

SALEM CITY MUNICIPAL CODE
(Ordinance No. 10-11-94)

TITLE ONE - GENERAL PROVISIONS

Table of Contents

CHAPTER 1 - MUNICIPAL ORDINANCES..... 2
CHAPTER 2 - GENERAL 4

CHAPTER 1 - MUNICIPAL ORDINANCES

1-1-010. Adoption.

Pursuant to the provisions of Utah Code Annotated §10-3-701 et seq. there is hereby adopted the "Salem City Municipal Code".

1-1-020. Title-Reference.

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

1-1-030. References Applies to all Amendments.

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

1-1-040. Headings.

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.

1-1-050. References to Specific Ordinances or Statutes.

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 by an order of the governing body.

1-1-060. Applicability to Prior Offenses 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 effect the prosecution or 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 effecting 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 effect 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.

1-1-065. Offenses and Failure to Appear.

- A. When an offense under this Code is described as an infraction, A class C misdemeanor, or a class B misdemeanor, those designations shall have the same definitions and penalties as described in the Utah Code.
- B. Any person who, have signed a promise to appear to answer to criminal charges, and having failed to appear is subject to having a warrant of arrest issued by a judge of the court having jurisdiction over such offense. Such a warrant may be issued in all cases arising under this Code, whether the offense charged is an infraction or a misdemeanor. When a warrant of arrest is issued, the judge issuing the warrant shall also establish a bail amount. (ordinance9-07-16)

1-1-070. Severability.

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 effect the validity of the remaining portions of this code. The council 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.

1-1-080. Numbering.

- A. The city recorder shall, insofar 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.
- B. The city recorder shall keep all ordinances of a local, private or temporary nature, including franchises, grants, dedications, bond issues and tax levies in a separate book of "Special Ordinances" properly indexed and organized according to date adopted.
- C. Failure to comply with this section shall not effect or render invalid any ordinance of the city.

1-1-090. Effective Date.

This code shall become effective on the date the ordinance adopting this code as the Salem City Municipal Code shall become effective.

CHAPTER 2 - GENERAL

1-2-010. Definitions.

The following words and phrases shall have the meanings assigned to them:

- A. **"City"** as used herein means Salem City.
- B. **"Knowingly"** imparts only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.
- C. **"Land, Real Estate, and Real Property"** includes lands, tenements, hereditament, water rights, possessory rights and claims.
- D. **"Malice and Maliciously"** impart a wish to vex, annoy or injure another person or intend to do a wrongful act, established either by proof or by presumption of law.
- E. **"Business"** includes any trade, profession, calling, activity, operation or enterprise for which a license is required by any ordinance of this municipality.
- F. **"License"** includes any certificate or permit issued by this municipality.
- G. **"Highway or Road"** include public bridges, and may be equivalent to the words county way, county road, common road and state road.
- H. **"Street"** includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks, and intersections.
- I. **"A Person"** includes all individuals both male and female, any the governmental agency, corporation, partnership, association, company, and every other form of organization whether formed voluntarily or involuntarily.
- J. **"Property"** includes both real and personal property.
- K. **"Owner"**, as 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.
- L. **"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.
- M. **"Reasonable Time"** shall mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.
- N. **"Municipality"** as used in this code means Salem City.

O. **"Governing Body"** as used throughout this code means the Salem City Council.

P. **"A Week"** shall be construed to mean any seven day period.

Q. **"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 Salem City.

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

S. **"Officials"** as used in this code means any elected or appointed person employed by the municipality unless the context clearly indicates otherwise.

T. **"Recorder."** The term recorder means the individual appointed to act as the city recorder.

U. **"Month"** means calendar month unless otherwise expressed, and the word year or the abbreviation a.d. is equivalent to the expression year of our Lord.

V. **"Neglect, Negligence and Negligently"** impart a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in actions of his own concern.

W. **"Oath"** includes affirmation and the word swear includes the word affirm. Every mode of oral statement under oath or affirmation is embraced in the term testify and every written one in the term depose.

X. **"Officers"** includes officers and boards in charge of departments and the members of such boards. It may mean police officers if the context so requires.

Y. **"Personal Property"** includes every description of money, goods, chattels, effects, evidences or rights in action, and all written instruments by which any pecuniary obligation, rights to title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

Z. **"Signature"** includes any name, mark or sign written with the intent to authenticate any instrument or writing.

AA. **"Willfully"**, when applied to the intent with which an act is done or omitted, implies simply a purpose or a willingness to commit the act or make the omission referred to. It does not require any intent to violate or to injure another or to acquire any advantage.

BB. **"Writing"** includes printing, handwriting and typewriting.

1-2-020. Construction.

In the construction of this code and all ordinances amendatory thereof, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context of the ordinances:

- A. The singular includes the plural and vice-versa.
- B. Words using the masculine gender comprehend as well the feminine and neuter.
- C. Words used in the present tense include the future.
- D. When any time is specified in the code, it shall mean mountain standard time or mountain daylight time as distinguished from solar time.
- E. Words prohibiting anything being done, except in accordance with a license or permit or authority from a board or officer shall be construed as giving such board or officer the power to license or permit to authorize such things to be done.
- F. 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.
- G. The time within which an act is to be done as provided in any ordinance or in any resolution and 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 a holiday. When time is expressed in hours, Sunday and all holidays shall be excluded.

1-2-030. Liability of Employers and Agents.

When the provisions of an ordinance prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the direct 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.

1-2-040. Ordinances-Effective Date.

All ordinances, before taking effect, shall be deposited in the office of the city recorder and posted in three public places within the city. It shall be sufficient if the document posted is a notice that an ordinance has been passed, indicating the general context of the ordinance and further indicating that copies are available for inspection in the office of the

city recorder. Ordinances shall not go into effect until the 20th day after they are posted, nor until the 30th day after their final passage; but shall go into effect at the expiration of such 20th day after posting or such 30th day after final passage, whichever of said days is the most remote from the final passage of such ordinance. Ordinances, if so provided therein, may take effect at a later date. Measures necessary for the immediate preservation of the peace, health or safety of the municipality may, if so provided in the ordinance, take effect at an earlier date. The city recorder shall record all resolutions and ordinances in a book kept for that purpose, together with the affidavit of posting and said book or certified copy of the ordinances and affidavit of posting, under seal of the city, shall be received as evidence in all courts and places without further proof or if printed in book or pamphlet form by authority over the city council, they shall be so received.

1-2-050. Conflict With State or Federal Law.

Whenever anything contained in this code becomes in conflict with any provision or provisions of the laws of the State of Utah or of the laws of the United States of America, the duly enacted laws of the State of Utah or of the United States of America shall take precedence over the Salem City Ordinances.

1-2-060. Right of Entry for Inspection.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is a reasonable cause to believe there exists an ordinance or resolution violation in any building or upon the premises within the jurisdiction of this city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him/her by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, 24 hours written notice of the authorized official's intention to inspect. The note which is transmitted to the owner and/or occupant shall state that the property owner and/or occupant has the right to refuse entry and that in that event, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate or judge.

1-2-070. The City Seal.

The corporate seal of the city is hereby authorized and shall be used to authenticate any ordinance, resolution, contract or writing of the city, involving the city, or requiring authorization.

1-2-080. Penalties.

- A. Whenever no other penalty is prescribed, a violation of any provision or ordinance duly enacted by the city council shall be punished as a Class B Misdemeanor.
- B. Whenever the penalty prescribed for a violation of any ordinance is set forth herein as an infraction, a Class C Misdemeanor, a Class B Misdemeanor or a Class A Misdemeanor, the penalty attaching to such designation shall be the same as that set forth by Utah state law.