

**Title 1.       GENERAL PROVISIONS.**

**Chapters:**

**1.01.       General City Provisions.**

**1.02.       General Code Provisions.**

**Chapter 1.01.           General City Provisions.**

**Sections:**

**1.01.01.           Incorporation.**

**1.01.02.           City Seal.**

**1.01.01.           Incorporation.**

The City of Saratoga Springs was incorporated as a municipal corporation on the 30th day of December, 1997, as a political subdivision of the State of Utah.

(Ord. 11-9; Ord. 98-1027-001)

**1.01.02.           City Seal.**

The City Seal shall be used by the City Recorder and other City officials as required or allowed by law. The City Seal may be changed from time to time and shall be rendered in a form and style approved by the City Council.

(Ord. 25-16; Ord. 19-25; Ord. 11-9; Ord. 98-1027-001)

## **Chapter 1.02. General Code Provisions.**

### **Sections:**

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- 1.02.11. Rules of Construction.**
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### **1.02.01. Adoption.**

1. Pursuant to the provisions of Utah Code § 10-3-701, each of the ordinances embraced in the following Titles, Chapters, and Sections have been adopted and passed by and through the authority of the Saratoga Springs City Council. The ordinances have subsequently been published and declared in their entirety as “The Saratoga Springs City Code.”
2. For purposes of this document, the Saratoga Springs City Code may be internally referred to as the “City Code” or “Code.”

(Ord. 13-17; Ord. 11-9; Ord. 11-3)

### **1.02.02. Scope.**

This Code, together with ordinances enacted before and since its compilation, comprises the regulatory, penal, and administrative ordinances of the City of Saratoga Springs. This Code may be revised, modified, and amended pursuant to the provisions of State law.

(Ord. 11-9; Ord. 11-3)

### **1.02.03. Accrued Rights.**

Nothing in this Code or any amendment shall affect any act done, right accrued, penalty incurred, pending suit, prosecution, or proceeding, or tenure of office of any person holding office at the time when this Code or any amendment thereto takes effect. Further, the repeal of any ordinance shall not have the right of reviving any ordinances already repealed or superseded, unless the ordinance containing the amendment or repealer indicates otherwise.

(Ord. 13-17; Ord. 11-9; Ord. 11-3; Ord. 98-1027-001)

**1.02.04. Effect.**

The adoption of this Code or the repeal or amendment of any past ordinance, or any portion thereof, shall not affect the prosecution for violation of ordinances that were committed prior to the effective date of this Code. The adoption of this Code shall not affect any previous license, fee, or penalty or the validity of any bond, or cash deposit in lieu thereof, required to be posted, filed, or deposited pursuant to any ordinance.

(Ord. 13-17; Ord. 11-9; Ord. 11-3)

**1.02.05. Continuation of Existing Ordinances.**

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

(Ord. 13-17; Ord. 11-9; Ord. 11-3; Ord. 98-1027-001)

**1.02.06. Failure to Enumerate.**

The omission to specify or enumerate headings in this Code shall not be construed as a waiver of the benefits or penalty of any such provision.

(Ord. 11-6; Ord. 11-3)

**1.02.07. Codification Authorized.**

1. Pursuant to Utah Code § 10-3-707, and in order to facilitate effective application of municipal ordinances adopted by the City Council, administrative staff is delegated authority to compile or arrange for the compilation of all applicable ordinances of the City into the Saratoga Springs City Code.
2. During the process of compiling and after the ordinance adopting the City Code is approved, administrative staff shall have the authority to:
  - a. administer the City Code and carry out the provisions authorized in Utah Code §§ 10-3-707 to -711 to create, compile, revise, and enforce the City Code;
  - b. create titles, chapters, sections, names and headings, summaries, and other parts as necessary;
  - c. codify relevant existing ordinances into the City Code;
  - d. codify any and all relevant subsequent ordinances in the City Code;
  - e. make non-substantive minor and technical changes, modifications, additions, and substitutions as staff deems best to develop a complete and simplified City Code free of inconsistencies;
  - f. publish the City Code and make it available for the public; and

g. otherwise execute and implement the City Code to effectuate each ordinance.

(Ord. 13-17; Ord. 11-9)

**1.02.08. Omission of Prior Ordinances or General Law Not Waiver.**

The omission or failure to specify or enumerate in this Code previously-enacted ordinances consistent with the provisions herein, or the omission or failure to specify or enumerate in this Code the general law applicable to all cities, shall not be construed as a waiver of the benefits of any such ordinance or provision.

(Ord. 11-9; Ord. 98-1027-001)

**1.02.09. Severability Clause.**

If any title, chapter, phrase, section, subsection, sentence, or clause of this Code is, for any reason, held to be unconstitutional, invalid, void, or unlawful by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code.

(Ord. 11-9; Ord. 98-1027-001)

**1.02.10. Definitions.**

In the construction of this Code, all ordinances of the City, and any amendments thereto, the following words and terms shall have the meaning indicated, unless such definition or construction would be inconsistent with the manifest intent of the City Council or the context clearly requires or indicates otherwise:

1. **“City”** means the City of Saratoga Springs.
2. **“City Attorney’s Office”** means the Legal Department in the City of Saratoga Springs, including the City Attorney or legal assistants.
3. **“Code” or “City Code”** means the Saratoga Springs City Code.
4. **“Corporation”** means any firm, association, organization, trust, partnership, limited liability company, corporation, or other association however designated.
5. **“County”** means Utah County.
6. **“City Council” or “Council”** means the City of Saratoga Springs City Council.
7. **“Officers” and “Employees”** means officers and employees of the City of Saratoga Springs.

8. **“Owner”** means an individual, firm, association, organization, trust, partnership, limited liability company, corporation, or any entity who has interest in the property, including a part owner or a joint owner.
9. **“Ordinances”** means the ordinances codified herein.
10. **“Person”** means any individual, firm, association, organization, trust, partnership, limited liability company, corporation, or other association however designated.
11. **“State”** means the State of Utah.

(Ord. 13-17; Ord. 11-9; Ord. 98-1027-001)

#### **1.02.11. Rules of Construction.**

In the construction or interpretation of this Code and all ordinances, resolutions, and regulations of the City, and any amendments to the Code, ordinances, resolutions, and regulations of the City, the following rules of construction shall be observed when necessary or applicable, unless such construction would be inconsistent with the manifest intent of the City Council or the context clearly requires or indicates otherwise:

1. **General Rule.**
  - a. All words and phrases shall be construed and understood according to the common use and understanding of the language.
  - b. Notwithstanding Subsection (1)(a), a technical word or phrase may have acquired a particular meaning in the law and shall be construed and understood according to such particular meaning.
2. **Liberal Construction.** All provisions of the ordinances, resolutions, and regulations of the City of Saratoga Springs shall be liberally construed according to the import of their terms to promote justice and to affect the objects of the law.
3. **Titles and Headings.** Titles and headings are not binding, are used for interpretive reasons only, and shall not alter the legal effect of any part of the provisions for any reason, unless otherwise provided by law.
4. **City.** The word “City,” when capitalized, shall be understood to refer to the City of Saratoga Springs, unless the context clearly indicates otherwise.
5. **Computation of Time.**
  - a. Unless otherwise provided, in computing any period of time prescribed or allowed by the Code, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

- b. Unless otherwise provided, when the period of time prescribed or allowed is less than eleven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- 6. **Gender.** Unless otherwise indicated from the context of the ordinance, resolution, or regulation, words used in the masculine gender shall include the feminine and words used in the feminine gender shall include the masculine.
- 7. **Numbers.** Unless otherwise indicated from the context of the ordinance, resolution, or regulation, the singular number shall include the plural and the plural number shall include the singular.
- 8. **Tenses.** The use of any verb in the present tense shall include the future and past tense unless such would be an unreasonable interpretation of the provision.
- 9. **“Include,” “includes,” or “including”** means that the items listed are not an exclusive list, unless the word “only” or similar language is used to expressly indicate that the list is an exclusive list.
- 10. **“May”** means the action, requirement, or condition referred to in the sentence is optional, authorized, or permissive.
- 11. **“May not”** means that an action is not authorized and is prohibited.
- 12. **“Must”** means, depending on the context in which it is used, that:
  - a. an action is required or mandatory;
  - b. an action or result is compelled by necessity;
  - c. an item is indispensable; or
  - d. an action or event is a condition precedent to:
    - i. the authority to act;
    - ii. a prohibition;
    - iii. the accrual or loss of a right; or
    - iv. the imposition or removal of an obligation.
- 13. **“Shall”** means the action, requirement, or condition referred to in the sentence is mandatory.
- 14. **“Should”** means that an action is recommended but is not mandatory. The use of this term is strongly discouraged.
- 15. **“Should not”** means that an action is not recommended. The use of this term is strongly discouraged.
- 16. **Amendment or Repeal.** Unless otherwise specifically provided, any amendment or repeal shall not affect any right that has accrued, any duty imposed, any penalty incurred, or any action or proceeding commenced under or by virtue of the provision amended or

repealed, and a repeal shall not have the effect of reviving any provision previously repealed or superseded.

17. **Severability.** If any part or provision of an ordinance, resolution, or regulation is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other provisions and all provisions, clauses, and words of the ordinance, resolution, or regulation shall be severable.

(Ord. 13-17; Ord. 12-9; Ord. 11-9; Ord. 11-3; Ord. 98-1027-001; Ord. 07-1)

#### **1.02.12. Violation.**

1. **Penalty.** As more specifically provided in Title 20, Administrative Code Enforcement, any person who violates any provision of this Code may be guilty of a class C misdemeanor and may be subject to fines provided in Utah Code § 76-3-301 and imprisonment provided in Utah Code § 76-3-204.
2. **Continuing Violation.** In instances where a violation of this Code is a continuing violation, a separate offense shall be deemed committed for each day that the violation occurs or continues.
3. **Other Relief.** This Section shall not limit the authority of a court of competent jurisdiction to impose any other sanction or order any other relief as may be appropriate and lawful under the laws of the State of Utah.

(Ord. 13-17; Ord. 11-9; Ord. 11-3; Ord. 98-1027-001)