Alarm user** or **user** means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.
- F. **Central station** means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or service personnel are maintained continuously to investigate signals.
- G. **Emergency** means the existence of a fire or the commission or attempted commission of a criminal action, or medical conditions requiring immediate response and/or action.
- H. **Emergency personnel** means peace officers, firefighters, paramedics and emergency medical technicians.
- I. **False alarm** means the activation of an alarm system which results in a response by the Department of Public Safety where an emergency does not exist and for which no evidence or indication of criminal activity, fire, or other hazard is discovered. False alarms shall include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; signals which are purposely activated to summons emergency personnel in non-emergency situations; and alarms for which the actual cause is not determined. False alarms also include an alarm signal caused by conditions of nature which are normal for that area. A False alarm does not include an alarm signal caused by extraordinarily violent conditions of nature which cannot be reasonably anticipated by the alarm user.
- J. **Local alarm** means any noise-making alarm device and any alarm which emits a visual signal such as a strobe light.
- K. **Person** means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

#### **9.44.020 Registration Required to Operate Alarm Business**

- A. It is unlawful for any person to engage in the practice of an alarm business, alarm company or alarm agent in the City as defined in Utah Code Ann. '58-55-301(1953, as amended), without a valid license therefor issued in accordance with the provisions of Utah Code Ann. '58-55-301 et seq.

- B. No alarm business or alarm agent shall install any alarm system in the City unless the owner or lessee of the premises on which the alarm system is to be installed has a valid alarm permit issued by the City.

**9.44.030 Unlawful to Operate an Alarm System without an Alarm Permit**

It shall be unlawful for any person to use, maintain, operate or be in control of any alarm system which has been installed in any building, structure, facility or portion thereof in the City without a valid permit therefor issued by the City.

**9.44.040 Alarm Permits**

- A. An alarm permit shall be issued to an alarm user at no charge upon the filing of a completed alarm information card with the Department of Public Safety. A separate alarm permit is required for each alarm site.
- B. The alarm information card shall set forth the full name, address and telephone number of the following individuals and entities:
1. the alarm user;
  2. the person or licensed alarm system business installing, maintaining or servicing the system;
  3. the central station to which the alarm system is connected;
  4. three individuals who may be contacted by emergency personnel responding to an alarm, who have authority to act for the alarm user in granting emergency personnel access to any portion of the premises concerned, and who are knowledgeable in the basic operation of the alarm system.
- C. In the event that emergency personnel or representatives of the central station responding to an alarm are unable to contact any of the parties listed in the alarm information card due to outdated or inaccurate information provided by the user; or if none of the listed parties are available; or if the listed parties fail to respond to the scene within thirty minutes of notice, such failure shall be treated as a separate false alarm in addition to the alarm which prompted the police response.
- D. In addition to submitting the alarm information card, users of local alarm systems shall post, near the front entrance and near the alarm, at a position readable from ground level, a code number furnished by the alarm coordinator to allow reference to the alarm information card required by this section.

**9.44.050 User Instructions**

Every alarm business selling, leasing, or furnishing to any user an alarm system which is installed on premises located in the City shall furnish the user with written instructions that enable the user to operate the alarm system properly.

**9.44.060 False Alarms**

- A. For each false alarm to which emergency personnel are dispatched (even if the call is subsequently cancelled) in any calendar year, the alarm user shall be issued a warning or shall pay an administrative service fee to the City according to the following schedule:

First three false alarms:	Warning
Fourth false alarm:	Fifty dollars (\$50.00)
Fifth false alarm:	Seventy-five dollars(\$75.00)
Sixth through ninth false alarms:	One hundred dollars(\$100.00)
Tenth and all subsequent false alarms:	Two hundred dollars(\$200.00)

- B. All administrative service fees assessed under this Chapter shall be paid to the City within (30) days of the date the notice of the assessment of the service fee is mailed to the alarm user. If any service fee is not paid within the time set forth above, late penalties shall be assessed against the alarm user according to the following schedule:

1-60 days	Ten dollars (\$10.00)
61-90 days	Twenty dollars (\$20.00)
91-120 days	Thirty dollars (\$30.00)

- C. The City may use all available legal remedies to collect delinquent service fees and late penalties. If a delinquent service fee is owed by a business, payment of the fee and late penalties is required prior to the renewal of the alarm user=s business license.
- D. An alarm permit shall be suspended for any failure by the alarm user to pay any administrative service fee and applicable late penalties imposed pursuant to this Chapter within (120) days of the date that notice of the assessment of the service fee is mailed to the alarm user. The Public Safety Director may also suspend any alarm permit if the Director determines that the alarm system in question has a history of unreliability, which unreliability shall be presumed upon the occurrence of ten false alarms in any calendar year. A suspension for unreliability may be lifted upon a showing that the conditions which caused the false alarms have been corrected. An alarm user whose alarm permit is suspended from the City shall pay a reinstatement fee of one hundred dollars (\$100.00) to the City before such permit shall be reinstated. Notwithstanding the above, a fire alarm permit shall not be suspended if such an alarm is required by the building code or any statute, law, or other ordinance.

- E. Any person who uses, maintains, operates or is in control of any operational alarm system in the City while the alarm permit for such alarm system is suspended shall be guilty of a Class C Misdemeanor.

(Ord. No. 3-11, Amended 02/15/2011)

#### **9.44.070 Right to Hearing and Appeal**

- A. An alarm user shall have the right to request a hearing to contest the imposition of any penalty under this Article including the imposition of any fee, suspension of any permit, or the determination of a false alarm. A written request for a hearing must be filed by the alarm user with the Department of Public Safety within ten (10) business days of the date of mailing of the notice of imposition of the penalty. Notice of the imposition of a penalty shall be considered satisfied if sent by regular mail to the alarm user's address listed in the alarm user's alarm information card. The request for a hearing shall include the alarm user's name, address, telephone number, and a statement of the reasons for disputing the imposition of the penalty. A timely request for a hearing shall stay the imposition of any penalty until the hearing is decided. The City's determination of a false alarm, the imposition of an administrative service fee, or suspension of a permit shall be considered final if the alarm user fails to request a hearing within the time period set forth above.
- B. The alarm coordinator shall conduct hearings requested by alarm users and shall affirm, modify, or vacate the imposition of the penalty after considering all of the evidence presented. An alarm shall be presumed to be a false alarm unless the alarm user can establish the existence of an emergency or other hazard at the time of the alarm by a preponderance of the evidence. The burden of providing the existence of an emergency shall be upon the alarm user. Hearings shall be conducted informally. Formal rules of evidence and court procedure shall not apply. Because the hearings are administrative in nature, hearsay is admissible, but evidence must have some probative weight and reliability to be admitted.
- C. An alarm user may appeal the decision of the alarm coordinator to the City Council by filing a written request for a hearing with the City Recorder within ten (10) business days of the decision rendered in the initial hearing. If no request for an appeal hearing is made within the ten day period, the decision rendered in the initial hearing shall be considered final. The appeal hearing shall be in a public meeting. The City Council shall affirm, reserve, or modify the decision rendered in the initial hearing and the action taken in the appeal hearing shall be final.

#### **9.44.080 Deliberate False Alarms**

No person shall cause any alarm to be transmitted to the Department of Public Safety knowing the same to be false or without basis in fact. Central stations shall not request

emergency personnel to respond to alarm scenes when monitoring equipment indicates an alarm system malfunction. A first violation of this section shall be a Class C Misdemeanor. Any violation of this section which occurs within three years of a prior conviction of this section shall be a Class B Misdemeanor.

**9.44.090 Local Alarm System-Cutoff Required**

Alarm systems which use a local audible or visual alarm device to attract the attention of the public shall be equipped with an automatic cutoff-device which will terminate the audible or visual alarm within thirty minutes. However, this section shall not apply to fire alarms, strobe lights, and fire gongs.

**9.44.100 Public Safety Call Records**

Alarm businesses which request the response of emergency personnel to alarm signals shall maintain a record of all alarms reported to the Department of Public Safety, stating the time, date and location of the alarm and the name, address and phone number of the alarm user from which the alarm originated. The records shall indicate the cause of the alarm, if known. This record shall be current and shall be made available to the Director of Public Safety or his/her designated representative at any time during normal business hours.

**9.44.110 Administration and Enforcement**

The Director of Public Safety shall have power to make such reasonable rules and regulations as may, in the discretion of the Director of Public Safety, be deemed necessary to implement the provision of this chapter.

**9.44.120 Operational Defects to be Remedied**

- A. The sensory mechanisms used in connection with alarm systems shall be adjusted to suppress false alarms so that the device will not be actuated by impulses due to transient pressure changes in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the installation, radio frequency energy, non-intrusive motion or other forces unrelated to genuine alarms.
- B. All components of an alarm system must be maintained in good repair by the alarm user so as to assure reliability of operation.

**9.44.130 Automatic Dialing and Prerecorded Message Alarm Systems Unlawful**

It is unlawful to maintain, operate, connect or allow to be maintained, operated or connected, any alarm system or automatic dialing device which automatically dials the Department of Public Safety and then relays any prerecorded message indicating the existence of an emergency situation.

**9.44.140 City Liability Limitations**

Nothing in this Article shall create or be construed to create a duty upon the Department of Public Safety or the City to respond to any alarm whether or not the alarm is false. An alarm, like any other request for service from the Department of Public Safety, may be responded to within the resources of the Department of Public Safety in light of other responses required by the Department of Public Safety at the time of the alarm.

**9.44.150 Violation Penalty**

Unless otherwise provided in this Chapter, the failure of any person to comply with the requirements of this Chapter shall constitute a Class C Misdemeanor.

(Ord. No. 03-10, Enacted 02/16/2010)

**Chapter 9.48      Beer Regulations**

**9.48.010      Restrictions on the Sale, Possession, and Consumption of Beer**

**9.48.010      Restrictions on the Sale, Possession, and Consumption of Beer**

A. It is unlawful for any person to sell beer, light beer, malt liquor, malted beverage, or other alcoholic beverages through a drive up window.

B. It is unlawful for any person to possess or consume beer in any public building, public park or public stadium. Public building, park and stadium shall have the meanings defined in §9.04.030.

C. It is a Class B Misdemeanor to violate any provision of this Chapter.  
(Ord. No. 18-13, Enacted 10/01/2013)