

**ORDINANCE NO. 17-19 (8-1-17)**

**AN ORDINANCE OF THE CITY OF SARATOGA  
SPRINGS, UTAH, ADOPTING AMENDMENTS TO  
TITLES 10, 13, AND 20 OF THE SARATOGA SPRINGS  
CITY CODE**

**WHEREAS**, on September 6, 2011, ordinances previously adopted by the City Council of the City of Saratoga Springs were codified pursuant to Utah Code § 10-3-707; and

**WHEREAS**, pursuant to authority granted in Utah Code Annotated § 10-3-701 *et seq.*, the City Council for the City of Saratoga Springs may adopt and amend laws, ordinances, regulations, and codes that comprise the regulatory, penal ordinances, and administrative ordinances of the City of Saratoga Springs; and

**WHEREAS**, the City Council has reviewed the City Code and finds that further amendments to the Code are necessary to accomplish the purposes in Utah Code Annotated § 10-3-701 *et seq.*; and

**WHEREAS**, the City Council has determined that it is in the best interest of the public health, safety, and welfare that the attached modifications and amendments to the City Code be adopted.

**NOW THEREFORE**, the City Council of the City of Saratoga Springs, Utah does hereby ordain as follows:

**SECTION I – ENACTMENT**

The amendments to Titles 10, 13, and 20 of the City Code attached as Exhibit A, incorporated herein by this reference, are hereby enacted. Such amendments are shown as underlines and strikethroughs.

**SECTION II – AMENDMENT OF CONFLICTING ORDINANCES**

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

**SECTION III – EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

## SECTION IV – SEVERABILITY

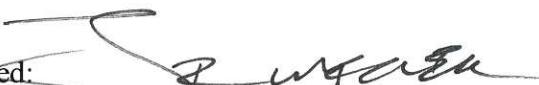
If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

## SECTION V – PUBLIC NOTICE

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
  - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
  - ii. post a complete copy of this ordinance in three public places within the City.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 1<sup>st</sup> day of August, 2017.

Signed:   
Jim Miller, Mayor

Attest:   
Cindy LoPiccolo, City Recorder

### **VOTE**

Shellie Baertsch  
Michael McOmber  
Chris Porter  
Stephen Willden  
(*Vacancy*)



*aye*  
*aye*  
*aye*  
*aye*

**EXHIBIT A**

**City Code Amendments**

## Chapter 10.10 Public Nuisances

### 10.10.01. Purpose

#### ~~10.10.02. Examination an Inspection of Property~~

#### ~~10.10.0302. Definitions~~

#### ~~10.10.0403. Property Nuisance Described~~

#### ~~10.10.0504. Firearms~~

#### ~~10.10.0605. Fugitive Dust~~

#### ~~10.10.0706. Noise~~

#### ~~10.10.08. Parking 10.10.09. Abatement/Violation Notice to Owner/Costs~~

#### ~~10.10.10. Penalties~~

#### ~~10.10.11. Violation Appeal Procedure Mitigating Circumstances~~

#### ~~10.10.13. Collection of Civil Penalties~~

### 10.10.01. Purpose.

1. The City of Saratoga Springs has a responsibility to its residents and business owners to promote conditions that are beneficial to the health, safety, and welfare of the entire community. The existence of public nuisances ~~may~~ have a detrimental effect on residents, ~~and property, and the overall aesthetic quality of the City. The abatement of these conditions is in the best interest of the City, residents, and business owners.~~
2. The purpose of the Chapter is to provide a comprehensive method for ~~the definition and identification of certain public nuisances within the City, encourage compliance where a public nuisance exists, and to establish the authority to abate and recover costs of abatement when the responsible party fails to comply.~~
3. The provisions adopted in this ~~ordinance Chapter~~ shall not be exclusive but shall be cumulative and complementary to any other provisions of the City Code and County, State, and Federal laws. Nothing in this ~~ordinance Chapter~~ shall be read, interpreted, or construed so as to limit any existing right or power of the City to pursue abatement of ~~or abate~~ any and all public nuisances.
4. This ~~ordinance Chapter~~ shall apply to any and all properties within the City limits of Saratoga Springs.

4.5. Abatement of public nuisances under this Chapter shall take place as provided in Title 20.

(Ord. 17-19)

### ~~10.10.02. Examination an Inspection of Property~~

1. ~~The City Manager shall act as an Inspector or designate and delegate power under this ordinance to an appointee, the responsibility of Inspector.~~

~~2. The Inspector of the City is authorized to make observations based on conditions in plain view from public property or from the property of a complaining witness, and nothing in this Section shall be construed to prevent the Inspector from entering on property to deliver a notice to the occupant of the property.~~

(Ord. 17-19)

#### **10.10.0203. Definitions.**

- ~~1. “Abate” means to repair, replace, remove, destroy, correct, or otherwise remedy a condition which constitutes a nuisance by such means, in such a manner, and to such an extent as the Inspector determines is necessary in the interest of the general health, safety, and welfare of the community.~~
- ~~2. “Abatement” means the removal, stoppage, or destruction of that which causes a nuisance.~~
1. “City” means the City of Saratoga Springs, Utah.
- ~~3. “Dynamic Braking Device” means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.~~
2. “Firearm” means a pistol, revolver, shotgun, sawed-off shotgun, rifle, sawed-off rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
- ~~4. Graffiti, as used in this Section, means defacement, damage, or destruction by the presence of paint or ink, chalk, dye, or other similar substances; or by carving, etching, or other engraving.~~
- 5.3. “Inoperative vehicle” means any motor vehicle which cannot be moved under its own power or cannot be operated lawfully on a Utah public street or highway, due to removal of, damage to, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield or any other part necessary for such movement or lawful operation.
- 6.4. “Nuisance” means any condition declared by statute of the State of Utah or ordinance of Utah County or the City of Saratoga Springs and includes any of the following:
  - a. any condition potentially detrimental to any member or members of the public including conditions which are unsafe, potentially unsafe, obstruct the free use or enjoyment of public or private property;
  - b. any deviation from the Land Development Code; and
  - c. any condition determined by the Inspector or City Council to be a nuisance.
- 7.5. “Nuisance property” means the following:

- a. vehicles, not limited to unregistered, inoperative, or dismantled vehicles or vehicle parts;
- b. abandoned and broken equipment or machinery or parts thereof;
- c. building materials not currently being used for the construction of improvements on the site; or
- d. appliances, household furnishings or equipment, tools, machines, garbage cans, packing boxes, and broken or discarded furniture.

**8.6.** “Person” means an individual, corporation, limited liability company, partnership, joint venture, association, proprietorship, or any other legal or governmental entity.

**9.7.** “Rubbish” means waste matter, litter, trash, refuse, debris, dirt, dry grass, dead trees, tin cans, paper, and waste material of every kind or other unsanitary substance, object, or condition which is or when dry may become, a fire hazard or which is or may become a menace to health, safety, or welfare, or which is offensive to the senses.

**10.8. “Weeds”:**

- a. means plants which are unwanted in the location where they are growing and where they are not part of landscaping, xeriscaping, or native plant landscaping;
- b. includes noxious weeds which are described under the Utah Noxious Weed Act, defined by the State Weed Committee of the State of Utah and by Utah County; and
- c. in addition, the following plants are designated as noxious weeds by the City of Saratoga Springs:
  - i. Kochia-Kochia Scoparia
  - ii. Russian Thistle-Salsola Tragus
  - iii. Jim Hill Mustard-Sisymbrium Altissimum
  - iv. Cheatgrass-Bromus Tectorum
  - v. Bur Buttercup-Ceratocephala Testiculata
  - vi. Tansi Mustard

(Ord. 17-19)

**10.10.0403. Property Nuisance Described.**

Following are some examples of situations that constitute a property nuisance. The list shall not be considered exhaustive. Additional situations may be determined to be a public nuisance in the City Code or by the City's Inspector or the City Council's Code Enforcement Officer pursuant to Title 20 of the City Code.

1. It shall be unlawful for any person to deposit, drain, wash, allow to run over or upon, divert onto, across or upon any public-use sidewalk, street, alley, storm drain, or sanitary sewer within the City of Saratoga Springs oil, petroleum, gasoline, antifreeze, coolant, vehicular fluid, chemicals, pesticide, herbicide, or any toxic substance.

2. It shall be unlawful for any person to wash or polish any vehicle or part thereof upon any public-use sidewalk, street, or alley in the City ~~of Saratoga Springs~~ when a charge is made for such service, unless permission is obtained from the City ~~of Saratoga Springs~~.
3. It shall be unlawful for any person to deposit on any public ~~use~~ sidewalk, street, or alley in the City ~~of Saratoga Springs~~: (a) any material that ~~by excessive weight~~ will cause to crack, break, or collapse or that may be harmful to the pavement thereof; or (b) any waste material, glass, or other articles that may cause injury to any person, animal, or property.
4. It shall be unlawful for any person to repair, grease, or construct any vehicle or any part thereof upon any public ~~use~~ sidewalk, street, or alley in the City of Saratoga Springs, provided, however, temporary emergency repairs may be made upon a public street.
5. Trash disposal must be made in an appropriate manner, i.e. through the City's contracted trash pick-up service, self-haul to an approved disposal site, composting in a back yard compost pile, or burning. Burning requires a permit from the Saratoga Springs Fire Department, Utah County Health Department, and State of Utah. Only the following approved combustibles may be burned either in an open burn or in a burn barrel:
  - a. Approved: paper, cardboard, wood, brush, and vegetation
  - b. Prohibited: rubber, tires, asphalt shingles, cloth or upholstery, colored or glossy paper, plastic, tar paper, linoleum, diapers, carpeting, Styrofoam, and other materials not listed as approved.
6. It shall be unlawful to pollute any ~~public~~ well, storm drain, detention pond, irrigation pond, or cistern, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, or other substances, chemicals, or liquids.
7. It shall be unlawful to dispose of the carcass of any animal or fowl in any public place within the City of Saratoga Springs.
8. It shall be unlawful for any person owning, renting, leasing, occupying, managing, or having charge or possession of any real property in this City to maintain premises in such a manner that any of the following conditions are found to exist in a building, structure, or portion thereof which is in a dilapidated or dangerous condition so as to be unfit, unsafe, or unsuitable for human occupancy. Such conditions include but are not limited to:
  - a. inadequate or inoperable mechanical, electrical, plumbing, or sanitation systems or equipment;
  - b. lack of ~~sound and~~ effective exterior walls or roof covering to provide weather protection;
  - c. lack of structural integrity, including deteriorated or inadequate foundations, joints, or vertical or horizontal supports;
  - d. broken, missing, or inoperable windows or doors constituting a hazardous condition or a potential attraction-attractive nuisance to trespassers; or

- e. broken, deteriorated, or substantially defaced structures presenting a risk to public safety.

9. An abandoned building or structure such as:

- a. an unoccupied and unsecured building or structure;
- b. a partially constructed, reconstructed, or demolished building or structure where work is abandoned for 180 consecutive days; or
- c. a damaged or partially destroyed building or structure not removed or repaired within 180 days after the damage or destruction occurred or, if the removal or repair cannot reasonably be accomplished within 180 days, arrangements ~~must have not been~~ made with the City Building Official.

10. Property maintained in a condition so defective ~~, unsightly,~~ or in a state of such deterioration, disrepair, or neglect that it causes a health, safety, or fire hazard ~~or, obstructs the free use or enjoyment of public or private property such as including but not limited to~~ the following:

- a. Storage of personal property (other than items designated for outdoor use) in front, exterior side, or rear yard areas visible to public view, including unregistered, inoperative, or dismantled vehicles or vehicle parts, building materials not currently being used for the construction of improvements on the site, appliances, household furnishings or equipment, tools, machines, garbage cans, packing boxes, debris, rubbish, and broken or discarded furniture.
- b. Weeds ~~shall not be permitted to reach~~<sup>ing</sup> a height of more than six inches at any time, ~~or to otherwise that~~ create a fire hazard ~~to structures, or that create a~~ habitat for disease, insects, vector, or vermin. ~~It shall be the duty of every such person to remove or destroy such weeds and rubbish.~~ Destruction by burning within the city is unlawful unless ~~the written permission from the Fire Chief a permit~~ is first obtained ~~from the Fire Department, Utah County Health Department, and State of Utah.~~
- c. Abandoned and broken equipment or machinery or parts thereof.
- d. Fences or walls ~~which that~~: lack structural support because of missing or wet soil, missing or failed footings, or missing or failed fastenings; ~~or which otherwise~~ do not stand erect; ~~which or~~ are in disrepair due to damage, crumbling mortar, missing bricks or wood, rotted wood, breaks, or dents in their structure.
- e. Clothing, linen, towels, laundry, rugs, mattresses, and other similar material hung, placed, or attached to power lines, trees, bushes, fences, buildings, railings, or walls and visible from public property or an area open to the public. Properly installed and maintained clotheslines are permitted.
- f. Waste matter or personal property placed on rooftops.
- g. Vehicle or vessel repair ~~which that~~ occurs in a residentially-zoned district and is offensive or detrimental to the health, safety, or welfare of other persons or which substantially interferes with the reasonable enjoyment of property by other persons, because of the substances, odors, noise, or visual clutter created by the repair; ~~or~~ because of the items stored in connection with the repair, or because the repair is performed on a vehicle not owned by the occupant of the property.

11. Buildings, structures, or other surfaces upon which graffiti exists as more specifically provided in Chapter 10.03 of the City Code. Graffiti, as used in this Section, means defacement, damage, or destruction by the presence of paint or ink, chalk, dye, or other similar substances; or by carving, etching, or other engraving.
12. Keeping, storing, depositing, or accumulating on the premises dirt, sand, gravel, concrete, or other similar materials or maintenance of such material, unless done so pursuant to a valid and unexpired building permit.
13. Leaving any garbage can or refuse container in the street except the day before, the day of, and the day, other than on collection day, for more than forty-eight hours after the collection day.
14. Any building or structure that is a public nuisance under common or statutory law.

(Ord. 17-19)

**10.10.0504. Firearms.**

1. It shall be unlawful for any person, except peace officers in the pursuit of their lawful duties or private citizens acting in legitimate self-defense or other legally justified defense, to discharge any firearm within the municipal boundaries of the City of Saratoga Springs.
2. This Section shall not prevent the firing of firearms at any rifle, pistol, or shotgun range lawfully designated by the Saratoga Springs City CouncilCity.

(Ord. 17-19)

**10.10.0605. Fugitive Dust.**

1. It shall be unlawful for any person to cause, suffer, allow, or permit the emission of fugitive particulate matter from any process, including any material handling or storage activity, which is in violation of the fugitive emissions and fugitive dust standards set forth by the Utah Division of Air QualityBoard.
2. It shall be unlawful for any person to cause, suffer, allow, or permit a building or its appurtenances or open areas to be used, constructed, repaired, altered, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering, landscaping, paving, treating, or by other reasonable terms.
3. It shall be unlawful for any person to cause, suffer, allow, or permit the repair, construction, use, or reconstruction of a roadway or an alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other

particulate shall be kept to a minimum by employing temporary paving, wetting down, detouring, or by other ~~reasonable~~ means. Soil or other material ~~shall be promptly removed which that~~ has been transported onto paved streets by trucking or earth moving equipment ~~shall be promptly removed by, sweeping, erosion by water pressure washing,~~ or by other lawful means.

(Ord. 17-19)

#### **10.10.0706. Noise.**

1. **Unlawful Noise.** It shall be unlawful for any person or group to cause, permit, maintain, or allow the creation of any noise disturbance including the following situations or conditions:
  - a. Any horn or signaling device sounded on any truck, automobile, or motorcycle except to signal or warn of danger as provided in the Vehicle Code of the State of Utah.
  - b. Any motor vehicle operated without an exhaust system equipped with a muffler or other noise dissipative device.
  - c. Any construction work performed on any construction site in a residential zone, including construction traffic, between the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays. In all other zones, it shall be unlawful to perform or cause to be performed, construction work between the hours of 10 p.m. through 6 a.m. The Building Official or City Engineer may authorize extended hours for the construction operations or procedures that, by their nature, require continuous operation, for public improvement projects, or ~~on~~for projects ~~that are~~ in isolated areas ~~and~~ where the extended hours do not impact upon adjoining property owners.
  - d. Any power equipment operated in residential or commercial zones, including: power saw, sander, lawn mower, garden equipment, or snow removal equipment between the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays.  
~~Any use by a motor vehicle of a compression release engine brake, dynamic braking device, or Jake Brake, except to avoid imminent danger. This shall not apply to emergency vehicles.~~
  - e. Any recreational vehicle, watercraft, or snowmobile operated during the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays.
2. **Noise Levels.** It shall be unlawful for any person to group or cause, permit, maintain, or allow the creation of any noise that is in excess of 65 decibels measured by a sound level meter at a distance of at least twenty-five feet from the source, if upon public property, or twenty-five feet from the property line if the noise is resonating on private property. The following noise shall be exempt from this ordinance:
  - a. Any noise from safety signals or warning devices.
  - b. Any noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency.
  - c. Any noise resulting from any authorized emergency work.

- d. Any noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday including any City sponsored event.
- e. Any noise resulting from the maintenance of City parks.
- f. Any noise resulting from snow plowing or removal services.

3. **Suspending of Noise Restrictions.** Requests for suspending the noise restrictions in this ordinance Section may be made and granted by the City Council. Upon the City Council granting relief, any condition outlined and agreed upon shall be complied with by the applicant; otherwise, this ordinance Section shall be in full force.

4. **Enforcement of Noise Nuisances.** The City Inspector or law enforcement personnel shall be responsible for the administration of the noise portion of this ordinance.

(Ord. 17-19)

**10.10.08. Parking.**

~~It shall be unlawful to park, place, store, abandon, or otherwise leave any non-motorized vehicle or any un-mounted or unattached camper, boat, boat trailer, utility trailer, camp trailer, or any other type of trailer, on any public street, alley, sidewalk, or right of way at any time.~~

~~It shall be unlawful to park or store any vehicle in a front or side yard in a residentially zoned neighborhood, except on a driveway or a paved area intended and approved for parking or behind a solid fence or wall, six feet in height.~~

~~It shall be unlawful to park or store construction equipment or machinery of any type or description on property except while excavation, construction, or demolition operations, covered by an active building permit, are in progress on the subject property or an adjoining property or where the property is zoned for the storage of construction equipment and/or machinery.~~

~~It shall be unlawful to operate any motor vehicle within the city limits of Saratoga Springs with a Dynamic Braking Device engaged, except for the aversion of immediate and imminent danger.~~

**10.10.09. Abatement/Violation—Notice to Owner/Costs.**

1. ~~Emergency Abatement shall be executed when the Inspector determines that a violation constitutes an immediate or imminent peril to public health or safety. The City or a contractor of the City will abate the violation by removal, demolition, repair, or other acts with or without notice to the owner, agent, or occupant of the property. The abatement shall be at the expense of the person causing, committing, or maintaining the violation or the owner of the property on which it is occurring.~~
2. ~~Violation—Notice to Owner. Upon determination that a violation of the provisions of this Section of the ordinance exists, the Inspector shall ascertain the name of the owner and a description of the premises where the violation exists. The Inspector shall serve notice in writing upon the owner or occupant of such property, either personally or by~~

~~certified mail, postage prepaid, addressed to the owner or occupant at the last known post office address as disclosed by the records of the county assessor, requiring such owner or occupant, as the case may be, to eradicate, destroy, or remove the weeds, refuse, objects, or structures causing the violation within such time as the Inspector may designate, which shall be no less than ten days from the date of service of such notice.~~

- ~~3. **Property Cleaned by City.** If any owner or occupant of property described in the notice provided in this Section of the ordinance fails to abate the nuisance or destroy and remove such weeds, refuse, waste, objects, or structures in accordance with such notice, the Inspector is authorized to employ necessary assistance and cause such weeds, refuse, waste, objects, or structures to be destroyed or removed at the expense of the City. The Inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of same and shall mail a copy thereof to the owner demanding payment within twenty days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail and addressed to the last known address of the property owner.~~
- ~~4. In the event the owner fails to make payment of the amount set forth in such statement to the City Treasurer within twenty days of the date of mailing, the City may cause suit to be brought in an appropriate court of law or pursue remedies as provided in the Utah Code.~~
- ~~5. In the event collection of expenses of destruction and removal are pursued through the court, the City shall sue for and receive judgment for all expenses of destruction and removal, together with reasonable attorney's fees, interest at a rate of eighteen percent, and court costs, and shall execute upon such judgment in the manner provided by law.~~
- ~~6. In the event collection of expenses of destruction and removal are pursued as provided in the Utah Code, the provisions of this Section apply.~~
- ~~7. Upon receipt of the itemized statement of the costs of destroying or removing the weeds, refuse, objects, or structures, the City Treasurer shall forthwith mail one copy to the owner of the land from which the same was removed, together with a notice that objection in writing to the City may be made within fourteen days to the whole or any part of the statement so filed. The City Treasurer shall, at the same time, deliver a copy of the statement to the City Recorder.~~
- ~~8. If objections to any statement are filed with the City, a date for hearing shall be set, giving notice thereof. Upon the hearing of the matter, the City shall fix and determine the actual cost of destruction or removal and report the findings to the City Treasurer.~~
- ~~9. If no objection to the items of the account is made within fourteen days of the date of mailing, the City Treasurer shall comply with the requirements of the Utah Code.~~

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#### **10.10.10. Penalties.**

- ~~1. Any person who violates the provisions of this ordinance shall be subject to criminal and~~

~~civil penalties as set forth in this Section of the ordinance.~~

- ~~2. Violation of the provisions of any section of this ordinance is punishable as a class B misdemeanor upon conviction. The provisions of any section of this ordinance may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.~~
- ~~3. Each day that any violation continues after notification by the Inspector that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this Section of the ordinance.~~
- ~~4. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.~~
- ~~5. Any person who participates in any violation of the provisions of any section of this ordinance may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.~~
- ~~6. Upon inspection and discovery that any provision of any section of this ordinance is being violated, the Inspector shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation. The written notice shall:~~
  - ~~a. indicate the nature of the violation;~~
  - ~~b. order the action necessary to correct the violation; and~~
  - ~~c. state the action the Inspector intends to take if the violation is not corrected within the prescribed time.~~
- ~~7. The written notice shall be delivered personally or mailed, postage prepaid, certified, return receipt requested, to the property owner and to any other person who may be responsible for the violation. Receipt of notice means three days after the date written notice is delivered or mailed as provided herein.~~
- ~~8. In cases where the Inspector determines that a delay of enforcement would pose a danger to the public health, safety, or welfare or would otherwise compromise the effective enforcement of the provisions of any section of this ordinance, Emergency Abatement shall be executed without prior written notice by instituting any appropriate remedies.~~
- ~~9. Violations of the provisions of any section of this ordinance shall result in civil penalties of \$50.00 per day.~~
- ~~10. The City of Saratoga Springs reserves the right to withhold building permits or process any application for any person who participates in any violation of the provisions of any section of this ordinance.~~

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#### **10.10.11. Violation Appeal Procedure.**

~~The Council, as it determines, shall constitute an appellate panel to consider matters relating to the violation of any section of this ordinance or it may appoint a hearing officer to consider matters relating to any violations of any section of this ordinance.~~

- ~~1. Any person having received notice of such violation or the owner of any affected property may appear before the Council or a hearing officer and present and contest such alleged violations of this ordinance.~~
- ~~2. The burden to prove any defense shall be upon the person raising such defense.~~
- ~~3. If the Council or a hearing officer finds that no violation occurred or a violation occurred but one or more of the defenses set forth in this ordinance is applicable, the Council or hearing officer may dismiss the written notice of violation. Such defenses are:
  - ~~a. at the time of the receipt of the written notice of violation, compliance would have violated the criminal laws of the State of Utah; or~~
  - ~~b. compliance with the subject sections of this ordinance would have presented an imminent and irreparable injury to persons or property.~~~~
- ~~4. If the Council or hearing officer finds that a violation of this ordinance occurred and no applicable defense exists, the Council or hearing officer may, in the interest of justice and on behalf of the City, enter into an agreement for the timely or periodic payment of the applicable penalty by the violator.~~

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- ~~5. No action by the Council or hearing officer shall relieve the violator from complying with any of the provisions of this ordinance.~~

#### **10.10.1207. Mitigating Circumstances.**

The City Council may approve appropriate deviations from the requirements set forth in this ordinance:

1. if the violation and inability to cure were both caused by an event such as war, act of nature, strike, or civil disturbance;
2. if a change in the actual ownership of the property was recorded in the Utah County Recorder's office after the notice was issued to the prior owner and the new owner is not related by blood, marriage, or common ownership to the prior owner; or
3. such other mitigating circumstances as may be approved by the Council or its designee.

(Ord. 17-19)

#### **10.10.13. Collection of Civil Penalties.**

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- ~~1. If the penalty imposed pursuant to the ordinance remains unsatisfied after forty (42) days~~

~~or when the penalty amounts to \$5,000 from the receipt of notice or ten days from such date as may have been agreed to by the Council or hearing officer, the City may use such lawful means as are available to collect such penalty, including costs and attorney fees.~~

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- ~~2. Commencement of any action to remove penalties shall not relieve the responsibility of any penalty to cure the violation or make payment of subsequently accrued civil penalties, nor shall it require the City to reissue any of the notices required by this Chapter.~~

**Title 13. TRAFFIC CODE AND PARKING.**

**Chapters:**

- 13.01. Traffic Control RegulationsPurpose, Scope, Definitions, and Penalties.**
- 13.02. Parking RegulationsUse Restrictions.**
- 13.03. Accidents.**
- 13.04. Traffic Control Signals.**
- 13.05. Speeding.**
- 13.06. Use of Lanes.**
- 13.07. Miscellaneous Traffic Regulations.**
- 13.08. Parking.**

## Chapter 13.01. Traffic Control Regulations Purpose, Scope, Definitions, and Penalties.

### Sections:

- 13.01.01. **Truck Routes.**Purpose.
- 13.01.02. **Vehicular and Animal Traffic.**Scope.
- 13.01.03. **Definitions.**
- 13.01.04. **Utah Code Provisions Adopted and Interpretation.**
- 13.01.05. **Determination of Traffic Regulations.**
- 13.01.06. **Existing Signs and Regulations.**
- 13.01.07. **Violations and Penalties.**

### 13.01.01. **Purpose.**

It is hereby declared necessary, in order to safely move traffic throughout the City, to regulate the movement of vehicles, the licensing of vehicles and drivers, and the equipment and maintenance of vehicles.

(Ord. 17-17)

### 13.01.02. **Scope.**

This Title establishes rules and regulations to ensure vehicle safety, control movement, regulate licensing of drivers and vehicles, and classify offenses.

(Ord. 17-17)

### 13.01.03. **Definitions.**

Unless otherwise indicated, all definitions have the same definitions as those found in Utah Code Chapter 41-6a or other applicable section of the Utah Code.

(Ord. 17-17)

### 13.01.04. **Utah Code Provisions Adopted and Interpretation.**

1. Utah Code Provisions Adopted. Except as hereinafter specified, Title 41, Title 53, and Title 72 of the Utah Code Annotated (1953, as amended), are hereby approved and adopted as part of the Saratoga Springs City Code. By this reference, these provisions are made a part of the Saratoga Springs City Code as fully as if set out at length herein and shall be controlling within the limits of the City, provided however, that this section is not intended to and does not purport to grant unto the City any powers or jurisdiction not specifically or impliedly granted by law and those sections of the Code under which the City is not authorized by law to bring charges are excluded from this adoption of the Code.

2. Interpretation of State Code Provisions Adopted Above. The following shall apply in the interpretation of the State Code provisions adopted in this Section:

- a. All references to the Department of Transportation or Highway Authority shall be deemed to mean the City and its departments or agents, unless the context requires otherwise.
- b. All references to "local authorities" shall be deemed to mean the governing body of the City or other authorized officials of the City.
- c. All references to the Department of Public Safety of the State of Utah shall be deemed to mean the chief law enforcement officer of the City or his agent, unless the context requires otherwise.
- d. All references to "magistrate" shall mean a judge of the Saratoga Springs Justice Court, unless the context requires otherwise.

(Ord. 17-17)

**13.01.05. Determination of Traffic Regulations.**

1. Speed limits. The City Manager or designee shall designate speed limits for streets under the jurisdiction of the City. Each speed limit may be based on traffic engineering and safety studies for the street or applicable section of the street. The traffic and engineering and safety studies may include:
  - a. the design speed;
  - b. prevailing vehicle speeds;
  - c. accident history;
  - d. highway, traffic, and roadside conditions; and
  - e. other highway safety factors.
2. Other regulatory signs, signals, and traffic control devices. The City Manager or designee shall determine the appropriate location for stop signs, yield signs, signals, and other regulatory signs and traffic control devices. The City Manager or designee shall also determine appropriate locations for pedestrian crosswalks and safety zones and for "no parking" zones. The Planning Department, the Police Department, and Public Works Department shall make recommendations to the City Manager regarding the appropriate location for stop signs, yield signs, and other regulatory signs and traffic control devices based on the standards contained in the Manual on Uniform Traffic Control Devices. The Department of Public Works or City Engineer shall conduct engineering investigations of traffic conditions, regulate the timing of traffic control devices, and analyze the relationship between traffic controls and regulations and traffic accidents, and, where appropriate, devise remedial measures in order to reduce accidents.
3. Effect of Designation. Upon designation by the City Manager of speed limits and the location for stop signs and other traffic regulatory signs, the same shall have the force of law, provided the appropriate signs are posted by the City.

(Ord. 17-17)

### **13.01.06. Existing Signs and Regulations.**

The City Council hereby approves the stop signs, speed limit signs, and other traffic regulatory signs already existing at the time of passage of this ordinance, and such shall have the force of law.

(Ord. 17-17)

### **13.01.07. Violations and Penalties.**

1. Unlawful Acts: It is unlawful for any person to:
  - a. Do any act prohibited by this Chapter;
  - b. Fail or refuse to do any act required by this Chapter;
  - c. Operate any vehicle in violation of any provision of this Chapter; or
  - d. Operate any vehicle unless such vehicle is equipped and maintained in compliance with this Chapter.
2. Infractions. Any person guilty of violating any provision of this title shall be deemed guilty of an infraction, unless such offense is specifically designated otherwise. Upon conviction of an infraction, a person may not be imprisoned but may be subject to a fine, forfeiture, and disqualification, or any combination. A person convicted of an infraction may be fined up to \$750. The maximum possible penalties for an infraction level offense will at all times be consistent with Utah Code 76-3-205 and 76-3-301, as amended.
3. Class C Misdemeanors. When an offense has been specifically designated as a Class C Misdemeanor, upon conviction, a person may be sentenced to a term of imprisonment not to exceed 90 days. A fine not to exceed \$750 may be imposed. If the court should determine that it is in the interests of justice that the term of imprisonment be stayed, then any terms of probation that the court feels is appropriate and necessary may also be imposed. The maximum possible penalties for the offense shall be consistent with and shall not exceed those found in Utah Code 76-3-204 and 76-3-301, or their successors.
4. Class B Misdemeanors. When an offense has been specifically designated as a Class B misdemeanor, upon conviction a person may be sentenced to a term of imprisonment that is not to exceed 6 months. A fine not to exceed \$1000 may be imposed. If the court should determine that it is in the interests of justice that the term of imprisonment be stayed, then any terms of probation that the court feels is appropriate and necessary may also be imposed. The maximum possible penalties for the offense shall be consistent with and shall not exceed those found in Utah Code 76-3-204 and 76-3-301, or their successors.
5. Exception for Emergency Vehicles. Emergency vehicles including but not limited to EMS, fire, and police vehicles shall be exempt from this Chapter when the requirements, conditions, and situations in Utah Code § 41-6a-212, “Emergency vehicles – Policy regarding vehicle pursuits – Applicability of traffic law to highway work vehicles – Exemptions,” apply.
6. Specific Fines. Notwithstanding the above, the following fines are imposed for violations of this Chapter:

- a. Unless otherwise specifically provided, all violations of Chapters 13.03, 13.04, 13.05, 13.06, and 13.07 shall be subject to a \$120 fine. An additional \$30 fee shall be imposed if the prohibited behavior involves an accident.
- b. Specific violations:
  - i. 13.03.01 – Class C misdemeanor - \$500
  - ii. 13.03.02 – Class C misdemeanor - \$500
  - iii. 13.03.03 – Class C misdemeanor - \$500
  - iv. 13.03.04 – Class C misdemeanor - \$500
  - v. 13.05.02 – Infraction – Speeding
    - 1. 1-10 mph over the limit: \$120
    - 2. 11-15 mph over the limit: \$150
    - 3. 16-20 mph over the limit: \$200
    - 4. 21-25 mph over the limit: \$270
    - 5. 26-30 mph over the limit: \$370
    - 6. 31+ mph over the limit: \$470 plus \$10 for every mph over 31
  - vi. 13.05.04 – Class B misdemeanor - \$500
  - vii. 13.05.05 – Class B misdemeanor - \$500
  - viii. 13.07.04 – Class C misdemeanor - \$350, Class B misdemeanor - \$680

(Ord. 17-17)

## **Chapter 13.02. Use Restrictions.**

### **Sections:**

#### **13.02.01. Truck Routes.**

#### **13.02.02. Vehicular and Animal Traffic.**

#### **13.0102.01. Truck Routes.**

- 1. Purpose and Findings.** ~~It is hereby declared necessary, in order to safely move traffic in and out and throughout the city, to regulate the movement of large vehicles.~~
- 2.**  
~~1. Pursuant to the Utah Municipal Code, Utah Vehicle Code, and Utah Transportation Code, the City is authorized to regulate the use of City streets, regulate the movement of traffic and vehicles on City roads, safely move traffic throughout the City, and restrict vehicles that interfere with or impede traffic. The City therefore has the authority to place restrictions on the use of its roads by large and heavy vehicles. Furthermore, the City has conducted engineering studies on its roads and has determined that, due to climatic conditions in the City, damage to City roads is occurring. The climatic conditions causing damage to City roads include but are not limited to excessive heat, freezing and thawing, rainfall, snow and ice, moisture reaching collapsible soils, and road salt and icemelt. Because of the design of roads, only those roads designed with a certain thickness and composition can withstand these climatic conditions. The damage from climatic conditions is accentuated by the use of City roads by heavy and large vehicles. Thus, it is necessary to impose the restrictions in this Section to mitigate the high costs and expenses of repairs and replacements.~~
- 3.2. Application.** ~~These regulations shall apply to large vehicles ~~or~~and trucks, including trailers, loads, and equipment being hauled by such large vehicles and trucks. Large vehicles and trucks are defined in this Section which are hereby defined as all vehicles, combinations of vehicles, or combinations of vehicles, ~~trailers, and loads, and equipment~~ having (a) a length of more than forty-five feet, ~~or~~(b) a width of more than eight feet without load, ~~or~~(c) a height of more than fourteen feet with or without load, ~~and all vehicles~~or (d) registered for 18,000 pounds gross weight or more (collectively referred to hereinafter as "Restricted Vehicles").~~
- 4.3. Truck Routes Established.** ~~The following streets are hereby designated as truck routes; and the truck route designations are exclusive. Any and large vehicle or truck ~~Restricted Vehicles as herein defined~~ shall use only those routes specified herein or additional temporary routes as ~~shall be~~ established by the Public Works Director, ~~upon consultation by the City's Development Review Committee~~, either ~~upon written application by written permission upon application to deviate from the truck route~~, or by the posting of temporary road signs during the period of temporary or alternate truck routing. Any ~~Restricted~~ Vehicle driven on any other streets than those herein designated, ~~which is controlled by these regulations~~, shall be deemed in violation of this ~~ordinance~~ Chapter and the driver and/or trucking company thereof shall be guilty of a fine as prescribed in~~

~~the fine schedule below~~ Title 20 of the City Code. The following are designated truck routes:

- a. State Road 73, or Crossroads Boulevard from city limits to city limits.
- b. Redwood Road from city limits to city limits.
- c. Pioneer Crossing.
- d. Pony Express.
- e. Old Military Road, except for any paved portions.
- b-f. Grandview Boulevard.

#### 6.4. Exemptions.

- a. The above truck routes shall not apply to:
  - i. vehicles delivering merchandise to or from local businesses or established truck terminals within the City of Saratoga Springs;
  - ii. deliveries to or from residences within the City of Saratoga Springs, including but not limited to moving trucks and vans; or
  - iii. construction trucks delivering to or returning from construction sites within the City of Saratoga Springs where it is not possible to use a designated truck route.
- b. The provisions of this Section shall not apply to passenger buses, school busses, authorized emergency vehicles, or trucks owned or operated by the City, public utilities, or contractors or material men while engaged in the repair, maintenance, or construction of public streets, public street improvements, or public utilities within the City of Saratoga Springs.

~~Notwithstanding these exemptions, no large vehicle or truck as defined herein shall be allowed to travel on the following roads:~~

~~6800 North between Redwood Road and Saratoga Road; and Saratoga Road between the back entrance of the Saratoga Springs Development and 7350 North Street.~~

~~—Fine Schedule. The following fines will be assessed for each violation of this ordinance. Each offense will be assessed per truck driver and not per trucking company.~~

- ~~. First Offense: \$150.00~~
- ~~. Second Offense: \$400.00~~
- ~~. Additional Offenses: \$1,000.00~~

(Ord. 17-17; Ord. 11-9; Ord. 05-10)

#### **13.012.02. Vehicular and Animal Traffic.**

It shall be unlawful to drive or allow any vehicle or animal ~~or to allow any vehicle or animal~~ to proceed on or over any garden, lawn, curb, park strip, sidewalk, beach, wall, City trail system, pathway, or any other portion of such public place unless the same are designated for vehicular or animal traffic. It shall be presumed for the purposes of this Section ~~that in that~~ any area in use at the time ~~as for~~ a picnic, outdoor gathering, or recreational area, otherwise in use or by pedestrian use traffic, that the same is prohibited for use by vehicular or animal traffic. This paragraph shall not be construed to prohibit the presence of dogs and cats and similar other small

animals while under the proper control of their owners ~~from being allowed upon such public property unless such are vicious and are shown such either by their general nature or by the facts of the case.~~

(Ord. 17-17; Ord. 11-9; Ord. 07-15

## **Chapter 13.03. Accidents**

### **Sections:**

#### **13.03.01. Immediate Notice.**

#### **13.03.02. Driver Duties; Moving of Vehicles.**

#### **13.03.03. Driver to Give Name, Information, and Render Assistance.**

#### **13.03.04. Collision with Unattended Property.**

#### **13.03.01. Immediate Notice.**

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of seven hundred fifty dollars (\$750.00) or more shall, immediately by the quickest means of communication, give notice to the police department or Utah Highway Patrol. A violation of this Section shall be classified as a Class C misdemeanor.

(Ord. 17-17)

#### **13.03.02. Driver Duties; Moving of Vehicle.**

1. Definitions. As used in this section, “reason to believe” means information from which a reasonable person would believe that the person may have been involved in an accident.
2. Moving of Vehicle in an Accident Involving Property Damage. The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting only in damage to another vehicle or other property:
  - a. may move the vehicle as soon as possible off the roadway main lines, shoulders, medians, or adjacent areas to the nearest safe location that does not obstruct traffic; and
  - b. shall remain at the scene of the accident or the location described in 13.03.02(2)(a) until the operator has fulfilled the requirements of 13.03.01.
3. Fault Determination. Moving a vehicle as required under 13.03.02(2) does not affect the determination of fault for an accident.
4. Later Discovery. If the operator has reason to believe that the operator may have been involved in an accident resulting in damage to another vehicle or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of this section.
5. Violations. Any person guilty of violating this section shall be deemed guilty of a Class C misdemeanor.

(Ord. 17-17)

#### **13.03.03. Driver to Give Name, Information, and Render Assistance.**

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall:

1. Give his or her name and address and the registration number of the vehicle he or she is driving;
2. Upon request, exhibit his or her operator's license to the person struck, the driver, or the occupant of or person attending any vehicle collided with; and
3. Render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.
4. Any person guilty of violating this section shall be deemed guilty of a Class C misdemeanor.

(Ord. 17-17)

**13.03.04. Collision with Unattended Property.**

1. The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which results in damage to the other vehicle or property shall immediately stop, and shall then and there either locate and notify the operator or owner of such vehicle or other property of such driver's name and address and the registration number of the vehicle causing such damage, or shall attach securely in a conspicuous place on the vehicle or other property a written notice giving such driver's name and address and the registration number of the vehicle causing such damage.
2. Any person failing to comply with said requirements under such circumstances is guilty of a Class C misdemeanor.

(Ord. 17-17)

## **Chapter 13.04. Traffic Control Signals**

### **Sections:**

#### **13.04.01. Obedience to Signals.**

#### **13.04.03. Meaning of Vehicular Signal Indication; Driver and Pedestrian Duties.**

#### **13.04.04. Islands and Turning Markers in Intersection.**

#### **13.04.01. Obedience to Signals.**

No driver of a vehicle shall disobey the instructions of any stop sign, yield sign, signal, or other regulatory sign or traffic control device placed in accordance with the provisions of this Title, unless at the time the driver is otherwise directed by a police officer, or subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

(Ord. 17-17)

#### **13.04.02. Meaning of Vehicular Signal Indication; Driver and Pedestrian Duties.**

1. Definitions: the following meanings shall be given to highway traffic signal indications for vehicles and pedestrians. Yielding duties between drivers and pedestrians are reserved for further definition.
2. Steady green signal indications have the following meanings:
  - a. Traffic, except pedestrians, facing a circular green signal indication may proceed straight through or turn right or left except as such movement is modified by lane use signs, turn prohibition signs, lane markings, or roadway design. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles within the intersection, and to pedestrians, at the time such signal indication is exhibited.
  - b. Traffic, except pedestrians, facing a green arrow signal indication, shown alone or in combination with another signal indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other signal indications shown at the same time.
  - c. Unless otherwise directed by a pedestrian signal, pedestrians facing any green signal indication, except when the signal indication is a turn arrow for a vehicular movement in conflict with the desired path of the pedestrian, may proceed across the roadway within any marked or unmarked crosswalk.
3. Steady yellow signal indications shall have the following meanings:
  - a. Traffic, except pedestrians, facing a steady circular yellow or yellow arrow signal indication is thereby warned that the related green movement is being terminated or that a red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
  - b. Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal, are thereby advised that there is insufficient time to cross the roadway before a red signal indication is shown, and no pedestrian shall then start to cross the roadway.

**4. Steady red signal indications shall have the following meanings:**

- a. Vehicular traffic facing a steady circular red signal indication alone shall stop at a clearly marked stop line. If there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or, if there is no crosswalk, then before entering the intersection. Such traffic shall remain stopped until a signal indication to proceed is shown, or as provided below. Except when a sign is in place prohibiting a turn on red or a red arrow signal indication is displayed, vehicular traffic facing a circular red signal indication may enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping. Such vehicular traffic shall yield the right of way to pedestrians and to other traffic using the intersection.
- b. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow, and unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line. If there is no stop line, said vehicular traffic shall stop before entering the crosswalk on the near side of the intersection, or if there is no crosswalk, then before entering the intersection, and shall remain stopped until a signal indication permitting the movement indicated by such red arrow is shown.
- c. Where turns are allowed on red and the signal indication is an arrow, a turn may be made if there is a sign posted to indicate that turns are allowed on red after stopping.
- d. Unless otherwise directed by a pedestrian signal, pedestrians facing a steady circular red or red arrow signal indication alone shall not enter the roadway.

(Ord. 17-17)

**13.04.03. Islands and Turning Markers in Intersection.**

When authorized islands, markers or other indicators are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the direction of such indications.

(Ord. 17-17)

## **Chapter 13.05. Speeding**

### **Sections:**

#### **13.05.01. Speed and Operation to Conform to Existing Conditions.**

#### **13.05.02. Speed Limits.**

#### **13.05.03. Driving Too Slow.**

#### **13.05.04. Speed or Acceleration Contests Prohibited.**

#### **13.05.05. Obstructing Streets for Speed Contests Prohibited.**

#### **13.05.01. Speed and Operation to Conform to Existing Conditions.**

Every person driving a vehicle on a street or alley shall operate the same at a speed and in a manner which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, and every driver of a vehicle, in compliance with legal requirements and the duty to use due care, shall use every reasonable means to avoid endangering or colliding with any person, vehicle, or other object.

(Ord. 17-17)

#### **13.05.02. Speed Limits.**

1. Where no special hazard exists that requires a lower speed for compliance with section 13.05.01 of this Chapter, or its successor, the speed of any vehicle in excess of limits specified by properly placed signs is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.
2. On all streets and at all places the prima facie speed limit shall be twenty five (25) miles per hour, except as otherwise lawfully and legally posted or marked.
3. In every charge of violation of any speed regulation, the traffic citation shall specify the speed at which the violator is alleged to have driven and the posted speed limit or prima facie speed applicable at the location of the violation.

(Ord. 17-17)

#### **13.05.03. Driving Too Slow.**

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or to comply with law.

(Ord. 17-17)

#### **13.05.04. Speed or Acceleration Contests Prohibited.**

No person shall engage in any vehicle speed contest or exhibition or vehicle acceleration contest or exhibition on any street, road, highway, or alley, and no person shall aid or abet any such

vehicle speed or acceleration contest or exhibition. A violation of this Section is a Class B misdemeanor.

(Ord. 17-17)

**13.05.05. Obstructing Streets for Speed Contests Prohibited.**

No person shall, for the purpose of facilitating, aiding, or inducing any vehicle speed contest or exhibition, or vehicle acceleration contest or exhibition, in any manner obstruct or place any barricade or obstruction or assist or participate in placing any such barricade or obstruction upon any street or alley. A violation of this Section is a Class B misdemeanor.

(Ord. 17-17)

## **Chapter 13.06. Use of Lanes**

### **Sections:**

#### **13.06.01. Laned Roadway; Failure to Stay in One Lane.**

#### **13.06.02. Turning or Changing Lanes – Safety - Signals.**

#### **13.06.01. Laned Roadway; Failure to Stay in One Lane.**

In the absence of an extenuating circumstance necessitating an emergency or safety related maneuver, whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, a vehicle shall be driven entirely within a single lane, and shall not be moved from such lane or across a lane without giving the right of way to vehicle in the lane to be entered, nor until the driver has first ascertained that such movement can be made with safety and such driver has given the required two second signal prescribed in section 13.06.02 of this chapter (or its successor).

(Ord. 17-17)

#### **13.06.02. Turning or Changing Lanes – Safety – Signals.**

1. A person may not turn a vehicle or move right or left on a roadway or change lanes until:
  - a. The movement can be made with reasonable safety; and
  - b. An appropriate signal has been given as provided under this section.
2. A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last two seconds preceding the beginning of the movement.
3. A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of any vehicle immediately to the rear when there is opportunity to give a signal.
4. A stop or turn signal when required shall be given either by the hand and arm or by signal lamps.
  - a. If hand and arm signals are used, a person operating a vehicle shall give the required hand and arm signals from the left side of the vehicle as follows:
    - i. Left turn: hand and arm extended horizontally;
    - ii. Right turn: hand and forearm extended upward with the elbow bent at a 90-degree angle; and
    - iii. Stop or decrease speed: hand and forearm extended downward with the elbow bent at a 90-degree angle.

Ord. 17-17 )

## **Chapter 13.07.        Miscellaneous Traffic Regulations.**

### **Sections:**

- 13.07.01.        Negligent Collision.**
- 13.07.02.        Improper Lookout.**
- 13.07.03.        Unsafe Activities Interfering With Operation.**
- 13.07.04.        Driving While Faculties Impaired.**
- 13.07.05.        Driving Through Private Property to Avoid Traffic Control Device.**
- 13.07.06.        Forfeiture of Right-of-Way.**
- 13.07.07.        Use of Compression Release Engine Braking Systems or “Jake Brakes” Prohibited.**
- 13.07.08.        Following Another Vehicle; Safe Distance.**
- 13.07.09.        Right-of-Way; Stop or Yield Signals.**

### **13.07.01.        Negligent Collision.**

It shall be unlawful to operate a vehicle with such lack of due care and in such a negligent manner as to cause it to collide with any vehicle, person, or object.

(Ord. 17-17)

### **13.07.02.        Improper Lookout.**

It shall be unlawful to drive a vehicle within the City without keeping a reasonable and proper lookout for other traffic and objects.

(Ord. 17-17)

### **13.07.03.        Unsafe Activities Interfering With Operation.**

No driver shall engage in any activity that interferes with the safe control of his or her vehicle while it is in motion, nor shall any passenger engage in any activity which interferes with the safe operation of any vehicle.

(Ord. 17-17)

### **13.07.04.        Driving While Faculties Impaired.**

No driver shall operate a vehicle while his ability or alertness is so impaired through fatigue, illness, or any other cause, except for causes in Title 41, Chapter 6a, Part 5, as to make it unsafe for him to drive such vehicle. A violation of this section is a Class C misdemeanor except where a violation damages property or person, in which such violation is a Class B misdemeanor.

(Ord. 17-17)

### **13.07.05. Driving Through Private Property to Avoid Traffic Control Device.**

No driver shall drive over or upon any private property, such as a service station, fruit stand, parking lot, vacant lot, or similar area to avoid obedience to any authorized traffic control device.

(Ord. 17-17)

### **13.07.06. Forfeiture of Right-of-Way.**

1. Any person violating any provision of this chapter shall have no right-of-way if such violation interferes with the ability of another driver to yield the right-of-way to such person.
2. The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he might otherwise have.

(Ord. 17-17)

### **13.07.07. Use of Compression Release Engine Braking Systems or “Jake Brakes” Prohibited.**

It is unlawful for any person to use, operate, or engage any compression release engine braking system within the City which is designed to slow the speed of a vehicle by turning the engine into an air compressor (commonly referred to as a jacobs brake, jake brake, engine brake, or compression brake). However, this section shall not apply to fire engines or other emergency vehicles.

(Ord. 17-17)

### **13.07.08. Following Another Vehicle; Safe Distance.**

1. The operator of a vehicle:
  - a. May not follow another vehicle more closely than is reasonable and prudent, having regard for the:
    - i. Speed of the vehicles;
    - ii. Traffic upon the highway; and
    - iii. Condition of the highway; and
  - b. Shall follow at a distance so that at least two seconds elapse before reaching the location of the vehicle directly in front of the operator's vehicle.
  2. Subsection 1. does not apply to funeral processions or to congested traffic conditions resulting in prevailing vehicle speeds of less than 35 miles per hour.

(Ord. 17-17)

### **13.07.09. Right-of-Way; Stop or Yield Signals.**

1. Preferential right-of-way may be indicated by stop signs or yield signs.

2. Except when directed to proceed by a peace officer, every operator of a vehicle approaching a stop sign shall stop:
  - a. At or behind a clearly marked stop line; or if there is no line, shall stop even with the stop sign;
  - b. Before entering the crosswalk on the near side of the intersection if there is not a clearly marked stop line; or
  - c. At a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it if there is not a clearly marked stop line or a crosswalk.
3. After having stopped at a stop sign as provided in subsection 2., the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.
4. The operator of a vehicle approaching a stop sign shall yield the right-of-way to pedestrians within an adjacent crosswalk.

(Ord. 17-17)

## **Chapter 13.08.      Parking.**

### **Sections:**

- 13.08.01.      Illegal Parking—In General.**
- 13.08.02.      Signs and Markings.**
- 13.08.03.      Double Parking.**
- 13.08.04.      Large Vehicles and Trailers.**
- 13.08.05.      Trailers.**
- 13.08.06.      48 hours.**
- 13.08.07.      Parking of Cars For Sale.**
- 13.08.08.      Requirements for Vehicles Parked in Public.**
- 13.08.09.      Fire Lanes.**
- 13.08.10.      Parking During Snow Removal From Streets**

### **13.08.01.      Illegal Parking—In General.**

**Towing and Impoundment.** The following ~~v~~ehicles, together with or in addition to any other vehicles, parked in violation of any provision of this Title or the laws of the state, are declared to be nuisances ~~spark~~ped, stopped, stored, abandoned, or left in the City in violation of this Chapter or in the following ways are subject to a fine and punishment pursuant to Title 20 of the City Code:

1. ~~ny~~unattended vehicles ~~stopped, standing, or parked~~ in violation of any of the provisions of this ~~Title~~Chapter;
2. a vehicle found upon the streets or alleys of the city with faulty or defective equipment;
3. ~~a~~vehicle, whether leftattended or unattended, ~~parked~~ upon any ~~street, road, lane, alley,~~ bridge, viaduct, ~~or any~~ overpass, or underpass; ~~where such a vehicle that~~ constitutes a hazard or an obstruction to traffic;
4. ~~any vehicle upon a street so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;~~
5. ~~3~~any vehicle left unattended upon a street or alley and so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic;
6. ~~4~~any vehicle left parked in the same place on any public (i) street, or (ii) road, (iii) lane, (iv) alley, or upon any public (v) property continuously for forty-eight hours;
7. ~~any vehicle, the driver of which has been taken into custody by the police department under such circumstances as would leave the vehicle unattended in a street, alley, or restricted parking area;~~
8. ~~5~~any vehicle found being driven on ~~the~~any streets, road, lane, or alley not in a proper condition to be driven; and
6. any vehicle found so parked as to constitute a fire hazard or an obstruction to fire-fighting apparatus.
8. ~~Any vehicle deemed to be a nuisance under Subsection (1) may be summarily abated by removing such vehicle by or under the direction of or at the request of a police officer to a~~

~~place of storage by means of towing or otherwise in accordance with Utah Code Chapter 41-6a.~~

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

### **13.08.02. Signs and Markings.**

1. It shall be unlawful to disobey signs or markings erected by the City which prohibit parking or regulate the hours thereof. It is not necessary for the City to install both signs and curb markings as one or both shall constitute effective parking regulations in the City. It shall also be unlawful to park in violation of curb markings designated by the City. Such curb markings shall have the following meanings:
  - a. Red: No stopping, standing, or parking at any time.
  - b. Yellow: No stopping, standing, or parking except as stated on the signs or markings giving notice thereof.
2. Where lines are painted on the roadway to indicate the angle at which a vehicle shall be parked, it shall be unlawful to park a vehicle except as indicated.
3. It shall be unlawful to erect any signs or to mark publicly owned curbs in such a manner that prohibits parking or attempts to regulate the flow of traffic without prior City approval.

(Ord. 17-17)

### **13.08.03. Double Parking.**

It shall be unlawful for any person to park or leave standing upon any street any vehicle, whether attended or unattended, along the side of any parked vehicle where such vehicle is parked parallel with the curb, except that an operator may stop temporarily, provided he does not leave his vehicle, during the act of actually loading or unloading passengers or when necessary in obedience to traffic regulations or signals of a police officer, unless posted signs or curb markings indicate otherwise.

(Ord. 17-17)

### **13.08.04. Large Vehicles and Trailers.**

It shall be unlawful to park on a public street in any residential zone in the City any vehicle or trailer, or any combination thereof, having an overall length of twenty-five feet (25') or more or which exceeds the rated capacity of one and one-half (1½) tons. It shall be unlawful to park on a public street in any commercial or industrial zone in the City any vehicle or trailer, or any combination thereof, having an overall length of twenty-five feet (25') or more between the hours of 5:00 p.m. and 9:00 a.m. This section shall not apply, however, under the following circumstances:

1. When the vehicle is actively involved in permitted construction, landscaping, or other work on or at a specific residence, building, or commercial enterprise.

2. When there is an emergency requiring the parking of a vehicle at a particular location.
3. When the vehicle is owned or operated by federal, state, or local government authorities and is parked for governmental purposes.

(Ord. 17-17)

#### **13.08.05. Trailers.**

It shall be unlawful to park or keep any trailer, unattached camper, or boat on a public street.

(Ord. 17-17)

#### **13.08.06. 48 Hours.**

It shall be unlawful to park any vehicle in the same location on a public street for a continuous period of time exceeding forty-eight (48) hours.

(Ord. 17-17)

#### **13.08.07. Parking of Cars For Sale on Vacant Lots.**

1. **Definitions.** As used in this section, the following terms shall have the corresponding definition:
  - a. "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.
  - b. "Shoulder area" means that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices," or that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and lateral support.
  - c. "Displaying it for sale" means parking and leaving a motor vehicle or trailer in a location with a "For Sale" sign, writing, or similar device displayed on or in the vehicle for more than 8 hours.
2. **Vacant Lots and Parking Lots.** It shall be a ~~class C misdemeanor violation~~ for the owner of a motor vehicle, camper, trailer, boat, or other type of vehicle to park it or allow it to be parked on ~~(a)~~ -a vacant lot, ~~or (b) or a~~ parking lot owned by another person for the purpose of displaying it for sale, unless the owner or lessee of the property on which it is parked has a city business license to engage in the business of selling motor vehicles, campers, trailer, boats, or other vehicles at that location. It shall also be ~~a class C misdemeanor or illegal~~ for the owner or lessee of such property to allow another person to park a motor vehicle, camper, trailer, boat, or other vehicle on the property for the purpose of displaying it for sale unless such owner or lessee has a city business license to engage in the business of selling such merchandise at that location.
3. **Parking Cars or Trailers For Sale on Street or Highway.**

- a. It shall be unlawful for the owner or operator of a motor vehicle or trailer to park it or allow it to be parked on any highway, street, or shoulder area for the purpose of displaying it for sale.
- b. It shall not be a violation of this Chapter for a vehicle with a "For Sale" sign:
  - i. To be parked incidental to actual operation and immediate use of the vehicle by the vehicle owner.
  - ii. Unless otherwise prohibited by this Code, to be displayed on a public street that is adjacent to real property in which the person offering the vehicle for sale has a legal interest or is temporarily visiting.
  - iii. To be temporarily parked on any highway or street for the purpose of servicing, repairing or otherwise working upon any vehicle which is temporarily disabled.

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

#### **13.08.08. Requirements for Vehicles Parked in Public.**

Every vehicle while parked upon the public highways, streets, alleys, or City-owned parking lots in the City of Saratoga Springs, shall:

1. Be registered in the name of the owner thereof in accordance with the laws of Utah;
2. Display in proper position two valid, unexpired license (registration) plates, one on the front and one on the rear of such vehicle; and
3. When required, have current validation or indicia of registration attached to the rear plate and in a manner complying with the laws of the state of Utah, and such plate shall be free from defacement, mutilation, and sight obscuring matter so as to be plainly visible.

However, if such vehicle is not required to be registered in Utah, and the indicia of registration issued by another state, territory, possession or district of the United States, or of a foreign country, complies with the laws of Utah and substantially complies with the provisions hereof, such registration shall be considered as compliance with this section.

(Ord. 17-17)

#### **13.08.09. Fire Lanes.**

1. It shall be unlawful for any person to park or stop a vehicle on any designated fire lane, regardless of whether or not the driver of the vehicle remains with the vehicle. This section shall not apply to any Public Safety emergency vehicle being used on official business.
2. "Designated fire lane" shall mean any area in front of the entrance to a commercial or public building, which area has been marked with a red curb, or red writing on the pavement or signs posted which prohibit parking or designate the area as a fire lane.
3. Any vehicle parked in violation of this section is hereby declared a hazard to public safety and may be removed at the direction of the owner of the property or any public safety officer.

(Ord. 17-17)

**13.02.0313.08.10. Parking During Snow Removal From Streets.**

1. In order to facilitate the speedy and safe removal of snow from City streets, it is illegal for the owner or driver of any vehicle to park, ~~or cause~~, or allow to be parked such vehicle upon a City street or right-of-way ~~of a City street~~ during ~~a snowstorm when a measurable amount of snow has fallen, or following a snowstorm when a measurable amount of snow has fallen, and prior to the City's snow removal equipment has not yet been~~ utilized to remove the snow.
2. “Vehicles” shall be defined to include, but not ~~necessarily~~ limited to, automobiles, trucks, trailers, mobile homes, travel trailers, boats, motorcycles, buses, snowmobiles, and other objects used or capable of being used for transportation purposes whether for the transport of humans, animals, or freight of any kind.
3. A violation of this Section shall be ~~enforced pursuant to Title 20 of the City Code punishable as an infraction, in addition to any other penalties which may be imposed, including impoundment, pursuant to the provisions of this Chapter.~~

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

**13.02.0413.08.11. Parking Regulations in Boat Harbor.**

1. The following parking regulations shall apply to all vehicles entering the parking area of the City of Saratoga Springs boat harbor:
  - a. The boat harbor shall be open to the public ~~from 6:00 a.m. to 10:00 p.m. during hours determined by the Public Works Director and as posted on the property.~~
  - b. ~~Unless a person has purchased an annual pass from the City, e~~ach vehicle entering the boat harbor intending to launch a boat or other type of water craft ~~from the ramp~~ shall be required to obtain a ~~self-registration~~ parking permit. The operator of the vehicle shall ~~fill out the obtain an annual permit, a permit from the booth, or a permit from the~~ self-registration ~~permit box with the required information~~, pay the appropriate fee, and ~~follow all instructions as posted at the marina~~ place these items in the designated lock box. The operator of the vehicle shall ~~tear off a portion of the self-registration parking permit and place it leave the annual pass or proof of payment~~ on the dashboard, front windshield, or rear-view mirror of the vehicle ~~in a place that is visible at all times.~~
  - c. ~~The parking permit must be visible on the dashboard at all times.~~
  - d. ~~c. The City will regularly monitor the boat harbor parking lot to ensure vehicles have obtained a permit and paid the appropriate applicable fees and that the self-registration permit is located on the vehicle dashboard.~~
  - e. ~~d. If the City or its designee determines that a vehicle has entered or is parked in the boat harbor parking lot without paying the appropriate fees obtaining the appropriate permit or placing the self-registration permit proof of payment or the~~

~~annual pass in the approved location, on the dashboard,~~ the operator of the vehicle shall be issued a citation. The citation may be given either to the operator or placed on the vehicle's windshield.

- e. ~~Those v~~ Vehicles entering the boat harbor ~~which that~~ are not towing a boat or other watercraft, do not need to purchase a parking permit.
- f. ~~Individuals using paddle boards, kayaks, and other small, non-motorized water craft without using the boat ramp are not required to purchase a permit.~~

2. **Fees.** The City Council ~~or designee~~ from time to time will establish the boat harbor parking fees.

3.2.

3. **Violation Unlawful.** ~~Every act or condition prohibited or declared unlawful by this code, and every failure or omission to act as required herein, is a violation of this code and is an infraction.~~

3. **Penalty for Violation.** ~~Every infraction violation of this code is punishable, upon conviction thereof, by:~~

- 3. ~~A fine not exceeding \$50 for a first violation.~~
- 3. ~~A fine not exceeding \$100 for a second violation of the same ordinance within one year.~~
- 3. ~~A fine not exceeding \$150 for each additional violation of the same ordinance within one year.~~

3. **Each Day Constitutes a Separate Violation.** ~~Acts, omission, or conditions in violation of this code which continue, exist, or occur on more than one day constitute separate violations and offenses on each such day.~~

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

## **Title 20. ADMINISTRATIVE CODE ENFORCEMENT**

### **Chapter 20.01. General Provisions and Definitions.**

#### **20.01.05. Criminal Prosecution Right.**

The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute City ordinance violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. However, for all violations of Chapters 13.03, 13.04, 13.05, 13.06, and 13.07, the City shall file a criminal prosecution. Although most minor City Code violations should be enforced through this Title, the City may choose to file a criminal prosecution under any of the following circumstances:

1. the violator has one prior violation of the City Code within the last year;
2. the violation caused bodily injury, substantial bodily injury, or serious bodily injury to an individual, all of which shall have the same definition in Utah Code § 76-1-601;
3. the violator, in a single criminal episode, violated one or more provisions of the Utah Criminal Code as well as one or more provisions of the City Code, and all violations are being charged as a single criminal episode as defined in Utah Code § 76-1-401;
4. the violator is being charged with any violation of Title 10 of the City Code; or
5. the violation caused a significant health or safety risk to the public.

| (Ord. 17-17; Ord. 11-9; Ord. 09-10)

## Chapter 10.10        Public Nuisances

### **10.10.01. Purpose**

#### **~~10.10.02. Examination an Inspection of Property~~**

#### **~~10.10.0302. Definitions~~**

#### **~~10.10.0403. Property Nuisance Described~~**

#### **~~10.10.0504. Firearms~~**

#### **~~10.10.0605. Fugitive Dust~~**

#### **~~10.10.0706. Noise~~**

#### **~~10.10.08. Parking 10.10.09. Abatement/Violation—Notice to Owner/Costs~~**

#### **~~10.10.10. Penalties~~**

#### **~~10.10.1107. 10.10.11. Violation Appeal Procedure Mitigating Circumstances~~**

#### **~~10.10.13. Collection of Civil Penalties~~**

### **10.10.01. Purpose.**

1. The City of Saratoga Springs has a responsibility to its residents and business owners to promote conditions that are beneficial to the health, safety, and welfare of the entire community. The existence of public nuisances ~~may~~ have a detrimental effect on residents, ~~and property, and the overall aesthetic quality of the City. The abatement of these conditions is in the best interest of the City, residents, and business owners.~~
2. The purpose of the Chapter is to provide a comprehensive method for ~~the definition and identification of certain public nuisances within the City, encourage compliance where a public nuisance exists, and to establish the authority to abate and recover costs of abatement when the responsible party fails to comply.~~
3. The provisions adopted in this ~~ordinance Chapter~~ shall not be exclusive but shall be cumulative and complementary to any other provisions of the City Code and County, State, and Federal laws. Nothing in this ~~ordinance Chapter~~ shall be read, interpreted, or construed so as to limit any existing right or power of the City to pursue abatement of ~~or abate~~ any and all public nuisances.
4. This ~~ordinance Chapter~~ shall apply to any and all properties within the City limits of Saratoga Springs.

**4.5. Abatement of public nuisances under this Chapter shall take place as provided in Title 20.**

**(Ord. 17-19)**

### **~~10.10.02. Examination an Inspection of Property~~**

1. ~~The City Manager shall act as an Inspector or designate and delegate power under this ordinance to an appointee, the responsibility of Inspector.~~

~~2. The Inspector of the City is authorized to make observations based on conditions in plain view from public property or from the property of a complaining witness, and nothing in this Section shall be construed to prevent the Inspector from entering on property to deliver a notice to the occupant of the property.~~

(Ord. 17-19)

**10.10.0203. Definitions.**

- ~~1. “Abate” means to repair, replace, remove, destroy, correct, or otherwise remedy a condition which constitutes a nuisance by such means, in such a manner, and to such an extent as the Inspector determines is necessary in the interest of the general health, safety, and welfare of the community.~~
- ~~3. “Abatement” means the removal, stoppage, or destruction of that which causes a nuisance.~~
1. “City” means the City of Saratoga Springs, Utah.
- ~~5. “Dynamic Braking Device” means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.~~
2. “Firearm” means a pistol, revolver, shotgun, sawed-off shotgun, rifle, sawed-off rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
- ~~7. Graffiti, as used in this Section, means defacement, damage, or destruction by the presence of paint or ink, chalk, dye, or other similar substances; or by carving, etching, or other engraving.~~
- 9.3. “Inoperative vehicle” means any motor vehicle which cannot be moved under its own power or cannot be operated lawfully on a Utah public street or highway, due to removal of, damage to, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield or any other part necessary for such movement or lawful operation.
- 10.4. “Nuisance” means any condition declared by statute of the State of Utah or ordinance of Utah County or the City of Saratoga Springs and includes any of the following:
  - a. any condition potentially detrimental to any member or members of the public including conditions which are unsafe, potentially unsafe, obstruct the free use or enjoyment of public or private property;
  - b. any deviation from the Land Development Code; and
  - c. any condition determined by the Inspector or City Council to be a nuisance.

**11.5.** “**Nuisance property**” means the following:

- a. vehicles, not limited to unregistered, inoperative, or dismantled vehicles or vehicle parts;
- b. abandoned and broken equipment or machinery or parts thereof;
- c. building materials not currently being used for the construction of improvements on the site; or
- d. appliances, household furnishings or equipment, tools, machines, garbage cans, packing boxes, and broken or discarded furniture.

**12.6.** “**Person**” means an individual, corporation, limited liability company, partnership, joint venture, association, proprietorship, or any other legal or governmental entity.

**13.7.** “**Rubbish**” means waste matter, litter, trash, refuse, debris, dirt, dry grass, dead trees, tin cans, paper, and waste material of every kind or other unsanitary substance, object, or condition which is or when dry may become, a fire hazard or which is or may become a menace to health, safety, or welfare, or which is offensive to the senses.

**14.8.** “**Weeds**”:

- a. means plants which are unwanted in the location where they are growing and where they are not part of landscaping, xeriscaping, or native plant landscaping;
- b. includes noxious weeds which are described under the Utah Noxious Weed Act, defined by the State Weed Committee of the State of Utah and by Utah County; and
- c. in addition, the following plants are designated as noxious weeds by the City of Saratoga Springs:
  - i. Kochia-Kochia Scoparia
  - ii. Russian Thistle-Salsola Tragus
  - iii. Jim Hill Mustard-Sisymbrium Altissimum
  - iv. Cheatgrass-Bromus Tectorum
  - v. Bur Buttercup-Ceratocephala Testiculata
  - vi. Tansi Mustard

(Ord. 17-19)

#### **10.10.0403. Property Nuisance Described.**

Following are some examples of situations that constitute a property nuisance. The list shall not be considered exhaustive. Additional situations may be determined to be a public nuisance in the City Code or by the City's Inspector or the City Council's Code Enforcement Officer pursuant to Title 20 of the City Code.

1. It shall be unlawful for any person to deposit, drain, wash, allow to run over or upon, divert onto, across or upon any public-use sidewalk, street, alley, storm drain, or sanitary sewer within the City of Saratoga Springs oil, petroleum, gasoline, antifreeze, coolant, vehicular fluid, chemicals, pesticide, herbicide, or any toxic substance.

2. It shall be unlawful for any person to wash or polish any vehicle or part thereof upon any public-use sidewalk, street, or alley in the City ~~of Saratoga Springs~~ when a charge is made for such service, unless permission is obtained from the City ~~of Saratoga Springs~~.
3. It shall be unlawful for any person to deposit on any public ~~use~~ sidewalk, street, or alley in the City ~~of Saratoga Springs~~: (a) any material that ~~by excessive weight~~ will cause to crack, break, or collapse or that may be harmful to the pavement thereof; or (b) any waste material, glass, or other articles that may cause injury to any person, animal, or property.
4. It shall be unlawful for any person to repair, grease, or construct any vehicle or any part thereof upon any public ~~use~~ sidewalk, street, or alley in the City of Saratoga Springs, provided, however, temporary emergency repairs may be made upon a public street.
5. Trash disposal must be made in an appropriate manner, i.e. through the City's contracted trash pick-up service, self-haul to an approved disposal site, composting in a back yard compost pile, or burning. Burning requires a permit from the Saratoga Springs Fire Department, Utah County Health Department, and State of Utah. Only the following approved combustibles may be burned either in an open burn or in a burn barrel:
  - a. Approved: paper, cardboard, wood, brush, and vegetation
  - b. Prohibited: rubber, tires, asphalt shingles, cloth or upholstery, colored or glossy paper, plastic, tar paper, linoleum, diapers, carpeting, Styrofoam, and other materials not listed as approved.
6. It shall be unlawful to pollute any ~~public~~ well, storm drain, detention pond, irrigation pond, or eastern stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, or other substances, chemicals, or liquids.
7. It shall be unlawful to dispose of the carcass of any animal or fowl in any public place within the City of Saratoga Springs.
8. It shall be unlawful for any person owning, renting, leasing, occupying, managing, or having charge or possession of any real property in this City to maintain premises in such a manner that any of the following conditions are found to exist in a building, structure, or portion thereof which is in a dilapidated or dangerous condition so as to be unfit, unsafe, or unsuitable for human occupancy. Such conditions include but are not limited to:
  - a. inadequate or inoperable mechanical, electrical, plumbing, or sanitation systems or equipment;
  - b. lack of ~~sound and~~ effective exterior walls or roof covering to provide weather protection;
  - c. lack of structural integrity, including deteriorated or inadequate foundations, joints, or vertical or horizontal supports;
  - d. broken, missing, or inoperable windows or doors constituting a hazardous condition or a potential ~~attraction~~ attractive nuisance to trespassers; or

- e. broken, deteriorated, or substantially defaced structures presenting a risk to public safety.

9. An abandoned building or structure such as:

- a. an unoccupied and unsecured building or structure;
- b. a partially constructed, reconstructed, or demolished building or structure where work is abandoned for 180 consecutive days; or
- c. a damaged or partially destroyed building or structure not removed or repaired within 180 days after the damage or destruction occurred or, if the removal or repair cannot reasonably be accomplished within 180 days, arrangements ~~must have not been~~ made with the City Building Official.

10. Property maintained in a condition so defective ~~, unsightly,~~ or in a state of such deterioration, disrepair, or neglect that it causes a health, safety, or fire hazard ~~or, obstructs the free use or enjoyment of public or private property such as~~ including but not limited to the following:

- a. Storage of personal property (other than items designated for outdoor use) in front, exterior side, or rear yard areas visible to public view, including unregistered, inoperative, or dismantled vehicles or vehicle parts, building materials not currently being used for the construction of improvements on the site, appliances, household furnishings or equipment, tools, machines, garbage cans, packing boxes, debris, rubbish, and broken or discarded furniture.
- b. Weeds ~~shall not be permitted to reach~~<sup>ing</sup> a height of more than six inches at any time, ~~or to otherwise that~~ create a fire hazard ~~to structures, or that create a~~ habitat for disease, insects, vector, or vermin. ~~It shall be the duty of every such person to remove or destroy such weeds and rubbish.~~ Destruction by burning within the city is unlawful unless ~~the written permission from the Fire Chief a permit~~ is first obtained from the Fire Department, Utah County Health Department, and State of Utah.
- c. Abandoned and broken equipment or machinery or parts thereof.
- d. Fences or walls ~~which that~~: lack structural support because of missing or wet soil, missing or failed footings, or missing or failed fastenings; ~~or which otherwise~~ do not stand erect; ~~which or~~ are in disrepair due to damage, crumbling mortar, missing bricks or wood, rotted wood, breaks, or dents in their structure.
- e. Clothing, linen, towels, laundry, rugs, mattresses, and other similar material hung, placed, or attached to power lines, trees, bushes, fences, buildings, railings, or walls and visible from public property or an area open to the public. Properly installed and maintained clotheslines are permitted.
- f. Waste matter or personal property placed on rooftops.
- g. Vehicle or vessel repair ~~which that~~ occurs in a residentially-zoned district and is offensive or detrimental to the health, safety, or welfare of other persons or which substantially interferes with the reasonable enjoyment of property by other persons, because of the substances, odors, noise, or visual clutter created by the repair; ~~or~~ because of the items stored in connection with the repair, or because the repair is performed on a vehicle not owned by the occupant of the property.

11. Buildings, structures, or other surfaces upon which graffiti exists as more specifically provided in Chapter 10.03 of the City Code. ~~Graffiti, as used in this Section, means defacement, damage, or destruction by the presence of paint or ink, chalk, dye, or other similar substances; or by carving, etching, or other engraving.~~
12. Keeping, storing, depositing, or accumulating on the premises dirt, sand, gravel, concrete, or other similar materials or maintenance of such material, unless done so pursuant to a valid and unexpired building permit.
- 14.13. Leaving any garbage can or refuse container in the street except the day before, the day of, and the day, other than on collection day, for more than forty-eight hours after the collection day.
- 15.14. Any building or structure that is a public nuisance under common or statutory law.

[\(Ord. 17-19\)](#)

#### **10.10.0504. Firearms.**

1. It shall be unlawful for any person, except peace officers in the pursuit of their lawful duties or private citizens acting in legitimate self-defense or other legally justified defense, to discharge any firearm within the municipal boundaries of the City of Saratoga Springs.
2. This Section shall not prevent the firing of firearms at any rifle, pistol, or shotgun range lawfully designated by the ~~Saratoga Springs City Council~~City.

[\(Ord. 17-19\)](#)

#### **10.10.0605. Fugitive Dust.**

1. It shall be unlawful for any person to cause, suffer, allow, or permit the emission of fugitive particulate matter from any process, including any material handling or storage activity, which is in violation of the fugitive emissions and fugitive dust standards set forth by the Utah Division of Air Quality~~Board~~.
2. It shall be unlawful for any person to cause, suffer, allow, or permit a building or its appurtenances or open areas to be used, constructed, repaired, altered, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering, landscaping, paving, treating, or by other reasonable terms.
3. It shall be unlawful for any person to cause, suffer, allow, or permit the repair, construction, use, or reconstruction of a roadway or an alley without taking reasonable

precautions to prevent particulate matter from becoming airborne. Dust and other particulate shall be kept to a minimum by employing temporary paving, wetting down, detouring, or by other ~~reasonable~~ means. Soil or other material ~~shall be promptly removed which that~~ has been transported onto paved streets by trucking or earth moving equipment ~~shall be promptly removed by, sweeping, erosion by water pressure washing,~~ or by other lawful means.

[\(Ord. 17-19\)](#)

## **10.10.0706. Noise.**

1. **Unlawful Noise.** It shall be unlawful for any person or group to cause, permit, maintain, or allow the creation of any noise disturbance including the following situations or conditions:
  - a. Any horn or signaling device sounded on any truck, automobile, or motorcycle except to signal or warn of danger as provided in the Vehicle Code of the State of Utah.
  - b. Any motor vehicle operated without an exhaust system equipped with a muffler or other noise dissipative device.
  - c. Any construction work performed on any construction site in a residential zone, including construction traffic, between the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays. In all other zones, it shall be unlawful to perform or cause to be performed, construction work between the hours of 10 p.m. through 6 a.m. The Building Official or City Engineer may authorize extended hours for the construction operations or procedures that, by their nature, require continuous operation, for public improvement projects, or ~~on~~for projects ~~that are~~ in isolated areas ~~and~~ where the extended hours do not impact upon adjoining property owners.
  - d. Any power equipment operated in residential or commercial zones, including: power saw, sander, lawn mower, garden equipment, or snow removal equipment between the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays.  
~~Any use by a motor vehicle of a compression release engine brake, dynamic braking device, or Jake Brake, except to avoid imminent danger. This shall not apply to emergency vehicles.~~
  - e. Any recreational vehicle, watercraft, or snowmobile operated during the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays.
2. **Noise Levels.** It shall be unlawful for any person to group or cause, permit, maintain, or allow the creation of any noise that is in excess of 65 decibels measured by a sound level meter at a distance of at least twenty-five feet from the source, if upon public property, or twenty-five feet from the property line if the noise is resonating on private property. The following noise shall be exempt from this ordinance:
  - a. Any noise from safety signals or warning devices.
  - b. Any noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency.
  - c. Any noise resulting from any authorized emergency work.

- d. Any noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday including any City sponsored event.
- e. Any noise resulting from the maintenance of City parks.
- f. Any noise resulting from snow plowing or removal services.

3. **Suspending of Noise Restrictions.** Requests for suspending the noise restrictions in this ordinance Section may be made and granted by the City Council. Upon the City Council granting relief, any condition outlined and agreed upon shall be complied with by the applicant; otherwise, this ordinance Section shall be in full force.

4. **Enforcement of Noise Nuisances.** The City Inspector or law enforcement personnel shall be responsible for the administration of the noise portion of this ordinance.

(Ord. 17-19)

**10.10.08. Parking.**

~~It shall be unlawful to park, place, store, abandon, or otherwise leave any non motorized vehicle or any un mounted or unattached camper, boat, boat trailer, utility trailer, camp trailer, or any other type of trailer, on any public street, alley, sidewalk, or right of way at any time.~~

~~It shall be unlawful to park or store any vehicle in a front or side yard in a residentially zoned neighborhood, except on a driveway or a paved area intended and approved for parking or behind a solid fence or wall, six feet in height.~~

~~It shall be unlawful to park or store construction equipment or machinery of any type or description on property except while excavation, construction, or demolition operations, covered by an active building permit, are in progress on the subject property or an adjoining property or where the property is zoned for the storage of construction equipment and/or machinery.~~

~~It shall be unlawful to operate any motor vehicle within the city limits of Saratoga Springs with a Dynamic Braking Device engaged, except for the aversion of immediate and imminent danger.~~

**10.10.09. Abatement/Violation—Notice to Owner/Costs.**

~~—Emergency Abatement shall be executed when the Inspector determines that a violation constitutes an immediate or imminent peril to public health or safety. The City or a contractor of the City will abate the violation by removal, demolition, repair, or other acts with or without notice to the owner, agent, or occupant of the property. The abatement shall be at the expense of the person causing, committing, or maintaining the violation or the owner of the property on which it is occurring.~~

~~1. **Violation—Notice to Owner.** Upon determination that a violation of the provisions of this Section of the ordinance exists, the Inspector shall ascertain the name of the owner and a description of the premises where the violation exists. The Inspector shall serve notice in writing upon the owner or occupant of such property, either personally or by~~

~~certified mail, postage prepaid, addressed to the owner or occupant at the last known post office address as disclosed by the records of the county assessor, requiring such owner or occupant, as the case may be, to eradicate, destroy, or remove the weeds, refuse, objects, or structures causing the violation within such time as the Inspector may designate, which shall be no less than ten days from the date of service of such notice.~~

1. **Property Cleaned by City.** If any owner or occupant of property described in the notice provided in this Section of the ordinance fails to abate the nuisance or destroy and remove such weeds, refuse, waste, objects, or structures in accordance with such notice, the Inspector is authorized to employ necessary assistance and cause such weeds, refuse, waste, objects, or structures to be destroyed or removed at the expense of the City. The Inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of same and shall mail a copy thereof to the owner demanding payment within twenty days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail and addressed to the last known address of the property owner.
  1. In the event the owner fails to make payment of the amount set forth in such statement to the City Treasurer within twenty days of the date of mailing, the City may cause suit to be brought in an appropriate court of law or pursue remedies as provided in the Utah Code.
  1. In the event collection of expenses of destruction and removal are pursued through the court, the City shall sue for and receive judgment for all expenses of destruction and removal, together with reasonable attorney's fees, interest at a rate of eighteen percent, and court costs, and shall execute upon such judgment in the manner provided by law.
  1. In the event collection of expenses of destruction and removal are pursued as provided in the Utah Code, the provisions of this Section apply.
  1. Upon receipt of the itemized statement of the costs of destroying or removing the weeds, refuse, objects, or structures, the City Treasurer shall forthwith mail one copy to the owner of the land from which the same was removed, together with a notice that objection in writing to the City may be made within fourteen days to the whole or any part of the statement so filed. The City Treasurer shall, at the same time, deliver a copy of the statement to the City Recorder.
  1. If objections to any statement are filed with the City, a date for hearing shall be set, giving notice thereof. Upon the hearing of the matter, the City shall fix and determine the actual cost of destruction or removal and report the findings to the City Treasurer.
  1. If no objection to the items of the account is made within fourteen days of the date of mailing, the City Treasurer shall comply with the requirements of the Utah Code.

#### **10.10.10. Penalties.**

0. Any person who violates the provisions of this ordinance shall be subject to criminal and

~~civil penalties as set forth in this Section of the ordinance.~~

0. ~~Violation of the provisions of any section of this ordinance is punishable as a class B misdemeanor upon conviction. The provisions of any section of this ordinance may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.~~
0. ~~Each day that any violation continues after notification by the Inspector that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this Section of the ordinance.~~
0. ~~Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.~~
0. ~~Any person who participates in any violation of the provisions of any section of this ordinance may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.~~
0. ~~Upon inspection and discovery that any provision of any section of this ordinance is being violated, the Inspector shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation. The written notice shall:~~
  - ~~. indicate the nature of the violation;~~
  - ~~. order the action necessary to correct the violation; and~~
  - ~~. state the action the Inspector intends to take if the violation is not corrected within the prescribed time.~~
0. ~~The written notice shall be delivered personally or mailed, postage prepaid, certified, return receipt requested, to the property owner and to any other person who may be responsible for the violation. Receipt of notice means three days after the date written notice is delivered or mailed as provided herein.~~
0. ~~In cases where the Inspector determines that a delay of enforcement would pose a danger to the public health, safety, or welfare or would otherwise compromise the effective enforcement of the provisions of any section of this ordinance, Emergency Abatement shall be executed without prior written notice by instituting any appropriate remedies.~~
0. ~~Violations of the provisions of any section of this ordinance shall result in civil penalties of \$50.00 per day.~~
0. ~~The City of Saratoga Springs reserves the right to withhold building permits or process any application for any person who participates in any violation of the provisions of any section of this ordinance.~~

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#### **10.10.11. Violation Appeal Procedure.**

~~The Council, as it determines, shall constitute an appellate panel to consider matters relating to the violation of any section of this ordinance or it may appoint a hearing officer to consider matters relating to any violations of any section of this ordinance.~~

- ~~0. Any person having received notice of such violation or the owner of any affected property may appear before the Council or a hearing officer and present and contest such alleged violations of this ordinance.~~
- ~~0. The burden to prove any defense shall be upon the person raising such defense.~~
- ~~0. If the Council or a hearing officer finds that no violation occurred or a violation occurred but one or more of the defenses set forth in this ordinance is applicable, the Council or hearing officer may dismiss the written notice of violation. Such defenses are:
  - ~~— at the time of the receipt of the written notice of violation, compliance would have violated the criminal laws of the State of Utah; or~~
  - ~~— compliance with the subject sections of this ordinance would have presented an imminent and irreparable injury to persons or property.~~~~
- ~~0. If the Council or hearing officer finds that a violation of this ordinance occurred and no applicable defense exists, the Council or hearing officer may, in the interest of justice and on behalf of the City, enter into an agreement for the timely or periodic payment of the applicable penalty by the violator.~~
- ~~0. No action by the Council or hearing officer shall relieve the violator from complying with any of the provisions of this ordinance.~~

#### **10.10.1207. Mitigating Circumstances.**

The City Council may approve appropriate deviations from the requirements set forth in this ordinance:

1. if the violation and inability to cure were both caused by an event such as war, act of nature, strike, or civil disturbance;
2. if a change in the actual ownership of the property was recorded in the Utah County Recorder's office after the notice was issued to the prior owner and the new owner is not related by blood, marriage, or common ownership to the prior owner; or
3. such other mitigating circumstances as may be approved by the Council or its designee.

(Ord. 17-19)

#### **10.10.13. Collection of Civil Penalties.**

- ~~1. If the penalty imposed pursuant to the ordinance remains unsatisfied after forty (42) days~~

~~or when the penalty amounts to \$5,000 from the receipt of notice or ten days from such date as may have been agreed to by the Council or hearing officer, the City may use such lawful means as are available to collect such penalty, including costs and attorney fees.~~

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- ~~2. Commencement of any action to remove penalties shall not relieve the responsibility of any penalty to cure the violation or make payment of subsequently accrued civil penalties, nor shall it require the City to reissue any of the notices required by this Chapter.~~

**Title 13. TRAFFIC CODE AND PARKING.**

**Chapters:**

- 13.01. Traffic Control RegulationsPurpose, Scope, Definitions, and Penalties.**
- 13.02. Parking RegulationsUse Restrictions.**
- 13.03. Accidents.**
- 13.04. Traffic Control Signals.**
- 13.05. Speeding.**
- 13.06. Use of Lanes.**
- 13.07. Miscellaneous Traffic Regulations.**
- 13.08. Parking.**

## Chapter 13.01. Traffic Control Regulations Purpose, Scope, Definitions, and Penalties.

### Sections:

- 13.01.01. **Truck Routes.**Purpose.
- 13.01.02. **Vehicular and Animal Traffic.**Scope.
- 13.01.03. **Definitions.**
- 13.01.04. **Utah Code Provisions Adopted and Interpretation.**
- 13.01.05. **Determination of Traffic Regulations.**
- 13.01.06. **Existing Signs and Regulations.**
- 13.01.07. **Violations and Penalties.**

### 13.01.01. **Purpose.**

It is hereby declared necessary, in order to safely move traffic throughout the City, to regulate the movement of vehicles, the licensing of vehicles and drivers, and the equipment and maintenance of vehicles.

(Ord. 17-17)

### 13.01.02. **Scope.**

This Title establishes rules and regulations to ensure vehicle safety, control movement, regulate licensing of drivers and vehicles, and classify offenses.

(Ord. 17-17)

### 13.01.03. **Definitions.**

Unless otherwise indicated, all definitions have the same definitions as those found in Utah Code Chapter 41-6a or other applicable section of the Utah Code.

(Ord. 17-17)

### 13.01.04. **Utah Code Provisions Adopted and Interpretation.**

1. Utah Code Provisions Adopted. Except as hereinafter specified, Title 41, Title 53, and Title 72 of the Utah Code Annotated (1953, as amended), are hereby approved and adopted as part of the Saratoga Springs City Code. By this reference, these provisions are made a part of the Saratoga Springs City Code as fully as if set out at length herein and shall be controlling within the limits of the City, provided however, that this section is not intended to and does not purport to grant unto the City any powers or jurisdiction not specifically or impliedly granted by law and those sections of the Code under which the City is not authorized by law to bring charges are excluded from this adoption of the Code.

2. Interpretation of State Code Provisions Adopted Above. The following shall apply in the interpretation of the State Code provisions adopted in this Section:

- a. All references to the Department of Transportation or Highway Authority shall be deemed to mean the City and its departments or agents, unless the context requires otherwise.
- b. All references to "local authorities" shall be deemed to mean the governing body of the City or other authorized officials of the City.
- c. All references to the Department of Public Safety of the State of Utah shall be deemed to mean the chief law enforcement officer of the City or his agent, unless the context requires otherwise.
- d. All references to "magistrate" shall mean a judge of the Saratoga Springs Justice Court, unless the context requires otherwise.

(Ord. 17-17)

**13.01.05. Determination of Traffic Regulations.**

1. Speed limits. The City Manager or designee shall designate speed limits for streets under the jurisdiction of the City. Each speed limit may be based on traffic engineering and safety studies for the street or applicable section of the street. The traffic and engineering and safety studies may include:

- a. the design speed;
- b. prevailing vehicle speeds;
- c. accident history;
- d. highway, traffic, and roadside conditions; and
- e. other highway safety factors.

2. Other regulatory signs, signals, and traffic control devices. The City Manager or designee shall determine the appropriate location for stop signs, yield signs, signals, and other regulatory signs and traffic control devices. The City Manager or designee shall also determine appropriate locations for pedestrian crosswalks and safety zones and for "no parking" zones. The Planning Department, the Police Department, and Public Works Department shall make recommendations to the City Manager regarding the appropriate location for stop signs, yield signs, and other regulatory signs and traffic control devices based on the standards contained in the Manual on Uniform Traffic Control Devices. The Department of Public Works or City Engineer shall conduct engineering investigations of traffic conditions, regulate the timing of traffic control devices, and analyze the relationship between traffic controls and regulations and traffic accidents, and, where appropriate, devise remedial measures in order to reduce accidents.

3. Effect of Designation. Upon designation by the City Manager of speed limits and the location for stop signs and other traffic regulatory signs, the same shall have the force of law, provided the appropriate signs are posted by the City.

(Ord. 17-17)

### **13.01.06. Existing Signs and Regulations.**

The City Council hereby approves the stop signs, speed limit signs, and other traffic regulatory signs already existing at the time of passage of this ordinance, and such shall have the force of law.

(Ord. 17-17)

### **13.01.07. Violations and Penalties.**

1. Unlawful Acts: It is unlawful for any person to:
  - a. Do any act prohibited by this Chapter;
  - b. Fail or refuse to do any act required by this Chapter;
  - c. Operate any vehicle in violation of any provision of this Chapter; or
  - d. Operate any vehicle unless such vehicle is equipped and maintained in compliance with this Chapter.
2. Infractions. Any person guilty of violating any provision of this title shall be deemed guilty of an infraction, unless such offense is specifically designated otherwise. Upon conviction of an infraction, a person may not be imprisoned but may be subject to a fine, forfeiture, and disqualification, or any combination. A person convicted of an infraction may be fined up to \$750. The maximum possible penalties for an infraction level offense will at all times be consistent with Utah Code 76-3-205 and 76-3-301, as amended.
3. Class C Misdemeanors. When an offense has been specifically designated as a Class C Misdemeanor, upon conviction, a person may be sentenced to a term of imprisonment not to exceed 90 days. A fine not to exceed \$750 may be imposed. If the court should determine that it is in the interests of justice that the term of imprisonment be stayed, then any terms of probation that the court feels is appropriate and necessary may also be imposed. The maximum possible penalties for the offense shall be consistent with and shall not exceed those found in Utah Code 76-3-204 and 76-3-301, or their successors.
4. Class B Misdemeanors. When an offense has been specifically designated as a Class B misdemeanor, upon conviction a person may be sentenced to a term of imprisonment that is not to exceed 6 months. A fine not to exceed \$1000 may be imposed. If the court should determine that it is in the interests of justice that the term of imprisonment be stayed, then any terms of probation that the court feels is appropriate and necessary may also be imposed. The maximum possible penalties for the offense shall be consistent with and shall not exceed those found in Utah Code 76-3-204 and 76-3-301, or their successors.
5. Exception for Emergency Vehicles. Emergency vehicles including but not limited to EMS, fire, and police vehicles shall be exempt from this Chapter when the requirements, conditions, and situations in Utah Code § 41-6a-212, "Emergency vehicles – Policy regarding vehicle pursuits – Applicability of traffic law to highway work vehicles – Exemptions," apply.
6. Specific Fines. Notwithstanding the above, the following fines are imposed for violations of this Chapter:

- a. Unless otherwise specifically provided, all violations of Chapters 13.03, 13.04, 13.05, 13.06, and 13.07 shall be subject to a \$120 fine. An additional \$30 fee shall be imposed if the prohibited behavior involves an accident.
- b. Specific violations:
  - i. 13.03.01 – Class C misdemeanor - \$500
  - ii. 13.03.02 – Class C misdemeanor - \$500
  - iii. 13.03.03 – Class C misdemeanor - \$500
  - iv. 13.03.04 – Class C misdemeanor - \$500
  - v. 13.05.02 – Infraction – Speeding
    - 1. 1-10 mph over the limit: \$120
    - 2. 11-15 mph over the limit: \$150
    - 3. 16-20 mph over the limit: \$200
    - 4. 21-25 mph over the limit: \$270
    - 5. 26-30 mph over the limit: \$370
    - 6. 31+ mph over the limit: \$470 plus \$10 for every mph over 31
  - vi. 13.05.04 – Class B misdemeanor - \$500
  - vii. 13.05.05 – Class B misdemeanor - \$500
  - viii. 13.07.04 – Class C misdemeanor - \$350, Class B misdemeanor - \$680

(Ord. 17-17)

## **Chapter 13.02. Use Restrictions.**

### **Sections:**

#### **13.02.01. Truck Routes.**

#### **13.02.02. Vehicular and Animal Traffic.**

#### **13.0102.01. Truck Routes.**

- 1. Purpose and Findings.** ~~It is hereby declared necessary, in order to safely move traffic in and out and throughout the city, to regulate the movement of large vehicles.~~
- 2.**  
~~1. Pursuant to the Utah Municipal Code, Utah Vehicle Code, and Utah Transportation Code, the City is authorized to regulate the use of City streets, regulate the movement of traffic and vehicles on City roads, safely move traffic throughout the City, and restrict vehicles that interfere with or impede traffic. The City therefore has the authority to place restrictions on the use of its roads by large and heavy vehicles. Furthermore, the City has conducted engineering studies on its roads and has determined that, due to climatic conditions in the City, damage to City roads is occurring. The climatic conditions causing damage to City roads include but are not limited to excessive heat, freezing and thawing, rainfall, snow and ice, moisture reaching collapsible soils, and road salt and icemelt. Because of the design of roads, only those roads designed with a certain thickness and composition can withstand these climatic conditions. The damage from climatic conditions is accentuated by the use of City roads by heavy and large vehicles. Thus, it is necessary to impose the restrictions in this Section to mitigate the high costs and expenses of repairs and replacements.~~
- 3.2. Application.** ~~These regulations shall apply to large vehicles ~~or~~and trucks, including trailers, loads, and equipment being hauled by such large vehicles and trucks. Large vehicles and trucks are defined in this Section which are hereby defined as all vehicles, combinations of vehicles, or combinations of vehicles, ~~trailers, and loads, and equipment~~ having (a) a length of more than forty-five feet, ~~or~~(b) a width of more than eight feet without load, ~~or~~(c) a height of more than fourteen feet with or without load, ~~and all vehicles~~or (d) registered for 18,000 pounds gross weight or more (collectively referred to hereinafter as "Restricted Vehicles").~~
- 4.3. Truck Routes Established.** ~~The following streets are hereby designated as truck routes; and the truck route designations are exclusive. Any and large vehicle or truck ~~Restricted Vehicles as herein defined~~ shall use only those routes specified herein or additional temporary routes as ~~shall be~~ established by the Public Works Director, ~~upon consultation by the City's Development Review Committee~~, either ~~upon written application by written permission upon application to deviate from the truck route~~, or by the posting of temporary road signs during the period of temporary or alternate truck routing. Any ~~Restricted~~ Vehicle driven on any other streets than those herein designated, ~~which is controlled by these regulations~~, shall be deemed in violation of this ~~ordinance~~ Chapter and the driver and/or trucking company thereof shall be guilty of a fine as prescribed in~~

~~the fine schedule below~~ Title 20 of the City Code. The following are designated truck routes:

- a. State Road 73, or Crossroads Boulevard from city limits to city limits.
- b. Redwood Road from city limits to city limits.
- c. Pioneer Crossing.
- d. Pony Express.
- e. Old Military Road, except for any paved portions.
- b-f. Grandview Boulevard.

#### 6.4. Exemptions.

- a. The above truck routes shall not apply to:
  - i. vehicles delivering merchandise to or from local businesses or established truck terminals within the City of Saratoga Springs;
  - ii. deliveries to or from residences within the City of Saratoga Springs, including but not limited to moving trucks and vans; or
  - iii. construction trucks delivering to or returning from construction sites within the City of Saratoga Springs where it is not possible to use a designated truck route.
- b. The provisions of this Section shall not apply to passenger buses, school busses, authorized emergency vehicles, or trucks owned or operated by the City, public utilities, or contractors or material men while engaged in the repair, maintenance, or construction of public streets, public street improvements, or public utilities within the City of Saratoga Springs.

~~Notwithstanding these exemptions, no large vehicle or truck as defined herein shall be allowed to travel on the following roads:~~

~~6800 North between Redwood Road and Saratoga Road; and Saratoga Road between the back entrance of the Saratoga Springs Development and 7350 North Street.~~

~~—Fine Schedule. The following fines will be assessed for each violation of this ordinance. Each offense will be assessed per truck driver and not per trucking company.~~

- ~~. First Offense: \$150.00~~
- ~~. Second Offense: \$400.00~~
- ~~. Additional Offenses: \$1,000.00~~

(Ord. 17-17; Ord. 11-9; Ord. 05-10)

#### **13.012.02. Vehicular and Animal Traffic.**

It shall be unlawful to drive or allow any vehicle or animal ~~or to allow any vehicle or animal~~ to proceed on or over any garden, lawn, curb, park strip, sidewalk, beach, wall, City trail system, pathway, or any other portion of such public place unless the same are designated for vehicular or animal traffic. It shall be presumed for the purposes of this Section ~~that in that~~ any area in use at the time ~~as for~~ a picnic, outdoor gathering, or recreational area, otherwise in use or by pedestrian use traffic, that the same is prohibited for use by vehicular or animal traffic. This paragraph shall not be construed to prohibit the presence of dogs and cats and similar other small

animals while under the proper control of their owners ~~from being allowed upon such public property unless such are vicious and are shown such either by their general nature or by the facts of the case.~~

(Ord. 17-17; Ord. 11-9; Ord. 07-15

## **Chapter 13.03. Accidents**

### **Sections:**

#### **13.03.01. Immediate Notice.**

#### **13.03.02. Driver Duties; Moving of Vehicles.**

#### **13.03.03. Driver to Give Name, Information, and Render Assistance.**

#### **13.03.04. Collision with Unattended Property.**

#### **13.03.01. Immediate Notice.**

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of seven hundred fifty dollars (\$750.00) or more shall, immediately by the quickest means of communication, give notice to the police department or Utah Highway Patrol. A violation of this Section shall be classified as a Class C misdemeanor.

(Ord. 17-17)

#### **13.03.02. Driver Duties; Moving of Vehicle.**

1. Definitions. As used in this section, “reason to believe” means information from which a reasonable person would believe that the person may have been involved in an accident.
2. Moving of Vehicle in an Accident Involving Property Damage. The operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting only in damage to another vehicle or other property:
  - a. may move the vehicle as soon as possible off the roadway main lines, shoulders, medians, or adjacent areas to the nearest safe location that does not obstruct traffic; and
  - b. shall remain at the scene of the accident or the location described in 13.03.02(2)(a) until the operator has fulfilled the requirements of 13.03.01.
3. Fault Determination. Moving a vehicle as required under 13.03.02(2) does not affect the determination of fault for an accident.
4. Later Discovery. If the operator has reason to believe that the operator may have been involved in an accident resulting in damage to another vehicle or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of this section.
5. Violations. Any person guilty of violating this section shall be deemed guilty of a Class C misdemeanor.

(Ord. 17-17)

#### **13.03.03. Driver to Give Name, Information, and Render Assistance.**

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall:

1. Give his or her name and address and the registration number of the vehicle he or she is driving;
2. Upon request, exhibit his or her operator's license to the person struck, the driver, or the occupant of or person attending any vehicle collided with; and
3. Render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.
4. Any person guilty of violating this section shall be deemed guilty of a Class C misdemeanor.

(Ord. 17-17)

**13.03.04. Collision with Unattended Property.**

1. The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which results in damage to the other vehicle or property shall immediately stop, and shall then and there either locate and notify the operator or owner of such vehicle or other property of such driver's name and address and the registration number of the vehicle causing such damage, or shall attach securely in a conspicuous place on the vehicle or other property a written notice giving such driver's name and address and the registration number of the vehicle causing such damage.
2. Any person failing to comply with said requirements under such circumstances is guilty of a Class C misdemeanor.

(Ord. 17-17)

## **Chapter 13.04. Traffic Control Signals**

### **Sections:**

#### **13.04.01. Obedience to Signals.**

#### **13.04.03. Meaning of Vehicular Signal Indication; Driver and Pedestrian Duties.**

#### **13.04.04. Islands and Turning Markers in Intersection.**

#### **13.04.01. Obedience to Signals.**

No driver of a vehicle shall disobey the instructions of any stop sign, yield sign, signal, or other regulatory sign or traffic control device placed in accordance with the provisions of this Title, unless at the time the driver is otherwise directed by a police officer, or subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

(Ord. 17-17)

#### **13.04.02. Meaning of Vehicular Signal Indication; Driver and Pedestrian Duties.**

1. Definitions: the following meanings shall be given to highway traffic signal indications for vehicles and pedestrians. Yielding duties between drivers and pedestrians are reserved for further definition.
2. Steady green signal indications have the following meanings:
  - a. Traffic, except pedestrians, facing a circular green signal indication may proceed straight through or turn right or left except as such movement is modified by lane use signs, turn prohibition signs, lane markings, or roadway design. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles within the intersection, and to pedestrians, at the time such signal indication is exhibited.
  - b. Traffic, except pedestrians, facing a green arrow signal indication, shown alone or in combination with another signal indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other signal indications shown at the same time.
  - c. Unless otherwise directed by a pedestrian signal, pedestrians facing any green signal indication, except when the signal indication is a turn arrow for a vehicular movement in conflict with the desired path of the pedestrian, may proceed across the roadway within any marked or unmarked crosswalk.
3. Steady yellow signal indications shall have the following meanings:
  - a. Traffic, except pedestrians, facing a steady circular yellow or yellow arrow signal indication is thereby warned that the related green movement is being terminated or that a red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
  - b. Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal, are thereby advised that there is insufficient time to cross the roadway before a red signal indication is shown, and no pedestrian shall then start to cross the roadway.

**4. Steady red signal indications shall have the following meanings:**

- a. Vehicular traffic facing a steady circular red signal indication alone shall stop at a clearly marked stop line. If there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or, if there is no crosswalk, then before entering the intersection. Such traffic shall remain stopped until a signal indication to proceed is shown, or as provided below. Except when a sign is in place prohibiting a turn on red or a red arrow signal indication is displayed, vehicular traffic facing a circular red signal indication may enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping. Such vehicular traffic shall yield the right of way to pedestrians and to other traffic using the intersection.
- b. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow, and unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line. If there is no stop line, said vehicular traffic shall stop before entering the crosswalk on the near side of the intersection, or if there is no crosswalk, then before entering the intersection, and shall remain stopped until a signal indication permitting the movement indicated by such red arrow is shown.
- c. Where turns are allowed on red and the signal indication is an arrow, a turn may be made if there is a sign posted to indicate that turns are allowed on red after stopping.
- d. Unless otherwise directed by a pedestrian signal, pedestrians facing a steady circular red or red arrow signal indication alone shall not enter the roadway.

(Ord. 17-17)

**13.04.03. Islands and Turning Markers in Intersection.**

When authorized islands, markers or other indicators are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the direction of such indications.

(Ord. 17-17)

## **Chapter 13.05. Speeding**

### **Sections:**

#### **13.05.01. Speed and Operation to Conform to Existing Conditions.**

#### **13.05.02. Speed Limits.**

#### **13.05.03. Driving Too Slow.**

#### **13.05.04. Speed or Acceleration Contests Prohibited.**

#### **13.05.05. Obstructing Streets for Speed Contests Prohibited.**

#### **13.05.01. Speed and Operation to Conform to Existing Conditions.**

Every person driving a vehicle on a street or alley shall operate the same at a speed and in a manner which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, and every driver of a vehicle, in compliance with legal requirements and the duty to use due care, shall use every reasonable means to avoid endangering or colliding with any person, vehicle, or other object.

(Ord. 17-17)

#### **13.05.02. Speed Limits.**

1. Where no special hazard exists that requires a lower speed for compliance with section 13.05.01 of this Chapter, or its successor, the speed of any vehicle in excess of limits specified by properly placed signs is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.
2. On all streets and at all places the prima facie speed limit shall be twenty five (25) miles per hour, except as otherwise lawfully and legally posted or marked.
3. In every charge of violation of any speed regulation, the traffic citation shall specify the speed at which the violator is alleged to have driven and the posted speed limit or prima facie speed applicable at the location of the violation.

(Ord. 17-17)

#### **13.05.03. Driving Too Slow.**

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or to comply with law.

(Ord. 17-17)

#### **13.05.04. Speed or Acceleration Contests Prohibited.**

No person shall engage in any vehicle speed contest or exhibition or vehicle acceleration contest or exhibition on any street, road, highway, or alley, and no person shall aid or abet any such

vehicle speed or acceleration contest or exhibition. A violation of this Section is a Class B misdemeanor.

(Ord. 17-17)

**13.05.05. Obstructing Streets for Speed Contests Prohibited.**

No person shall, for the purpose of facilitating, aiding, or inducing any vehicle speed contest or exhibition, or vehicle acceleration contest or exhibition, in any manner obstruct or place any barricade or obstruction or assist or participate in placing any such barricade or obstruction upon any street or alley. A violation of this Section is a Class B misdemeanor.

(Ord. 17-17)

## **Chapter 13.06. Use of Lanes**

### **Sections:**

#### **13.06.01. Laned Roadway; Failure to Stay in One Lane.**

#### **13.06.02. Turning or Changing Lanes – Safety - Signals.**

#### **13.06.01. Laned Roadway; Failure to Stay in One Lane.**

In the absence of an extenuating circumstance necessitating an emergency or safety related maneuver, whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, a vehicle shall be driven entirely within a single lane, and shall not be moved from such lane or across a lane without giving the right of way to vehicle in the lane to be entered, nor until the driver has first ascertained that such movement can be made with safety and such driver has given the required two second signal prescribed in section 13.06.02 of this chapter (or its successor).

(Ord. 17-17)

#### **13.06.02. Turning or Changing Lanes – Safety – Signals.**

1. A person may not turn a vehicle or move right or left on a roadway or change lanes until:
  - a. The movement can be made with reasonable safety; and
  - b. An appropriate signal has been given as provided under this section.
2. A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last two seconds preceding the beginning of the movement.
3. A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of any vehicle immediately to the rear when there is opportunity to give a signal.
4. A stop or turn signal when required shall be given either by the hand and arm or by signal lamps.
  - a. If hand and arm signals are used, a person operating a vehicle shall give the required hand and arm signals from the left side of the vehicle as follows:
    - i. Left turn: hand and arm extended horizontally;
    - ii. Right turn: hand and forearm extended upward with the elbow bent at a 90-degree angle; and
    - iii. Stop or decrease speed: hand and forearm extended downward with the elbow bent at a 90-degree angle.

Ord. 17-17 )

## **Chapter 13.07.        Miscellaneous Traffic Regulations.**

### **Sections:**

- 13.07.01.        Negligent Collision.**
- 13.07.02.        Improper Lookout.**
- 13.07.03.        Unsafe Activities Interfering With Operation.**
- 13.07.04.        Driving While Faculties Impaired.**
- 13.07.05.        Driving Through Private Property to Avoid Traffic Control Device.**
- 13.07.06.        Forfeiture of Right-of-Way.**
- 13.07.07.        Use of Compression Release Engine Braking Systems or “Jake Brakes” Prohibited.**
- 13.07.08.        Following Another Vehicle; Safe Distance.**
- 13.07.09.        Right-of-Way; Stop or Yield Signals.**

### **13.07.01.        Negligent Collision.**

It shall be unlawful to operate a vehicle with such lack of due care and in such a negligent manner as to cause it to collide with any vehicle, person, or object.

(Ord. 17-17)

### **13.07.02.        Improper Lookout.**

It shall be unlawful to drive a vehicle within the City without keeping a reasonable and proper lookout for other traffic and objects.

(Ord. 17-17)

### **13.07.03.        Unsafe Activities Interfering With Operation.**

No driver shall engage in any activity that interferes with the safe control of his or her vehicle while it is in motion, nor shall any passenger engage in any activity which interferes with the safe operation of any vehicle.

(Ord. 17-17)

### **13.07.04.        Driving While Faculties Impaired.**

No driver shall operate a vehicle while his ability or alertness is so impaired through fatigue, illness, or any other cause, except for causes in Title 41, Chapter 6a, Part 5, as to make it unsafe for him to drive such vehicle. A violation of this section is a Class C misdemeanor except where a violation damages property or person, in which such violation is a Class B misdemeanor.

(Ord. 17-17)

### **13.07.05. Driving Through Private Property to Avoid Traffic Control Device.**

No driver shall drive over or upon any private property, such as a service station, fruit stand, parking lot, vacant lot, or similar area to avoid obedience to any authorized traffic control device.

(Ord. 17-17)

### **13.07.06. Forfeiture of Right-of-Way.**

1. Any person violating any provision of this chapter shall have no right-of-way if such violation interferes with the ability of another driver to yield the right-of-way to such person.
2. The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he might otherwise have.

(Ord. 17-17)

### **13.07.07. Use of Compression Release Engine Braking Systems or “Jake Brakes” Prohibited.**

It is unlawful for any person to use, operate, or engage any compression release engine braking system within the City which is designed to slow the speed of a vehicle by turning the engine into an air compressor (commonly referred to as a jacobs brake, jake brake, engine brake, or compression brake). However, this section shall not apply to fire engines or other emergency vehicles.

(Ord. 17-17)

### **13.07.08. Following Another Vehicle; Safe Distance.**

1. The operator of a vehicle:
  - a. May not follow another vehicle more closely than is reasonable and prudent, having regard for the:
    - i. Speed of the vehicles;
    - ii. Traffic upon the highway; and
    - iii. Condition of the highway; and
  - b. Shall follow at a distance so that at least two seconds elapse before reaching the location of the vehicle directly in front of the operator's vehicle.
  2. Subsection 1. does not apply to funeral processions or to congested traffic conditions resulting in prevailing vehicle speeds of less than 35 miles per hour.

(Ord. 17-17)

### **13.07.09. Right-of-Way; Stop or Yield Signals.**

1. Preferential right-of-way may be indicated by stop signs or yield signs.

2. Except when directed to proceed by a peace officer, every operator of a vehicle approaching a stop sign shall stop:
  - a. At or behind a clearly marked stop line; or if there is no line, shall stop even with the stop sign;
  - b. Before entering the crosswalk on the near side of the intersection if there is not a clearly marked stop line; or
  - c. At a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it if there is not a clearly marked stop line or a crosswalk.
3. After having stopped at a stop sign as provided in subsection 2., the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.
4. The operator of a vehicle approaching a stop sign shall yield the right-of-way to pedestrians within an adjacent crosswalk.

(Ord. 17-17)

## **Chapter 13.08.      Parking.**

### **Sections:**

- 13.08.01.      Illegal Parking—In General.**
- 13.08.02.      Signs and Markings.**
- 13.08.03.      Double Parking.**
- 13.08.04.      Large Vehicles and Trailers.**
- 13.08.05.      Trailers.**
- 13.08.06.      48 hours.**
- 13.08.07.      Parking of Cars For Sale.**
- 13.08.08.      Requirements for Vehicles Parked in Public.**
- 13.08.09.      Fire Lanes.**
- 13.08.10.      Parking During Snow Removal From Streets**

### **13.08.01.      Illegal Parking—In General.**

**Towing and Impoundment.** The following ~~v~~ehicles, together with or in addition to any other vehicles, parked in violation of any provision of this Title or the laws of the state, are declared to be nuisances ~~spark~~, stopped, stored, abandoned, or left in the City in violation of this Chapter or in the following ways are subject to a fine and punishment pursuant to Title 20 of the City Code:

1. ~~ny~~ unattended vehicles ~~stopped, standing, or parked~~ in violation of any of the provisions of this ~~Title~~Chapter;
2. a vehicle found upon the streets or alleys of the city with faulty or defective equipment;
3. ~~a~~ vehicle, ~~whether left~~attended or unattended, ~~parked~~ upon any ~~street, road, lane, alley,~~ bridge, viaduct, ~~or any~~ overpass, or underpass; ~~where such a vehicle that~~ constitutes ~~a~~ hazard or ~~an~~ obstruction to traffic;
4. ~~any vehicle upon a street so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;~~
5. ~~any vehicle left unattended upon a street or alley and so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic;~~
6. ~~any vehicle left parked in the same place on any public (i) street, or (ii) road, (iii) lane, (iv) alley, or upon any public (v) property continuously for forty-eight hours;~~
7. ~~any vehicle, the driver of which has been taken into custody by the police department under such circumstances as would leave the vehicle unattended in a street, alley, or restricted parking area;~~
8. ~~any vehicle found being driven on the any streets, road, lane, or alley not in a proper condition to be driven; and~~
9. ~~any vehicle found so parked as to constitute a fire hazard or an obstruction to fire-fighting apparatus.~~
10. ~~Any vehicle deemed to be a nuisance under Subsection (1) may be summarily abated by removing such vehicle by or under the direction of or at the request of a police officer to a~~

~~place of storage by means of towing or otherwise in accordance with Utah Code Chapter 41-6a.~~

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

### **13.08.02. Signs and Markings.**

1. It shall be unlawful to disobey signs or markings erected by the City which prohibit parking or regulate the hours thereof. It is not necessary for the City to install both signs and curb markings as one or both shall constitute effective parking regulations in the City. It shall also be unlawful to park in violation of curb markings designated by the City. Such curb markings shall have the following meanings:
  - a. Red: No stopping, standing, or parking at any time.
  - b. Yellow: No stopping, standing, or parking except as stated on the signs or markings giving notice thereof.
2. Where lines are painted on the roadway to indicate the angle at which a vehicle shall be parked, it shall be unlawful to park a vehicle except as indicated.
3. It shall be unlawful to erect any signs or to mark publicly owned curbs in such a manner that prohibits parking or attempts to regulate the flow of traffic without prior City approval.

(Ord. 17-17)

### **13.08.03. Double Parking.**

It shall be unlawful for any person to park or leave standing upon any street any vehicle, whether attended or unattended, along the side of any parked vehicle where such vehicle is parked parallel with the curb, except that an operator may stop temporarily, provided he does not leave his vehicle, during the act of actually loading or unloading passengers or when necessary in obedience to traffic regulations or signals of a police officer, unless posted signs or curb markings indicate otherwise.

(Ord. 17-17)

### **13.08.04. Large Vehicles and Trailers.**

It shall be unlawful to park on a public street in any residential zone in the City any vehicle or trailer, or any combination thereof, having an overall length of twenty-five feet (25') or more or which exceeds the rated capacity of one and one-half (1½) tons. It shall be unlawful to park on a public street in any commercial or industrial zone in the City any vehicle or trailer, or any combination thereof, having an overall length of twenty-five feet (25') or more between the hours of 5:00 p.m. and 9:00 a.m. This section shall not apply, however, under the following circumstances:

1. When the vehicle is actively involved in permitted construction, landscaping, or other work on or at a specific residence, building, or commercial enterprise.

2. When there is an emergency requiring the parking of a vehicle at a particular location.
3. When the vehicle is owned or operated by federal, state, or local government authorities and is parked for governmental purposes.

(Ord. 17-17)

#### **13.08.05. Trailers.**

It shall be unlawful to park or keep any trailer, unattached camper, or boat on a public street.

(Ord. 17-17)

#### **13.08.06. 48 Hours.**

It shall be unlawful to park any vehicle in the same location on a public street for a continuous period of time exceeding forty-eight (48) hours.

(Ord. 17-17)

#### **13.08.07. Parking of Cars For Sale on Vacant Lots.**

1. Definitions. As used in this section, the following terms shall have the corresponding definition:
  - a. "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.
  - b. "Shoulder area" means that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices," or that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and lateral support.
  - c. "Displaying it for sale" means parking and leaving a motor vehicle or trailer in a location with a "For Sale" sign, writing, or similar device displayed on or in the vehicle for more than 8 hours.
2. Vacant Lots and Parking Lots. It shall be a ~~class C misdemeanor violation~~ for the owner of a motor vehicle, camper, trailer, boat, or other type of vehicle to park it or allow it to be parked on ~~(a)~~ -a vacant lot, ~~or (b) or a~~ parking lot owned by another person for the purpose of displaying it for sale, unless the owner or lessee of the property on which it is parked has a city business license to engage in the business of selling motor vehicles, campers, trailer, boats, or other vehicles at that location. It shall also be ~~a class C misdemeanor or illegal~~ for the owner or lessee of such property to allow another person to park a motor vehicle, camper, trailer, boat, or other vehicle on the property for the purpose of displaying it for sale unless such owner or lessee has a city business license to engage in the business of selling such merchandise at that location.
3. Parking Cars or Trailers For Sale on Street or Highway.

- a. It shall be unlawful for the owner or operator of a motor vehicle or trailer to park it or allow it to be parked on any highway, street, or shoulder area for the purpose of displaying it for sale.
- b. It shall not be a violation of this Chapter for a vehicle with a "For Sale" sign:
  - i. To be parked incidental to actual operation and immediate use of the vehicle by the vehicle owner.
  - ii. Unless otherwise prohibited by this Code, to be displayed on a public street that is adjacent to real property in which the person offering the vehicle for sale has a legal interest or is temporarily visiting.
  - iii. To be temporarily parked on any highway or street for the purpose of servicing, repairing or otherwise working upon any vehicle which is temporarily disabled.

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

#### **13.08.08. Requirements for Vehicles Parked in Public.**

Every vehicle while parked upon the public highways, streets, alleys, or City-owned parking lots in the City of Saratoga Springs, shall:

1. Be registered in the name of the owner thereof in accordance with the laws of Utah;
2. Display in proper position two valid, unexpired license (registration) plates, one on the front and one on the rear of such vehicle; and
3. When required, have current validation or indicia of registration attached to the rear plate and in a manner complying with the laws of the state of Utah, and such plate shall be free from defacement, mutilation, and sight obscuring matter so as to be plainly visible.

However, if such vehicle is not required to be registered in Utah, and the indicia of registration issued by another state, territory, possession or district of the United States, or of a foreign country, complies with the laws of Utah and substantially complies with the provisions hereof, such registration shall be considered as compliance with this section.

(Ord. 17-17)

#### **13.08.09. Fire Lanes.**

1. It shall be unlawful for any person to park or stop a vehicle on any designated fire lane, regardless of whether or not the driver of the vehicle remains with the vehicle. This section shall not apply to any Public Safety emergency vehicle being used on official business.
2. "Designated fire lane" shall mean any area in front of the entrance to a commercial or public building, which area has been marked with a red curb, or red writing on the pavement or signs posted which prohibit parking or designate the area as a fire lane.
3. Any vehicle parked in violation of this section is hereby declared a hazard to public safety and may be removed at the direction of the owner of the property or any public safety officer.

(Ord. 17-17)

**13.02.0313.08.10. Parking During Snow Removal From Streets.**

1. In order to facilitate the speedy and safe removal of snow from City streets, it is illegal for the owner or driver of any vehicle to park, ~~or cause~~, or allow to be parked such vehicle upon a City street or right-of-way ~~of a City street~~ during ~~a snowstorm when a measurable amount of snow has fallen, or following a snowstorm when a measurable amount of snow has fallen, and prior to the City's snow removal equipment has not yet been~~ utilized to remove the snow.
2. “Vehicles” shall be defined to include, but not ~~necessarily~~ limited to, automobiles, trucks, trailers, mobile homes, travel trailers, boats, motorcycles, buses, snowmobiles, and other objects used or capable of being used for transportation purposes whether for the transport of humans, animals, or freight of any kind.
3. A violation of this Section shall be ~~enforced pursuant to Title 20 of the City Code punishable as an infraction, in addition to any other penalties which may be imposed, including impoundment, pursuant to the provisions of this Chapter.~~

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

**13.02.0413.08.11. Parking Regulations in Boat Harbor.**

1. The following parking regulations shall apply to all vehicles entering the parking area of the City of Saratoga Springs boat harbor:
  - a. The boat harbor shall be open to the public ~~from 6:00 a.m. to 10:00 p.m. during hours determined by the Public Works Director and as posted on the property.~~
  - b. ~~Unless a person has purchased an annual pass from the City, e~~ach vehicle entering the boat harbor intending to launch a boat or other type of water craft ~~from the ramp~~ shall be required to obtain a ~~self-registration~~ parking permit. The operator of the vehicle shall ~~fill out the obtain an annual permit, a permit from the booth, or a permit from the~~ self-registration ~~permit box with the required information~~, pay the appropriate fee, and ~~follow all instructions as posted at the marina~~ place these items in the designated lock box. The operator of the vehicle shall ~~tear off a portion of the self-registration parking permit and place it leave the annual pass or proof of payment~~ on the dashboard, front windshield, or rear-view mirror of the vehicle ~~in a place that is visible at all times.~~
  - c. ~~The parking permit must be visible on the dashboard at all times.~~
  - d. ~~c. The City will regularly monitor the boat harbor parking lot to ensure vehicles have obtained a permit and paid the appropriate applicable fees and that the self-registration permit is located on the vehicle dashboard.~~
  - e. ~~d. If the City or its designee determines that a vehicle has entered or is parked in the boat harbor parking lot without paying the appropriate fees obtaining the appropriate permit or placing the self-registration permit proof of payment or the~~

~~annual pass in the approved location, on the dashboard,~~ the operator of the vehicle shall be issued a citation. The citation may be given either to the operator or placed on the vehicle's windshield.

- e. ~~Those v~~ Vehicles entering the boat harbor ~~which that~~ are not towing a boat or other watercraft, do not need to purchase a parking permit.
- f. ~~Individuals using paddle boards, kayaks, and other small, non-motorized water craft without using the boat ramp are not required to purchase a permit.~~

2. **Fees.** The City Council ~~or designee~~ from time to time will establish the boat harbor parking fees.

3.2.

3. **Violation Unlawful.** ~~Every act or condition prohibited or declared unlawful by this code, and every failure or omission to act as required herein, is a violation of this code and is an infraction.~~

3. **Penalty for Violation.** ~~Every infraction violation of this code is punishable, upon conviction thereof, by:~~

- 3. ~~A fine not exceeding \$50 for a first violation.~~
- 3. ~~A fine not exceeding \$100 for a second violation of the same ordinance within one year.~~
- 3. ~~A fine not exceeding \$150 for each additional violation of the same ordinance within one year.~~

3. **Each Day Constitutes a Separate Violation.** ~~Acts, omission, or conditions in violation of this code which continue, exist, or occur on more than one day constitute separate violations and offenses on each such day.~~

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

## **Title 20. ADMINISTRATIVE CODE ENFORCEMENT**

### **Chapter 20.01. General Provisions and Definitions.**

#### **20.01.05. Criminal Prosecution Right.**

The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute City ordinance violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. However, for all violations of Chapters 13.03, 13.04, 13.05, 13.06, and 13.07, the City shall file a criminal prosecution. Although most minor City Code violations should be enforced through this Title, the City may choose to file a criminal prosecution under any of the following circumstances:

1. the violator has one prior violation of the City Code within the last year;
2. the violation caused bodily injury, substantial bodily injury, or serious bodily injury to an individual, all of which shall have the same definition in Utah Code § 76-1-601;
3. the violator, in a single criminal episode, violated one or more provisions of the Utah Criminal Code as well as one or more provisions of the City Code, and all violations are being charged as a single criminal episode as defined in Utah Code § 76-1-401;
4. the violator is being charged with any violation of Title 10 of the City Code; or
5. the violation caused a significant health or safety risk to the public.

| (Ord. 17-17; Ord. 11-9; Ord. 09-10)