

TITLE 1

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Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Rules for construction.
- 1.04.020 Definitions.
- 1.04.030 Interpretation of prohibiting words.
- 1.04.040 Adoption of Title 10 of the Utah Code Annotated

Section 1.04.010 Rules for construction.

In the construction of this code the rules set out in this chapter shall be observed unless such construction would be inconsistent with the manifest intent of the code provision or the context of the code. (Prior code §1-3.)

Section 1.04.020 Definitions.

These words and terms shall be defined as follows:

1. "Bribe" means any money, goods, right in action, property, thing of value, advantage, promise 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.
2. "Highway" includes public bridges, county roads, common ways, common roads, and state roads.
3. "Occupant" means the same as "tenant."
4. "Officers" includes officers and boards in charge of departments and the members of such boards.
5. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or a part of such building or land.
6. "Road" means the name as "highway."
7. "Signature" means any name, mark, or sign written with the intent to authenticate any instrument or writing.

8. "Street" means alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
9. "Tenant" means any person who occupies the whole or any part of such building or land either alone or with others. (Prior code §1-3.)

Section 1.04.030 Interpretation of prohibiting words.

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 to authorize such thing to be done. (Prior code §1-3.)

Section 1.04.040 Adoption of Title 10 of the Utah Code Annotated

The "Utah Municipal Code" as contained in Title 10, U.C.A., 1953 as amended and constituted in 2004, is hereby adopted and incorporated as part of the Ordinances of Lindon City where relevant and pertinent. (Ord. 2005-4, Amended, 01/04/2005; Ord. 2000-15, Add, 12/11/2000)

Chapter 1.08

ESTABLISHMENT

Sections:

- 1.08.010 Establishment.

Section 1.08.010 Establishment.

The corporate seal of the Lindon City, Utah, shall be circular in form, 1 1/2 inches in diameter with the word "Seal" in Old English capital encircled with a wreath of the words: LINDON CITY, UTAH COUNTY, UTAH, in capital letters around the margin thereof and the same is established and declared to be the seal of the Lindon City, Utah. (Prior code §9-1.)

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Chapter 1.12

ORDINANCES

Sections:

- 1.12.010 Enacting clause designated.
- 1.12.020 Numbering.
- 1.12.030 Liability of employer and agents to penalty for violation.

Section 1.12.010 Enacting clause designated.

The enacting style of all ordinances of Lindon City shall be: Be it ordained by the city council of Lindon City, Utah. (Prior code §1-4, Amended 1985, effective date, 1986.)

Section 1.12.020 Numbering.

The city recorder shall number all ordinances consecutively, adopted after an ordinance revising the ordinances of the prior code, passed on October 3, 1953, beginning with number one and shall continue thereafter to consecutively number all ordinances filed and spread upon his records in the order of their passage and shall assign appropriate section numbers in conformity with the code. (Prior Code § 1-5.)

Section 1.12.030 Liability of employer and agents 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 directed act, but also the employer and all other persons concerted aiding or abetting therein shall be guilty of the offered described and liable to the penalty prescribed for the offense. (Prior code §1-5.)

Chapter 1.16

GENERAL PENALTY

Sections:

1.16.010 Designated.

Section 1.16.010 Designated.

Whenever no other penalty is prescribed any violation of any provision of any ordinance included in the revised ordinances or ordinances hereafter enacted in the Lindon City Code shall be punishable as a Class B

Misdemeanor. Each day a violation of the Lindon City Code continues shall constitute a separate offense. (Ord. 2010-6, amended 9/22/10) (Ord. no. 7-93, amended 3-23-93; ord. no. 152 §1, 1987.) (Ord. 97-1, Amended, 08/16/2000)

Section 1.16.20 Limits on Penalties

1. Unless otherwise proscribed under this Code, all offenses designated as Class B misdemeanors shall be punished by a fine not to exceed the sum of one thousand dollars or by imprisonment for a period not longer than six months, or by both such fine and imprisonment
2. Unless otherwise proscribed under this Code, all offenses designated as Class C misdemeanors shall be punished by a fine in a sum not to exceed seven hundred fifty dollars, or by imprisonment for a period not longer than ninety days, or by both such fine and imprisonment.
3. Unless otherwise proscribed under this Code, all offenses designated as infractions shall be punished by a fine not to exceed the sum of seven hundred fifty dollars.

Chapter 1.18

RECOUPMENT OF ADMINISTRATIVE COSTS INCURRED BY THE CITY

Sections:

- 1.18.010 Assessment of Cost
- 1.18.020 Notice
- 1.18.030 Collection

Section 1.18.010 Assessment of Cost

1. Except for those violations for which the Utah State Code expressly precludes cities from seeking recoupment through administrative procedures, the city administrator shall have the power to assess those persons or entities not in compliance with the city code for the costs and expenses associated with remedying the negative effects of such noncompliance.

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- 2. The city administrator shall have the power to direct either city employees or independent private contractors to perform any work necessary to abate nuisances or otherwise remedy the negative effects of noncompliance with a city code.
- 3. The costs and expenses referred to in Section 1.18.010 (1) shall consist of:
 - a. The actual cost of remedying any negative effect or circumstance caused by the failure to comply with a city code ordinance; and
 - b. The administrative costs incurred in the supervision and direction of any remedial efforts.
 - c. Cost and attorneys fees incurred in remedying the noncompliance. For purposes of the Lindon City Code, Attorneys Fees and costs mean all fees and costs incurred in remedying the noncompliance, including those incurred before and after litigation is commenced.
- 4. The costs and expenses shall be computed by taking the actual time spent by any administrative official, city employee, and independent private contractor and multiplying it by one hundred twenty five percent (125%) of the normal hourly wage or fee of the foregoing individual or entities.

(Ord. 2000-17, Add, 12/18/2000)
Ord. 2010-6, amended 9/22/10)

Section 1.18.020 Notice

Once the costs and expenses of any remedial efforts have been computed, the city administrator shall mail an itemized bill to the person or entity in violation of the city code provision identifying the code section violated, the dates of violation, and the nature of the remedial efforts and a notice that the amounts assessed must be paid in full within 30 days of the itemized bill being provided. For purposes of this section, receipt of notice shall be deemed to have occurred upon the earlier of the date written notice is delivered or three days after the notice is mailed. (Ord. 2010-6, amended 9/22/10) (Ord. 2000-17, Add, 12/18/2000)

Section 1.18.030 Collection

- 1. If the full amount assessed to the person or entity is not paid in full within thirty (30) days of the date of receipt of notice of the itemized bill, as calculated in Section

- 1.18.020, interest will begin to accrue on the remaining balance at the rate of twelve percent (12%) per annum to be compounded monthly.
- 2. If the full amount assessed to the person or entity, including interest, is not paid within sixty (60) days, and additional two hundred dollar (\$200.00) surcharge shall be added to the amount due. An additional two hundred dollar (\$200.00) surcharge shall be added to the amount due for every subsequent one hundred eighty (180) day period in which the full amount of the assessment plus interest and surcharges is not paid in full.
- 3. If the full amount assessed to the person or entity, including interest, is not paid within one hundred eighty (180) days of receipt of the notice, as calculated in Section 1.18.020, the city administrator may initiate collection proceeding against the delinquent person or entity. The person or entity against which the collection proceedings are brought shall be responsible for all court costs, reasonable attorney fees, and other expenses associated with collection efforts. (Ord. 2010-6, amended 9/22/10) (Ord. 2000-17, Add, 12/18/2000)

Chapter 1.20

POLICIES AND PROCEDURES

Sections:

- 1.20.10 Purpose
- 1.20.20 Policies and Procedures Manual
- 1.20.30 Policies do not constitute an employee contract

Section 1.20.10 Purpose

The Lindon City Policies and Procedures Manual (herein referenced as the 'Manual') shall be created to govern the administrative functions and employee policies of the City that are not otherwise outlined within Lindon City Code. The Manual should identify the organizational structure, rules, benefits, responsibilities, and obligations of employment

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with the City including policies on topics such as risk management, proper use of city property and equipment, purchasing and procurement, personnel policies, employee benefits, performance responsibilities, etc.

Section 1.20.20 Policies and Procedures
 Manual

The Lindon City Policies and Procedures Manual as is currently constituted, and as may be amended from time to time, is hereby authorized as an official regulatory document of Lindon City and is supplementary to the ordinances thereof. Minor alterations to the Manual can be authorized by the City Administrator, with periodic ratification by the City Council. Significant policy changes to the Manual shall be subject to approval by the City Council after recommendation by the City Administrator.

Section 1.20.30 Policies do not constitute
 an employee contract

1. The policies and procedures expressed in the Manual, as well as those in associated personnel materials which may be issued from time to time, do not create a binding contract, agreement, obligation or liability on the part of the City. The City disclaims any construction of the Manual as, or implication of, an employment contract.
2. The Manual should not be construed to limit the City's right to discharge employees or to create any other obligation or liability on the City. The City reserves the right to unilaterally change or make exceptions to the policies and procedures stated in the manual at any time, for any reason.
3. No supervisor, manager, or representative of the City other than the Mayor or City Administrator, has the authority to enter into any agreement with an individual for employment for any specified period or to make any promises or commitments contrary to the contents of the Manual. Any actual employment agreement must be in writing and signed by the Mayor or City Administrator.

(Ord.2013-17, amended, 12.3.13)

Chapter 1.30

PURCHASING AND PROCUREMENT

Sections:

1.30.10 Purpose and Adoption

1.30.20 Purchasing and Procurement
 Policies and Procedures

Section 1.30.10 Purpose and Adoption

Pursuant to Utah Code Annotated §10-6-122, §10-7-20, §10-8-1, §10-8-2, and other pertinent provisions of the laws of the State of Utah, the Lindon City Council hereby adopts and establishes this Purchasing and Procurement ordinance to fairly and legally govern the purchase and procurement of goods and services by the City.

Section 1.30.20 Purchasing and
 Procurement Policies and Procedures

Policies and procedures to regulate the creation and administration of the Purchasing and Procurement system for Lindon City shall henceforth be located within the Lindon City Policies and Procedures Manual as is currently constituted, and as may be amended from time to time. Purchasing and procurement policies adopted as part of the Lindon City Policies and Procedures Manual are hereby authorized as an official regulatory document of Lindon City and are supplementary to the ordinances thereof. Minor alterations to the Lindon City Policies and Procedures Manual, including Purchasing and

Procurement policies, can be authorized by the City Administrator, with periodic ratification by the City Council. Significant changes to the Purchasing and Procurement policies within the Lindon City Policies and Procedures Manual shall be subject to approval by the City Council after recommendation by the City Administrator.

(Ord.2013-18, amended, 12.3.13)