

ORDINANCE NO. _____,

AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE LINDON CITY CODE AND ENACTING NEW SECTIONS TO PROVIDE FOR A MORE UNIFORM AND CONSISTENT APPLICATION OF PENALTIES FOR VIOLATIONS OF THE LINDON CITY CODE AND PROVIDING NOTICE OF CIVIL PENALTIES AND COLLECTION PROCEDURES.

WHEREAS, the Lindon City Code currently provides for various penalties and civil fines for violating provisions of the code that vary depending on Title, Chapter, or Section; and

WHEREAS, a number of the penalty provisions of the code are not uniform or consistent with other provisions of the code; and

WHEREAS, it is in the public interest to have a uniform and consistent application of penalties for violations of the code so as to provide for predictability and to reduce the application of penalties that may appear to be arbitrary or capricious in their administration, and

WHEREAS, the Lindon City Planning Commission has reviewed and provided recommendations for those Parts of this Ordinance that affect Lindon City’s land use ordinances.

NOW THEREFORE, BE IT ORDAINED by the Lindon City Council of Lindon City, Utah as follows:

PART 1. Chapter 1.16 of the Lindon City Code is amended to modify Section 1.16.010 and to enact Section 1.16.020 to read as follows:

Section 1.16.010 Designated.

Whenever no other penalty is prescribed, any violation of any provision of any ordinance included in the revised ordinances or ordinances hereafter enacted in the Lindon City Code shall be punishable as a Class B misdemeanor. Each day a violation of the Lindon City Code continues shall constitute a separate offense.

Section 1.16.20 Limits on Penalties

1. Unless otherwise proscribed under this Code, all offenses designated as Class B misdemeanors shall be punished by a fine not to exceed the sum of one thousand dollars or by imprisonment for a period not longer than six months, or by both such fine and imprisonment.
2. Unless otherwise proscribed under this Code, all offenses designated as Class C misdemeanors shall be punished by a fine in a sum not to exceed seven hundred fifty dollars, or by imprisonment for a period not longer than ninety days, or by both such fine and imprisonment.

1 3. Unless otherwise proscribed under this Code, all offenses designated as infractions shall be punished
2 by a fine not to exceed the sum of seven hundred fifty dollars.

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4 **PART 2. Section 1.18.010 of the Lindon City Code is amended to read as follows:**

5 Section 1.18.010 Assessment of Cost

- 6 1. Except for those violations for which the Utah State Code expressly precludes cities from seeking
7 recoupment through administrative procedures, the city administrator shall have the power to assess
8 those persons or entities not in compliance with the city code for the costs and expenses associated
9 with remedying the negative effects of such noncompliance.
- 10 2. The city administrator shall have the power to direct either city employees or independent private
11 contractors to perform any work necessary to abate nuisances or otherwise remedy the negative
12 effects of noncompliance with a city code.
- 13 3. The costs and expenses referred to in Section 1.18.010 (1) shall consist of:
- 14 a. The actual cost of remedying any negative effect or circumstance caused by the failure to
15 comply with a city code or ordinance; and
- 16 b. The administrative costs incurred in the supervision and direction of any remedial efforts.
- 17 c. Cost and attorneys fees incurred in remedying the noncompliance. For purposes of the
18 Lindon City Code, Attorneys Fees and costs mean all fees and costs incurred in
19 remedying the noncompliance, including those incurred before and after litigation is
20 commenced.
- 21 4. The costs and expenses shall be computed by taking the actual time spent by any administrative
22 official, city employee, and independent private contractor and multiplying it by one hundred
23 twenty five percent (125%) of the normal hourly wage or fee of the foregoing individual or entities.

24
25 **PART 3. Section 1.18.020 of the Lindon City Code is amended to read as follows:**

26 Section 1.18.020 Notice

27 Once the costs and expenses of any remedial efforts have been computed, the city administrator shall
28 mail an itemized bill to the person or entity in violation of the city code provision identifying the code
29 section violated, the dates of violation, and the nature of the remedial efforts, and a notice that the
30 amounts assessed must be paid in full within 30 days of the itemized bill being provided.
31 For purposes of this section, receipt of notice shall be deemed to have occurred upon the earlier of
32 the date written notice is delivered or three days after the notice is mailed.

1 **PART 4. Section 1.18.030 of the Lindon City Code is amended to read as follows:**

2 Section 1.18.030 Collection

- 3 1. If the full amount assessed to the person or entity is not paid in full within thirty (30) days of the
4 date of receipt of notice of the itemized bill, as calculated in Section 1.18.020, interest will begin to
5 accrue on the remaining balance at the rate of twelve percent (12%) per annum to be compounded
6 monthly.
- 7 2. If the full amount assessed to the person or entity, including interest, is not paid within sixty (60)
8 days, an additional two hundred dollar (\$200.00) surcharge shall be added to the amount due. An
9 additional two hundred dollar (\$200.00) surcharge shall be added to the amount due for every
10 subsequent one hundred eighty (180) day period in which the full amount of the assessment plus
11 interest and surcharges is not paid in full.
- 12 3. If the full amount assessed to the person or entity, including interest, is not paid within one hundred
13 eighty (180) days of receipt of the notice, as calculated in Section 1.18.020, the city administrator may
14 initiate collection proceedings against the delinquent person or entity. The person or entity against
15 which the collection proceedings are brought shall be responsible for all court costs, reasonable
16 attorney fees, and other expenses associated with collection efforts.

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18 **PART 5. Chapter 2.08 of the Lindon City Code is amended to enact Section 2.08.110 to**
19 **read as follows:**

20 Section 2.08.110. Failure to comply with a subpoena.

21 Failure to comply with a subpoena issued by the City Council pursuant to this Section shall
22 be punishable as a Class B misdemeanor.

23

24 **PART 6. Section 2.28.100 of the Lindon City Code is amended to read as follows:**

25 Section 2.28.100 Use of office for personal benefit prohibited.

- 26 1. No elected or appointed officer or municipal employee shall:
- 27 a. Improperly disclose private, confidential, or protected information acquired by reason of his
28 official position or improperly use such information to secure special privileges or
29 exemptions for himself or others;
- 30 b. Use or attempt to use his official position to secure special privileges or exemptions for himself
31 or others; or
- 32 c. Knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for
33 himself or another if the gift or loan tends to influence him in the discharge of his official
34 duties.
- 35 2. This Section does not apply to:

- 1 a. An occasional non-pecuniary gift having a value of less than \$50;
 - 2 b. An award publicly presented;
 - 3 c. Any bona fide loan made in the ordinary course of business;
 - 4 d. A political campaign contribution if the contribution is actually used in a political campaign.
- 5 3. In addition to any penalty contained in any other provision of law, any person who knowingly
6 and intentionally violates this Section, shall be dismissed from employment or removed from
7 office and shall be subject to prosecution pursuant to state law.

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9 **PART 7. Section 2.32.090 of the Lindon City Code is amended to read as follows:**

10 Section 2.32.090 Unlawful interference penalty.

11 Any person who shall willfully hinder any officer or foreman in the charge of his duty at a fire, or in any
12 manner injure, deface, or destroy any engine, hose or other fire apparatus belonging to the city or who
13 shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or in
14 any way interfere with the water or its source of supply, shall be deemed guilty of a Class B
15 misdemeanor.

16 **PART 8. Section 2.32.140 of the Lindon City Code is amended to read as follows:**

17 Section 2.32.140 Defective structures.

18 Whenever, in the judgment of the fire chief, any building or structure, or any portion thereof, or any
19 appurtenances or fixtures thereto, or any chimney, smokestack, stove, oven, furnace or wiring or
20 thing connected with such building or premises is deemed defective or unsafe, and such defect or unsafe
21 condition is such as to create a danger from fire; or whenever the owner or occupant of such
22 building or structure or part thereof keeps or stores any explosive, combustible, flammable
23 material, waste or rubbish of any description in such manner that the same creates a danger from fire, the
24 fire chief or his deputies shall give the owner or person having control of such building or structure notice,
25 not exceeding five days, of required changes, alterations or repairs necessary to render the same safe to
26 life and property from fire, and any person refusing or neglecting to comply with such notice shall be
27 deemed guilty of a Class B misdemeanor.

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29 **PART 9. Section 2.32.170 of the Lindon City Code is amended to read as follows:**

30 Section 2.32.170 Causing a fire.

31 It is unlawful for any person, willfully or negligently, to ignite or cause to be ignited, any tree
32 or shrub, cultivated crop or fence, building or other property on any land not his own, or to throw away

1 any lighted cigar, cigarette, match or other burning material whatsoever on any land cover which will
2 carry fire. A person violating this Section shall be guilty of a Class B misdemeanor.

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4 **PART 10. Section 2.32.190 of the Lindon City Code is amended to read as follows:**

5 ~~Section 2.32.190 — Apparatus Interference penalty.~~

6 ~~Any person who may use or in any way interfere with any of the fire apparatus, without the consent of~~
7 ~~the chief, shall be guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine~~
8 ~~not exceeding one hundred dollars or by imprisonment not exceeding three months, or both.~~

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10 **PART 11. Section 2.32.200 of the Lindon City Code is amended to read as follows:**

11 Section 2.32.200 False alarms--Penalty.

12 Any person who shall without cause give an alarm of fire by outcry or ringing of bells or otherwise, shall
13 be deemed guilty of a Class B misdemeanor.

14

15 **PART 12. Section 2.32.210 of the Lindon City Code is amended to read as follows:**

16 Section 2.32.210 Violation--Penalty.

17 1. Any person violating any provision of this eChapter shall be deemed guilty of a Class B misdemeanor.

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19 2. Each day that any violation continues after notification by the Chief or his agent that such
20 violation exists shall be considered a separate offense.

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22 **PART 13. Section 2.38.30 of the Lindon City Code is amended to read as follows:**

23 Section 2.38.030 Commission duties.

24 The historic preservation commission shall have the following duties:

25 1. Survey and Inventory Community Historic Resources. The Historic Preservation
26 Commission shall conduct or cause to be conducted a survey of the historic, architectural, and

1 archaeological resources within the community. The survey shall be compatible with the Utah
2 Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be
3 maintained and shall be open to the public. The survey shall be updated at least every 10 years.

4 2. Review Proposed Nominations to the National Register of Historic Places. The Historic
5 Preservation commission shall review and comment to the State Historic Preservation Officer on
6 all proposed National Registry nominations for properties within the boundaries of Lindon City.
7 When the Historic Preservation Commission considers a National Register nomination which
8 is normally evaluated by professionals in a specific discipline and that discipline is not
9 represented on the Commission, the Commission shall seek expertise in that area before rendering
10 its decision.

11 3. Provide advice and information.

12 a. The historic preservation commission shall act in an advisory role to other officials and
13 departments of government regarding the identification and protection of local
14 historic and archaeological resources.

15 4. Enforcement of state historic preservation laws.

16 a. The commission shall support the state laws relating to historic preservation. These include, but are
17 not limited to: U.C.A. §17A-3-1301 through 1306, "The Historic District Act;" and U.C.A. §9-8-
18 301 through 506 regarding the protection of Utah antiquities and historic sites.

19 b. Anyone violating this Chapter or any of portion of the State Code adopted or referenced
20 herein shall be guilty of a Class B Misdemeanor. Each day that a violation of this Chapter
21 continues after notification by the commission or its agent that such violation exists, shall
22 be considered a separate offense.

23
24 **PART 14. Section 2.42.80 of the Lindon City Code is amended to read as follows:**

25 Section 2.42.080 Prohibited activities.

26 The city sexton and employees or other persons assigned to work at a city cemetery shall not, either
27 directly or indirectly, knowingly act or serve as agents, employees, or salespersons for (1) any person
28 or company furnishing materials used at a city cemetery; (2) any mortuary, funeral home, or similar
29 establishment; or (3) any person or company selling grave markers or monuments. The city sexton and
30 employees or other persons assigned to work at a city cemetery shall not be interested in any manner in
31 any monument, vault, casket manufacturing, or related business, and shall not in any manner receive
32 any profits or rewards growing out of the sale or placement of any monuments, caskets, vaults, or
33 markers. Each violation of this Section is a Class C misdemeanor. Each day a person acts or serves as
34 an agent, employee or sales person in violation of this Section shall constitute a separate offense.

35
36 **PART 15. Section 2.44.080 of the Lindon City Code is amended to read as follows:**

37 Section 2.44.080 Campaign Finance Disclosure.

- 1 1. Candidates for municipal office who receive more than \$500 in campaign contributions or spend
- 2 more than \$500 on their campaign for office shall report their itemized and total campaign
- 3 contributions and expenditures seven (7) days before the date of the municipal general
- 4 election and again no later than thirty (30) days after the date of the municipal general election.
- 5 2. The definition of contribution and expenditure includes reporting of non-monetary
- 6 contributions such as in-kind contributions and contributions of tangible things.
- 7 3. The financial report shall identify (a) each contribution of more than \$50, the name of the donor
- 8 and the type of contribution and the amount of the contribution; and (b) each expenditure, the name of
- 9 the recipient and the amount of the expenditure.
- 10 4. The financial report shall be signed by the candidate and filed with the City Recorder
- 11 5. Candidates for elective municipal office who are eliminated at a primary election shall file a signed
- 12 campaign financial statement containing the information required by this ordinance not later than
- 13 thirty (30) days after the primary election.
- 14 6. The statements required by this ordinance shall be public documents.
- 15 7. Any Candidate who fails to comply with this Section shall:
- 16 a. have their name removed from the ballot before ballots are provided to the voters
- 17 i) The City Recorder may remove the candidate's name, black out the candidate's
- 18 name on the ballot or otherwise provide information to voters that the candidate has
- 19 been disqualified from the election.
- 20 b. have any votes cast for the candidate disregarded and not counted by the City Recorder; and
- 21 c. be guilty of an infraction.
- 22

23 **PART 16. Section 3.04.050 of the Lindon City Code is amended to read as follows:**

24 Section 3.04.050 Penalties and Interest.

- 25 1. Penalties and interest equal to those authorized by U.C.A. Sections 59-1-401 and 59-1-402 shall
- 26 be imposed on any person who:
 - 27 a. is required to pay the tax under this Chapter; and
 - 28 b. does not remit the tax to the collecting agent within the time prescribed by law.
- 29 2. Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class B
- 30 Misdemeanor.
- 31 3. Each day a violation of this Chapter continues shall constitute a separate offense.
- 32

33 **PART 17. Chapter 3.04 of the Lindon City Code is amended to enact Section 3.04.060 to**

34 **read as follows:**

35 Section 3.04.060 Attorney fees and cost of collection.

1 Unless otherwise altered or limited by state law, every person, entity, or company obligated to pay the tax
2 imposed by this Chapter shall be required to pay all costs of collection of the tax imposed herein,
3 including reasonable attorney's fees, court costs, and all other costs incident to the collection of the
4 tax as are incurred by Lindon City in enforcing any of the provisions of this Chapter.

5

6 **PART 18. Section 3.06.060 of the Lindon City Code is amended to read as follows:**

7 Section 3.06.060 Penalties and interest.

8 1. Penalties and interest equal to those authorized by U.C.A. Sections 59-1-401 and 59-1-402 shall
9 be imposed on any person who:

10 a. is required to pay the tax under this Chapter; and

11 b. does not remit the tax to the collecting agent within the time prescribed by law.

12 2. Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class B
13 Misdemeanor.

14 3. Each day a violation of this Chapter continues shall constitute a separate offense.

15

16 **PART 19. Chapter 3.06 of the Lindon City Code is amended to enact Section 3.06.070 to**
17 **read as follows:**

18 Section 3.06.070 Attorney fees and cost of collection.

19 Unless otherwise altered or limited by state law, every person, entity, or company obligated to pay the tax
20 imposed by this Chapter shall be required to pay all costs of collection of the tax imposed herein,
21 including reasonable attorney's fees, court costs, and all other costs incident to the collection of the
22 tax as are incurred by Lindon City in enforcing any of the provisions of this Chapter.

23

24 **PART 20. Chapter 3.09 of the Lindon City Code is amended to enact Sections 3.09.090 and**
25 **3.09.100 to read as follows:**

26 Section 3.09.090 Penalties and interest

27 1. Penalties and interest equal to those authorized by U.C.A. Sections 59-1-401 and 59-1-402 shall
28 be imposed on any person who:

29 a. is required to pay the tax under this Chapter; and

30 b. does not remit the tax to the collecting agent within the time prescribed by law.

1 2. Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class B
2 Misdemeanor.

3 3. Each day a violation of this Chapter continues shall constitute a separate offense.

4

5 Section 3.09.100 Attorney fees and cost of collection.

6 Unless otherwise altered or limited by state law, every person, entity, or company obligated to pay the tax
7 imposed by this Chapter shall be required to pay all costs of collection of the tax imposed herein,
8 including reasonable attorney's fees, court costs, and all other costs incident to the collection of the
9 tax as are incurred by Lindon City in enforcing any of the provisions of this Chapter.

10

11 **PART 21. Section 3.10.070 of the Lindon City Code is amended to read as follows:**

12 Section 3.10.070 Penalty and interest.

13 1. A penalty of 10% of the unpaid tax shall be imposed on every person, entity, or company
14 obligated to pay the tax imposed by this Chapter. Additionally, interest in the amount of 18% per
15 annum on the amount of the unpaid tax from the date due until paid, both before and after judgment,
16 shall be imposed on every person, entity, or company obligated to pay the tax imposed by this
17 Chapter.

18 2. Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class B
19 Misdemeanor.

20 3. Each a day a violation of this Chapter continues shall constitute a separate offense.

21

22 **PART 22. Chapter 3.12 of the Lindon City Code is amended to enact Sections 3.12.090 and**
23 **3.12.100 to read as follows:**

24 Section 3.12.090 Penalties and interest

25 1. Penalties and interest equal to those authorized by U.C.A. Sections 59-1-401 and 59-1-402 shall
26 be imposed on any person who:

27 a. is required to pay the tax under this Chapter; and

28 b. does not remit the tax to the collecting agent within the time prescribed by law.

29

30 2. Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class B
31 Misdemeanor.

32 3. Each a day a violation of this Chapter continues shall constitute a separate offense.

33

34 Section 3.12.100 Attorney fees and cost of collection.

1 Unless otherwise altered or limited by state law, every person or company obligated to pay the tax imposed by
2 this Chapter shall be required to pay all costs of collection of the tax imposed herein, including
3 reasonable attorney's fees, court costs, and all other costs incident to the collection of the tax as are
4 incurred by Lindon City in enforcing any of the provisions of this Chapter.

5
6 **PART 23. Chapter 4.08 of the Lindon City Code is amended to enact Section 4.08.050 to**
7 **read as follows:**

8 Section 4.08.050 Acts Constituting Separate Offenses

- 9 1. Each act of intentionally disclosing or providing a copy of a private, controlled, or
10 protected record as prohibited by Section 4.08.020 shall constitute a separate
11 offense under this Chapter.
12 2. Each protected record that is accessed in violation of Section 4.08.030 shall constitute a
13 separate offense.
14 3. The unlawful refusal to disclose a required document under Section 4.08.040 shall
15 be a separate offense for each request for new documents. The refusal to disclose
16 required documents on multiple requests for the same, or similar documents, from
17 the same applicant, or applicants associated or affiliated with one another, shall
18 only constitute one offense for the purposes of Section 4.08.040.

19
20 **PART 24. Section 6.04.070 of the Lindon City Code is amended to read as follows:**

21 Section 6.04.070 Hindering and obstructing enforcement unlawful.

22 It is unlawful for any person to interfere with, molest, hinder or prevent the animal control officer
23 from discharging his duties. Any person who shall hinder, delay, interfere with or obstruct the animal
24 control officer while engaging in capturing, securing or taking to the animal shelter any animal or
25 animals to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel,
26 or advise in the breaking open of any animal shelter or vehicle used for holding, collecting or
27 conveying any animals to the shelter shall be deemed guilty of a Class B misdemeanor.

28
29 **PART 25. Section 6.04.100 of the Lindon City Code is amended to read as follows:**

30 Section 6.04.100 Violation--Penalty

31 1. Unless otherwise indicated, any person violating the provisions of this Title 6 of this Code shall be
32 guilty of a Class B misdemeanor and upon conviction thereof shall be punished by a fine of not more
33 than one thousand dollars or by imprisonment for not more than six months or by both such fine and
34 imprisonment.

1 2. Each day that any violation continues after notification by the Animal Control Officer or his
2 agent that such violation exists shall be considered a separate offense.

3
4 **PART 26. Section 6.08.050 of the Lindon City Code is amended to read as follows:**

5 Section 6.08.050 Removal and disposition of dead animals.

6 It is unlawful for the owner of any animal or fowl that shall die or be killed within the city to fail to remove
7 or bury the carcass of such animal within ten (10) hours after its death. If the owner of the dead animal or
8 fowl cannot be found, the animal control officer may remove or bury the carcass of such animal and the
9 owner shall reimburse the city for any expenses so incurred. No person shall deposit a dead animal
10 upon the land of another person without the latter's consent. Any person who violates this sSection
11 is guilty of a Class C misdemeanor. Each day that a violation of this Section continues after
12 notification by the Animal Control Officer or his agent that such violation exists shall be
13 considered a separate offense.

14
15 **PART 27. Section 6.12.180 of the Lindon City Code is amended to read as follows:**

16 Section 6.12.180 Violation-penalty

17 Notwithstanding the penalties set forth in Section 6.04.100 any person violating any of the provisions of
18 Chapter 12 of this Title shall be guilty of an infraction. Each day that a violation of this Section
19 continues, after notification by the Animal Control Officer or his agent that such violation exists,
20 shall be considered a separate offense.

21
22 **PART 28. Chapter 8.04 of the Lindon City Code is amended to enact Section 8.04.050 to**
23 **read as follows:**

24 Section 8.04.050 Violation--Penalties

25 Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class B
26 Misdemeanor. Each day that a violation of this Section continues shall constitute a separate offense.

27
28 **PART 29. Chapter 8.12 of the Lindon City Code is amended to enact Section 8.12.030 to**
29 **read as follows:**

30 Section 8.12.030 Violation--Penalties

31 Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class B
32 Misdemeanor. Each day that a violation of this Section continues shall constitute a separate offense.

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PART 30. Section 8.16.240 of the Lindon City Code is amended to read as follows:

Section 8.16.240 Violation--Penalty.

Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class C misdemeanor. Each day that a violation of this Section continues, after notification by the Superintendent or his agent that such violation exists, shall be considered a separate offense.

PART 31. Section 8.20.180 of the Lindon City Code is amended to read as follows:

Section 8.20.180 Nuisance Unlawful-Violation-Penalty.

1. Criminal Penalty: It is unlawful for any person, firm, entity, or corporation, either as owner, agent or occupant to maintain or permit to remain or be maintained upon his premises any nuisance as defined herein. Every such nuisance shall be removed or abated as herein provided for. Any person or persons who shall allow or maintain a nuisance as herein defined, or who shall otherwise be guilty of a violation of any of the provisions of this Chapter shall be guilty of a Class C misdemeanor. Each day a nuisance is permitted to remain may be deemed a separate offense.

2. Civil Penalty: After providing notice as required in this Chapter, continuing violations of the provisions of this Title shall result in the following civil penalties:

- a. For violations in residential zones a civil penalty of \$200 per day.
- b. For violations in all non-residential zones a civil penalty of \$400 per day.
- c. Each day a violation is continued or maintained after receipt of notice shall give rise to a separate civil penalty for each day of violation.

3. Collection: Collection of civil penalties imposed under this Section may be collected by Lindon City as provided for in Title 1, Chapter 18 of this Code. Forbearance by the Inspector to collect civil penalties shall not relieve the responsibility to pay any penalty, to cure the violation, nor shall it require the City to reissue any of the notices required by this Section.

4. Nonexclusive Remedies: Any one, all, or any combination of the penalties and remedies set forth in this Chapter may be used to enforce the provisions of this Chapter. Collection of Civil Penalties under Title 1, Chapter 18 of this code shall not preclude the City from collecting costs for the abatement of the weeds, garbage, refuse, objects, or structures through taxation as provided for by Section 8.20.160.

1 **PART 32. Section 8.28.100 of the Lindon City Code is amended to read as follows:**

2 Section 8.28.100 Violation--Penalty.

3 Persons violating this Chapter shall be deemed guilty of a Class B misdemeanor. Every day a violation
4 of this Chapter continues shall constitute a separate violation.

5

6 **PART 33. Section 8.32.340 of the Lindon City Code is amended to read as follows:**

7 Section 8.32.340 Violation –Penalty

8 Any person who violates any provision of this Chapter is guilty of a class C misdemeanor. Every day a
9 violation of this Chapter continues shall constitute a separate violation.

10

11 **PART 34. Section 9.16.020 of the Lindon City Code is amended to read as follows:**

12 Section 9.16.020 Disorderly houses.

13 It is unlawful for any person to do, commit or suffer to be done or committed any or either of the
14 things or acts in this Section hereinafter enumerated, within the limits of the city;

- 15 1. To keep, maintain or permit to be kept or maintained upon or in any property owned, occupied or
16 leased by or to such person, any building, place or structure resorted to or used in whole or in part by one
17 or more females for lewdness or prostitution;
- 18 2. To resort to, or reside in any place mentioned in this Section for the purpose of lewdness,
19 prostitution, unlawful sexual intercourse or other immoral or illegal purpose;
- 20 3. To keep a house of ill-fame resorted to for the purpose of prostitution or lewdness, or to willfully
21 reside in such house, or to resort thereto for lewdness;
- 22 4. To be the owner of any building or tenement, the whole or any part of which is used for any of the
23 purposes mentioned in this section;
- 24 5. To have control of such building or tenement as agent, guardian or lessee of such owner, after
25 written notice to such owner, agent, guardian or lessee that such building or tenement is being
26 used for the purposes mentioned in this section;
- 27 6. To let any building or tenement, knowing that the lessee intends using the same, or any part thereof, for
28 the purpose mentioned in this section; to harbor or keep about his premises any person known to be
29 guilty of following a lewd course of life; and
- 30 7. It is unlawful for any person knowingly to visit, frequent or resort to a disorderly house, except for a
31 legitimate purpose.
- 32 8. Every day a Violation of this Section continues shall constitute a separate offense.

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PART 35. Section 9.20.050 of the Lindon City Code is amended to read as follows:

Section 9.20.050 Violation Penalty.

Any person convicted of violating this Chapter shall be guilty of a Class B Misdemeanor. Each day a violation of this Chapter continues shall constitute a separate violation.

PART 36. Section 9.22.030 of the Lindon City Code is amended to read as follows:

Section 9.22.030 Encouragement - Abuse- Violation – Penalty.

1. Any person who commits any of the following acts is guilty of a Class B misdemeanor:
 - a. Any person eighteen (18) years of age who induces, aids or encourages a child to violate any federal, state or local law or municipal ordinance of the City, or tends to cause children to become or remain delinquent, or aids to or becomes responsible for the neglect or delinquency of any child; or
 - b. Any person eighteen (18) years of age or over having a child in his legal custody or in his employment who willfully abuses or ill treats, neglects, or abandons such child in any manner likely to cause the child unnecessary suffering or serious injury to his health or morals; or
 - c. Any person eighteen (18) years of age or over who encourages a child to leave the legal or physical custody of any person, agency or institution in which the child has been legally placed for the purpose of care, support, education, or adoption, or any person who knowingly detains or harbors such child.
2. Each day that a person knowingly detains or harbors such a child or person committing any act described above shall constitute a separate offense.

PART 37. Section 9.29.010 of the Lindon City Code is amended to read as follows:

Section 9.29.010 Schools—Alcoholic beverages.

It is unlawful for any person to possess or drink an alcoholic beverage inside or on the grounds of any building operated by a part of the public education system within the city or in those portions of any building, park or stadium within the city which are being used for an activity sponsored by or through any part of the public education system. Any person violating any provision of this Section shall be guilty of a class B misdemeanor.

1 **PART 38. Section 9.29.020 of the Lindon City Code is amended to read as follows:**

2 Section 9.29.020 School—Dangerous materials.

3 It is unlawful for any person to possess a weapon, explosive, flammable material, or other material
4 dangerous to persons or property in a public or private elementary or secondary school, on the grounds
5 of the school, or in those parts of a building, park, or stadium which are being used for any activity
6 sponsored by or through the school. A violation of this Section is a class B misdemeanor
7 unless a higher penalty is prescribed in the Criminal Code, Title 76 of the U.C.A.

8

9 **PART 39. Section 9.29.040 of the Lindon City Code is amended to read as follows:**

10 Section 9.29.040 School property--Criminal trespass.

11 A person is guilty of criminal trespass upon school property if the person enters or remains unlawfully upon
12 school property and intends to cause annoyance or injury to a person or damage to property on the school property, or
13 if the person intends to commit a crime, or is reckless as to whether the person's presence will cause fear for the
14 safety of another. A person is also guilty of criminal trespass upon school property if the person enters or
15 remains without authorization upon school property if notice against entry or remaining has been given by the
16 posting of signs reasonably likely to come to the attention of trespassers, by fencing or other enclosure
17 obviously designed to exclude trespassers, by a current order of suspension or expulsion, or by personal
18 communication to the person by a school official or an individual with apparent authority to act for a school official.
19 Any person violating this Section is guilty of a Class B misdemeanor.

20

21 **PART 40. Section 9.32.030 of the Lindon City Code is amended to read as follows:**

22 Section 9.32.030 Flooding streets and sidewalks.

23 Every person who willfully, carelessly or negligently obstructs, injures or floods any street or sidewalk by the
24 flow or seepage of water, or who willfully, carelessly or negligently permits water under his control to escape in
25 any manner so as to obstruct, injure or flood any street or sidewalk, within the limits of the city, is guilty of a
26 Class B misdemeanor.

27

28 **PART 41. Section 9.32.080 of the Lindon City Code is amended to read as follows:**

29 Section 9.32.080 Posting bills without permission.

- 1 1. It is unlawful for any person, acting for himself or through an agent, or for such agent, to print, paint, write,
2 or in any way post up any notice, card, advertisement or other device upon any tree, post or pole upon
3 any street at any time or to post any such notice, card, advertisement or other device upon any wall,
4 fence, tree, post, pole, building or other property without the permission of the owner or person in
5 charge thereof.
- 6 2. Any person violating the provisions of this Section shall be guilty of a Class B misdemeanor. Each
7 day a violation of this Section continues shall constitute a separate offense.

8

9 **PART 42. Section 9.32.090 of the Lindon City Code is amended to read as follows:**

10 ~~Section 9.32.090 — Failure to remove election signs.~~

- 11 1. ~~Any person or persons erecting, posting or placing any election sign, banner, notice or handbill~~
12 ~~supporting any candidate or cause is required by the terms of this section to remove such poster,~~
13 ~~sign or handbill within five days following the election itself, regardless of whether such sign,~~
14 ~~banner, or handbill was placed on public property. Such person or persons shall remain~~
15 ~~individually responsible for the removal and proper disposal of such signs, banners, and/or~~
16 ~~handbills.~~
- 17 2. ~~Any person convicted of violating any of the provisions of this section shall be guilty of a~~
18 ~~misdemeanor, and upon conviction thereof may be punished by a fine not to exceed two hundred~~
19 ~~ninety nine dollars or imprisonment not to exceed six months, or by both such fine and imprisonment.~~

20

21 **PART 43. Section 9.32.100 of the Lindon City Code is amended to read as follows:**

22 ~~Section 9.32.100 — Failure to keep guest register.~~

23 ~~It is unlawful for the keeper of any hotel, boarding house, lodging house, rooming house or motel/trailer~~
24 ~~park or other public lodging place to fail to keep a register in which such keeper shall require each guest~~
25 ~~to write his or her name and place of residence before occupying any sleeping or other room; or to fail~~
26 ~~to enter on such register opposite the name of each guest the number, letter, or other designation of the~~
27 ~~room assigned to such guest or fail to keep such register open to public inspection at all times until one~~
28 ~~year after such register shall have been filled. Such register shall be a permanently bound blank~~
29 ~~book sufficient in size to contain all the information herein provided to be placed in the same. Any~~
30 ~~person, be he the owner, proprietor, clerk or any other person having regular or temporary charge of any~~
31 ~~hotel, boarding house, lodging house, rooming house, motel, trailer park or other public lodging place,~~
32 ~~who shall violate any provisions of this section, shall be deemed guilty of a public offense.~~

1 **PART 44. Section 10.08.040 of the Lindon City Code is amended to read as follows:**

2 Section 10.08.040 Violation--Penalty.

3 Any person violating, causing or permitting a violation of any provision of this Chapter or the provisions
4 adopted or incorporated by reference shall be guilty of a Class C misdemeanor, unless another penalty is
5 expressly provided. Each day a violation of this Chapter continues shall constitute a separate
6 offense.

7

8 **PART 45. Section 11.08.140 of the Lindon City Code is amended to read as follows:**

9 11.08.140 Penalty Provision

10 A violation of this ordinance shall constitute a Class B misdemeanor. In addition to or in
11 lieu of any criminal prosecution Lindon City shall have the power to sue in civil court to enforce the
12 provisions of this ordinance. Any one, all, or any combination of the penalties and remedies set
13 forth in this Section may be used to enforce the provisions of this Chapter.

14

15 **PART 46. Section 12.08.010 of the Lindon City Code is amended to read as follows:**

16 Section 12.08.010 Depositing material prohibited.

17 1. It is unlawful for any person intentionally or carelessly to throw, cast, put into, drop or leave in
18 any street, gutter, sidewalk or public place any stones, gravel, sand, coal, dirt, manure,
19 garbage, leaves, lawn or hedge clippings or rubbish of any kind or any other substance which
20 shall render such highway unsafe or unsightly or shall interfere with travel thereon, or to direct
21 or instruct another person to do the same. The liability for the removal of such material shall
22 rest with:

23 a. the owner of the material, if the material is placed at the owner's direction or through the
24 actions of the owner, or if the material is deposited adjacent to the owner's property; or

25 b. the person or persons who placed the material, whether intentional or not, in violation of
26 this section; or

27 c. both the owner of the material and the person who places the material in violation of
28 this section.

29 2. Any person cited for violating this Section shall remove the material within forty eight hours of
30 the citation or be guilty of a Class B misdemeanor. Each day a violation of this Chapter continues
31 after the notice, shall constitutes a separate offense. The city may proscribe a shorter time for
32 removal in cases where the city determines that the material poses an extreme hazard to the public. If

1 the person or persons cited under this Section fail to remove the material within the required time, the city
2 may remove the material to another location or dispose of the material at the expense of the person or
3 persons cited. Persons cited in violation of this Section may also be liable for any cost incurred by the
4 city for the erection of barricades or warning signs when the city deems it necessary to protect the safety
5 of the public. (Prior code §15-9.)

6

7 **PART 47. Chapter 12.12 of the Lindon City Code is amended to enact Section 12.12.150 to**
8 **read as follows:**

9 Section 12.12.150 Violations—Penalties

10 Any person violating, causing, or permitting a violation of any provision of this Chapter shall be guilty of a
11 Class B misdemeanor. Each day a violation of this Chapter continues shall constitute a separate
12 offense.

13

14 **PART 48. Section 12.16.070 of the Lindon City Code is amended to read as follows:**

15 Section 12.16.070 Violation--Penalty.

16 Any person violating any of the provisions of Sections 12.16.010 through 12.16.050 shall
17 be guilty of a Class B misdemeanor. Each day a violation of this Chapter continues shall constitute a
18 separate offense.

19

20 **PART 49. Section 12.20.270 of the Lindon City Code is amended to read as follows:**

21 Section 12.20.270 Violation--Penalty.

22 Any person violating any of the provisions of this Chapter shall be guilty of a Class B Misdemeanor.
23 Each day a violation of this Chapter continues shall constitute a separate offense.

24

25 **PART 50. Section 13.04.080 of the Lindon City Code is amended to read as follows:**

26 Section 13.04.080 Violation--Penalty.

27 It is unlawful for any person or entity to violate any of the provisions of this Title and any
28 violation of this Title or failure to comply with any of the provisions of this Title shall be

1 punishable as a Class B misdemeanor. Each day a violation of this Title continues shall
2 constitute a separate offense.

3

4 **PART 51. Section 15.04.050 of the Lindon City Code is amended to read as follows:**

5 Section 15.04.050 Violation–Penalty

6 1. Criminal Penalty: Any person, firm, entity, or corporation, whether as principal, agent or employee,
7 who violates or causes the violation of any of the provisions of this Title shall be guilty of a Class
8 C Misdemeanor. For purposes of enforcement under this Section, the provisions of
9 this Title shall include the provisions, requirements and restrictions of all of the
10 codes and regulations referenced and adopted in Title 15. Each day a violation of this
11 Title continues shall constitute a separate offense.

12 2. In addition, Lindon City by action of the City Council, may institute an injunction,
13 mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate
14 or remove such unlawful erection, construction, reconstruction, alteration, or
15 maintenance:

16 3. Notice:

17 a. Upon inspection and discovery that any provision of this Title is being violated, the
18 Building Official, or his agent, shall provide a written notice of violation and order to the
19 property owner and to any other party who may be responsible for the violation.

20 b. Each written notice and order shall: (1) indicate the nature of the violation; (2) order the
21 action necessary to correct the violation; (3) give information regarding the established
22 warning period for the violation; and (4) state the action the Building Official intends to take
23 if the violation is not corrected within the warning period.

24 c. The written notice shall be delivered personally or mailed to the property owner, as
25 shown on the records of the county recorder, and to any other person who may be responsible
26 for the violation. Receipt of notice shall be deemed to occur upon the earlier of the date
27 written notice is delivered or three days after the notice is mailed as provided herein.

28 d. The written notice shall serve to start any warning periods provided in this Section,
29 commencing upon receipt of notice. If the violation remains uncured within five days after
30 the expiration of the warning period, a second notice of violation and order shall be delivered

1 in the same manner as the first notice. The second notice shall serve to start the civil penalties
2 after the expiration of the warning period established in this Section.

3 e. In cases where the Building Official determines that a delay of enforcement would pose a
4 danger to the public health, safety or welfare, or would otherwise compromise the effective
5 enforcement of this Title, the Building Official may seek immediate enforcement without
6 prior written notice by instituting any of the remedies, other than civil penalties, authorized
7 by this Section.

8 4. Warning Period. There shall be a 28 day Warning period for all violations of this Title,
9 except as provided in Subsection 3(e) of this Section.

10 5. Civil Penalties: Violations of the provisions of this Title shall result in the following civil
11 penalties, after expiration of the warning period established herein:

12 a. For violations in residential zones, or residential use, a civil penalty of \$200 per day.

13 b. For violations in all non-residential zones, or non-residential use, a civil penalty of
14 \$400 per day.

15 c. Each day a violation is continued or maintained after receipt of notice shall give rise to
16 a separate civil penalty for each day of violation.

17 6. Violation Appeal Procedures.

18 a. An appeal of a violation determination and/or suggested action by the City shall
19 follow the appeal procedures outlined in LCC 17.09, except that:

20 i. the Appeal Authority for violation determinations shall be the City Council,
21 and

22 ii. the appeal period (time to appeal) shall be valid for no longer than 10 days after
23 expiration of the Warning Period. No appeals will be accepted after expiration of
24 the appeal period.

25 7. Collection of Civil Penalties: Collection of civil penalties imposed under this Section may
26 be collected by Lindon City as provided for in Title 1, Chapter 18 of this Code. Forbearance by
27 the Building Official to collect civil penalties shall not relieve the responsibility to pay any
28 penalty, to cure the violation, nor shall it require the City to reissue any of the notices required
29 by this Section.

30 8. Nonexclusive Remedies: Any one, all, or any combination of the penalties and remedies set
31 forth in this Section, or any other Sections of Title 15 or the code and regulations adopted
32 thereby, may be used to enforce the provisions of this Title.

33
34 **PART 52. Section 17.04.410 of the Lindon City Code is amended to read as follows:**

1 Section 17.04.410 Violation—Notice—Penalties

- 2 1. Any person, firm, entity, or corporation, whether as principal, agent or employee, who violates or
3 causes the violation of any of the provisions of this Title shall be guilty of a Class C
4 misdemeanor and upon conviction thereof shall be punished as provided by law. Each day a
5 violation of this Title continues shall constitute a separate offense.
- 6 2. In addition, the following may institute an injunction, mandamus, abatement, or any other
7 appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful
8 erection, construction, reconstruction, alteration, or maintenance or use:
- 9 a. Lindon City by Action of the City Council;
- 10 b. Any owner of real estate within the zoning district in which an alleged violation of this
11 division has occurred.
- 12 3. Notice:
- 13 a. Upon inspection and discovery that any provision of this Title is being violated, the
14 Zoning Administrator, or his agent, shall provide a written notice of violation and order to
15 the property owner and to any other party who may be responsible for the violation.
- 16 b. Each written notice and order shall: (1) indicate the nature of the violation; (2) order the
17 action necessary to correct the violation; (3) give information regarding the established
18 warning period for the violation; and (4) state the action the Zoning Administrator intends to
19 take if the violation is not corrected within the warning period.
- 20 c. The written notice shall be delivered personally or mailed to the property owner, as
21 shown on the records of the county recorder, and to any other person who may be responsible
22 for the violation. Receipt of notice shall be deemed to occur upon the earlier of the date
23 written notice is delivered or three days after the notice is mailed as provided herein.
- 24 d. The written notice shall serve to start any warning periods provided in this Section,
25 commencing upon receipt of notice. If the violation remains uncured within five days after
26 the expiration of the warning period, a second notice of violation and order shall be delivered
27 in the same manner as the first notice. The second notice shall serve to start the civil penalties
28 after the expiration of the warning period established in this Section.
- 29 e. In cases where the Zoning Administrator determines that a delay of enforcement would
30 pose a danger to the public health, safety or welfare, or would otherwise compromise the
31 effective enforcement of this Title, the Zoning Administrator may seek immediate

1 enforcement without prior written notice by instituting any of the remedies, other than civil
2 penalties, authorized by this Section.

3 4. Warning Period. There shall be a 28 day warning period for all violations of this Title, except
4 as provided in Subsection 3(e) of this Section.

5 5. Civil Penalties: Violations of the provisions of this Title shall result in the following civil
6 penalties, after expiration of the warning period established herein:

7 a. For violations in residential zones, or residential use, a civil penalty of \$200 per day.

8 b. For violations in all non-residential zones, or non-residential use, a civil penalty of
9 \$400 per day.

10 c. Each day a violation is continued or maintained, after receipt of notice, shall give rise
11 to a separate civil penalty for each day of violation.

12 6. Violation Appeal Procedures.

13 a. An appeal of a violation determination and/or suggested action by the City shall
14 follow the appeal procedures outlined in LCC 17.09, except that:

15 i. the Appeal Authority for violation determinations shall be the City Council,
16 and

17 ii. the appeal period (time to appeal) shall be valid for no longer than 10 days after
18 expiration of the Warning Period. No appeals will be accepted after expiration of
19 the appeal period.

20 7. Collection of Civil Penalties: Collection of civil penalties imposed under this Section may
21 be collected by Lindon City as provided for in Title 1, Chapter 18 of this Code. Forbearance by
22 the Zoning Administrator to collect civil penalties shall not relieve the responsibility to pay any
23 penalty, to cure the violation, nor shall it require the City to reissue any of the notices required by
24 this Section.

25 8. Nonexclusive Remedies: Any one, all, or any combination of the penalties and remedies set
26 forth in this Section, or in other Sections of Title 17, may be used to enforce the provisions of
27 this Title.
28

29
30 **PART 53. Severability.**

31 Severability is intended throughout and within the provisions of this ordinance. If any
32 section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or

1 unconstitutional by a court of competent jurisdiction, then that decision shall not affect the
2 validity of the remaining portions of this ordinance.

3

4 **PART 54. Effective Date.**

5 This ordinance shall take effect immediately upon its passage and posting as provided by
6 law.

7

8

9

10

11

12

13

14 PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City,
15 Utah, this _____ day of _____ 2010.

16

17

18

19

20

James A. Dain,

21

Lindon City Mayor

22

23

24 ATTEST:

25

1

2

3 Debra Cullimore,

4 City Recorder