

TITLE 9
BUILDING REGULATIONS
CHAPTER 1
BUILDING AND RELATED CODES; REGULATIONS
SECTION:
9-1-1: Purpose And Intent
9-1-2: Codes Adopted
9-1-3: Successor Codes
9-1-4: Supplementary Provisions To Codes

9-1-4: SUPPLEMENTARY PROVISIONS TO CODES:

The following provisions shall become the adopted and established policy of the City in addition to the codes and provisions established herein and/or in replacement of conflicting provisions within said codes:

G. Fast Tracking: Under no circumstances shall any construction activities commence, including, but not limited to, building, earthwork, digging and/or grading, on a structure or construction site prior to the applicant, or their agent, receiving an approved building permit from the City office or the building official. No building permit shall be issued by the City, or the building official, until all requirements for reviewing and approving building permits, according to the City approved process for achieving a building permit, are satisfied in full, including, but not limited to, the payment of any and all fees associated with said building permit. ~~Any applicant violation of this subsection shall constitute a five hundred dollar (\$500.00) fine from the City to the applicant in addition to the penalties incurred for the violation of this chapter. Any person found in violation of any subsection of this section of code may receive a notice and possible stop work order from authorized city administration. The notice shall state the violation and may include the course and timeframe for correction. The notice may include a fine of up to \$500.00 as assessed by the authorized city administrator. The person found in violation may be subject to additional penalties as provided in section "Chapter 4" of this code.~~

H. Conflict in Adopted Codes: Where a conflict may be found in adopted code as listed above in Chapter 9 or any part thereof, interpretation shall be at the discretion of the Fire Marshall, Building Official or Enforcement Officer based on the nature of the conflict and individual situation. Generally, the more stringent of the conflicting codes shall apply.

(I have included, as it is referenced in the proposed change.)

CHAPTER 4
GENERAL PENALTY
SECTION:

- 1-4-1: Sentencing
1-4-2: Offenses Designated; Classified
1-4-1: SENTENCING:
A. Penalty For Violation Of Ordinance 1 :

1. Specified: The city council may impose a minimum criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code Annotated section 76-3-301 or by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment; or prosecute other misdemeanors as permitted by state statute.

2. Exceptions:

a. Except as provided in subsection A2b of this section, the city council may prescribe a minimum civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code Annotated section 76-3-301.

b. The municipality may not impose a civil penalty and adjudication for the violation of a municipal moving traffic ordinance, except as authorized in Utah Code Annotated section 10-3-703.5.

B. Term Of Imprisonment For Misdemeanors 2 : A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

1. In the case of a class B misdemeanor, for a term not exceeding six (6) months;
2. In the case of a class C misdemeanor, for a term not exceeding ninety (90) days.

C. Infractions 3 :

1. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture and disqualification, or any combination.

2. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

D. Fines Of Persons 4 : A person convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed:

1. Class B Misdemeanor: One thousand dollars (\$1,000.00) when the conviction is of a class B misdemeanor conviction; and

2. Class C Misdemeanor; Infraction: Seven hundred fifty dollars (\$750.00) when the conviction is of a class C misdemeanor conviction or infraction conviction.

E. Fines Of Corporations 5 : 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 city, or for an offense defined outside of this code over which this city has jurisdiction, for which no special corporate fine is specified, shall be to pay an amount fixed by the court, not exceeding:

1. Class B Misdemeanor: Five thousand dollars (\$5,000.00) when the conviction is for a class B misdemeanor conviction; and

2. Class C Misdemeanor; Infraction: One thousand dollars (\$1,000.00) when the conviction is for a class C misdemeanor conviction or for an infraction conviction. (2003 Code)

Notes

1 1. UCA § 10-3-703.

2 2. UCA § 76-3-204.

3 3. UCA § 76-3-205.

4 1. UCA § 76-3-301.

5 2. UCA § 76-3-302.

1-4-2: OFFENSES DESIGNATED; CLASSIFIED:

A. Sentencing In Accordance With Chapter:

1. A person adjudged guilty of an offense under this code or the ordinances of this city shall be sentenced in accordance with the provisions of this chapter.

2. Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.

B. Designation Of Offenses: Offenses are designated as misdemeanors or infractions.

C. Misdemeanors Classified 1 :

1. Misdemeanors are classified into two (2) categories:

- a. Class B misdemeanors;
- b. Class C misdemeanors.

2. An offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this code or any ordinance of this city when no other specification as to punishment or category is made, is a class B misdemeanor.

D. Infractions:

1. Infractions are not classified.

2. Any offense which is made an infraction in this code or other ordinances of this city, or which is expressly designated an infraction and any offense designated by this code or other ordinances of this city which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

E. Continuing Violation: In all instances where the violation of this code or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur. (2003 Code)

Notes

1 1. UCA § 76-3-104.

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