

TITLE 1

GENERAL PROVISIONS

Chapters :

| | |
|-------------|---------------------------|
| <u>1.01</u> | <u>Code Adoption</u> |
| <u>1.04</u> | <u>General Provisions</u> |
| <u>1.08</u> | <u>General Penalty</u> |
| <u>1.12</u> | <u>Prisoners</u> |

Chapter 1.01

CODE ADOPTION

Sections:

[1.01.010 Adoption.](#)

[1.01.020 Title-Citation-Reference.](#)

[1.01.030 Reference applies to all amendments.](#)

[1.01.040 Title, Chapter, and Section Headings.](#)

[1.01.050 Reference to specific ordinances.](#)

[1.01.060 Ordinances passed prior to adoption of code.](#)

[1.01.070 Effect of code on past actions and obligations.](#)

[1.01.080 Constitutionality.](#)

[1.01.090 References to prior code.](#)

[1.01.100 Effective date.](#)

1.01.010 Adoption.

The "Hyrum City Municipal Code", as compiled, edited and published by Book Publishing Company, Seattle, Washington, is hereby adopted as the ordinances of Hyrum City, Cache County, State of Utah.

1.01.020 Title-Citation-Reference.

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

1.01.030 Reference applies to all amendments.

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

1.01.040 Title, chapter, and section headings.

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

1.01.050 Reference to a specific ordinance.

The provisions of the "Hyrum City Municipal Code" shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are

included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

1.01.060 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance 93-09, passed July 15, 1993. The following ordinances, passed subsequent to Ordinance 93-09, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinance 93-11, an ordinance specifying materials used in the construction of driveways; and Ordinance 93-14, an ordinance allowing approval of manufactured housing by the building inspector.

1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

1.01.080 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.

1.01.090 References to prior code.

References in city forms, documents, and regulations to the chapters and sections of the former city code, "Revised Ordinances of Hyrum City," shall be construed to apply to the corresponding provisions contained within this code.

1.01.100 Effective date.

This ordinance and the code adopted wherewith shall become effective on January 10, 1994 after the posting of three (3) copies of this adopting ordinance at three (3) public places within the corporate limits of Hyrum City. (Ord. 94-01)

Chapter 1.04

GENERAL PROVISIONS

Sections:

- [1.04.010 Title.](#)
- [1.04.020 Repeal of existing ordinances.](#)
- [1.04.030 Effect of repealing ordinances.](#)
- [1.04.040 Effective date.](#)
- [1.04.050 Definitions and rules of construction.](#)
- [1.04.060 Captions.](#)
- [1.04.070 Severability.](#)
- [1.04.080 Numbering of ordinances.](#)
- [1.04.090 Statutes or codes included and excluded.](#)

1.04.010 Title.

The ordinances contained in this code and all ordinances of a general nature hereafter adopted and inserted herein and all amendments, additions and changes thereto shall be part of this code and shall be known and cited as the "Hyrum City Municipal Code." (Prior code § 1-001)

1.04.020 Repeal of existing ordinances.

- A. So far as the provisions of these revised ordinances are the same as those of previously existing ordinances, they shall be construed as continuations thereof. All ordinances and resolutions of this municipality heretofore in force, except such as are of a private, local or temporary nature including franchises, grants, dedications, bond issues, elections and special levies for local assessments, are repealed except as otherwise provided in subsection B of this section.
- B. Those ordinances of this municipality which are of a general nature which are not repealed and which the recorder/clerk is authorized and directed to insert in the appropriate place in this code and which shall be deemed part of this code are:
 - 1. Zoning ordinances;
 - 2. Subdivision ordinances.
- C. The fees or charges established by the ordinances repealed by this code of revised ordinances shall remain in effect until subsequently changed by ordinance or resolution, except that the fees and charges established by this code of revised ordinances shall prevail in the event of a conflict. (Prior code § 1-002)

1.04.030 Effect of repealing ordinances.

The repeal of the ordinances as provided in Section 1.04.020, shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances

repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded. (Prior code § 1-003)

1.04.040 Effective date.

These revised ordinances shall become effective February 1, 1980. (Prior code § 1-004)

1.04.050 Definitions and rules of construction.

In the construction of the ordinances of this municipality, the following rules and definitions shall be observed and applied unless such construction would be inconsistent with the manifest intent of these ordinances:

- A. **General Rule.** All words and phrases shall be construed and understood according to the common use and understanding of the language. The technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.
- B. **Gender-Singular and Plural.** Unless otherwise indicated from the context of the ordinance, all words used in the singular shall include the plural and all words used in the masculine gender shall extend to and apply to the feminine gender.
- C. **Tenses.** The use of any verb in the present tense shall include the future and past tense when applicable.
- D. **Time-How Computed.** The time within which an act is to be done as provided in any ordinance or in any resolution or order of this municipality, when expressed in days, shall be determined by excluding the first day and including the last day, except if the last day be a Sunday or a holiday, then the last day shall be the next day following such Sunday or holiday which is not a Sunday or holiday. When time is expressed in hours, Sunday and all holidays shall be excluded.
- E. **Definitions:**
 - Business.** "Business" includes any trade, profession, calling, activity, operation or enterprise for which a license is required by any ordinance of this municipality.
 - Chief of Police, City Marshal, Town Marshal or Marshal.** "Chief of police," "city marshal," "town marshal" or "marshal" as used in this code all have the same meaning and may be used interchangeably.
 - Governing Body.** "Governing body" means the city council of this municipality.
 - Highway and Road.** "Highway" and "road" include public bridges, and may be equivalent to the words "county way," "county road," "common

road," and "state road."

License. "License" includes any certificate or license issued by this municipality.

Location. "Location" whenever any act, conduct or offense is prohibited or required and no reference is made to location, unless the context specifically indicates otherwise, the act, conduct or offense prohibited or required shall be within the boundaries of this municipality.

Municipality. "Municipality" means the city of Hyrum.

Offense. "Offense" means any act, action or conduct prohibited by this code or the failure to perform any acts required in this code.

Officer or Official. "Officer" or "official" means any elected or appointed person employed by the municipality unless the context clearly indicates otherwise.

Owner. "Owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or leasee of a whole or part of such building or land.

Person. "Person" includes all individuals both male and female, any governmental agency, corporation, partnership, association, company, and every other form of organization whether formed voluntarily or involuntarily.

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

Reasonable Time. "Reasonable Time" In all cases where any ordinance requires an act to be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.

Recorder/Clerk. "Recorder/clerk" means the individual appointed to act as the recorder of the municipality.

Street. "Street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks and intersections.

Tenant or Occupant. "Tenant" or "occupant" applied to a building or land shall apply to any person who occupies all or any part of such building or land either alone or with others.

Week. "Week" means any seven-day period. (Prior code § 1-005)

1.04.060 Captions.

The captions in this code immediately preceding each section are intended as mere captions to indicate the content

of the section and shall not be deemed or taken to be part of the sections. (Prior code § 1-006)

1.04.070 Severability.

It is declared to be the intention of the governing body 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 or without effect by any final judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Prior code § 1-007)

1.04.080 Numbering of ordinances.

- A. The recorder/clerk shall, in so far as possible, assign all ordinances of a general nature adopted after these revised ordinances a number which shall conform to the numbering system used in this code and shall indicate upon the face of the ordinance the date adopted.
- B. The recorder/clerk shall keep all ordinances of a local, private or temporary nature, including franchisees, grants, dedications, bond issues and tax levies, in a separate book of "special ordinances" properly indexed and organized according to date adopted. The first number of such an ordinance shall be the last two digits of the year the ordinance is adopted, followed by a dash which is followed by a number which shall be a sequential, ascending number indicating the order in which such special ordinance was adopted during the year.
- C. Failure to comply with this section shall not affect or render invalid any ordinance of this municipality. (Prior code § 1-1008)

1.04.090 Statutes or codes included and excluded.

Any reference or citation to any statute shall not be interpreted or construed to include, incorporate or make the citation or statute part of this code unless the provisions of this code specifically include, incorporate, or make the citation or statute part of this code by reference or incorporation, and any such reference or citation not specifically included or incorporated may be changed, amended or deleted without publication on any order of the governing body. (Prior code § 1-009)

Chapter 1.08

GENERAL PENALTY

Sections:

[1.08.010 Misdemeanor conviction-Penalty.](#)

[1.08.020 Infraction conviction-Penalty.](#)

[1.08.030 Fines-Individuals.](#)

[1.08.040 Fines-Corporations, associations, partnerships or governmental instrumentalities.](#)

1.08.010 Misdemeanor conviction-Penalty.

A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- A. In the case of a class B misdemeanor, for a term not exceeding six months;
- B. In the case of a class C misdemeanor, for a term not exceeding ninety days. (Prior code § 1-322)

1.08.020 Infraction conviction-Penalty.

- A. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture or both.
- B. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor. (Prior code § 1-323)

1.08.030 Fines-Individuals.

- A. A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed one thousand dollars when the conviction is of a class B misdemeanor and not to exceed seven hundred fifty dollars when the conviction is of a class C misdemeanor or infraction.
- B. Any ordinance, chapter or other enactment previously adopted by the city which provides for a maximum fine or penalty other than as set forth in subsection A of this section is repealed and the provisions of subsection A of this section shall in all cases apply. (Ord. 93-02 § 1 (part); Ord. 86-06 § 1 (part); prior code § 1-331)

1.08.040 Fines Corporations, associations, partnerships or governmental instrumentalities.

- A. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this code or the ordinances of the municipality or for any offense defined outside of this code over which no special corporate fine is specified, shall be to pay an amount, fixed by the court, not exceeding five thousand dollars when the conviction

is for a class B misdemeanor, and not exceeding one thousand dollars when the conviction is for a class C misdemeanor or for an infraction.

- B. Any ordinance, chapter or other enactment previously adopted by the city which provides for a maximum fine or penalty other than as set forth in subsection A of this section is repealed and the provisions of subsection A of this section shall in all such cases apply. (Ord. 93-02 § 1 (part): Ord. 86-06 § 1 (part): prior code § 1-332)

Chapter 1.12

PRISONERS

Sections:

[1.12.010 Prisoners to labor on public works.](#)

[1.12.020 Work to be performed under direction of the jailer.](#)

[1.12.030 Time off for work performed.](#)

[1.12.040 Failure to perform work deemed breach of rules.](#)

[1.12.050 Time off for good behavior.](#)

1.12.010 Prisoners to labor on public works.

Any prisoner committed to the jail or other place of incarceration as a punishment or in default of the payment of a fine or fine and costs, arising from a violation of the ordinances of his municipality shall be required to work for the municipality at such labor on public works and ways as his strength will permit, not exceeding eight hours in each working day. (Prior code § 13-125)

1.12.020 Work to be performed under direction of the jailer.

The labor on public works and ways shall be designated by and performed under the direction of the jailer, which labor may include, among other things, clerical, janitorial, car washing, common and menial labor performed in and upon any building, road, or property owned or maintained by the municipality. The labor required by this section shall be performed in addition to that labor required by jail regulations to be performed by all prisoners confined in the jail in cleaning and maintaining their cells. (Prior code § 13-126)

1.12.030 Time off for work performed.

For each month in which a prisoner confined or committed to the jail has actually and satisfactorily performed work as reported and recorded by the officer in charge, five days shall be deducted from his period of confinement. The reduction of sentence allowed pursuant to this part shall be in addition to the reduction allowed by Section 1.12.050, but no prisoner shall be granted a total reduction of sentence under this chapter in excess of ten days for any single month. Proportionate reductions shall be made for the fractional period of a month included in any sentence. (Prior code § 13-127)

1.12.040 Failure to perform work deemed breach of rules.

Failure to perform the specified labor, except when the strength of the prisoner will not permit, shall constitute a breach of the rules of the municipal jail, and no reduction of

sentence shall be allowed under Section 1.12.050. (Prior code § 13-128)

1.12.050 Time off for good behavior.

Every person undergoing sentence for thirty days or more who has not been guilty of a breach of rules of the prison shall be entitled to a reduction for the period of his sentence as follows:

1. From a term of one month, five days;
2. From a term of two months, ten days;
3. From a term of three months, fifteen days;
4. From a term of four months, twenty days;
5. from a term of five months, twenty-five days;
6. from a term of six months, thirty days.

Proportionate reductions shall be made for the fractional parts of a month included in any sentence. (prior code § 13.129)