

Title 1

General Provisions

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Chapter 1.04 - General Provisions

1.04.010 Definitions. The following words and phrases, whenever used in the ordinances of the City of Pleasant View, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" or "town" each means the City of Pleasant View, Utah, or the area within the territorial limits of the City of Pleasant View, Utah, and such territory outside Pleasant View over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the City Council of the City of Pleasant View. "All its members" or (all councilmen) means the total number of councilmen holding office.

C. "County" means the County of Weber.

D. "Law" denotes applicable federal law, the Constitution and statutes of the State of Utah, the ordinances of the City of Pleasant View, and, when appropriate any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

I. "Owner", applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" means next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

P. "State" means the State of Utah.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways into the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

R. "Tenant" and "occupant", applied to a building or land, include any

person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means calendar year. (Ord. 87-1.04 §1, 1987)

1.04.020 Title of Office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 87-1.04 §2, 1987)

1.04.030 Interpretation of Language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 87- 1.04 §3, 1987)

1.04.040 Grammatical Interpretation. The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 87-1.04 §4, 1987)

1.04.050 Acts by Agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 87-1.04 §5, 1987)

1.04.060 Prohibited Acts Include Causing and Permitting. Whenever in the ordinances of the city, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 87-1.04 §6, 1987)

1.04.070 Computation of Time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 87-1.04 §7, 1987)

1.04.080 Construction. The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 87-1.04 §8, 1987)

1.04.090 Repeal Not to Revive Ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 87-1.04 §9, 1987)

1.04.100 Severability. It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional or without effect by any final judgement or decree of a court of competent jurisdiction, such judgement or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Ord. 96-11, dated 6/11/97)

Chapter 1.08 - General Penalty¹

1.08.010 Classification of Offenses--Violation--Penalty.

A. The city shall have authority to classify violations of its ordinances as one of the following classes of offenses:

1. Class B misdemeanors;
2. Class C misdemeanors;
3. Infractions.

B. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of Pleasant View is guilty of a class B misdemeanor, except in cases where a different penalty is prescribed by any ordinance of the city, and upon conviction thereof shall be fined or imprisoned as provided in this chapter.

C. Each such person is guilty of a separate offense of each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he/she is punishable accordingly.

D. Whenever an officer, agent or servant of a corporation acting within the scope of his office or employment by such corporation violates any ordinance, the guilty knowledge, intent and malice, if any, of such officer, agent or servant shall be imputed to the corporation, and the corporation and its officer, agent or servant, as the case may be, shall be jointly and severally liable to prosecution and conviction for such offense. If a corporation is convicted of a misdemeanor, it shall be punished by a fine in any amount not exceeding one thousand dollars.

1. Penalty for a class B misdemeanor may include: imprisonment for a term not exceeding six months, or a fine not exceeding one thousand dollars, or both fine and imprisonment;

2. Penalty for a class C misdemeanor may include: imprisonment for a term not exceeding ninety days, or a fine not exceeding five hundred dollars, or both fine and imprisonment.

3. Penalty for an infraction may not include imprisonment, but whenever a person is convicted of an infraction and no punishment is specified, the person may be fined not more than five hundred dollars. (Ord. 87-1.12, 1987: Ord. 87-1.08, 1987: prior Code §20-1-3)

¹ Statutory references: UCA 10-8-84, 76-3-104