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Sandy City Municipal Code

TITLE 1 ORDINANCES

Chapter 1 **ORDINANCES**

1-1-1. Repeal of Existing Ordinances.

The ordinances contained in this title and in the titles which follow whether previously adopted as a provision consistent herewith or to be adopted shall be known as the Revised Ordinances of Sandy City, Utah, 1978, and so far as their provisions are the same in effect as those of previously existing ordinances they shall be construed as continuations thereof; but, subject to the preceding limitations and the provisions of Section 1-1-2, all ordinances of this City heretofore in force, except as such are of a private, local or temporary nature, including franchises, grants, dedications, bond issues and special levies for local assessments, are hereby repealed. Such ordinances as are adopted are hereafter a part of this revision and shall repeal existing ordinances on the same subject but not until such ordinances as are adopted shall become effective.

1-1-2. Effect of Repealing Ordinances.

The revised ordinances shall not affect any act done, or any right accrued, any penalty incurred, any suit, prosecution or proceeding pending or the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance hereby have the effect of reviving any ordinance thereto repealed or superseded.

1-1-3. Penalty for Violation of an Ordinance.

Whenever no other penalty is prescribed, any person found guilty of violating any provision of any ordinance presently in effect shall be deemed guilty of a class B misdemeanor.

1-1-4. Rules for Construction of Ordinances.

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

- (a) The singular number includes the plural.
- (b) Words used in the present tense include the future tense.
- (c) Words in the masculine gender comprehend, as well, the feminine and neuter.
- (d) The word "person" includes bodies politic and corporate partnerships, associations and companies.
- (e) The word "writing" includes printing, writing and typewriting.
- (f) The word "signature" includes any name, mark, or sign written with the intent to authenticate any instrument or writing.
- (g) The word "month" means a calendar month unless otherwise expressed, and the word "year" or abbreviation "A.D." is equivalent to the expression "year of our Lord."
- (h) The word "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 such written statement in the word "depose."
- (i) The word "property" includes both real and personal property.
- (j) The terms "land," "real estate," and "real property" include lands, tenements, hereditaments, water rights, possessory rights and claims.
- (k) The term "personal property" includes every description of money, goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, rights or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
- (l) The words "highway" and "roads" include public bridges, and may be held equivalent to the words "county way," and "county road," "common road," "state road" and "street."
- (m) The word "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.
- (n) When any time is specified in these ordinances, it shall mean standard time, as distinguished from solar time, and the words "midnight" and "noon" shall be taken to be midnight or noon Mountain Time, either daylight savings time or standard time, whichever is applicable.
- (o) The word "owner" applied to a building or land shall include any part owner, joint

owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

- (p) The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, either alone or with others.
- (q) Words prohibiting anything being done, except in accordance with a license or permit or authority from the board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.
- (r) The word "officer" shall include officers and boards in charge of departments and the members of such boards.
- (s) The term "willfully" when applied to the intent, with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate the law, to insure another or to acquire any advantage.
- (t) The terms "neglect," "negligent," "negligence," and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.
- (u) The term "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.
- (v) The term "bribe" signifies any money, goods, right in action, property, thing of value, or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence unlawfully the person to whom it is given in his action, vote, or opinion in any public or official capacity.
- (w) The term "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of an act, established either by proof or by presumption of law.

1-1-5. Publication of Ordinances.

All ordinances, except those ordinances enacted pursuant to Sections 10-3-706 through 10-3-710, U.C.A., 1953, before taking effect shall be deposited in the office of the City Recorder and a short summary thereof published at least once in a newspaper published within the City, or in the event that there is no newspaper published within the City, then by posting complete copies of the said ordinance in three public places within the City. Any ordinance, code, or book relating to building or safety standards, municipal functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least three copies thereof shall have been filed for use and examination by the public in the office of the City Recorder prior to the adoption of the ordinance by the City Council. The ordinance adopting such code or book shall be published in the manner herein before provided.

1-1-6. Effective Date of Ordinances.

Ordinances shall become effective twenty (20) days after publication or posting or thirty (30) days after final passage by the City Council, whichever date is more remote from the date of

final passage, but ordinances may become effective at an earlier date or later date after publication or posting as so provided in the ordinance.

1-1-7. Enacting Clause.

The enacting clause of all ordinances of Sandy City, hereafter passed, shall be in the following form and no enacting clause shall be used in any section of any ordinance except the first: "Be it ordained by the City Council of Sandy City, State of Utah, . . . "

1-1-8. Numbering of Ordinances.

The City Recorder shall number all ordinances consecutively in the order of their passage and shall assign an appropriate title, chapter, and section number to each ordinance in conformity with the system of numbering ordinances as used in this Revision.

1-1-9. Severability.

If any title, chapter, section, sentence, clause or phrase of these revised ordinances is, for any reason, held to be unconstitutional, void, or unlawful, such decisions shall not affect the validity of the remaining portions of the ordinances. The City Council of Sandy City, State of Utah, hereby declares that it would have passed these ordinances, and each title, chapter, section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more of the sections, sentences, clauses or phrases be declared unconstitutional, void, or unlawful.

Chapter 2 SANCTIONS, FINES AND PENALTIES

1-2-1. Sanctions.

- (a) A person who has been convicted of an offense under these ordinances may be sentenced to any one or more of the following sentences or combination of sentences:
 - (1) to pay a fine; or
 - (2) to probation; or
 - (3) to imprisonment.
- (b) This chapter shall not deprive a court of authority conferred by law to forfeit property, suspend or cancel a license or permit, cite for contempt, or impose any other civil penalty. A civil penalty may be included as a part of any sentence.

1-2-2. Fines.

- (a) A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:
 - (1) \$1000 when the conviction is of a class B misdemeanor;
 - (2) \$750 when the conviction is of a class C misdemeanor or infraction.

- (b) The sentence to pay a fine, when imposed upon a corporation, association, partnership or governmental instrumentality for an offense defined in this code for which no special corporate fine is specified shall be to pay an amount, fixed by the court, not exceeding:
 - (1) \$5,000 when the conviction is for a class B misdemeanor; and
 - (2) \$1,000 when the conviction is for a class C misdemeanor or an infraction.

1-2-3. Imprisonment.

- (a) A person who has been convicted of a class B misdemeanor may be sentenced to a term in the city or county jail not to exceed six months.
- (b) A person who has been convicted of a class C misdemeanor may be sentenced to a term in the county or city jail not to exceed ninety days.
- (c) A person who has been convicted of an infraction may not be sentenced to a term in the county or city jail.

1-2-4. Liability of Employers and Agents to Penalty for Violation of Ordinances.

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 directed act, but also the employer authorizing it 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.

1-2-5. Essentials of Crime.

In every crime or public offense, there must exist a union or joint operation of act and intent, or criminal negligence.

1-2-6. Continuing Offenses Deemed Daily Violation.

In all instances where the violation of these ordinances is a continuing violation, a separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

Chapter 3 CODE OF ETHICS

1-3-1. Purpose.

The purposes of this chapter are to establish standards of conduct for city officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

1-3-2. Definitions. As used in this chapter:

- (1) "Appointed officer" means any person appointed to any statutory office or position or any other person appointed to any position of employment with the city, except special employees. Appointed officers include, but are not limited to, persons serving on special, regular or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word "officer" in this chapter is not intended to make appointed persons or employees "officers" of the municipality.
- (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice or assistance to such person or business entity and with the intent to so assist such person or business entity.
- (3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
- (4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (5) "Elected officer" means any person elected or appointed to the office of mayor or council member.
- (6) "Special employee" means any person hired on the basis of a contract to perform a special service for the city pursuant to an award of a contract following a public bid.
- (7) "Substantial interest" means the ownership, either legally or equitably, by an individual, his spouse, and his minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

1-3-3. Use of office for personal benefit prohibited.

No elected or appointed officer shall:

- (1) Disclose confidential information acquired by reason of his official position or use such information to secure special privileges or exemptions for himself or others;
- (2) Use or attempt to use his official position to secure special privileges for himself or others; or
- (3) Knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself or another if the gift or loan tends to influence him in the discharge of his official duties, but this subsection does not apply to:
 - (a) An occasional nonpecuniary gift having a value of less than \$50; or
 - (b) An award publicly presented; or
 - (c) Any bona fide loan made in the ordinary course of business; or
 - (d) Political campaign contributions actually used in a political campaign.

1-3-4. Compensation for assistance in transaction involving city - Public

disclosure and filing required.

- (1) No elected or appointed officer of the City may receive or agree to receive compensation for assisting any person or business entity in any transaction involving the City unless the officer files with the mayor a sworn statement giving the information required by this section, and discloses in open meeting to the members of the body of which he is a member immediately prior to the discussion the information required by Subsection (3).
- (2) The statement required to be filed by this section shall be filed ten days prior to the date of any agreement between the elected or appointed officer and the person or business entity being assisted or ten days prior to the receipt of compensation by the business entity. The statement is public information and shall be available for examination by the public.
- (3) The statement and disclosure shall contain the following information:
 - (a) the name and address of the officer;
 - (b) the name and address of the person or business entity being or to be assisted or in which the appointed or elected official has a substantial interest; and
 - (c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

1-3-5. Interest in business entity regulated by City -Disclosure statement required.

Every appointed or elected officer of the City who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the City shall disclose the position held and the nature and value of his interest upon first becoming appointed or elected, and again during January of each year if the officer's position in the business entity has changed or if the value of his interest in the entity has increased since the last disclosure. The disclosure shall be made in a sworn statement filed with the mayor. The mayor shall report the substance of all such disclosure statements to the members of the city council, or may provide to the members of the city council, copies of the disclosure statement within 30 days after the statement is received by the mayor. This section does not apply to instances where the value of the interest does not exceed \$2,000, and life insurance policies and annuities shall not be considered in determining the value of any such interest.

1-3-6. Interest in business entity doing business with City - Disclosure.

Every appointed or elected officer of the City who is an officer, director, agent, or employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the City, shall publicly disclose to the members of the body on which he or she is a member immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his or her interest in that business entity. The disclosure statement shall be entered in the minutes of the meeting.

1-3-7. Investments creating conflict of interest with duties - Disclosure.

Any personal interest or investment by any elected or appointed official of the City which creates a conflict between the official's personal interests and his public duties shall be disclosed in open meeting to the members of the body in the manner required by Section 1-3-5.

1-3-8. Inducing officer to violate chapter prohibited.

No person shall induce or seek to induce any appointed or elected officer to violate any of the provisions of this chapter.

1-3-9. Violation a misdemeanor - Other statutory sanctions.

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this chapter is guilty of a class B misdemeanor and shall be subject to the additional sanctions of the Municipal Officers and Employees Disclosure Act (10-3-1301 et seq. Utah Code Annotated 1953, as amended).

1-3-10. Complaints charging violations - Procedure.

- (1) Any complaint against a person, who is under the merit system, charging that person with a violation of this chapter, shall be filed and processed in accordance with the provisions of the merit system.
- (2) If the person charged with the violation is not under the merit system, then the complaint shall be filed with the mayor or chief administrative officer. The mayor or chief administrative officer shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the findings and the recommendation of the mayor or chief administrative officer shall be filed with the city council. If the city council finds that the person has violated this part, it may dismiss, suspend, or take such other appropriate action with respect to the person.

1-3-11. Rescission of prohibited transaction by City.

If any transaction is entered into in connection with a violation of section 1-3-6, the City may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the City.