

TITLE 1. GENERAL PROVISIONS

Chapter 1. General Provisions, 1-1-1 to 1-1-8.

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1-1-1. Name and Citation of Code. The ordinances contained in this code and all amendments and additions thereto shall constitute and be designated as the "Code of Revised Ordinances of Clinton City, Utah," and may be cited as the "Clinton City Code."

History: 9/84

1-1-2. Repeal of Existing Ordinances. The provisions appearing in this code, insofar as they are in substance the same as those of previously existing ordinances, shall be considered as continuations thereof and not as new enactments. All other ordinances and resolutions of Clinton City heretofore in force, except such as are of a private, local, or temporary nature, including purchases of water, grants, dedications, bond issues, elections, and special levies for local assessments, are hereby repealed.

History: 9/84

1-1-3. Effect of Repealing Ordinances. This code shall not affect any act done, or right accrued, any penalty incurred, any suit, prosecution or proceeding pending or the tenure of office of any person holding office at the time when it takes effect; nor shall the repeal of any ordinance have the effect of reviving any ordinances heretofore repealed or superseded.

History: 9/84

1-1-4. Effective Date. This code shall become effective September 25, 1984.

History: 9/84

1-1-5. Conflicts with State Law. Whenever anything in this code shall be or become in conflict with any provision of the laws of the State of Utah, such

provision of this code shall be deemed to be repealed and to be of no effect for such period of such law so in conflict therewith shall remain in effect, and such law shall govern. The sections, paragraphs, sentences, and clauses and phrases of this code are severable. Therefore 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.

History: 9/84

1-1-6. Captions. The captions in this code immediately preceding each section are intended as merely indications of content of the section and shall not be deemed or be taken to be part of the sections.

History: 9/84

1-1-7. Misdemeanors - General Penalty and Continuing Violation. (1) All misdemeanors and infractions in this Code of Clinton City, including the Zoning and Subdivision Ordinances, or any other act declared to be unlawful or an offense in violation of ordinance, law, rule, or regulation of the City, shall be Class C misdemeanors unless otherwise classified as listed below, or in the applicable city ordinance or Utah Code Annotated.

(a) The following shall be classified as Class B misdemeanors: Section 2-11-21(1a), (2a), and (3a) - (GRAMA) Administration; Section 3-1-21(1) Animals; Sections 10-1-8, 10-1-11 and 10-2-13 - Fire Protection; Section 11-1-2 - Firearms; Sections 15-3-22, 15-4-4, 15-6-11, and 15-6-14 - Alcohol Licensing; Section 15-2-39 - Sexually Oriented Businesses; Section 15-12-2 - Fireworks, and Section 15-14-8 - Civil Rights..

(b) Section 3-1-21(2) shall be an infraction.

(c) Section 7-1-4 shall be Class B and C misdemeanors and infractions.

(2) The violation of any provision of this code or any other ordinance of the city shall be punishable by fines and imprisonment according to state law.

(3) Every day any violation of this code, or any other ordinance of the city, law, rule or regulation shall continue, it shall constitute a separate offense.

History: 9/84, 12/87, 05/99, 06/99, 07/99

1-1-8. Definitions and Rules of Construction. In the construction of this code the following rules and definitions shall be observed and applied unless such construction would be inconsistent with the manifest intent of this code:

(1) **Act.** The word "act," when used as a written law or previously as an ordinance, formally ordained by the legislative power of the city council, shall be synonymous with the particular title in which it is found in this code.

(2) **Business.** The term "business" includes any trade, profession, calling, activity, operation or enterprise for which a license is required by any ordinance of this municipality.

(3) **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.

(4) **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.

(5) **Governing body.** The word "governing body" as used throughout this code means the city council of Clinton City.

(6) **Highway - road.** The terms "highway" and "road" includes public bridges, and may be equivalent to the words "county way," "county road," "common road," and "state road."

(7) **License.** The term "license" includes any certificate or license issued by this municipality.

(8) **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.

(9) **Municipality.** The word "municipality" as used throughout this code means the City of Clinton, Utah.

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

(11) **Officer or official.** The terms "officer" or "official" as used in this code mean any elected or appointed person employed by the municipality unless the context clearly indicates otherwise.

(12) **Owner.** The term "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of a whole or part of such building or land.

(13) **Person.** The term "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.

(14) **Property.** The term "property" includes both real and personal property.

(15) **Reasonable time.** In all cases where any ordinance requires that an act 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.

(16) **Recorder.** The term "recorder" means the individual appointed to act as the recorder of the city.

(17) **Street.** The term "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks, and intersections.

(18) **Tenant-occupant.** The term "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.

(19) **Tenses.** The use of any verb in the present tense shall include the future and past tense when applicable.

(20) **Time - how computed.** The time within which an act is to be done as provided in this code 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 day next 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.

(21) **Week.** The word "week" shall be construed to mean any seven-day period.

History: 9/84