

Chapter 1

(Title 1, Chapter 1 adopted by Ordinance 2008-12, effective March 11, 2008)

General Provisions

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Section 1-1-1. Adoption of City Code of Ordinances.

Pursuant to the provisions of Sections 10-3-707 through 10-3-711, Utah Code Annotated, 1953, as amended, and successor sections, there is hereby adopted the "Grantsville City Code." The ordinances embraced in the following titles, chapters and sections shall constitute and be designated the "Grantsville City Code."

Section 1-1-2. Title - citation - reference.

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

Section 1-1-3. Reference applies to all amendments.

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

Section 1-1-4. Title, chapter and section headings.

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

Section 1-1-5. Reference to specific ordinances.

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

Section 1-1-6. Effect of code on past actions and obligations.

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

Section 1-1-7. Constitutionality.

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

Section 1-1-8. Definitions and rules of construction.

In the construction of this code and of all ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of

the city council or the context clearly requires otherwise:

- a. The words "the city" or "this city" shall be construed as if followed by the words "Grantsville City, Utah."
- b. City Council. The term "city council" shall be construed to mean the city council of Grantsville City, Utah.
- c. Code. The words "the code" or "this code" mean the "Grantsville City Code."
- d. Computation of Time. Unless otherwise provided in the Utah Code Annotated or the Utah Rules of Civil Procedure, the time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded.
- e. County. The words "the county" or "this county" mean Tooele County.
- f. Day. A "day" is the period of time between any midnight and the midnight following.
- g. Daytime, Nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.
- h. Gender. The masculine gender includes the feminine and neuter.
- I. In the City. The words "in the city" mean and include all territory over which the city now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.
- j. Jail. The term "jail" means and includes the jail, prison or detention center in which prisoners of the city are confined.
- k. Joint Authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- l. Month. The word "month" means a calendar month.
- m. Number. The singular number includes the plural, and the plural the singular.
- o. "Oath" includes an affirmation.
- p. Officers, Departments, etc. "Officers, departments, boards, commissions and employees" referred to in this code mean officers, departments, boards, commissions and employees of the city, unless the context clearly indicates otherwise.
- q. Official Time. Whenever certain hours are named in this code, they mean Mountain Standard Time or Daylight Saving Time as may be in current use in the city.
- r. Owner. The word "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.
- s. "Person" includes any person, firm, association, organization, partnership, business trust, corporation or company.
- t. Property. The word "property" includes real and personal property.
- u. Shall, May. "Shall" is mandatory and "may" is permissive.
- v. State. The words "the state" or "this state" shall be construed to mean the state of Utah.
- w. Tenant or Occupant. The words "tenant" or "occupant," applied to a building or land, include any person holding a written or an oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.
- x. Week. A week consists of seven consecutive days.

y. Year. The word "year" means a calendar year, except where otherwise provided.

Section 1-1-9. Catchlines of sections.

The catchlines of the several sections of this code, immediately preceding each section, are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Section 1-1-10. Provisions considered as continuations of existing ordinances.

The provisions appearing in this code, so far as they are in substance the same as those of ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments.

Section 1-1-11. Omission of general law not waiver of same.

The omission to specify or enumerate in this code those provisions of the general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 1-1-12. Effect of ordinance repeal.

The repeal of an ordinance shall not revive any ordinances 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 the repeal, for any offense committed under the ordinance repealed.

Section 1-1-13. Severability.

It is declared to be the intention of the city council that 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 unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this code.

Section 1-1-14. Ordinance violations--Continuing violations.

Whenever in this code or in any other ordinance of the city or in any rule, regulation or order promulgated or issued pursuant thereto any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, when no specific penalty is provided therefore, the violation of any such provision of this code or any other ordinance of the city or any such rule, regulation or order shall be punished as a Class "C" Misdemeanor, with a fine not more than seven hundred fifty dollars or by imprisonment for a period not longer than three months or both such fine and imprisonment, together with any other

surcharges and assessments as provided for by law. If a criminal offense is designated by

the City as a Class “B” Misdemeanor or Infraction, the penalty therefore shall be the same as is provided for the §76-3-101 et seq. of the Utah Code, as amended. Every day a violation of this code or any other ordinance of the city or rule, regulation or order promulgated or issued pursuant thereto shall continue, shall constitute a separate offense.

Section 1-1-15. Liability of employers and agents.

When the provisions of this code or any other ordinance of the city 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 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.

Section 1-1-16. Classification of Offenses.

Violations of the Grantsville City Code or other ordinances of the city, may be classified as a Class B or Class C misdemeanor or an Infraction, with applicable fines and imprisonment as specified in Section 76-3-101 et. seq., of the Utah Code, as amended, which are adopted and included by reference in the Grantsville City Code. If an offense has no classification, then it shall be a Class C misdemeanor.

Section 1-1-17. Effective date--Adoption of technical codes by reference.

All ordinances shall be deposited in the office of the city recorder and shall take effect upon the publication of a summary or posting as required by state law or as otherwise provided for by the specific ordinance.

Section 1-1-18. City Seal.

The official and corporate seal of Grantsville City shall be circular in form, one and three fourths inches in diameter, the impression of which is two circles with Grantsville City between them, and inside of the inner circle shall appear “Incorporated January 12, 1867” with a single star in the middle of the seal, and the same is hereby established and declared to be the seal of the Grantsville City, Utah.

Section 1-1-19. Official Name

The official name of the city shall be "Grantsville City," and it shall also be legally sufficient to refer to it as Grantsville City Corporation, Grantsville City, a body politic and corporate of the State of Utah or Grantsville City, a municipal corporation of the State of Utah. The city shall be authorized to transact business in its official name; to sue and be sued; to maintain financial accounts; borrow moneys; hold property; enter into contracts; and otherwise engage in all lawful business under the official name or the other names as provided for herein. All official documents, letterheads, deeds, publications, and city vehicles and equipment, and similar city property shall bear the official name.

Section 1-1-20. Repeal of inconsistent provisions.

The enactment of this Title shall not be construed to repeal or invalidate prior acts under any other corporate name. To the extent public documents or provisions of this code reference other public names they shall be construed to incorporate the official name by this reference.