

ORDINANCE 17-03

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the Hyrum City Municipal Code, a recodification of municipal ordinances encompassing the Revised Ordinances of Hyrum City and ordinances adopted through July 15, 1993; and

WHEREAS, Chapter 1.08 of the Hyrum City Municipal Code is known as the General Provisions and Penalty Ordinance of Hyrum City and sets forth penalties and fines associated with violations or infractions of Hyrum City's Ordinances; and

WHEREAS, upon reviewing the General Penalty Chapter of the Hyrum City Municipal Code it was determined there is a need to further clarify and amend the penalty ordinance to include a statement and penalty for violation of any city ordinance; and

NOW, THEREFORE, the City Council hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING TITLE 1, CHAPTER 1.08 GENERAL PENALTY ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE BY ADDING SECTION 1.08.005 VIOLATION OF AN ORDINANCE - PENALTY.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Section 1.08.005 of Chapter .08 of Title 1 of the Hyrum City Municipal Code is hereby added as follows:

1.08.005 Violation of an Ordinance - Penalty.

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 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. 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. Any violation of the Hyrum City Municipal Code or other ordinances of this City that is not classified or designated with a specific penalty is considered and punishable as a Class B Misdemeanor.

2. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance, the zoning map, or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

5. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 16th day of March, 2017.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____