

SANTAQUIN CITY
ORDINANCE 09-04-2021

AN ORDINANCE AMENDING THE CLASSIFICATION AND ASSOCIATED PENALTIES FOR VIOLATING SECTIONS OF THE SANTAQUIN CITY CODE, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS the City of Santaquin is a fourth-class city of the State of Utah; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the state legislature has also granted power to local municipalities to establish penalties for violations of local laws and regulations, where not superseded by State jurisdiction; and

WHEREAS, the City Council desires to amend certain penalties and classification of violations of various laws, rules, and regulations adopted within the Santaquin City Code;

NOW THEREFORE, be it ordained by the Council of Santaquin City, in the State of Utah, as follows:

SECTION I. Title 1, Administration Amendments

- 1. Paragraph 1.16.010.A Penalty for Violation of Ordinance is amended as follows:** (underlined text is added, stricken text is deleted)

Penalty For Violation Of Ordinance: Unless otherwise specifically authorized by statute, the city council may provide a penalty for the violation of any city ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code § 76-3-301, or by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment. The city council may prescribe a minimum penalty for the violation of any city ordinance and may impose a civil penalty for the unauthorized use of city property, including, but not limited to, the use of parks, streets and other public grounds or equipment. Rules of civil procedure shall be substantially followed. If a class of violation is not prescribed within the city's ordinances or adopted Uniform Fine Schedule, such violation shall be deemed an Infraction with minimum fine of \$200.

- 2. Paragraph 1.16.010.D Fines of Persons is amended as follows:** (underlined text is added, stricken text is deleted)

D. Fines Of Persons: 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:

1. Class B: One thousand dollars (\$1,000.00), excepting State surcharges, when the conviction is of a class B misdemeanor; and
2. Class C or Infraction: Seven hundred fifty dollars (\$750.00), excepting State surcharges, when the conviction is of a class C misdemeanor or infraction.

3. Uniform ~~Fine Bail~~ Schedule: The Santaquin City Council shall approve by resolution a uniform fine bail schedule (hereafter Uniform Fine Schedule), is hereby amended to set forth the general guidelines for sentencing those persons who violate sections of this code in which a criminal penalty is provided. ~~A copy of the schedule as amended is attached as exhibit A to the ordinance codified herein. It is the intent intended that of the Santaquin City uniform~~ Uniform Fine bail schedule Schedule ~~to~~ provide assistance to the sentencing judge in determining the appropriate fine or bail to be assessed in a particular case and to minimize disparity of fines/bails imposed by different courts for similar offenses. This schedule is not intended to deprive nor minimize the authority of the court to impose a sentence deemed just in the discretion of the judge.
4. Applicability: The ~~Santaquin City uniform~~ Uniform Fine bail schedule Schedule shall apply only to violations of this code and is not intended to supplant the provisions of the Utah State uniform ~~bail fine~~ schedule as the same may be amended from time to time.

SECTION II. Title 3, Business and License Regulations Amendments

1. **3.04.030 Business License Required, paragraph D is amended as follows:** (underlined text is added, stricken text is deleted)

It shall be a Class B misdemeanor, subject to all penalties provided within this Code, to transact, engage in or carry on any business, trade, profession, calling, or to operate a vending, pinball or coin operated machine, without first obtaining a City required business license. Any violation of this section shall be grounds for punishment as provided in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

2. **3.08.050 Sales and Use Tax is amended as follows:** (underlined text is added, stricken text is deleted)

Any person violating violation any of the provisions of this chapter shall be deemed guilty of a class B misdemeanor, and upon conviction thereof, shall be grounds for revocation of the business license, penalty penalties as provided in SCC 1.16.010 and the Uniform Fine Schedule, and any other remedies provided in State law, or the Santaquin City Code.

3. **3.32.210 Door to Door Solicitor Penalties is amended as follows:** (underlined text is added, stricken text is deleted)

Any person who vViolationses of any term or provision of this chapter shall be grounds for revocation of the applicable solicitors license(s), and guilty of a class B misdemeanor and shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) punishable as provided in the Uniform Fine Schedule as amended from time to time and/or a jail sentence of not to exceed six (6) months.

SECTION III. Title 4, Public Health and Safety Amendments

1. **4.04.050 Fire Department Unlawful Acts is amended as follows:** (underlined text is added, stricken text is deleted)

The following acts are criminal as classified and punishable in accordance with SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

- A. Interference: Any person who shall ~~wilfully~~ hinder any officer in charge of his duty at a fire, or in any manner injures, defaces, or destroys any engine, hose, or other fire apparatus belonging to the city, or who shall interfere with any fire company or person, or who shall ~~wilfully~~ break or injure any water pipe, or in any way interferes with the water or its source of supply during a fire

~~suppression event, shall be deemed guilty of a class B misdemeanor and upon conviction thereof, subject to penalty as provided in SCC 1.16.010.~~

- B. Accumulation Of Inflammable Substances: ~~It shall be unlawful for any person to p~~Permitting the accumulation of empty boxes, waste, or other inflammable substance on any premises within the City limits or carrying on any business in or about any premises in such a manner as to endanger such premises or building or expose other buildings or premises to danger by fire, or explosion.
- C. ~~Wilfully And Negligently Causing Fire: It shall be unlawful for any person wilfully or n~~Negligently ~~to ignite~~ or causing to be ignited, any trees, shrubs, cultivated crop, fence, building or other property on any land not his own. This shall include, but not be limited to, starting a fire by using, discarding or failing to properly dispose of any lighted cigar, cigarette, match, firework, or other burning material whatsoever, and/or recreational shooting of firearms in the vicinity of any land cover which will carry fire.
- D. Driving Over Fire Hose: ~~It shall be unlawful for the owner or person in charge or control of any motor vehicle or for any one d~~Driving or operating any other type of unauthorized vehicle ~~to drive the same~~ over any fire hose on any street in this City.
- E. Parking Near Fire Hydrant: ~~It shall be unlawful for the owner or operator or any motor vehicle or driver of any horse, gas, or steam propelled vehicle to stop or park the same~~ Parking a motor vehicle within a distance of twenty feet (20') of any fire hydrant within the City.
- F. ~~Interference With Apparatus: Any person who may use or in any way interfere with any of the fire apparatus, shall be guilty of a Class B misdemeanor and upon conviction thereof, shall be subject to penalty as provided in SCC 1.16.010.~~

False Alarms: Any person who shall without cause, give alarm of fire by outcry or ringing of bells or otherwise, ~~shall be deemed guilty of a Class B misdemeanor, subject to penalty as provided in SCC 1.16.010.~~

2. **4.04.070 Fire Department Penalty is amended as follows:** (underlined text is added, stricken text is deleted)

Any person violating any provisions of this chapter shall ~~be deemed guilty of a Class B misdemeanor and on conviction thereof, shall be subject to penalty as provided in SCC 1.16.010~~ and the Uniform Fine Schedule as amended from time to time.

3. **4.08.030 Declaration of Nuisance paragraph B is amended as follows:** (underlined text is added, stricken text is deleted)

B. Nuisances include, but are not limited to:

- 1. Befouling Culinary Water: Befouling or contaminating water in any spring, stream, well or water source supplying water for culinary purposes.
- 2. Privies, Cesspools: Allowing any privy vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors or contamination to air or water.
- 3. Garbage Containers, Offensive: Permitting any unclean and offensive garbage container to remain on premises ~~when it has become unclean and offensive.~~
- 4. Garbage Accumulation: Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area except when it is temporarily deposited for immediate removal.

5. Manure Accumulation: Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard, or in any other building or area in which any animals are kept to the point that such accumulation becomes offensive.
6. Slaughterhouses, Feed Yards: Permitting any slaughterhouse, market, meat shop, stable, feed yard, or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies, other insects, or rodents breed.
7. Discharging Offensive Water Or Liquid Waste: Discharging or placing any offensive water, chemical, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal, or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so.
8. Collecting Grease, Offensive Matter: Keeping or collecting any stale or putrid grease or other offensive matter inconsistent with public health regulations.
9. Flies And Mosquitoes: Having or permitting upon any premises any fly or mosquito producing condition.
10. ~~Boarding House~~ Bunkhouse Or Factory; Sanitary Condition: Failing to furnish any dwelling house, ~~boarding bunkhouse~~, or factory or other place of employment with such restrooms, sinks and other facilities as may be required to maintain the same in sanitary condition.
11. ~~Cleaning Privy Vaults: Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults and cesspools or other individual wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the city.~~
11. Stagnant Water; Offensive Substances: Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances so as to unreasonably interfere with the use and enjoyment of adjoining property.
12. ~~Obstructing Public Ways, Watercourses, Parks: Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalk, lake, stream, drainage canal or basin, or any public park without first obtaining the written permission of an authorized city official.~~
Distribution Or Installation Of Handbills Or Prohibited Signs: The distribution, installation, or painting of any handbill or sign on any public property in a manner that violates the provisions of SCC 10.44.060 paragraph B shall be deemed a nuisance.
12. Any animal which does any of the following shall be deemed a nuisance:
 - A. Causes damage to property of a person other than the owner of the animal;
 - B. Causes unreasonable fouling of the air by odors; or
 - C. Makes disturbing noises excessively.

4. 4.12.060 Noise regulation penalties, paragraph A is amended as follows: (underlined text is added, stricken text is deleted)

- A. ~~The following classification of offenses shall apply to any violation of a provision of this chapter:~~
First offense: Infraction.
Second offense within twelve (12) months of a prior violation: Class C misdemeanor.
Third and subsequent offenses within twelve (12) months of a prior violation: Class B misdemeanor. Violations of this chapter shall be classified and punished as provided in the Uniform Fine Schedule as amended from time to time.

5. 4.16.020 Hazardous Materials Release, Discharge or Deposit Unlawful is amended as follows: (underlined text is added, stricken text is deleted)

It shall be ~~unlawful~~ a class B misdemeanor for any person or entity to release, discharge, deposit, or cause to be released, discharged, or deposited any hazardous substance material or waste upon or into any property or facility within the city or into any of the airways, watercourses, pipelines, or other means of conduit which may flow into the city. Violations of this chapter shall be subject to provisions in the Uniform Fine Schedule as amended from time to time and include abatement costs as outlined in 4.16.030 and any other remedies provided by law.

6. 4.24.080 Enforcement of Public Assemblies and Special Events, paragraph D is amended as follows: (underlined text is added, stricken text is deleted)

D. Any person who violates a cease and desist order issued pursuant to paragraph C, or who fails or refuses to comply with, do, undertake, or perform any representation in their special event application or the plans thereto, shall be ~~guilty of a misdemeanor~~ subject to penalties provided in the Uniform Fine Schedule as amended from time to time. Each day that a violation continues shall constitute a separate violation.

SECTION IV. Title 5, Police Regulations Amendments

1. 5.04.020 Posting Bills without Permission is amended as follows: (underlined text is added, stricken text is deleted)

A. It shall be unlawful within the City for any person acting for himself or through any agent, or for such agent to print, paint, write, mark or in any way post up any notice, card, handbill, advertisement or other device upon any tree, shrub, tree stake or guard, railroad trestle, electric light, or power, telephone, telegraph, or trolley wire pole or wire appurtenance thereof or upon any lighting system, bridge, drinking fountain, life-saving equipment, street sign or traffic sign or associated post or pole, upon any street at any time, or upon any wall, walk, fence, tree, post, pole, building or other property without the permission of the owner or agent thereof.

B. Any handbill or sign found posted upon any public property contrary to the provisions of this section may be removed by the Police Department, Public Works Department, Parks and Recreation Department, or the Community Development Department. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said costs.

C. Nothing in this section shall apply to the installation of a metal plaque, plate, or individual letters or figures in a sidewalk commemorating a historical, cultural, or artistic event, location, or personality for which the Department of Public Works has granted a written permit.

D. Nothing in this section shall apply to the painting of house numbers upon curbs.

E. Violations of the provisions of this Section shall be subject to penalty as provided in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time. Each posting in violation of this section shall constitute a separate offense.

2. 5.04.030 Throwing Projectiles is renamed "Throwing or Propelling Projectiles" and amended as follows: (underlined text is added, stricken text is deleted)

Every person who ~~shall wilfully recklessly or carelessly~~ within the limits of the City throws, propels or shoots any stone, stick, snowball or other ~~missile~~ projectile whereby any person shall be ~~hit~~ injured or any window broke ~~nor~~ other property ~~injured~~ damaged or destroyed, or in such manner as to render travel upon the public streets, and places of the City dangerous, or in such a manner as to frighten or

annoy any traveler, ~~is guilty of a Class B misdemeanor shall be;~~ subject to ~~penalty~~ penalties as provided in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

3. 5.08.050 Cruelty to Animals Prohibited is amended as follows: (underlined text is added, stricken text is deleted)

A. It shall be unlawful for any person to:

1. Treat In Cruel And Inhumane Manner: ~~Willfully~~ Willfully or maliciously kill, maim, disfigure, burn or scald, overdrive, overload, overwork, torture, cruelly beat, mutilate, or carry or transport in any vehicle or other conveyance in a cruel and inhumane manner, any animal or cause any of these acts to be done.
2. Abandon: Abandon or turn out at-large any animal; ~~but any such animal shall, when rendered useless by reason of sickness or other disability, may be killed euthanized by the owner thereof~~ in the manner prescribed by law so long as and its carcass is disposed of in such manner as to create no nuisance or hazard to health.
3. Poison: To administer poison to any animal or to expose any poisonous substance with the intent that it shall be taken by any such animal to cause harm or death. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin when applied in such a manner as to reasonably prohibit access to other animals.
4. Fail To Provide Care: Fail to provide any animal in his charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done.
5. Intentionally Exhibit: Intentionally exhibit any stud, horse or bull or other animal indecently, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person.
6. Maintain Place Of Exhibition: Maintain any place where fowl or any animals are suffered to fight upon exhibition or for sport upon any wager.

B. Violations of this chapter shall be subject to penalties prescribed in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

4. 5.08.100 Prohibited Acts and Conditions is renamed "Responsibilities of Animal Owners" and is amended as follows: (underlined text is added, stricken text is deleted)

- A. Disposition Of Dead Animals; Violation: The owner of or party responsible for ~~of~~ any animal that has died or been killed shall remove or bury the carcass of such animal within ten (10) hours after its death. No horse, cow, or other hoofed animal shall be buried within the city. ~~A violation of this section is a class C misdemeanor and subject to penalty as provided in SCC 1.16.010.~~
- B. Diseased Animals: ~~It is a class C misdemeanor and subject to penalty as provided in SCC 1.16.010 for any~~ No person to shall bring into the city for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.
- C. Diseased Animals For Human Consumption: ~~It is a class C misdemeanor and subject to penalty as provided in SCC 1.16.010 for any~~ No person to shall bring into the city for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl, or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human food.
- D. ~~Female Dogs In Heat: The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance.~~

- ~~E. Unlawful To Harbor Stray Dogs: It shall be unlawful for any person to harbor or keep within the city any lost or stray dog. Whenever any dog shall be found which appears to be lost or stray, it shall be the duty of the finder to notify the animal control officer, who shall impound for running at large contrary to the terms of this chapter. If there shall be attached to such dog a license tag, the animal control officer shall notify the person to whom such license was issued, at the address given on the license of record.~~
- D. Loud Or Offensive Animals: No person shall own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb, or endanger the health and welfare of any person or neighborhood. A violation of this paragraph shall be ~~a class C misdemeanor, subject to penalty as provided in SCC 1.16.010, and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense.~~ This paragraph shall not apply to the city pound, veterinary hospitals or medical laboratories.
- E. Trespassing Animals: It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.
- F. Any violation of this section shall be subject to penalties as prescribed in SCC 1.16.010 and the Uniform Fine Schedule.

5. 5.08.180.C Dog Parks is amended as follows: (underlined text is added, stricken text is deleted)

- C. ~~Any person that~~ Violationses of the rules and regulations of this section ~~is guilty of an infraction and shall be~~ subject to penalty as provided in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

6. 5.12.010.F Penalty for Curfew violations is amended as follows: (underlined text is added, stricken text is deleted)

- F. Penalty: ~~Any person who v~~ Violations ofes the provisions of this Section ~~is guilty of a Class B misdemeanor and shall be~~ subject to penalty as provided in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

Section V. Title 6, Uniform Traffic Code, General Provision amendments

6.08.110 Penalty for OHV Violations is amended as follows: (underlined text is added, stricken text is deleted)

Unless another penalty is provided for in ~~this chapter~~ the Uniform Fine Schedule, or elsewhere in the laws of this state, any person who violates any provision of this chapter is guilty of a class C misdemeanor.

Section VI. Title 7, Motor Vehicles and Traffic Code amendments

1. 7.04.020 Encroachment Permit regulations is amended as follows: (underlined text is added, stricken text is deleted)

Modification Or Removal; Owner's Expense: Any alteration or construction performed on City owned or controlled property without an encroachment permit, or any deviation from the permitted alteration or construction, may be subject to modification or removal at the expense of the owner and penalties as provided in the Uniform Fine Schedule as amended from time to time.

2. **7.04.030 Penalty for violations of winter parking is amended as follows:** (underlined text is added, stricken text is deleted)

Penalty: ~~A violation of this section will be considered an infraction, subject to a fine in the amount of twenty dollars (\$20.00) for a first offense, thirty dollars (\$30.00) for a second offense, and fifty dollars (\$50.00) for each subsequent offense, which amount may be amended by inclusion in the bail schedule for violation of local ordinances established by the City.~~ Violations of the provisions of this Section shall be subject to penalty as provided in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

3. **7.04.050 Obstructions in Streets or Public Ways is amended as follows:** (underlined text is added, stricken text is deleted)

It shall be unlawful for any person owning, occupying or having control of any premises to place, or permit to be placed upon or in the sidewalk, planter strip, parking area, gutter, or on the half of the street or other public ways next to such premises:

- A. Refuse: Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, ~~water~~, garbage, ashes, tin cans or other like substances.
- B. Building Or Yard Materials: Any lumber, wood boxes, fencing, building materials, landscaping or grading materials and related refuse collection instruments, or any other thing which shall obstruct such public street, gutter, planter strip, parking area or sidewalk, or any part thereof, except as expressly authorized by ordinance, without the permission of the City Council.
- C. Permanent Or Temporary Obstructions: Any permanent or temporary structure, mechanism, device, vehicle, or other thing of any kind or character except vegetation planted pursuant to the provisions of applicable ordinances or facilities related to authorized public utility providers.
- D. Penalty: ~~A~~ Violations of this section is a criminal offense and shall be classified and punished ~~subject to penalty as provided in the Santaquin City ordinance~~ Uniform fine ~~and bail schedule and subject to the minimum mandatory penalty.~~

4. **7.08.090 Penalty for violations of Excavation standards is amended as follows:** (underlined text is added, stricken text is deleted)

Failure to obtain a permit, give notice, post bonding, obtain proper city inspections, or failure to prequalify, shall constitute a violation under this chapter and shall provide grounds for legal action. Each instance of violation or each day within violation shall constitute a separate violation. Violations of this chapter shall be ~~classified as a class B misdemeanor and such infraction shall be punishable by fines subject to penalties as provided in the Uniform Fine Schedule~~ or incarceration, as outlined in the Utah state code and determined by a court of proper jurisdiction.

5. **7.12.080 Penalty for violations of cemetery rules is amended as follows:** (underlined text is added, stricken text is deleted)

~~Any person violating any~~ Violations of the provisions of this chapter shall be guilty of a class B misdemeanor, subject to penalty as provided in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

6. **7.16.060 Park improvements and maintenance by private party, paragraph B Encroachment is amended as follows:** (underlined text is added, stricken text is deleted)

Encroachment: Any landscaping, maintenance or other improvements to parks which do not receive prior approval as specified within this chapter shall be deemed an encroachment. All such encroachments shall incur a penalty (fine) as established by the City Council in the Uniform Fine Schedule. Upon direction of the City Council and after thirty (30) days' notice from the City Administrator, such encroachments are subject to removal and the area involved shall be restored to its original condition at the encroachee's expense.

7. **7.16.080 Enforcement is amended as follows:** (underlined text is added, stricken text is deleted):

The general restrictions and use of parks outlined in this chapter shall be enforceable by the Mayor's designee and in accordance with City enforcement policies and procedures outlined in SCC ~~4.08~~1.16.010 or as provided in the Santaquin Uniform Fine Schedule.

Section VII. Title 8, Utilities Code amendments

1. **8.04.150.F Drinking water source protection administration is amended as follows:** (underlined text is added, stricken text is deleted)

F. Administration: The policies and procedures for administration of any source protection zone established under this section, including, without limitation, those applicable to nonconforming uses, exceptions and, enforcement ~~and penalties~~, shall be the same as provided in the ~~existing zoning ordinance as the same may from time to time be amended~~. Violations of the standards in this chapter shall be subject to penalties provided in the Uniform Fine Schedule as amended from time to time.

2. **8.08.020.C Penalty and Compensatory Sanctions is amended as follows:** (underlined text is added, stricken text is deleted)

C. Penalty And Compensatory Sanctions: ~~To evidence compliance with the requirements of this section, the city adopts this penalty and compensatory sanctions, the violation of which shall constitute a class B misdemeanor, subject to penalty as provided in SCC 1.16.010: under the authority of Utah Code § 10-8-15, as amended, the city hereby exercises a municipality's extraterritorial jurisdiction to protect its culinary water system and its source from exposure to underground percolation from any ecological injury, pollution or contamination of the watershed or exposure of the system and water polluting underground percolations influencing the culinary waterworks source. The city, under the authority of Utah Code § 10-8-38, as amended, declares that all lands (whether inside or outside an incorporated municipality) within three hundred feet (300') on either side of the transmission or interceptor lines and the inlet facilities of each and all of the collection, interception and inlet facilities or one or any combination of the same (the "system") are a part of the Santaquin culinary water facilities of Santaquin City and the system and the city hereby requires that the owner or occupant of any land upon which any structure is located and on the nearest property line of any kind within three hundred feet (300') of any lateral, interceptor or collection portion of the system shall connect to the system, the failure~~ Violations of this chapter of which shall constitute a public offense and punishable by law as a shall be subject to penalties class B misdemeanor, subject to penalty as provided in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

3. **8.08.070 DAMAGE TO FACILITIES is amended as follows:** (underlined text is added, stricken text is deleted)

No persons shall ~~maliciously, willfully, or negligently~~ break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances or equipment which is a part of the wastewater facilities. ~~Any persons violating~~ Violations of this provision shall be subject to immediate arrest under charge of disorderly conduct and subject to penalties as provided in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

4. **8.20.190.B Penalties for violation of utility billing provisions is amended as follows:** (underlined text is added, stricken text is deleted)

B. Violation Of Chapter: Any utility service customer violating any of the rules, regulations, processes or procedures outlined in this ~~chapter~~ section, shall forfeit the right to the use of said services and such service may be discontinued until the violation is remedied. In addition to the foregoing penalty, any person who violates any of the provisions of this chapter ~~may~~ shall be ~~charged with a criminal offense~~ subject to penalties as provided in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

Section VIII. Title 9, Building Regulations amendments

1. **9.04.030 Uniform Housing Code Adopted, paragraphs F and G are amended as follows:** (underlined text is added, stricken text is deleted)

F. Permit Required: Where a building permit is required, ~~it~~ shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the building official in the manner and according to the applicable conditions prescribed in the ~~housing code~~ city adopted building codes.

G. Inspections Required. Where a building permit is required, it shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure, or cause or permit the same to be done, without receiving the applicable inspections for such work.

H. Violations: ~~It shall be unlawful for any person, whether as owner, lessee, sublessee, or occupant to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises or cause or permit the same to be done, contrary to or in violation of any~~ Violations of the provisions of the housing code city adopted building codes or any order issued by the building official pursuant thereto shall be subject to penalties as provided in the building codes, city fee schedule, SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time.

Section IX. Contrary Provisions Repealed.

All provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

SECTION X. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be

authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

SECTION IV. Severability.

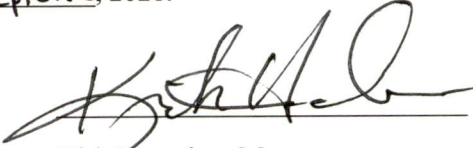
If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

SECTION V. Effective Date.

This ordinance shall become effective at 5:00 p.m. on Thursday, September 22nd, 2021. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 22 th day of September, 2021.




Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted <u>Yes</u>
Councilmember Elizabeth Montoya	Voted <u>Yes</u>
Councilmember Lynn Mecham	Voted <u>Yes</u>
Councilmember Jennifer Bowman	Voted <u>Yes</u>
Councilmember David Hathaway	Voted <u>Yes</u>

ATTEST:


K. Aaron Shirley, City Recorder