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MAY 18, 2017

TO: MR. ROBERT WALL
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SANDY CITY CORPORATION, UTAH

RE: SANDY CITY CORPORATION RECODIFICATION—LEGAL REVIEW & PROPOSED CODE REORGANIZATION

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ATTACHMENT A. REVISED CHAPTER 155

PART I. INTRODUCTION

Part II of this memorandum is a legal analysis of the Revised Ordinances of Sandy City, Utah, 1978, as amended through April 30, 2017 (“Code”), in which the Code has been researched for the following purposes:

1. Identification and elimination of conflicts, inconsistencies and obsolete provisions in connection with the Utah Code Annotated (‘U.C.A. 1953’), current through chapters 3, 4, 9 to 15, 20, 21, 172, 233, 263, 277, 317, 355, 389, 398, 400, 404, 437, 453, 470, 472, and 476, of the 2017 General Session effective through March 14, 2017.
2. Identification and elimination of obsolete or conflicting provisions.
3. Identification and elimination (or curing) of potentially unconstitutional provisions.

The legal analysis is presented to the maximum extent possible as recommended changes. In some cases the city attorney may agree that a problem exists but disagree with the proposed solution. In other cases, the city attorney may not agree that a problem exists.

Effective date, severability and repealer provisions will be deleted without further mention. All state law and state rule references will be corrected without further mention.

Because U.C.A. 1953, § 78A-7-106 provides that a justice court has jurisdiction over Class B and Class C misdemeanors, violation of ordinances, and infractions committed within its territorial jurisdiction by a person 18 years or older, it has been recommended that offenses covered by statute be deleted.

It is uniformly held that incorporation by reference *in futuro* . . . is invalid. (C. Rhyne, *The Law of Local Governmental Operations*, p. 122.)

In *Blich v. City of Ocala*, 142 Fla. 612, 195 So. 406 (1940) (cited in Mr. Rhyne’s treatise), the Florida Supreme Court ruled on a challenge to § 31 of an ordinance adopted by the city of Ocala on October 21, 1924. Such section required roofing “which would rank as Class ‘A’ or Class ‘B’ under the test specifications of the National Board of Fire Underwriters.” 142 Fla. at 617, 195 So. at 408. The court upheld the provisions ruling that the above-quoted language only referred to specifications then in effect and not to subsequent changes in the specifications. The court stated that “if it [the ordinance] should be held to mean, not only present but also future specifications, or any changes therein that might be adopted by the National Board of Fire Underwriters, section 31 of the ordinance would be invalid as being a delegation of authority to an outside board to alter a municipal ordinance.” 142 Fla. at 618, 195 So. at 408.

The prohibited *in futuro* adoption of standards discussed above is referred to in this memorandum as the “adoption by reference problem.”

This memorandum is intended for the use of the City Attorney. Nothing in this memorandum is to be construed as giving legal advice to the city.

PART II. LEGAL ANALYSIS

Title 1. Ordinances

Chapter 1. Ordinances and Sanctions, Fines and Penalties

Revise chapters 1 and 2 in accordance with attachment A. However:

1. **Delete** § 1-1-5 (*publication of ordinances*) as covered by U.C.A. 1953, § 10-3-711.
2. **Delete** § 1-1-6 (*effective date of ordinances*) as covered by U.C.A. 1953, § 10-3-712.
3. **Delete** § 1-1-7 (*enacting clause*) as covered by U.C.A. 1953, § 10-3-704.
4. **Delete Code** § 1-1-8 (*numbering of ordinances*) as adequately covered by U.C.A. 1953, § 10-3-704.

****City Response: Accept #1-4 (deleting 1-1-5, 1-1-6, 1-1-7, and 1-1-8)**

5. ~~Deleted~~ Code § 1-2-2(b). This provides for fines on corporations that exceed the amounts authorized by U.C.A. 1953, § 10-3-703. Such statute references U.C.A. 1953, § 76-3-301 (and subsection (a) reflects these amounts.). U.C.A. 1953, § 76-3-301 does not apply to corporations, etc. Subsection (b) reflects the fines imposable upon corporations pursuant to U.C.A. 1953, § 76-3-302. As U.C.A. 1953, § 76-3-301 does not reference U.C.A. 1953, § 76-3-302, such later statute is applicable to municipal ordinance violations.

****City Response: leave 1-2-2 as is. (do not accept change)**

Chapter 3. Code of Ethics

Except for Code § 1-3-10, ~~delete~~ as covered by (and in conflict with) U.C.A. 1953, § 10-3-1301 et seq.

****City Response: Keep chapter 3 – update definitions to match UCA.**

Title 2. Elections

Secs. 2-1-1. Elections. Except for U.C.A. 1953, § 17-33-11, delete. These sections are state election offenses or are mandatory.

****City Response: Accept**

Title 3. Animal Control

Chapter 1. Animal Control

3-1-2. Definitions. Conform the definition of assistance animal to U.C.A. 1953, § 62A-5b-102(3).

****City Response: Accept change**

3-1-7. Licensing. In subsection (f), given U.C.A. 1953, § 10-8-65(b),¹ Add an exemption for one service animal and one retired service animal.

****City Response: Accept change**

3-1-23. Impounding, Euthanization; Disposition of Animals.

1. In subsection (d), alter to be consistent with U.C.A. 1953, § 11-46-203 by changing two months to **six months**.

****City Response: accept change to 6 months**

2. In subsection (e)(3), please review the minimum deposit (\$25.00) and advise as to any needed changes.

****City Response: No change – keep at \$25**

3-1-26. Cruelty to Animals Prohibited, Dogfighting. Except for subsection (b)(6), delete as covered by U.C.A. 1953, §§ 76-9-301 et seq. Many provisions herein are designed a class A misdemeanor, which is not permissible under U.C.A. 1953, § 10-3-703.

****City Response: Refer to state code & Keep (b)(6) – Change to class B misdemeanor**

Chapter 2. Hobby License

Revise to recognize the exception for service animals and retired services animals in U.C.A. 1953, § 10-8-65(b).

****City Response: Accept**

See recommendation for Code § 15A-11-03, *infra*.

****City Response: not in conflict – 5 dogs with hobby license, 6 pets**

Chapter 3. Dangerous and Prohibited Dogs

3-3-4. Keeping of Dangerous Dogs. Please review subsection (j). The catchline indicates only one dangerous dog is allowed while the text indicates that only one dog is allowed. If the latter interpretation is correct, revise to recognize the exception for service animals and retired services animals in U.C.A. 1953, § 10-8-65(b). Please advise.

****City Response: Accept – recognize state statute exemption (2 total dogs)**

****consider moving “no-kill” to different location in code**

¹ U.C.A. 1953, § 10-8-65(b): “If a municipality adopts a limit as to the number of dogs a person may keep, the municipality shall allow a person to keep a service animal, a retired service animal, or both in addition to that limit.”

Title 5. Business Licensing

Chapter 1. Business License

5-1-3. Duties of Business License Section. While the catchline of this section references a business license section, the text (in this section and elsewhere) references a license section. Please advise as to the correct title.

****City Response: No change – keep as is**

5-1-9. Transferability. In subsection (a)(2), please review the official titles used and advise as to any corrections.

****City Response: No change – keep as is**

Chapter 2. Alcoholic Beverage Regulations

5-2-1. Definitions. (It is noted that many definitions add additional requirements to the similar definitions found in U.C.A. 1953, § 32B-1-102—*compare, e.g.,* definition of reception center *with* U.C.A. 1953, § 32B-1-102(88), as amended 2017 Acts, ch. 455. It is assumed that this is permissible.)

1. Conform the definition of beer to U.C.A. 1953, § 32B-1-102(10), as amended 2017 Acts, ch. 455.
2. Conform the definition of flavored malt beverage to U.C.A. 1953, § 32B-1-102(41), as amended 2017 Acts, ch. 455.
3. Conform the definition of flavored malt beverage to U.C.A. 1953, § 32B-1-102(61), as amended 2017 Acts, ch. 455.
4. Conform definition of restaurant to U.C.A. 1953, § 32B-1-102(97), as amended 2017 Acts, ch. 455.
5. Conform definition of state store to U.C.A. 1953, § 32B-1-102(112), as amended 2017 Acts, ch. 455.

****City Response: Accept**

5-2-8. License Application, Contents and Applicant Qualifications. Delete subsection (a)(3). Federal prohibits requiring the social security number. Section 7 of the Federal Privacy Act (5 USC 552a note) states, in its entirety:

****City Response: Accept**

Sec. 7 (a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to--

(A) any disclosure which is required by Federal statute, or

(B) any disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if

such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

5-2-21. Alcoholic beverage sales—Prohibited to minors. Delete as covered by U.C.A. 1953, § 32b-4-403, 32b-4-409.

****City Response: Accept**

Chapter 4. Entertainments Arcades and Devices

If obsolete (the average personal computer providing better games than can be found in an arcade), delete.

****City Response: keep as is**

Chapter 5. Swap Meets and Flea Markets

5-5-4. Fee. Alter so fee is established by the fee schedule. The citation to § 5-1-6 is inappropriate.

****City Response: reference fee schedule; delete 5-1-6**

Chapter 7. Public Dance Halls

If obsolete, delete.

****City Response: Keep – not obsolete**

5-7-11. Inspections of Dance Halls. Tie inspection fee to the fee schedule.

****City Response: accept - delete**

5-7-15. Walkathons Prohibited. Delete. This was repealed on February 28, 2013.

****City Response: accept - delete**

Chapter 8. Coupons, Coupon Books or Discount Cards

If obsolete, delete.

****City Response: accept – delete obsolete**

Chapter 14. Auctioneers and Auctions

If obsolete, delete.

****City Response: No change – do not delete, not obsolete**

5-14-4. Auctioneer's License Required. Please advise as to the correctness of the term “license department.”

****City Response: change to “license section”**

Chapter 16. Home Occupations

5-16-1. Definitions. In the definition of child day care, change age 19 to age 18. See U.C.A. 1953, § 26-39-102(8)(a)(ii).

****City Response: Accept**

Chapter 18. Escort Agencies, Outcall Service Agencies, And Semi-Nude Dancing Agencies

If superseded or covered by Code title 12, ch. 2, delete.

****City response: the last 2 lines of 5-8-12 should be placed under 5-8-13 “severability”**

****City Response: Chapter 18 – keep section as is – it is not superseded or covered by title 12**

Title 6. Administrative Code

Chapter 1. Purposes and Principles

6-1-3. Administrative Organization. Delete as not needed. The city may wish to insert a statement that the city is organized under the council-mayor form of government found in U.C.A. 1953, title 10, ch. 3B, pt. 2 (U.C.A. 1953, § 10-3b-201 et seq.).

****City Response: Insert recommended statement and delete the remainder**

Chapter 2. Office of Mayor

6-2-1. Qualifications and Term of Office. Delete as covered by U.C.A. 1953, § § 10-3-301. 10-3-205, 10-3-205.5.

****City Response: Delete and replace with a general statement that authority is as provided by state law**

6-2-2. Vacancy in Office of Mayor. Delete as not needed—the statute cited applies absent this section.

****City Response: Accept - Delete**

6-2-3. Powers and Duties. Delete as covered by (and not consistent with) U.C.A. 1953, § 10-3b-202.

****City Response: Accept - delete**

6-2-4. Power in Time of Local Emergency. Delete as covered by U.C.A. 1953, §§ 53-2a-208, 53-2a-205.

****City Response: Accept**

6-2-5. Council-Mayor Relationships. In subsection (a), delete in the second sentence the word “dismiss” as covered by Code § 6-2-3(d)(2), (d)(3).

****City Response: leave section (b), delete the remainder**

Chapter 5. Human Resources

6-5-12. Agreements and Cooperation with other Governmental Agencies. In subsection (a), if the agreements must be approved by the council, delete subsection (a) as not needed.

****City Response: Leave as is**

Chapter 6. Miscellaneous Provisions

****City Response: Retitle to “Ethics”**

6-6-1. Ethics. Delete as not needed.

****City Response: Keep as is**

6-6-2. Prohibitions on Employment of Relatives. Delete as not needed—the statute cited applies absent this section.

****City Response: keep as is**

Title 7. Public Peace and Safety

Chapter 1. Miscellaneous Offenses Against Public Peace and Property

7-1-1. Vagrancy. In subsection (a), so as to avoid constitutional problems (“The right to walk the streets, or to meet publicly with one’s friends for a noble purpose or for no purpose at all---and to do so whenever one pleases---is an integral component of life in a free and ordered society.” Papachristou v. City of Jacksonville, 405 U.S. 156, 164, 92 S. Ct. 839, 31 L. Ed. 2d 110 (1972)), delete the words “or about” and insert in lieu thereof the word “on”.

****City Response: Keep as is**

7-1-2. Disorderly Houses. So as to avoid vagueness, revise to apply only, to premises where illegal or unlawful activities are conducted, deleting the terms, bawdy, disorderly, lewdness, house of ill-fame and assignation house.

****City Response: Keep as is**

7-1-7. Obscene or Profane Language. If obsolete in light of Code title 7, ch. 2, delete. If retained, so as to avoid constitutional problems, insert a reasonable person standard.

****City Response: Keep as is**

7-1-8. Regulation of Smoking, Fires, and the Discharge of Fireworks and other Explosives. Delete as superseded (apparently) by Code title 8, ch. 5.

****City Response: Keep as is**

7-1-9. Barbed Wire Fences Prohibited. It is assumed that this section is needed (notwithstanding Code § 15A-28-07) because of pre-existing use issues.

****City Response: Keep a is**

7-1-11. Expectorating in Public Place and Prohibition Against Littering. Delete subsection (b) as superseded by title 7, ch. 11.

****City Response: Keep as is**

Chapter 2. Noise Control

7-2-3. Definitions and Standards. In definition of noise disturbance, so as to avoid constitutional problems, insert a reasonable person standard.

****City Response: Keep as is**

Chapter 2. Regulations Relating to Minors

7-3-1. Providing Cigars, Cigarettes, or Tobacco to Minors - Penalties. Delete as covered by U.C.A. 1953, § 76-10-104, multiple violations of which are a class A misdemeanor (and which is impermissibly stated in this section). If retained, conform to such statute by including electronic cigarettes.

****City Response: Accept**

7-3-2. Purchase or Possession of Tobacco. Alter to be consistent with U.C.A. 1953, § 76-10-105 by including electronic cigarettes.

****City Response: Accept**

7-3-3. Sale of Tobacco Products. Either conform to U.C.A. 1953, §§ 76-10-105.1 and 76-10-102 or delete. See U.C.A. 1953, § 76-10-105.1(8).

****City Response: Accept**

7-3-4. Sale of Beer, Alcoholic Beverage or Liquor. Delete as covered by Code § 5-2-21 (*recommended for deletion as covered by state law*).

****City Response: Accept**

7-3-5. Unlawful Purchase, Possession, Consumption by Minors - Measurable Amounts in Body. Delete as covered by Code § 5-2-21 (*recommended for deletion as covered by state law*).

****City Response: Accept**

7-3-7. Regulation of Movies for Minors. Delete subsections (b)(1) and (b)(3) as covered by U.C.A. 1953, § 76-10-1206.

****City Response: Accept**

7-3-8. Regulation of Magazines for Minors. Delete as covered by U.C.A. 1953, § 76-10-1206.

****City Response: Accept**

7-3-9. Contributing to the Delinquency of a Minor. Delete subsections (a)(1)(i) and (a)(1)(ii) as covered by U.C.A. 1953, § 76-20-2301. Delete subsections (a)(1)(iii) and (a)(2) as covered by U.C.A. 1953, § 76-5-109, violation of which can be a felony.

****City Response: Accept**

7-5-1. Assault. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-5-102.

****City Response: Accept**

7-5-2. Battery. Delete as covered by Code § 7-5-1, as modified.

****City Response: Accept**

7-5-4. Harassment. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-5-106.

****City Response: Accept**

7-5-5. Terroristic Threat. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-5-107.3.

****City Response: Accept**

7-5-6. Custodial Interference. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-5-303.

****City Response: Accept**

7-5-7. Unlawful Detention. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-5-304.

****City Response: Accept**

7-5-8. Unlawful Sexual Activity with a Minor - Elements - Penalties - Evidence of Age

Raised by Defendant. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-5-401.

****City Response: Accept**

7-5-9. Sodomy. Delete as covered by U.C.A. 1953, § 76-5-403.

****City Response: Accept**

7-5-11. Child Abuse. Delete as covered by U.C.A. 1953, § 76-5-109.

****City Response: Accept**

7-5-12. Commission of Domestic Violence in the Presence of a Child. Delete as covered by U.C.A. 1953, § 76-5-109.1.

****City Response: Accept**

Chapter 6. Offenses Against Property

7-6-1. Definitions. Delete as covered by U.C.A. 1953, § 76-6-101. If retained, conform to such statute by changing the dollar amount from \$300.00 to \$500.00.

****City Response: Accept**

7-6-2. Arson. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-102.

****City Response: Accept**

7-6-3. Reckless Burning. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-104.

****City Response: Accept**

7-6-4. Criminal Mischief and Damage to Mail Receptacle. Delete as covered by (and in conflict with) U.C.A. 1953, §§ 76-6-104, 76-1-1001 et seq.

****City Response: Accept**

7-6-5. Manufacture or Possession of Instrument for Burglary, Theft, Vandalism, or Destruction of Property. Delete as covered by U.C.A. 1953, § 76-6-206.

****City Response: Accept**

7-6-6. Criminal Trespass. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-206.

****City Response: Accept**

7-6-7. Tampering with Records. Delete as covered by U.C.A. 1953, § 76-6-504.

****City Response: Accept**

7-6-8. Issuing a Bad Check - Presumption. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-505.

****City Response: Accept**

7-6-9. Fraudulent Use of Credit Card - "Credit Card" Defined. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-506.2.

****City Response: Accept**

7-6-10. Deceptive Business Practices - Definitions - Defense. Delete as covered by (and in

conflict with) U.C.A. 1953, § 76-6-507.

****City Response: Accept**

7-6-11. Bribery of, or Receiving Bribe by, Person in the Business of Selection, Appraisal, or Criticism of Goods or Services. Delete as covered by U.C.A. 1953, § 76-6-508.

****City Response: Accept**

7-6-12. Defrauding Creditors. Delete as covered by U.C.A. 1953, § 76-6-511.

****City Response: Accept**

7-6-13. Using or Making Slugs. Delete as covered by U.C.A. 1953, § 76-6-515.

****City Response: Accept**

7-6-14. Criminal Simulation. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-518.

****City Response: Accept**

7-6-15. False or Fraudulent Insurance Claim. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-521.

****City Response: Accept**

7-6-16. Definitions. Delete as covered by U.C.A. 1953, § 76-6-401.

****City Response: Accept**

7-6-17. Presumptions and Defenses. Delete as covered by U.C.A. 1953, § 76-6-402.

****City Response: Accept**

7-6-18. Theft - Evidence to Support Accusation. Delete as covered by U.C.A. 1953, § 76-6-403.

****City Response: Accept**

7-6-19. Theft - Elements. Delete as covered by U.C.A. 1953, § 76-6-404.

****City Response: Accept**

7-6-20. Theft by Deception. Delete as covered by U.C.A. 1953, § 76-6-405.

****City Response: Accept**

7-6-21. Theft by Extortion. Delete as covered by U.C.A. 1953, § 76-6-406.

****City Response: Accept**

7-6-22. Theft of Lost, Mislaid or Mistakenly Delivered Property. Delete as covered by U.C.A. 1953, § 76-6-407.

****City Response: Accept**

7-6-23. Receiving Stolen Property. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-408.

****City Response: Accept**

7-6-24. Theft of Services. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-409.

****City Response: Accept**

7-6-25. Theft by Person Having Custody of Property Pursuant to Repair or Rental Agreement. Delete as covered by U.C.A. 1953, § 76-6-410.

****City Response: Accept**

7-6-26. Theft by Failure to Make Required Payment or Disposition of Property Subject to Legal Obligation - Presumptions - Definitions. Delete as obsolete. This no longer is a state offense.

****City Response: Accept**

7-6-29. Identity Fraud Crime. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-1105.

****City Response: Accept**

7-6-30. Theft - Classification of Offense. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-6-412.

****City Response: Accept**

Chapter 7. Offenses Against Public Order and Decency

7-7-1. Riot. Delete as covered by U.C.A. 1953, § 76-9-101.

****City Response: Accept**

7-7-2. Disorderly Conduct. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-9-101.

****City Response: Accept**

7-7-3. Disrupting a Meeting or Procession. Delete as covered by U.C.A. 1953, § 76-9-103.

****City Response: Accept**

7-7-4. Failure to Disperse. Delete as covered by U.C.A. 1953, § 76-9-104.

****City Response: Accept**

7-7-5. Giving a False Alarm. Delete as covered by U.C.A. 1953, § 76-9-105.

****City Response: Accept**

7-7-6. Telephone Harassment. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-9-201.

****City Response: Accept**

7-7-7. Emergency Reporting - Interference - False Report. Delete as covered by U.C.A. 1953, § 76-9-202.

****City Response: Accept**

7-7-8. Definitions. Delete as covered by U.C.A. 1953, § 76-9-401.

****City Response: Accept**

7-7-9. Privacy Violation. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-9-402.

****City Response: Accept**

7-7-10. Communication Abuse. Delete as covered by U.C.A. 1953, § 76-9-403.

****City Response: Accept**

7-7-11. Criminal Defamation. Delete as covered by U.C.A. 1953, § 76-9-404.

****City Response: Accept**

7-7-12. Abuse of Personal Identity. Delete as covered by U.C.A. 1953, § 76-9-407.

****City Response: Accept**

7-7-13. Conveying False or Libelous Material to Newspaper or Broadcasting Stations.

Delete as obsolete—based upon repealed statute.

****City Response: accept - delete**

7-7-14. Abuse of Flag. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-9-601.

****City Response: Accept**

7-7-15. Public Intoxication.

1. Delete subsection (a) and (c) as covered by (and in conflict with) U.C.A. 1953, § 76-9-701.

3. Delete subsection (b) as covered by Code § 7-12-3(g).

****City Response: Delete all except for section (b)**

7-7-16. Lewdness. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-9-702.

****City Response: Accept**

7-7-18. Abuse of a Corpse. Delete as covered by U.C.A. 1953, § 76-9-704.

****City Response: Accept**

7-7-19. Duty to Answer a Police Officer. Delete subsection (a) as covered by (and in conflict with) U.C.A. 1953, § 76-8-301.5, 77-7-15.

****City Response: Accept**

7-7-20. Emergency Reporting Abuse. Delete as covered by U.C.A. 1953, § 76-9-202.

****City Response: Accept**

7-7-21. Damage to or Interruption of a Communication Device. Delete as covered by U.C.A. 1953, § 76-6-108.

****City Response: Accept**

Chapter 8. Offenses Against Government

7-8-1. Definitions. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-8-101.

****City Response: Accept**

7-8-2. Campaign Contributions Not Prohibited. Delete as covered by U.C.A. 1953, § 76-8-102.

****City Response: Accept**

7-8-3. Receiving Bribe or Bribery by Public Servant. Delete as covered by U.C.A. 1953, § 76-8-105, a felony.

****City Response: Accept**

7-8-4. Receiving Bribe or Bribery for Endorsement of Person as Public Servant. Delete as covered by U.C.A. 1953, § 78-6-106.

****City Response: Accept**

7-8-6. Official Misconduct. Delete as covered by U.C.A. 1953, § 76-8-201.

****City Response: Accept**

7-8-7. Unlawful Acts Based on "Inside" Information. Delete as covered by U.C.A. 1953, § 76-8-202.

****City Response: Accept**

7-8-8. Unofficial Misconduct. Delete as covered by U.C.A. 1953, § 76-8-203.

****City Response: Accept**

7-8-9. Interference with a Public Servant or Officer. Delete as covered by U.C.A. 1953, § 76-8-301.

****City Response: Accept**

7-8-10. Picketing or Parading in or Near Court. Delete as covered by U.C.A. 1953, § 76-8-302.

****City Response: Accept**

7-8-12. Interference with Arresting Officer. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-8-305, as amended 2017 Acts ch. 312.

****City Response: Accept**

7-8-13. Obstruction of Justice - Elements - Penalties - Exceptions. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-8-306.

****City Response: Accept**

7-8-14. Failure to Aid a Peace Officer. Delete as covered by U.C.A. 1953, § 76-8-307.

****City Response: Accept**

7-8-17. Failure to Appear or Comply. Delete as covered by U.C.A. 1953, § 77-7-22. See also U.C.A. 1953, § 77-7-18.

****City Response: Accept**

7-8-18. Failure to Pay Over Fine, Forfeiture or Fee. Delete as covered by U.C.A. 1953, § 76-

8-405.

****City Response: Accept**

7-8-19. Injuring or Removing Monuments of Official Surveys. Delete as covered by U.C.A. 1953, § 76-8-415.

****City Response: Accept**

7-8-20. Tampering with Official Notice or Proclamation. Delete as covered by U.C.A. 1953, § 76-8-417.

****City Response: Accept**

7-8-21. Removing, Injuring or Possessing Road Signs. Delete as covered by U.C.A. 1953, § 76-8-420.

****City Response: Accept**

7-8-22. False or Inconsistent Statements. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-8-503.

****City Response: Accept**

7-8-23. Written False Statement. Delete as covered by U.C.A. 1953, § 76-8-504.

****City Response: Accept**

7-8-24. Perjury or False Swearing. Delete as covered by U.C.A. 1953, § 76-8-505.

****City Response: Accept**

7-8-25. False Reports of Offenses to Law Enforcement Officer. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-8-506.

****City Response: Accept**

7-8-26. False Information to a Peace Officer. Delete as covered by U.C.A. 1953, § 76-8-507.

****City Response: Accept**

7-8-27. Falsification or Alteration of Government Record. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-8-511.

****City Response: Accept**

7-8-28. Impersonation of an Officer. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-8-512.

****City Response: Accept**

7-8-29. False Judicial or Official Notice. Delete as covered by U.C.A. 1953, § 76-8-513.

****City Response: Accept**

7-8-30. Unlawful Acts in or About Schools, Colleges or Universities. In subsection (a)(3), so as to avoid constitutional problems (“The right to walk the streets, or to meet publicly with one’s friends for a noble purpose or for no purpose at all---and to do so whenever one pleases---is an integral component of life in a free and ordered society.” *Papachristou v. City of Jacksonville*, 405 U.S. 156, 164, 92 S. Ct. 839, 31 L. Ed. 2d 110 (1972)), delete the words “or about” and

insert in lieu thereof the word “on”.

****City Response: Accept**

Chapter 9. Offenses Against Public Health, Safety, Welfare and Morals

7-9-1. "Place of Business" and "Enclosed Public Place" Defined. Delete subsection (a) as covered by (and in conflict with) U.C.A. 1953, § 76-10-101.

****City Response: Accept**

7-9-2. Advertising Restrictions on Cigarettes and Tobacco. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-102.

****City Response: Accept**

7-9-3. Permitting Minors to Use Tobacco in Place of Business. Delete as covered by U.C.A. 1953, § 76-8-103.

****City Response: Accept**

7-9-5. Abuse of Psychotoxic Chemical Solvents. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-107.

****City Response: Accept**

7-9-6. Interference with Control of Water. Delete as covered by U.C.A. 1953, § 76-10-201.

****City Response: Accept**

7-9-7. Taking Water out of Turn or Injuring Facilities. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-202.

****City Response: Accept**

7-9-8. Fencing of Shaft and Wells and Swimming Pools. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-2601.

****City Response: Accept**

7-9-9. Definitions. Delete the definition of shotgun as not needed (not used in ordinance).

****City Response: Accept**

7-9-13. Unlawful use of a laser pointer - Definitions - Penalties. Delete as covered by U.C.A. 1953, § 76-10-2501.

****City Response: Accept**

7-9-17. Soliciting Contributions. Delete as covered by U.C.A. 1953, § 70-10-602, 70-10-603 (and in conflict therewith).

****City Response: Accept**

7-9-18. "Nuisance" Defined. Delete as covered by U.C.A. 1953, § 76-10-801.

****City Response: Accept**

7-9-19. Befouling Waters. Delete as covered by U.C.A. 1953, § 76-10-802.

****City Response: Accept**

7-9-21. Maintaining, Committing or Failing to Remove a Public Nuisance. Delete as covered by U.C.A. 1953, § 76-10-804.

****City Response: Accept**

7-9-22. Carcass or Offal - Prohibition Relating to Disposal. Delete as covered by U.C.A. 1953, § 76-10-805.

****City Response: Accept**

7-9-27. Definitions. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-1101.

****City Response: Accept**

7-9-28. Gambling. Delete as covered by U.C.A. 1953, § 76-10-1102.

****City Response: Accept**

7-9-29. Gambling Fraud. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-1102.

****City Response: Accept**

7-9-30. Possession of Gambling Device or Record. Delete as covered by U.C.A. 1953, § 76-10-1105—multiple violations are a felony.

****City Response: Accept**

7-9-31. Failure to Prosecute Offenses. Delete as covered by U.C.A. 1953, § 76-10-1106.

****City Response: Accept**

7-9-32. Confidence Game. Delete as covered by U.C.A. 1953, § 76-8-1109.

****City Response: Accept**

7-9-33. Definitions. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-1201.

****City Response: Accept**

7-9-34. Pornographic Material or Performance. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-1201.

****City Response: Accept**

7-9-35. Distributing Pornographic Material. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-1204.

****City Response: Accept**

7-9-36. Affirmative Defenses. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-1208.

****City Response: Accept**

7-9-37. Seizure and Disposition of Prohibited Materials. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-1212.

****City Response: Accept**

7-9-38. Fornication. Delete as covered by U.C.A. 1953, § 76-7-104.

****City Response: Accept**

7-9-39. Definitions. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-8-1301, as amended 2017 Acts ch. 433.

****City Response: Accept**

7-9-40. Prostitution. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-1302

****City Response: Accept**

7-9-41. Patronizing a Prostitute. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-10-1303.

****City Response: Accept**

7-9-42. Aiding Prostitution. Delete as covered by (and in conflict with) U.C.A. 1953, § 76-8-1304, as amended 2017 Acts ch. 433.

****City Response: Accept**

7-9-43. Definition. Delete as not needed.

****City Response: Accept**

7-9-44. Possession of Controlled Substance. Delete as covered by U.C.A. 1953, § 58-37-8.

****City Response: Accept**

7-9-45. Sale and Display of Narcotic and Other Paraphernalia. Delete as covered by (and in conflict with) U.C.A. 1953, § 58-37a-1 et seq.

****City Response: Accept**

7-9-47. Use and Possession of Drug Paraphernalia. Delete as covered by (and in conflict with) U.C.A. 1953, § 58-37a-1 et seq.

****City Response: Accept**

7-10-1—7-10-6. Violations. Delete as covered by title 1.

****City Response: Accept**

Chapter 12. City Parks

7-12-3. Prohibited Activities.

1. In subsection (c), add language recognizing the service animal exemption in U.C.A. 1953, § 62a-5b-104.

****City Response: Accept**

2. In subsection (g), delete the drinking of alcohol prohibition as superseded by Code § 5-2-31.

****City Response: Accept**

3. In subsection (v), delete the hunting prohibition as covered by Code § 7-9-14A.

4. ****City Response: Accept**

Title 8. Fire Prevention

Chapter 1. International Fire Code

8-1-1. Adoption of International Fire Code. So as to avoid adoption by reference problems, revise to adopt the 2015 *International Fire Code*, eliminating the *in futuro* language. This is also consistent with action taken in Code § 4-1-1 and the amendments in Code § 8-1-3. Note that Code § 8-8-3 references the 2012 *IFC* (revise to reference the *IFC* as adopted by the city).

****City Response: Keep – change 8-1-3 to match UCA; Remove “2015 edition” and replace with “currently adopted State edition”**

8-5-4. License Required. Per U.C.A. 1953, § 11-3-3.5, restrict the license to call C common state-approved explosives.

****City Response: “class C common state-approved explosives”**

Chapter 9. Cost Recovery for Hazardous Materials Emergencies

8-9-4. No Admission of Liability. Delete as rules of evidence are beyond the power of the city to provide.

****City Response: Keep as is**

Chapter 8. Appeals, Penalties and Conflicts

8-8-3. Conflicts. Delete the reference to the Life Safety Code. The city does not adopt same.

****City Response: update 2012 to “currently adopted State edition” – otherwise keep as is**

****City Response: “Currently adopted State Edition” to be used in the Fire and Building code as well.**

Life Safety – use “2015 Edition” because State has not adopted

Title 9 Property Maintenance

Chapter 6. Solid Waste Management Regulation

It is assumed that the rules adopted in Code § 9-6-1 do not supersede chapters 4 and 5 of this title. Please confirm.

****City Response: Keep as is; change to reference new number of Jurisdiction 3.1 Valley Health Department Regulations**

Title 10. Health Ordinances

Sections 10-2-1 and 10-3-1 adopt city/county ordinances by reference *in futuro*. Unless such ordinances apply as a matter of law to the city without adoption, this presents the adoption by reference problem and the *in futuro* language should be eliminated.

Chapter 4. Smoking Restrictions in City Government Buildings

Delete as covered by U.C.A. 1953, § 26-38-1 et seq.

****City Response: Delete entire Title**

Title 11. Purchasing Procedures

Chapter 1. Purchasing

11-1-5. Scope. Delete the last sentence of subsection (c). The statute cited has been repealed. It is assumed that there is no intent to adopt the Utah Procurement Code. Alternatively, the city might want to change the reference to be to U.C.A. 1953, § ~~10-7-86~~. **11-39-101**

****City Response: Delete sentence and move financial threshold into 11-1-11 with updated statute**

11-1-11. Construction Projects. As U.C.A. 1953, § 10-7-20 has been repealed, delete the first sentence.

****City Response: Delete first sentence and revise last sentence in 11-1-5 (c) to include updated statute citation and include \$25,000 threshold. Move that sentence as first sentence in 11-1-11**

****May want to include: “municipal construction projects may be accomplished by any method allowed by law, including those identified in 11-39-103”.**

Chapter 3. Constitutional Takings

11-3-7. Guidelines Advisory. As rules of evidence are beyond the power of the city to provide, delete the second sentence.

****City Response: keep as is**

Title 12. Adult Business Regulations

Chapter 1. Massage Establishments

As U.C.A. 1953, § 58-47b-305 preempted licensing of massage therapy to the state, delete the references to a masseur in the following Code sections:

- § 12-1-2
- § 12-1-3
- § 12-1-5
- § 12-1-6
- § 12-1-7
- § 12-1-10
- § 12-1-12

12-1-1. Definitions. Conform definition of “massage or massage therapy” to U.C.A. 1953, § 58-47b-102(6).

****City Response: Leave section as is – no change**

12-1-16. Appointment of Inspectors for the Purpose of Enforcement of this Chapter. Delete the reference to the obsolete department of building and safety.

****City Response: accept**

Chapter 3. Pornography and Obscenity

Delete (§§ 12-3-12 and 12-3-13—which should be tied to statute) as covered by U.C.A. 1953, § 76-10-1201 et seq. These issues are also addressed (*and recommended for deletion*) in Code § 7-9-34 et seq.

****City Response: Leave section 12-3-12 – increase dollar amounts; delete 12-3-13**

Title 13. Streets and Public Improvements

Chapter 2. Street Signs

13-3-2. Amount of Fees. Alter official titles to reference only the community development department and public works department.

****City Response: accept**

Chapter 5. Implementation of Transportation Element of Comprehensive Plan

13-5-1. Purpose. Correct reference to nonexistent U.C.A. 1953, § 10-9-24 to be to U.C.A. 1953, § 10-9a-407.

****City Response: Accept – 10-9a-407**

Title 14. Water System

Chapter 3. Water Conservations

14-3-1. Waste Prohibited. Delete the waste of water prohibition as too vague to enforce.

****City Response: keep as is**

Title 15A. Land Development Code

So that this title may be a “stand-alone” document, redundancies with title 1 have been ignored. It is assumed that the land development code may be renumbered.

Throughout this title change building department to community development department.

****City Response: accept**

Chapter 15A-01. Organization

15A-01-05. Effect on Previous Ordinances and Maps. Delete the first sentence as obsolete.

****City Response: accept**

15A-01-08. How to Use the Land Development Code. Delete as not needed and incorrect. It references non-existent sections. For example, it states that definitions are section 8; definitions are in fact chapter 37. It also states that there is an appendix; as other provisions herein reference the appendix, it is assumed it exists but is not to be codified. In addition, the proposed rearrangement of the Code (see pt. II of the memorandum) makes this section obsolete.

****City Response: accept**

Chapter 15A-02. General Provisions

15A-02-04. Fees. As all fees might not be established in the budget, delete the reference to same. It is assumed that no fee (not just those in the budget) are returnable.

****City Response: accept – delete second sentence**

Chapter 15A-03. Officers, Boards and Commissions

15A-03-03. Land Use Authorities In subsection A (*planning commission*), conform subsection 4 a. (2) to U.C.A. 1953, § 10-9-302(2), as amended 2017 Acts, ch. 84.

****City Response: accept**

Chapter 15A-04. Zone Districts

15A-04-03. Residential Districts.

1. Delete the A-1 district provision; such district apparently does not exist. Assuming this is so delete references in Code §§ 15A-08-02(C)10 and 15A-11-17(C)1c to agricultural districts.

****City Response: keep as is**

2. Add the R-2-8 and R-2-10 districts. See Code §§ 15A-07-02.

****City Response: accept**

3. Delete the listing of special districts and inconsistent with Code § 15A-07-01.

****City Response: add all SD Zones**

15A-04-07. Open Space/Institutional Districts. Delete the H district. No such district is referenced elsewhere in the zoning ordinance.

****City Response: Do not delete – need to add SD-H Special district**

15A-04-08. Overlay Districts. Add the following districts to this section:

1. Historic Sandy Development Overlay Zone. See ch. 15A-12.
2. Sensitive Area Overlay Zone. See ch. 15A-15.
3. Flood Plain Overlay Zone. See ch. 15A-16.
4. Drinking Water Source Protection Overlay Zone. See ch. 15A-17.
5. Historic Resources Overlay Zone. See ch. 15A-18.
6. Sports and Recreation Overlay Zone. See ch. 15A-38.

****City Response: accept**

Chapter 15A-11. Special Use Standards

15A-11-03. Animals (Farm and Household Pets). Subsection B conflicts with Code § 3-3-2 in this this section allows up to six dogs while § 3-3-2 only allows five dogs. Please reconcile.

****City Response: Keep as is (only allows 5 dogs, 6 pets)**

15A-11-08. Residential Facility for Elderly Persons or for Persons with a Disability.

1. In subsection D.5.(e), change building and safety code to building code.
2. In subsection D.5.(g), delete the reference to the Life Safety Code; the city does not adopt such code.
4. In subsection G.1 a., delete the reference to the Life Safety Code; the city does not adopt such code. Also change *Uniform Fire Code* to *International Fire Code*.

****City Response: accept all above (15A-11-08 1-3)**

Chapter 15A-15. Sensitive Area Overlay Zone

15A-15-04. Development Standards for Sensitive Areas. In subsection B.5.e, so as to be consistent with other adopted codes, change 2006 *International Wildland - Urban Interface Code* to 2015 *International Wildland - Urban Interface Code*.

****City Response: Accept**

Chapter 15A-30. Subdivision Review

15A-30-08. Required Subdivision Improvements and Procedures. In subsection C1, change *Uniform Fire Code* to *International Fire Code*.

****City Response: accept**

Chapter 15A-35. Appeals and Variances

15A-35-01. Appeals. In subsection (D) (*time for appeal*) add language recognizing the history preservation exception in U.C.A. 1953, § 10-9a-704, as amended 2017 Acts ch. 17.

****City Response: accept – add language**

15A-35-02. Variances. Delete as covered by U.C.A. 1953, § 10-9a-702.

****City Response: accept and reference to the state code section (Municode confirmed it will be referenced)**

15A-36-03. General Plan. Delete as covered by (and in conflict with) U.C.A. 1953, §§ 10-9a-203, 10-9a-204.

****City Response: Accept as provided in UCA**

15A-36-04. Zone District Map and Land Development Code. Delete as covered by (and in conflict with) U.C.A. 1953, §§ 10-9a-205, as amended 2017 Acts ch. 84.

****City Response: accept**

15A-36-06. Subdivision plats and amendments. Delete as covered by (and in conflict with) U.C.A. 1953, §§ 10-9a-207.

****City Response: accept**

15A-36-08. Street Vacations, Alteration, Amendments or Closure (not within a subdivision plat). Delete as covered by (and in conflict with) U.C.A. 1953, §§ 10-9a-208.

****City Response: accept**

15A-36-10. Notice Challenge. Delete as covered by (and in conflict with) U.C.A. 1953, §§ 10-9a-209.

****City Response: accept**

Chapter 15A-37. Definitions

In the definition of Alcoholic Beverage Establishments, delete the paragraphs relating to licenses and permits and not definitional in nature.

****City Response: Keep as is**

In the definition of Development Review Meeting, delete the reference to Building & Safety Division as same is a part of the listed Community Development Department.

****City Response: accept**

Title 16. Revenue and Taxation

Chapter 2. Sales and Use Tax Act

16-2-2. Purpose. Delete as not needed.

****City Response: Accept**

16-2-3. Effective Date. Continuance of former ordinance. Delete as obsolete.

****City Response: Accept**

16-2-4. Sales Tax. Per U.C.A. 1953, § 59-12-204(1), revise subsections (a) and (b) to impose the tax “upon those transactions listed in U.C.A. 1953, § 59-12-103(1).” See also U.C.A. 1953, § 59-12-202.

****City Response: Accept**

16-2-5. Use. Delete as covered by the revisions to Code § 16-2-4.

****City Response: Accept**

16-2-6. Contract with State Tax Commission. Delete as not needed. See U.C.A. 1953, § 59-12-206.

****City Response: Accept**

Chapter 3. Telecommunications Service Providers Tax

16-3-1. Definitions. Delete as not needed in light of other changes to this chapter.

****City Response: Accept**

16-3-2. Levy of Tax. Per U.C.A. 1953, §§ 10-1-403(a) 10-1-404, revise to levy the tax “on the telecommunications provider's gross receipts from telecommunications service that are attributed to the city in accordance with U.C.A. 1953, § 10-1-407.”

****City Response: Accept**

16-3-3. Rate. Per U.C.A. 1953, § 10-1-404 and U.C.A. 1953, § 10-1-403(1)(c) revise so that rate is 3.5 percent and is “subject to the requirements of U.C.A. 1953, §§ 10-1-407 and 10-1-403.”

****City Response: Accept**

16-3-4. Rate Limitation and Exemption Therefrom. Delete as obsolete.

****City Response: Accept**

Delete the remainder of this chapter as obsolete.

****City Response: Accept – with statement referring to state code**

Chapter 7. Franchise to Utah Power and Light

If the 1931 franchise has expired, delete this chapter. Alternatively, delete this chapter as not of a general and permanent nature. It would seem that this chapter is obsolete in light of chapter 35 of this title. Alternatively, the city may wish to list franchises.

****City Response: Accept – replace with language that franchises to be enter into by agreement and list franchise agreements. Have a generic ordinance that states the city may enter into a franchise**

agreement. (Each franchise will not have it's on ordinance).

Chapter 9. Cemetery Fee

Delete as superseded by title 21, ch. 2. In any event, Code § 16-9-4 appears not to be needed.

****City Response: Accept**

Chapter 14. Development Impact Fees

It does not appear that this chapter contains the provisions required by U.C.A. 1953, § 11-36a-402(1)(b), (2) and (3). (This suggests that this ordinance is obsolete.)

****City Response: keep 16-14-3 – a1-2, 4; b, c, and d. preserve section on “credits” and 16-14-2 – Services areas and delete the rest**

Chapter 16. Cable TV Franchise

Delete as not of a general and permanent nature or as obsolete. Per Code § 16-16-1, a 15-year franchise is granted. This chapter is also obsolete in light of chapters 27 and 28 of this title. Alternatively, the city may wish to list franchises.

****City Response: Accept**

Chapter 17. Disconnection Fee

If obsolete, delete. If retained, in Code § 16-17-1 correct statutory references to be to U.C.A. 1953, title 10, ch. 2, pt. 5 (U.C.A. 1953, § 10-2-501 et seq.).

****City Response: Do not delete, retain and update to reference UCA 10-2-501**

Chapter 26. Cable TV Franchise

Delete as not of a general and permanent nature or as obsolete. Per Code § 16-26-1, a 15-year franchise is granted. This chapter is also obsolete in light of chapters 27 and 28 of this title. Alternatively, the city may wish to list franchises.

****City Response: Accept - delete**

Chapter 29. Cable Communications Franchise Grant -- Insight

Delete as not of a general and permanent nature or as obsolete. Per Code § 16-29-2, a 15-year franchise is granted. Alternatively, the city may wish to list franchises.

****City Response: Accept - delete**

Chapter 30. Cable Communications Franchise Grant – TCI

Delete as obsolete. Per Code §§ 16-30-2 and 16-30-7, the ordinance expired in 2008. Alternatively, the city may wish to list franchises.

****City Response: Accept**

Chapter 32. Telecommunications Rights-of-Way Declaration of Findings and Intent; Scope of Ordinance

16-32-3. Excluded Activity. Revise subsection (1) to exemption franchised cable television operators. It

is unclear what franchises are in effect and specific franchise grants should not be codified. Alternatively, the city may wish to list franchises.

****City Response: Accept**

16-32-12. Compensation. Tie application fee to the fee schedule.

****City Response: Accept**

Chapter 33. Municipal Energy Sales and Use Tax

16-33-1. Definitions. Delete as not needed in light of other changes to this chapter.

****City Response: Accept**

16-33-3. Exemptions from the Municipal Energy Sales and Use Tax. Conform subsection (b)(3) to U.C.A. 1953, § 10-1-305(2)(b)(iii).

****City Response: Accept**

Chapter 34. Questar Gas Company Franchise

Delete as not of a general and permanent nature. Per Code § 16-34-5, the ordinance expires no later than January 30, 2020. Alternatively, the city may wish to list franchises.

Chapter 35. Rocky Mountain Power Electric Power Franchise

Delete as not of a general and permanent nature. Per Code § 16-35-5, the ordinance expires on January 30, 2026. Alternatively, the city may wish to list franchises.

****City Response: Need to adopt general ordinance for all franchises that allows us to include a separate agreement with the specific provisions related to each different provider. Chapters 34 & 35**

Title 18. Sewage Disposal

Chapter 1. Sewage Disposal

18-1-5. Criminal Penalties. Conform to U.C.A. 1953, § 19-5-115. N.B. This section is at substantial variance from the statute and how to conform is unclear.

****City Response: Accept and delete entire title**

Title 19. Taxicabs

This chapter is replete with references to a license department and a license division. Please advise of the correct title so that appropriate corrections can be made.

****City Response: Needs to be consistent with Title 5**

Chapter 2. Certificate of Public Convenience and Necessity

19-2-10. Fees for Issuance of Certificate. Tie fees to the fee schedule.

****City Response: Accept**

Chapter 3. Drivers License

19-3-5. Fee to Accompany Application. Tie fee to the fee schedule. If this is done, Code § 19-3-15 should be altered accordingly.

****City Response: Accept**

Chapter 4. Vehicles -- Equipment and Maintenance

19-4-4. Clean and Sanitary Condition of Vehicles. Tie fee in subsection (e) to the fee schedule.

****City Response: Accept**

Chapter 5. Taximeter Rules and Regulations

19-5-15. Fee for Inspection. Tie fee to the fee schedule.

****City Response: Accept**

Chapter 6. Rates

19-6-1. Rates of Hire Established. Please review and advise as to changes necessary to make current.

****City Response: Accept**

19-7-15. Open Stands. Telephone Installation. Delete as obsolete.

****City Response: Accept**

Chapter 9. Enforcement

19-9-3. Penalty. Please review and advise as to changes necessary to make current.

****City Response: Do not delete – revise penalty to Class “C” misdemeanor.**

Title 21. Cemetery City Code

Chapter 1. General Regulations

21-1-1. Administration and Enforcement. If adequately covered by Code § 6-4-5(g), delete.

****City Response: Do not delete – keep as is**

21-1-2. Employee Conflict Of Interest Restrictions. Delete as adequately covered by U.C.A. 1953, § 10-3-1301 et seq. Taken literally, this section prohibits ownership in a mutual fund that owns stocks, bonds or other debt of corporations in the funeral industry.

****City Response: Accept**

Chapter 2. Lots and Gravesites

21-2-7. Unused Lots Purchase by City Personnel Authorized When. Delete the second sentence as adequately covered by U.C.A. 1953, § 10-3-1301 et seq. Taken literally, this section prohibits ownership in a mutual fund that owns stocks, bonds or other debt of corporations in the funeral industry.

****City Response: Do not delete- Keep as is**

Title 22. Legislative Code

Chapter 1. City Council

22-1-1. Council Terms and Districts. Eliminate initial terms of office as obsolete.

****City Response: Accept**

22-1-2. Council Powers. Except for the last two sentences, delete as not needed and adequately covered by U.C.A. 1953, §§ 10-3b-202(1)(d)(ii)(C) and 10-3b-203.

****City Response: Accept – keep second sentence from “may perform all other duties and responsibilities....”**

22-1-3. Meetings of Council.

1. Delete the first sentence of subsection (b) as inconsistent with U.C.A. 1953, § 10-3-502(2)(a). (It is noted that the remainder of subsection (b) is more stringent than U.C.A. 1953, § 10-3-502(2).

****City Response: Keep as is**

2. Delete subsection (d) as covered by U.C.A. 1953, § 52-4-204.

****City Response: Accept**

22-1-4. Meeting Schedules, Agendas and Minutes. Delete subsection (c) as not needed.

****City Response: Accept**

22-1-5. Council Organization and Rules. Delete as covered by U.C.A. 1953, § 10-3b-203.

****City Response: Accept**

22-1-6. Council Vacancies. Delete the first two sentences as covered by U.C.A. 1953, § 10-3-507.

****City Response: Accept**

22-1-7. Staff and Support Personnel. Delete as not needed.

****City Response: Keep as is – do not delete**

Title 23. Judicial Code

23-1-2. Establishment of Judgeships. Delete as not needed.

****City Response: Accept**

23-1-3. Appointment and Term of Office. Delete subsections (a) and (b) as covered by U.C.A. 1953, §§ 78A-7-202, 78A-7-203, 78A-7-208 and 20A-12-201.

****City Response: Accept and delete (c) as process is described in CJA 3-104 Presiding Judges. The court gets to determine how the presiding judge is selected not the executive. The Utah Supreme court selects its chief, not the Governor.**

23-1-4. Qualifications for Office. Delete as not needed.

****City Response: Accept**

23-1-5. Compensation. Delete as covered by U.C.A. 1953, § 78A-7-206.

****City Response: Accept**

23-1-8. Court Support. Except for the first and last sentences, delete as not needed.

****City Response: Accept and replace with:**

23-1-8. Court Administration

*The presiding Judge shall be responsible for the overall operation and administration of justice in the Justice Court; however, the Presiding Judge shall approve a Court Administrator through an open and competitive; however, the Presiding Judge shall approve a Court Administrator through an open and competitive process **in compliance with applicable with State and City personnel rules, policies and procedures governing Justice court employees.** The selection, supervision, and discipline of court personnel, as well as day-to-day administrative operations, shall be managed by the Justice Court Administrator in accordance with **Utah Court Rules, City policies and under the direction of the Presiding Judge.***

23-1-9. Court Jurisdiction. Delete as not needed.

****City Response: Accept**

23-1-10. Authority of Judges. Delete as not needed.

****City Response: Accept**

****City Response: Also delete the following sections:**

23-1-6. Trial Facilities – Hours of Operations. Delete as not needed. Covered by UCA 1953, § 78A-7-212, 78A-7-213 and CJA 9-105.

23-1-7. Administrative Responsibility. Delete as not needed. Cover by UCA 1953, § 78A-7-210

Traffic Code

Delete the Code sections listed in the left-hand column below as covered by the U.C.A. provisions listed opposite them in the right-hand column below. As asterisk (*) in the left-hand column below means that the Code provisions do not conform to the statute cited opposite them in the right-hand column below. (The city may wish to adopt traffic laws by reference.)

Traffic Code § (<i>definitions</i>) **City Response: Delete all definitions listed here	U.C.A. 1953, § 41-6a-102
2 Alley	(1)
3 Authorized emergency vehicle	(3)
4 Bicycle*	(5)
5 Bus	(6)
9 Crosswalk	(13)
11 Divided highway*	(16)
12.1 Electric Assisted Bicycle	(17)
13 Explosives (only)*	(19)
14 Farm tractor	(20)
16 Gross weight	(25)
17 Highway	(26)
18 Intersection	(28)
19 Island, traffic island, or physical barrier*	(29)
21 Limited-access street, highway, or roadway*	(31)
23 Mobile home	(33)
24 Moped*	(37)
24.1 Motor Assisted Scooter*	(38)
25 Motor vehicle*	(41)
26 Motorcycle*	(39)
27 Motor-driven cycle*	(40)
31 Operator	(44)
33 Park or parking	(45)
35 Peace Officer*	(46)
36 Pedestrian*	(47)
41 Private road or driveway	(51)
42 Railroad	(52)
43 Railroad sign or signal	(53)
44 Railroad train	(54)
45 Right-of-way	(55)
46 Roadway	(56)
47 Safety zone	(57)
48 School bus	(58)
49 Semitrailer	(59)
50 Shoulder area	(60)
51 Sidewalk	(61)
52 Stand or standing	(63)
53 Stop	(64)

55	Stop or stopping	(65)
58	Traffic	(67)
60	Traffic-control signal	(68)
64	Trailer	(71)
65	Truck	(72)
66	Truck tractor	(73)
68	Urban district	(75)
70	Vehicle	(77)
Traffic Code §		** City response: See list at the end
		U.C.A. 1953, § 41-6a-
87	Obedience to police and fire department officials	209
89	Persons propelling push carts or riding animals to obey traffic regulations*	213
91	Public employees to obey traffic regulations. Workers and equipment on streets (subsection (1) only)	205
92	Emergency vehicles	212
93	Right of real property owner to regulate traffic	215
94(1)–(3)	Removal of brush, foliage or other obstruction impairing view	216
95	Obeying devices/Obedience to	304
96	Traffic-control signals. Meaning of colored lights and signals. Right and duties of operators and pedestrians.	305
97	Pedestrian signals*	306
98	Flashing red or yellow signals. Rights and duties of operators and pedestrians*	307
99	Prohibition of unauthorized traffic-control devices. Commercial advertising. Public nuisance*	309
100	Interference with traffic-control devices prohibited*	311
101	Failure to observe restricted highway control devices.	905
109	Give name, render assistance*	401 et seq.
110	Accident involving damage to vehicle or other property*	401 et seq.
112	Collision with unattended vehicle*	401 et seq.
113	Accident reports. Duty of operator, witnesses, and investigating officer to forward or render. Supplemental reports*	402--404
116	Garage keeper to report damaged vehicle*	405
117	Accident to livestock in highway. Duty of owner or keeper*	407
119	Driving under the influence of alcohol, drugs, or with specified or unsafe blood alcohol concentration - measurement of blood or breath alcohol - Criminal punishment - Arrest without warrant - Penalties - Suspension or revocation of license*	502 et seq.
119.1	Definitions - Driving with any measurable controlled substance in the body - Penalties - Arrest without warrant*	517
119.2	Ignition interlock devices - Use - Probationer to pay cost - Impecuniosity – Fee*	518
120	Standards for chemical breath analysis – Evidence*	515
121	Admissibility of chemical test results in actions for driving under the influence -- Weight of evidence	516

123	Implied consent to chemical tests for alcohol or drug - Number of tests - Refusal - Warning, report - Hearing, revocation of license - Appeal - Person incapable of refusal - Results of test available - Who may give test – Evidence*	520
124	Drinking in vehicle, open container*	526
125	Impoundment of vehicles.	527
134.5	Vehicle accident. Investigation and report of operator security. Agency action if no security. Surrender of plates. Penalties*	403
135	Prima facie limit [Posted Limits]—only subsection (1)	601
136	Speed regulations -- Safe and appropriate speeds at certain locations -- Prima facie speed limits*	601
137	Definition of reduced speed school zone - Maximum speed in school zone - Operation of warning lights - School crossing guard requirements - Responsibility provisions - Rulemaking authority - Penalty, Minimum fines, Community service - waiver, recordkeeping.	604
138	Driving too slow*	605
139	Speed or acceleration contests*	606
141	Parallel to curb*	1402
145	Motor vehicles left unattended. Brakes to be set and engines stopped*	1403
140	Violation, speed to be stated; Photo Radar (subsection (1) only)	607
148	Stopping or parking. Prohibition as to specified areas*	1401
149	Double parking, standing or stopping*	1401
187	Obstructions to Vision*	1635
188	Muffler*	1626
189	Unusual noises and excessive fumes and smoke*	1626
190	Lights, Brakes and Other Equipment*	1601 et seq., 1504 et seq.
201	Loads Projecting to Rear, Flag and Lights	1606
202	Loads on vehicles must be secured*	1712
208	Duty to operate on right side of roadway. Exceptions*	701
209	Passing vehicles proceeding in opposite directions	703
210	Overtaking and passing vehicles proceeding in same directions	704, 1502
211	Passing upon right. When permissible*	705
212	Passing on left. Prohibition*	706
213	Driving on left side of roadway*	707
214	One-way traffic. Traffic islands	709
215	Laned roadway, weaving (except par. (2))(710, 1502, 903(3)
216	Following another vehicle. Proximity and distance. Space between vehicles in motor caravan. Exception as to funeral procession*	711
217	Driving in dividing section*	712
217	Driving in dividing section	714
220	One-way streets and alleys	709
222	Turning. Manner of executing right or left turn. Signs or markers and obedience to signs or markers* (except (5) and (6))	801
223	Limitations on U-turns*	802
224	Turning movements and required signals, sudden stop or decrease*	804
225	Two way turn lane*	801

226	Turn signals given by hand and arm or approved light device*	804
228	Starting vehicles	803
229	Right-of-way between vehicles*	901
230	Vehicle turning left	903
231	Vehicle entering through street or stop intersection. Effect of collision	902
232	Approaching emergency vehicle - Necessary signals - Stationary emergency vehicle - Duties of respective operators*	904
234	Yield right-of-way signs* (except first sentence)	902
237	Operator to stop at stop sign*	902
239	Emerging from or entering alley or private driveway and driving on sidewall (except pars. (3) and (4))	1702, 907, 1008
241	School bus - Signs and light signals - Flashing amber lights - Flashing red lights - passing school bus - Duty to stop - Travel in opposite direction*	1302
242	Reckless driving	528
248	Backing. When permissible*	106
250	Prohibition as to passenger riding in improper portion of motor vehicle. Exceptions* (except house trailers)	1501, 1703, 1706
252	Opening door*	1704
253	Interfering with control or vision*	1705
256	Television sets in vehicles*	1641
257	Following Emergency Vehicles (subsection (a) only)	1710
258	Fire hose, driving on*	1711
259	Headlights*	1603 et seq.
261	Destructive or injurious materials and dumping*	1712
268	Driving through safety zone.	1202
270	Use of horn	1625
274	Attaching to vehicle unlawful	1104, 1503
275	Driving or riding on sidewalks	1703
278	Islands, markers, etc.	801
281	Drivers and Passengers	1801 et seq.
288	Railroad grade crossing. Duty of pedestrian and vehicle to stop. Driving through, around or under gate or barrier prohibited*	1203, 1005
290	Railroad grade crossing. Duty of buses and certain trucks to stop, look and listen*	1205
291	Duties respecting crawler tractor, power shovel, derrick or other equipment or structure	1206
292	Driving on tracks	1201
293	Obstructing intersection for five minutes	1204
294	Pedestrians subject to traffic-control signals	1001
295	Pedestrians' right-of-way	1002
297	Crossing roadways*	1003
298	Pedestrians and incapacitated persons	1006, 1007
299	Use of roadway by pedestrians*	1009
304	Equipment*	1113, 1114
306	Regular seat required - Carrying more persons than design permits	1103

prohibited.	
306.1 Operation of bicycle or moped on and use of roadway -Duties, Prohibitions.	1105
306.2 Bicycles and human powered vehicle or device to yield right-of-way to pedestrians on sidewalks, paths, or trails - Uses prohibited - Negligent collision prohibited - Speed restrictions - Rights and duties same as pedestrians	1106
306.3 Bicycles - Parking on sidewalk - Prohibitions - Parking on roadway	1107
306.4 Bicycles - Turns - Designated bicycle lanes	1108
306.5 Bicycles - Turn Signals - Exceptions	1109
306.6 Bicycle inspections - At request of officer*	1110
306.7 Bicycle racing - Prohibitions - Exemptions - Exemptions from Traffic Laws	1111
306.8 One hand on handle bars	1112
306.9 Bicycles - Lamps and reflective material required.	1114
336 Motor Assisted Scooters - Conflicting Provisions - Restrictions - Penalties	1115
337 Motorcycle or Motor-Driven Cycle - Place for Operator to Ride - Passengers*	1501
338 Motorcycles, Motor-Driven Cycles, or All-Terrain Type I Vehicles Operations on Public Highways	1502
339 Motorcycle or Motor-Driven Cycle - Attaching to Another Vehicle Prohibited.	1503
340 Motorcycle or Motor-Driven Cycle - Footrests for Passenger - Height of Handlebars Limited	1504
341 Motorcycle or Motor-Driven Cycle - Protective Headgear – Closed Cab Excepted - Electric Assisted Bicycles*	1505

Sec. 73. Duty of police department. Delete subsections (1) and (2) (*Pepperwood subdivision*) as not of a general and permanent nature. There are undoubtedly other such subdivisions. In any event delete the listing of streets as not needed in light of the general language.

****City Response: change Title to “Authority of police department”; Keep 1 & 2 – jurisdiction based on separate agreement – hoping to link to that agreement. Delete specific references to street.**

Sec. 78. City Transportation Engineer. Please review the title city traffic engineer and advise as to changes necessary to make same current.

****City Response: keep as is – do not delete**

Sec. 86. Required Obedience to traffic code. Delete subsection (2) (last sentence) and subsections (2) (a)—(2)(d) as obsolete.

****City Response: Accept**

Sec. 105. Compliance with road excavation regulations. Delete subsection (1) as covered by Code title 13, ch. 1.

****City Response: Accept**

Sec. 108. Moving vehicles involved in accidents. Delete as obsolete. See also U.C.A. 1953, § 41-6a-401.9

****City Response: Accept**

Sec. 111. Concealing identity. Delete as covered by Code § 7-7-19. See also recommendation for same, *supra*.

****City Response: Accept**

Sec. 126. Intoxicated pedestrian. Delete as covered by Code § 7-7-15.

****City Response: Accept**

Sec. 127. Permitting use by habitual user. Delete as obsolete.

****City Response: Accept**

Sec. 128. Intoxicated person in or about a vehicle. Delete as obsolete.

****City Response: Accept**

Sec. 129. Incapable operators. Delete as obsolete.

****City Response: Keep as is**

Sec. 131. Incompetent operators. As to persons under 16 years of age, delete as covered by U.C.A. 1953, § 53-3-204. Delete the remainder as obsolete.

****City Response: Accept**

Sec. 132. Permitting incompetent operator to operate. Except for subsection (2), delete as covered by U.C.A. 1953, §§ 53-3-212 and 53-3-203.

****City Response: Accept and delete entire section**

Sec. 133. Operator's license. Delete as covered by U.C.A. 1953, § 53-3-201.

****City Response: Accept**

Sec. 134.1. No Fault Insurance. Delete as covered by U.C.A. 1953, § 31a-22-301 et seq. and 41-12a-401 et seq.

****City Response: Accept**

Sec. 134.2. Evidence of owner's or operator's security to be carried when operating motor vehicle - Defense - Penalties. Delete as covered by (and in conflict with) U.C.A. 1953, § 41-12a-303.2.

****City Response: Accept**

Sec. 176. Handicapped parking. Delete as covered by U.C.A. 1953, § 41-1a-414.

****City Response: Accept**

Sec. 177. Parking in a fire lane. Deleted as superseded by Code title 8, ch. 4.

****City Response: Accept**

Sec. 182. Taxicab stands to be designated. Delete as covered by Code § 19-7-13.

****City Response: Accept**

Sec. 185. Restricted use of bus and taxicab stands. In subsection (b), delete reference to taxicab as covered by Code § 19-7-16.

****City Response: Accept**

Sec. 191. Inspection of Vehicles. Delete as covered by U.C.A. 1953, § 53-8-205 et seq.

****City Response: Accept**

Secs. 192—198. Registration of Vehicles. Delete as covered by U.C.A. 1953, § 41-1a-401 et seq.

****City Response: Accept**

Secs. 204—206. Weight and width limits. Delete as covered by (and not consistent with) U.C.A. 1953, § 72-7-401 et seq.

****City Response: Accept**

Sec. 207. Licenses for trucks and other non-passenger vehicles. If obsolete, delete. If retained, tie the fee to the fee schedule.

****City Response: Accept**

Sec. 233. Losing right-of-way. Delete as obsolete.

****City Response: Accept**

Secs. 262, 263. Littering. Delete as covered by Code title 7, ch. 11.

****City Response: Accept**

Sec. 267. Parades and processions, permits required. So as to avoid constitutional problems (see *Shuttlesworth v. Birmingham*, 394 U.S. 147, 89 S. Ct. 935, 22 L. Ed. 2d 162 (1969)), revise to provide that the permit is granted unless public safety would be endangered thereby.

****City Response: Accept**

Sec. 273. Record of business. As to taxicabs, delete as superseded by Code § 19-8-1 et seq. If the remainder of this section is obsolete, delete it.

****City Response: Accept**

Sec. 276. Records to be kept by dealers in used cars. If obsolete, delete.

****City Response: Accept**

Sec. 280. Test-driving of Vehicles on Residential Streets. If obsolete, delete.

****City Response: Keep as is – dot not delete**

Sec. 284. Leaving Animals Unattended in Enclosed Vehicles. Delete as covered by Code § 3-1-26(b)(6).

****City Response: Accept**

Sec. 285. Noises Prohibited. Delete as covered by Code title 7, ch. 2.

****City Response: Keep as is – do not delete**

Sec. 308. Condition for immediate appearance before magistrate. Delete as covered by U.C.A. 1953, § 77-7-23.

****City Response: Accept**

Sec. 309. Procedure for requiring appearance when immediate appearance is not made. Delete as covered by U.C.A. 1953, § 77-7-24.

****City Response: Accept**

Sec. 310. Violation of notice to appear. Delete as covered by U.C.A. 1953, § 72-7-22.

****City Response: Accept**

Sec. 311. Improper disposition or cancellation of summons or traffic citation. Delete as covered by U.C.A. 1953, § 77-7-26.

****City Response: Accept**

Sec. 315. Regulation of traffic and parking on school grounds. Change handicapped to disabled

****City Response: Accept and change to read “handicapped or disabled”**

Secs. 319—322. Noise. Delete as covered by Code title 7, ch. 2.

****City Response: Accept**

Secs. 323—335. All-terrain vehicles. Delete as covered by (and in conflict with) U.C.A. 1953, § 41-22-1 et seq.

****City Response: Accept**

Sec. 342. Low Profile Motorized Vehicles Prohibited on Public Property. If obsolete, delete.

****City Response: Keep as is – do not delete (pocket bikes and go-carts are still an issue)**

****City Response: Delete all except the following sections**

090	Use Of Coasters, Skates, Etc. Restricted
106	Drive on New Pavement
129	Incapable Driver
130	Permit incapable operator to operate
142	Angle parking violations
148. R	Fail to park within lines
153	Prohibited parking – snow removal
154	Display Vehicle for sale
154(3)	Display vehicle for sale
155	Park camper/boat/trailer on street
157	Prohibited parking on certain street
203	Commercial vehicle in restricted zone
208(3)	Drive to right of edge line
227	Turn required after signal
238	Cutting corners
244	Negligent collision
245	Auto Assault
247	Negligent operation
249	Improper lookout
254	Operate vehicle with child standing
267	Parades
269	Bicycle lane right of way

280	Test drive veh. – residential area
282	Leave children in vehicle
283	Animals in open vehicle
285	Noises prohibited
315(3)	Cruising, loitering on school property
315(6)	School parking- restricted

PART III. PROPOSED CODE REORGANIZATION

The following table of contents shows the proposed to reorganize the Code. Parenthetical references show the source of provisions.

Chapter

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2. Administration
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 - Art. III. Administrative Code (title 6)
 - Art. IV. Code of Ethics (ch. 1-3)
 - Art. V. Finance
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 - Div. 2. Reinspection Fee (ch.16-12)
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3. Reserved

4. Alcoholic Beverages (ch. 5-2)

5. Reserved

6. Animals
 - Art. I. In General (ch. 3-1)
 - Art. II. Hobby License (ch. 3-2)
 - Art. III. Dangerous and Prohibited Dogs (ch. 3-3)
 - Art. IV. Feeding of Deer, Elk or Moose (ch. 3-4)

7. Reserved

8. Buildings and Building Regulations ²
 - Art. I. In General
 - Art. II. Technical Codes (ch. 4-1)

9. Reserved

² The city may wish to include this chapter in part II.

- 10. Businesses
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 - Art. II. Business License (ch. 5-1)
 - Art. III. Entertainment Arcades and Devices (ch. 5-4)
 - Art. IV. Swap Meets and Flea Markets (ch. 5-5)
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 - Art. VII. Auctioneers and Auctioneers (ch. 5-14)
 - Art. VIII. Pawnbrokers (ch. 5-15)
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- 12. Cemeteries
 - Art. I. In General (ch. 21-1)
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- 18. Environment and Natural Resources
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- 20. Fire Prevention and Protection
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- 22. Health
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- 24. Justice Court (Title 23)

- 26. Law Enforcement
 - Art. I. In General
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- 28. Offenses and Miscellaneous Provisions (title 7, except ch. 7-12.)

- 30. Parks and Recreation (§ 7-1-14 & ch. 7-12)

- 32. Planning³
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 - Art. IV. Dedication of Improvement of Public Roads and Streets in Connection with Development (ch. 13-4)
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³ The city may wish to include this chapter in part II.

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 - Art. III. Weed Control (ch. 9-3)
 - Art. IV. Refuse Storage (ch. 9-5)

- 36. Solid Waste
 - Art. I. In General (§ 9-6-1)
 - Art. II. Collection and Disposal (ch. 9-4)

- 38. Streets, Sidewalks and Other Public Places
 - Art. I. In General
 - Art. II. Excavations (ch. 13-1)
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- 40. Taxation
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- 42. Telecommunications
 - Art. I. In General
 - Art. II. Cable Television
 - Div. 1. Generally
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 - Div. 3. Service Standards (ch. 16-28)
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- 44. Utilities
 - Art. I. In General
 - Art. II. Water System
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46—100. Reserved

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 - Art. I. In General (chs. 15A-01, 15A-37)
 - Art. II. Miscellaneous General Provisions (ch. 15A-02)
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103. Commercial, Office, Industrial and Transit Corridor Development Standards (ch. 15A-23)
104. Reserved
105. Condominiums (ch. 15A-31)
106. Reserved
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117. Residential Development Standards (ch. 15A-20)
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- 120. Reserved
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- 122. Reserved
- 123. Subdivisions
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- 124. Reserved
- 125. Zoning/Land Use
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ATTACHMENT A. REVISED CHAPTER 1

ARTICLE I. IN GENERAL

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters shall constitute and be designated the as the "Sandy City Code."

State Law reference— Ordinance codification, U.C.A. 1953, § 10-3-706 et seq.

Sec. 3-1. General definitions and rules of construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the city council may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

Bribe. The term "bribe" signifies any money, goods, right in action, property, thing 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 the person's action, vote, or opinion in any public or official capacity.

City. The term "city" means the Sandy City Corporation.

City council or council. The term "city council" or "council" means the city council of the Sandy City Corporation.

Code. The term "Code" means the Sandy City Code, as designated in section 1-1. The Code consists of parts I and II. While part I is a recodification of general ordinances and part II is a recodification of ordinances pertaining to land development:

- (1) The inclusion in part I of provisions that pertain to land development does not excuse noncompliance with this Code.
- (2) The inclusion of part II of provisions that do not relate to land development does not excuse noncompliance with such provisions.

Computation of time. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. When a person must act within a specified time and service of a notice and service is made by mail, three days shall be added to the time within which the act must be done.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows, except that in appropriate cases, the terms "and" and "or" are interchangeable:

- (1) The term "and" indicates that all the connected terms, conditions, provisions or events apply.

- (2) The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
- (3) The term "either...or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Corruptly. The term "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of an act, established either by proof or by presumption of law.

County. The term "county" means Salt Lake County, Utah.

Delegation of authority. A provision that authorizes or requires a city officer or city employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

Gender. Words of one gender include all other genders.

Highway, roads. The words "highway" and "roads" include public bridges, and may be held equivalent to the words "county way," and "county road," "common road," "state road" and "street."

Knowingly. The term "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.

Includes and including. The terms "includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and the use of the terms does not create a presumption that components not expressed are excluded.

Joint authority. A grant of authority to three or more persons as a public body confers the authority to a majority of the number of members, as fixed by statute or ordinance.

May. The term "may" creates discretionary authority or grants permission or a power.

May not. The term "may not" imposes a prohibition.

Month. The term "month" means a calendar month.

Must. The term "must" imposes a duty.

Must not. The term "must not" imposes a prohibition.

Neglect, negligent, negligence, and negligently. The terms "neglect," "negligent," "negligence," and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

Number. The singular includes the plural and the plural includes the singular.

Oath. The term "oath" includes an affirmation.

Officers, departments, etc. References to officers, departments, boards, commissions or employees are to city officers, city departments, city boards, city commissions and city employees.

Owner. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property.

Person. The term "person" means any corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

Personal property. The term "personal property" means any property other than real property.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" means real and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

Shall. The term "shall" imposes a duty.

Shall not. The term "shall not" imposes a prohibition.

Sidewalk. The term "sidewalk" means that portion of the street between the curb or lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

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

State. The term "state" means the State of Utah.

State statutes. The abbreviation "U.C.A. 1953" means the Utah Code Annotated, 1953, as now or hereafter amended. References to state acts to so such acts as now or hereafter amended.

Street. The term "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.

Swear. The term "swear" includes the term "affirm."

Tenant, occupant. The term "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, either alone or with others.

Tense. The present tense includes the past and future tenses. The future tense includes the present tense.

Week. The term "week" means a period of seven consecutive days.

Willfully. The term "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 the law, to insure another or to acquire any advantage.

Written. The term "written" includes any form of words, letters, symbols or figures.

Year. The term "year" means 12 consecutive months.

(Prior Code § 1-1-4)

Sec. 1-3. - Catchlines of sections; history notes; references.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(b) The history or source notes appearing in parentheses after a section in this Code have no legal effect and only indicate legislative history. Cross references, editor's notes, and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) Unless specified otherwise, all references to parts, chapters, articles, division, subdivisions or sections are to parts, chapters, articles, division, subdivisions or sections of this Code.

Sec. 1-4. Effect of repeal of ordinances.

(a) Unless specifically provided otherwise, the repeal of a repealing ordinance does not revive the ordinance originally repealed or impair the effect of any savings provision in it.

(b) The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal.

(Prior Code § 1-1-2)

Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) _____ of the Sandy City Code is hereby amended to read as follows:"

(c) If a new section, subdivision, division, article or chapter is to be added to this Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) _____ of the Sandy City Code is hereby created to read as follows:"

(d) All provisions desired to be repealed should be repealed specifically by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

State Law reference— Form of ordinances, U.C.A. 1953, §§ 10-3-703.7, 10-3-705.

Sec. 1-6. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the city. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in this Code. The pages of the supplement shall be so numbered that they will fit properly into this Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, this Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of this Code that have been repealed shall be excluded from this Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified Code. For example, the person may:

- (1) Arrange the material into appropriate organizational units.

- (2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in this Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in this Code.
- (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to this Code.
- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
- (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections _____ to _____" (inserting section numbers to indicate the sections of this Code that embody the substantive sections of the ordinance incorporated in this Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in his Code.

Sec. 1-7. Severability.

If any provision of this Code or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or applications of this Code that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Code are severable.

(Prior Code § 1-1-9)

Sec. 1-8. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation adopted by the city relating to the same subject matter, shall be construed as reinstatements and continuations thereof and not as new enactments.

Sec. 1-9. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any city ordinance on the effective date of this Code.

(Prior Code § 1-1-2)

Sec. 1-10. Certain ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of an ordinance not codified in this Code:

- (1) Annexing property into the city or describing the corporate limits.

- (2) Deannexing property or excluding property from the city.
- (3) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (4) Authorizing or approving any contract, deed, or agreement.
- (5) Making or approving any appropriation or budget.
- (6) Providing for salaries of city employees or other employee benefits, or job descriptions for employee positions.
- (7) Granting any right or franchise.
- (8) Adopting or amending a comprehensive plan.
- (9) Levying or imposing any special assessment.
- (10) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street.
- (11) Establishing the grade of any street or sidewalk.
- (12) Dedicating, accepting or vacating any plat or subdivision.
- (13) Levying or imposing or otherwise related to property taxes.
- (14) Rezoning property.
- (15) That is temporary, although general in effect.
- (16) That is special, although permanent in effect.
- (17) The purpose of which has been accomplished.

(b) The ordinances designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code.

Secs. 1-11—1-20. Reserved.

ARTICLE II. VIOLATIONS AND PENALTIES

Sec. 1-21. Definition.

- (a) In this article, the term "violation of this Code" means any of the following:
 - (1) Doing an act that is prohibited or made or declared unlawful, an infraction, an offense, an infraction, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an infraction, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

(b) In every violation of this Code, there must exist a union or joint operation of act and intent, or criminal negligence

(c) 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 directed act, but also the employer authorizing it 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.

(d) In this article, the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this chapter.

(Prior Code §§ 1-2-4, 1-2-5)

Sec. 1-22. Authorized dispositions.

(a) A person who has been convicted of a violation of this Code may be sentenced to any one or more of the following sentences or combination of sentences:

- (1) To pay a fine; or
- (2) To probation; or
- (3) To imprisonment.

(b) This article shall not deprive a court of authority conferred by law to forfeit property, suspend or cancel a license or permit, cite for contempt, or impose any other civil penalty. A civil penalty may be included as a part of any sentence.

(c) Whenever no other penalty is prescribed, any person found guilty of violating any provision of this Code shall be deemed guilty of a class B misdemeanor.

(Prior Code §§ 1-1-3, 1-2-1)

Sec. 1-23. Fines specified.

A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:

- (1) \$1000.00 when the conviction is of a class B misdemeanor;
- (2) \$750.00 when the conviction is of a class C misdemeanor or infraction.

State law reference—Penalty for ordinance violations, U.C.A. 1953, § 10-3-703.

Sec. 1-24. Imprisonment specified.

(a) A person who has been convicted of a class B misdemeanor may be sentenced to a term in the city or county jail not to exceed six months.

(b) A person who has been convicted of a class C misdemeanor may be sentenced to a term in the county or city jail not to exceed ninety days.

(c) A person who has been convicted of an infraction may not be sentenced to a term in the county or city jail.

Sec. 1-25. Separate offenses.

Except as otherwise provided by law or ordinance:

- (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
- (2) With respect to other violations, each violation constitutes a separate offense.

(Prior Code § 1-2-6)