TITLE 1. GENERAL PROVISIONS

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Chapter 1.01. General City Provisions.

1.01.010. Incorporation.

Brigham City was incorporated as a municipal corporation on January 12, 1867. Brigham City is a political subdivision of the State of Utah and may be referred to as "Brigham City, a Municipal Corporation."

1.01.020. Classification.

Brigham City is classified as a fourth class City under Utah Code, as amended, as it has a population of more than ten thousand (10,000) and less than thirty thousand (30,000). Any change in classification of the City shall be made pursuant to Utah Code.

1.01.030. City Seal.

The seal provided by and for Brigham City is the impression of which is a representation of a beehive in the center, with the inscription, Corporate Seal, Brigham City, State of Utah, around the outer edge thereof. Such seal is hereby established and declared to be the seal of Brigham City.

Chapter 1.02. General Provisions.

1.02.010. How Code Designated and Cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of the City of Brigham City, Utah," and may be so cited. Such Code may also be cited as the "Brigham City Code."

1.02.020. Definitions and Rules of Construction.

In the construction of this Code and of all ordinances of the City, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council or the context clearly requires otherwise:

Bribe. The term "bribe" signifies any goods, money, 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.

City. The words "the City" or "this City" shall be construed as if followed by the words "of Brigham City, Utah."

Code. The words "the Code" or "this Code" shall mean "The Code of the City of Brigham City, Utah."

Computation of time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last unless the last day is a holiday and then it also is excluded.

Corruptly. The term "corruptly" imports a wrongful desire to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to or to some other person.

Council. Whenever the word "Council" is used, it shall be construed to mean the City Council of Brigham City, Utah.

County. The words "the County" or "this County" shall mean the County of Box Elder.

Day. A day is the period of time between any midnight and the midnight following.

Daytime; nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Gender. The masculine gender includes the feminine and neuter.

Highway; road. The words "highway" and "road" include public bridges, and may be held equivalent to the words "County highway," "County road," "common road," and "state road."

In the City. The word "in the City" or "within the City" shall mean and include all territory over which the City now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

Jail. The term "jail" shall mean and include the jail or prison in which prisoners of the City are confined.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Knowingly. The term "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code or an ordinance. It does not require any knowledge of the unlawfulness of such an act or omission.

Malice. The terms "malice" and "maliciously" import a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or by presumption of law.

Month. The word "month" means a calendar month unless otherwise expressed.

Municipality. The words "the municipality" or "this municipality" shall be construed as if followed by the words "of Brigham City, Utah."

Negligence. The term "neglect," "negligence" and "negligently" import a want of such attention to the nature or probable consequence of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.

Number. The singular number includes the plural, and the plural number includes the singular.

Oath. 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 written one in the term "depose."

Officers, departments, etc. Officers, departments, boards, commissions and employees referred to in this Code shall mean officers, departments, boards, commissions and employees of the City of Brigham City, unless the context clearly indicates otherwise. The word "officer" shall include officers and boards in charge of departments and members of such boards.

Official time. Whenever certain hours are named in this Code, they shall mean Standard Time or Daylight Saving Time, as may be in current use in the City.

Or; and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. "Person" includes any person, firm, association, organization, body politic, partnership, business trust, corporation or company.

Personal property. Personal property includes every species of property, except real property, as defined in this section.

Preceding; following. The words "preceding" and "following" mean next before and next after, respectively.

Process. "Process" includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

Property. The word "property" includes both real and personal property.

Real property, etc. The terms "land," "real estate," and "real property" include lands, tenements, hereditaments, water rights, possessory rights and claims.

Shall; may. "Shall" is mandatory and "may" is permissive.

Signature or subscription by mark. "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but, a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

State. The words "the state" or "this state" shall be construed to mean the State of Utah.

Street. The word "street" includes alleys, lanes, courts, boulevards, public ways, public squares and sidewalks.

Tenant or occupant. The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or an oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

Week. A week consists of seven consecutive days.

Willfully. 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, or to injure another, or to acquire any advantage.

Words requiring license or permit. Words prohibiting anything being done except in accordance with a license or permit or authority from a board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.

Writing. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language, unless it is expressly provided otherwise.

Year. The word "year" shall mean a calendar year, except where otherwise provided. The word "year" or the abbreviation "A.D." is equivalent to the expression "year of our Lord."

1.02.030. Catchlines of Sections.

The catchlines or titles of the several sections of this Code, immediately preceding each section, are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

1.02.040. Provisions Considered as Continuations of Existing Ordinances.

The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

1.02.050. Effect of Repeal of Ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinances repealed.

1.02.060. Severability of Parts of Code.

It is hereby declared to be the intention of the Council 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 by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

1.02.070. Omission of General Law Not Waiver of Same.
The omission to specify or enumerate in this Code those provisions of the general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

1.02.080. Sufficiency of Intent to Defraud.
Whenever by any of the provisions of this Code an intent to defraud is required in order to constitute any offense, it is sufficient if any intent appears to defraud any person, association or body politic or corporate whatever.

1.02.090. Punishments; General Penalty; Continuing Violations.
Punishments. The punishments, fines and other sanctions for any violations of this code shall be the same as those contained and set forth in Title 76, of the Utah Code, as it exists at the time this code is adopted and as it may be subsequently amended and or revised.

1.02.100. Imprisonment for Nonpayment of General Penalty; Continuing Violations; Imprisonment for Nonpayment of Fine.
Whenever in this Code or in any ordinance of the City or rule, regulation or order promulgated by any officer or agency of the City under authority vested in him or it by law or ordinance, any act is prohibited or is declared to be unlawful, or the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance, rule or regulation shall be punished by a fine not exceeding seven hundred fifty dollars ($750.00) or imprisonment for a term not exceeding ninety days, or by both such fine and imprisonment.

Each day any violation of this Code or any such ordinance, rule or regulation continues shall constitute a separate offense.

A judgment that defendant pay a fine may also direct that he be imprisoned until the amount thereof is satisfied, specifying the extent of the imprisonment, which cannot exceed one day for each two dollars of such amount. For state law as to imprisonment for nonpayment of fine, see U.C.A., 10-8-85).

1.02.110. Liability of Employers and Abettors to Penalty for Violation.
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 direct act, but also the employer 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.

1.02.120. Imprisonment in County Jail.
Any person sentenced to imprisonment for the violation of this Code, or other ordinance of the City, may be imprisoned in the County jail. Use of the County jail shall be subject to such conditions as are imposed by law and with the consent of the board of County Commissioners.

1.02.130. Prison Labor.
Any person committed to the County jail or other place of incarceration as a punishment or in default of the payment of a fine, or fine and costs, may be required to work for the City at such labor as his strength will permit, not exceeding eight hours in each working day. All prisoners shall be subject to such work under the direction of the County Sheriff's Department.