

CHAPTER 1. GENERAL PROVISIONS

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1-1-1. How designated, cited.

The Chapters, Articles, Divisions and Sections embraced in this Code of Ordinances shall constitute and may be cited as the "Utah County Code." (R.O. 1956, Section 1-1-1)

State law reference - Adoption of general revision of county ordinances, U.C.A. 1953, Section 17-15-1.

1-1-2. Rules of construction, definitions.

In the construction of this Code and of all ordinances of this County, the following rules of construction and definitions shall be observed, unless such construction or definition would be inconsistent with the manifest intent of the Commission, would be repugnant to the context of the provisions, or the context clearly requires otherwise.

(a) "Generally" means all words and phrases shall be construed and understood according to the common and approved usage of language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(b) "Board of health" means Board of Health of the County Health Department."

(c) "Business" means any activity, operation, enterprise or calling referred to in this Code for which a license is required.

(d) "Code" means this Code of Ordinances as designated and cited in Section 1-1-1 above.

(e) "Commission" means the Board of County Commissioners, being the governing body of the County.

(f) "County" means the portions of the political subdivision known as Utah County, of the State of Utah, outside the limits of the incorporated cities or towns situated within said County.

(g) "County officers": the terms "County Attorney," "County Auditor," "County Sheriff," "Sheriff," "County Surveyor," "County Treasurer," etc., shall mean and refer to those respective officers of the County, as well as their duly authorized deputies and/or assistants.

(h) "Delegation of authority": whenever a provision appears in this Code requiring an officer of the County to do some act or make certain inspections, it is to be construed to authorize such officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or Section expressly designates otherwise.

(i) "Easement" means a right, liberty, privilege or advantage without profit which the owner of one parcel of land may have in the lands of another. A right in the owner of one parcel of land, by reason of such ownership, to use the land of another for a special purpose not inconsistent with a general property right in the owner.

(j) "Gender": a word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations as well as to males.

(k) "Highway or road" includes the words and phrases "public bridges," "county ways," "county roads," "common roads," "state roads," as well as sidewalks or crosswalks.

(l) "In the county" or "in this county" means and includes any territory within the boundaries of this County and any other territory over which regulatory power has been conferred on the county by general or special act, except as otherwise specified.

(m) "Joint authority" means words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise specifically declared.

(n) "Knowingly": imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code or ordinances of the County. It does not require any knowledge of the unlawfulness of such act or omission.

(o) "Law" means any statute, ordinance or regulation promulgated by the United States, the State, the County or any agency thereof, as well as the rules and regulations of other bodies politic that may be appropriate.

(p) "Maliciously or malice" imports a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or by presumption of law.

(q) "Month" shall mean a calendar month.

(r) "Number": any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

(s) "Oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(t) "Official time standard": whenever certain hours are named in this Code they shall mean standard time or daylight saving time as may be in current use in the County.

(u) "Or, and": "Or" may be read "and" and "and" may be read "or" if the context of the provision requires it.

(v) "Owner" when applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant or lessee by the entirety of the whole or of a part of such building or land.

(w) "Peace officer" means a sheriff of a county, his deputy, or a constable.

(x) "Person" shall include and be applied to a firm, partnership, association, corporation, organization, club, society, group acting as a unit, or body politic and corporate, as well as to an individual.

(y) "Personal property" shall include money, goods, chattels, evidences of debt, things in action, and any other species of property, except real property.

(z) "Preceding, following": the words "preceding" and "following" shall mean the next before and the next after, respectively.

(aa) "Property" shall include real, personal and mixed property.

(bb) "Public place" includes any public way, park, cemetery, school yard or open space adjacent thereto; any public lake or stream; and any place of business open to the use of the public in general, open to public view or to which the public has access.

(cc) "Public way" means any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

(dd) "Real property" shall include lands, tenements and hereditaments.

(ee) "Reasonable time": in all cases where any section of this Code or county ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

(ff) "Residence" means the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the

place where such person sleeps shall be deemed to be his residence.

(gg) "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular traffic.

(hh) "Shall, may": the word "shall" is mandatory, and the word "may" is discretionary.

(ii) "Sidewalk" shall mean any portion of the street between the curb, or the lateral line of the roadway, and the adjacent property line intended for the use of pedestrians.

(jj) "Signature, subscription": the word "signature" or "subscription" shall include a mark when the person cannot write, when his name is written near such mark and is witnessed by a person who writes his own name as witness.

(kk) "State" or "this state" shall mean the State of Utah.

(ll) "Street" shall mean and include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges, public ways and approaches thereto and other public thoroughfares in the city devoted to public use.

(mm) "Tenant, occupant": the words "tenant" and "occupant," applied to a building or land, shall mean any person who occupies the whole or a part of such building or land, whether alone or with others.

(nn) "Tense": words used in the past or present tense shall include the future as well as the past or present.

(oo) "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 law, or to injure another, or to acquire any advantage.

(pp) "Writing, written": the words "writing" and "written" shall include typewriting, printing on paper and any other mode of representing words and letters.

(qq) "Year" shall mean a calendar year. (R.O. 1956, Section 1-1-4)

1-1-3. When Section 1-1-2 does not apply.

The rules of construction and definitions set forth in Section 1-1-2 shall not be applied to any section of this Code or county ordinance which shall contain any express provision excluding such construction or definition, or when the subject matter or context of such provisions or ordinances may be repugnant thereto.

1-1-4. Reserved.

1-1-5. Parenthetical and reference matter.

The matter in parentheses at the ends of Sections in this Code is for information only and is not a part of this Code. Citations to the 1956 Revised Ordinances of the county (R.O. 1956, Section ____) and to later ordinances indicate only the source of such section and the text may or may not be changed by this Code. Reference matter not in parentheses is for information only and is not a part of this Code.

1-1-6. Catchlines of section.

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

1-1-7. Reference to Code, conflicts.

In addition to the rules of construction and definitions specified in this Chapter, the following rules shall be observed in the construction of this Code:

(a) All references to Chapters, Articles or Sections are to the Chapters, Articles and Sections of this Code unless otherwise specified.

(b) If the provisions of different Chapters of this Code conflict with or contravene each other, the provisions of each Chapter shall prevail as to all matters and questions growing out of the subject matter of such Chapter.

(c) If conflicting provisions be found in different Sections of the same Chapter, the provisions of the Section which is last enacted shall prevail unless such construction would be inconsistent with the meaning of such Chapter.

1-1-8. Altering Code.

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the County to be misrepresented thereby; provided, that supplementation of this Code by authorized persons shall be permitted.

1-1-9. General penalty; continuing violations.

Whenever in this Code or in any ordinance of the County an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision or the failure to perform any such act shall be punishable by

a fine of less than one thousand dollars (\$1,000.00) or by imprisonment not to exceed six (6) months or by both such fine and imprisonment in the discretion of the court.

Each day that any such violation or failure to perform such act shall continue, constitutes a separate offense, unless otherwise specifically provided.

State law reference - Penalty for violation of ordinances, U.C.A. 1953, Section 17-5-77.

1-1-10. Penalty not exclusive.

The imposition of a penalty under the provisions of this Code shall not prevent the revocation or suspension of any license, franchise or permit issued or granted under the provisions of this Code.

In the event any violation of this Code is designated as a nuisance under the provisions of this Code, such nuisance may be summarily abated by the County in addition to the imposition of a fine or imprisonment.

1-1-11. Liability of employers and agents.

When the provisions of a Section of this Code or an ordinance prohibit the commission or omission of an act, not only the person doing the prohibited thing, or omitting the directed act, but also the employer, if the act or omission is done within the course and scope of employment, and all other persons aiding or abetting therein, shall be guilty of the offense described and to the penalty prescribed for the offense. (R.O. 1956, Section 1-1-5)

1-1-12. Severability of parts of Code.

The Sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph or Section of this Code shall be declared invalid, unenforceable or unconstitutional by the valid judgment of decree of a court of competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or Sections of this Code. (R.O. 1956, Section 1-1-7)

1-1-13. Effect of repeals.

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of such repeal, for an offense committed or cause of action arising under the ordinance repealed. (R.O. 1956, Section 1-1-3)