

TITLE I

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CHAPTER 1

ORDINANCES

- 1.01.010: Adoption
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- 1.01.090: Severability
- 1.01.100: Omission of General Law not waiver of same

1.01.010: ADOPTION

The ordinances of Syracuse, Utah, as compiled, revised, and herein set fourth are to be and shall be designated and referred to as the "**Syracuse Municipal Code**" which are passed by authority of the City Council. (2010)

1.01.020: TITLE; CITATION; REFERENCE

This Code shall be known as the "Syracuse Municipal Code" and it shall be sufficient to refer to this Code as the "Syracuse Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Syracuse Municipal Code." Further reference may be had to Titles, Chapters, Sections, and Subsections of the "Syracuse Municipal Code" and such reference shall apply to that numbered Title, Chapter, Section, or Subsection as it appears in this Code.

1.01.030: REFERENCE APPLIES TO AMENDMENTS

Whenever a reference is made to this Code as the "Syracuse Municipal Code" or to any portion thereof, or to any City ordinance, the reference shall apply to all amendments, corrections, and additions heretofore, now, or hereafter made.

1.01.040: SCOPE; AUTHORITY

This Code, as it may be amended, together with ordinances enacted since its compilation and before, comprise the regulatory and penal ordinances and certain administrative ordinances of the Syracuse City, Utah, revised and codified pursuant to the provisions of state law.

1.01.050: TITLE, CHAPTER, AND SECTION HEADINGS

Title, Chapter, and Section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any Title, Chapter, or Section hereof.

1.01.060: REFERENCE TO SPECIFIC ORDINANCES

The provisions of this Code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise, and which are included within this Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

1.01.070: EFFECT ON PAST ACTIONS AND OBLIGATIONS

Neither the adoption of this Code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to March 15, 1971, nor be construed as a waiver of any license, fee, or penalty at March 15, 1971, due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect, nor shall such adoption, repeal, or amendment, solely by reason of the enactment thereof, affect or impair the title or office or tenure of office of any City officer.

1.01.080: EFFECTIVE DATE

Ordinances shall become effective 20 days after publication or posting or 30 days after final passage by the governing body, whichever is sooner, but Ordinances may become effective at an earlier or later date after publication or posting if so provided in the Ordinance, except that whenever a revision is made and the Syracuse Municipal Code are published by authority of the City Council, no further publication shall be necessary, and it shall not be necessary to post or publish rules and regulations adopted by the City Council which are printed as a code in book form as long as three copies are available at the City Recorder's Office for use and examination by the general public.(1986)

1.01.090: SEVERABILITY

If any Section, Subsection, sentence, clause, phrase, portion, or part of this Code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The City Council declares that it would have adopted this Code and each Section, Subsection, sentence, clause, phrase, part, or portion thereof, irrespective of the fact that any one or more Sections, Subsections, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

1.01.100: OMISSION OF GENERAL LAW NOT WAIVER OF SAME

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

CHAPTER 2

OFFICIAL AND CORPORATE PROVISIONS

- 1.02.010: **Corporate Name**
- 1.02.020: **Corporate Seal**
- 1.02.030: **Form of Government**
- 1.02.040: **Definitions**
- 1.02.050: **Rules of Construction**

1.02.010: **CORPORATE NAME**

The Corporate name of this municipal corporation shall be "Syracuse". However, to designate the municipal character of the corporation, the name may be stated "Syracuse, a municipal corporation."

1.02.020: **CORPORATE SEAL**

The corporate seal of Syracuse is described as follows: The impression is one and three-fourths inches in diameter, is inscribed in the outer circle "Syracuse City, Davis County, Utah", contains the words "Corporate Seal" in the center circle, and has a small star in the center of the seal. (1971)

1.02.030: **FORM OF GOVERNMENT**

Syracuse City shall be governed by a Six Member Council Form of Government according to Section 10-3b-105 of Utah Code Annotated, 1953, as amended. The Governing Body shall consist of six members, of which one is the Mayor, and five Councilmembers. The Mayor shall vote only in the case of a tie or in the appointment or dismissal of a City Manager. (Ord. 06-24)

1.02.040: **DEFINITIONS**

In the construction of this Syracuse Municipal Code and all ordinances amendatory thereof the following words and terms shall have the meaning herein ascribed to them, unless such definition or construction would be inconsistent with the manifest intent of the City Council or contrary to the context of the ordinance:

AGENT: The word "agent" as used in this Syracuse Municipal Code shall mean a person acting on behalf of another.

CITY: The word "city" shall mean Syracuse City.

CITY COUNCIL: The term "City Council" shall mean the elected or appointed City Council members, collectively, excluding the Mayor.

GOVERNING BODY: The term "Governing Body" shall mean the mayor and five members of the city council, collectively.

HIGHWAY: The word "highway" shall include all roads, alleys, lanes, streets, courts, places, trails, and bridges laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in actions for the partition of real property.

KNOWINGLY: The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Syracuse Municipal Code. It does not require any knowledge of the unlawfulness of such an act or omission.

LICENSE: The word "license" shall mean the permission granted for the carrying on of a business, profession, or occupation.

MALICE: The term "malice", as well as "maliciously", imports a wish to vex, annoy, or injure another person, or an intent to do a wrongful act, established either by proof or by presumption of law.

MISDEMEANOR: The word "misdemeanor" shall mean any offence in violation of the provisions of this Syracuse Municipal Code. It is a lesser offence than a felony as defined by State Law.

MUNICIPALITY: The word "municipality" unless otherwise indicated shall mean Syracuse City.

NEGLIGENT: The word "negligent", as well as "neglect", "negligence", and "negligently", imports a want of such attention to the nature or probable consequences of the act or omission as a prudent person ordinarily bestows in acting in his/her own concern.

OATH: The word "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

OCCUPANT: The term "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: The word "offense" shall mean any act forbidden by any provision of this Syracuse Municipal Code or the omission of any act required by the provisions of this Syracuse Municipal Code.

OFFICERS, ETC.: Officers, departments, commissions, boards, councils, and employees when referred to in this Syracuse Municipal Code shall mean officers, departments, commissions, boards, councils, and employees of Syracuse City, unless the context clearly indicates otherwise.

OPERATOR: The word "operator" shall mean the person who is in charge of any operation, business, or profession.

OWNER: The word "owner" applied to a building or land shall include any part-owner, joint owners, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: The word "person" shall include any firm, corporation, association, partnership, or any other form of association or organization.

PROPERTY: The word "property" shall include both real and personal property.

RETAILER: The word "retailer", unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

STREET: The word "street" shall include all roads, alleys, lanes, highways, courts, places, squares, trails, bridges, and sidewalks laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in action for the participation of real property.

WHOLESALE: The words "wholesaler" and "wholesale dealer" as used in this Syracuse Municipal Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

WILLFULLY: The term "willfully" when applied to the intent, with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage. (1971)

1.02.050: RULES OF CONSTRUCTION

In the construction of this Syracuse Municipal Code and all ordinances amendatory thereof, the following rules shall apply except where such construction would be inconsistent with the manifest intent of the City council or contrary to the context of the ordinance.

GENDER: When any subject matter, party, or person is described or referred to by words importing the masculine, the feminine as well as the masculine, and associations and bodies as well as individuals, shall be deemed to be included.

NUMBER: The singular number shall include the plural and the plural the singular.

SHALL: The word "shall" in this Syracuse Municipal Code is mandatory and not merely a suggestion.

TENSE: The present tense shall include the future tense and the future tense shall include the present tense.

TIME: The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last is a holiday or a Sunday, and then it is also included. Whenever any act of a secular nature, other than a work of necessity or mercy, is appointed by law or contract to be performed upon a particular day, which day falls upon a holiday, such act may be performed upon the next succeeding business day with the same effect as if it had been performed upon the day appointed.

In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice. (1971)

CHAPTER 3
JUDGMENTS

- 1.03.010: General**
- 1.03.020: Power to Suspend**

1.03.010: GENERAL

A judgment that the defendant pay a fine under any of the provisions of this Code, may also direct that the defendant pay all costs of the prosecution and may moreover, direct that if the defendant refuses, fails, or is unable to pay such fine and costs, the defendant should be compelled to perform community service at a rate established by the Syracuse City Justice Court Judge or District Court Judge, or be required to serve time in jail.

1.03.020: POWER TO SUSPEND

The Justice Court Judge of the City court shall have the power to suspend all or any part of any penalty upon such conditions as the judge shall deem proper.

CHAPTER 4

PUNISHMENTS

- 1.04.010: Sentencing in Accordance with Chapter
- 1.04.020: Designation and Classification of Offenses
- 1.04.030: Sentences or combination of sentences allowed; Civil Penalties
- 1.04.040: Misdemeanor conviction; Term of imprisonment
- 1.04.050: Infraction conviction; Fine, forfeiture, and disqualification
- 1.04.060: Fines of persons
- 1.04.070: Fines of corporations, associations, partnerships, or governmental instrumentalities
- 1.04.080: Additional sanctions against corporation or association; Advertising of conviction; Disqualification of officer
- 1.04.090: Concurrent or consecutive sentences; Limitations
- 1.04.100: Credit for good behavior
- 1.04.110: Reference Utah Criminal Code

1.04.010: SENTENCING IN ACCORDANCE WITH CHAPTER

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the City ordinances is guilty of an offense. A person adjudged guilty of an offense under the City ordinances shall be punished in accordance with the provisions of this Chapter.

1.04.020: DESIGNATION AND CLASSIFICATION OF OFFENSES

Offenses are designated as misdemeanors or infractions designated as follows:

MISDEMEANORS

1. Misdemeanors are classified into two (2) categories:
 - a. Class "B" misdemeanors; and
 - b. Class "C" misdemeanors
2. An offense designated a misdemeanor in City ordinances without specification as to punishment or category is a class "B" misdemeanor.

INFRACTIONS

1. Infractions are not classified.
2. Any offense designated as an infraction within City ordinances and any offense defined within City ordinances which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

1.04.030: SENTENCES OR COMBINATION OF SENTENCES ALLOWED; CIVIL PENALTIES

1. Within the limits prescribed by this Chapter, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or combination of such sentences:
 - a. to pay a fine; or
 - b. to probation; or
 - c. to imprisonment
2. This Chapter shall not deprive a court of authority conferred by law to forfeit property, dissolve a corporation, suspend, or cancel a license, or permit

removal of a person from office, cite for contempt, or impose any other civil penalty. A civil penalty may be included in a sentence.

1.04.040: MISDEMEANOR CONVICTION; TERM OF IMPRISONMENT

A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

1. In the case of a class "B" misdemeanor, for a term not exceeding six (6) months; and
2. In the case of a class "C" misdemeanor, for a term not exceeding ninety (90) days.

1.04.050: INFRACTION CONVICTION; FINE, FORFEITURE, AND DISQUALIFICATION

1. A person convicted of an infraction may not be imprisoned, but may be subject to a fine, forfeiture, and disqualification, or any combination.
2. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class "C" misdemeanor.

1.04.060: FINES OF PERSONS

A person who has been convicted of an offense may be sentenced to pay a fine in accordance with the applicable provisions of *Utah Code Annotated Title 76, Chapter 3*.

1.04.070: FINES OF CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS, OR GOVERNMENTAL INSTRUMENTALITIES

1. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in City ordinances for which no special corporate fine is specified shall be sentenced to pay an amount, fixed by the court, in accordance with the applicable provisions of *Utah Code Annotated Title 76, Chapter 3*.
2. In the event a court of competent jurisdiction decrees that the City court does not have authority to fix fines under this Section in excess of those provided for persons, then fines under this Section shall be fixed in the same amounts as allowed for in Section 1.05.060.

1.04.080: ADDITIONAL SANCTIONS AGAINST CORPORATION OR ASSOCIATION; ADVERTISING OF CONVICTION; DISQUALIFICATION OF OFFICER

1. When a corporation or association is convicted of an offense, the court may, in addition to or in lieu of imposing other authorized sanctions, require the corporation or association to give appropriate publicity of the conviction by notice to the class or classes of persons or section of the public interested in or affected by the conviction, by advertising in designated areas, or by designated media or otherwise.
2. When an executive or high managerial officer of a corporation or association is convicted of an offense committed in furtherance of the affairs of the corporation or association, the court may include in the sentence an order disqualifying said person from exercising similar functions in the same or

other corporations or associations for a period not exceeding five (5) years if it finds the scope or willfulness of said person's illegal actions make it dangerous or inadvisable for such functions to be entrusted to said person.

1.04.090: CONCURRENT OR CONSECUTIVE SENTENCES; LIMITATIONS

1. If a defendant has been adjudged guilty of more than one (1) misdemeanor offense, sentences shall run concurrently unless the court states, in the sentence, that they shall run consecutively.
2. A court shall consider the gravity and circumstances of the offenses and the history, character, and rehabilitative needs of the defendant in determining whether to impose consecutive sentences.
3. A court may impose consecutive sentences for offenses arising out of a single course of criminal conduct. For the purposes of this Section, "a single course of criminal conduct" means all conduct, including criminal solicitation and criminal conspiracy, incident to the attempt or accomplishment of a single criminal objective even though the harm is directed toward or inflicted upon more than one (1) person or more than one (1) offense is committed.
4. Whenever a sentence is imposed or sentences are imposed to run concurrently with the other or with a sentence presently being served, the lesser sentence shall merge into the greater and the greater shall be the term to be served, and in the event of equal sentences, they shall merge into one sentence with the most recent conviction constituting the time to be served.

1.04.100: CREDIT FOR GOOD BEHAVIOR

In any commitment to imprisonment for a misdemeanor offense, the custodial authority, upon good behavior of the inmate and in the discretion of the custodial authority, may allow ten (10) days credit against the sentence to be served for every thirty (30) days served, or two (2) days credit for every ten (10) days served, when the period to be served is less than thirty (30) days.

1.04.110: REFERENCE UTAH CRIMINAL CODE

This Chapter shall be construed and interpreted in accordance with the provisions of *Utah Code Annotated, Title 76 Chapter 3*, relating to Punishments.

CHAPTER 5

PRIVATE PROPERTY PROTECTION REVIEW

- 1.05.010: Purpose and Intent
- 1.05.020: Definitions
- 1.05.030: Guidelines
- 1.05.040: Appeals
- 1.05.050: Limitations

1.05.010: PURPOSE AND INTENT

The purpose of this Chapter is to provide advisory guidelines to assist the City in identifying and reviewing actions by officials, employees, boards, commissions and councils of the City which may involve the physical taking or exaction of private real property without just compensation.

1.05.020: DEFINITIONS

1. As used herein "constitutional taking" means actions involving the physical or regulatory taking of private real property by any official, employee, board, commission or council of the City that might require compensation to a private real property owner under:
 - a. The Fifth or Fourteenth Amendment of the Constitution of the United States;
 - b. Article I, Section 22 of the Utah Constitution; or
 - c. Any recent court rulings governing the physical or regulatory taking of private real property by a governmental entity.
2. Actions by the City involving the physical taking or exaction of private real property is not a constitutional taking if the physical taking or exaction:
 - a. Bears an essential nexus;
 - b. To a legitimate governmental interest; and
 - c. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

1.05.030: GUIDELINES

The following guidelines should be considered by any official, employee, board, commission or council of the City when taking any action that might result in the physical or regulatory taking of private real property without just compensation.

1. Identification. The acting body should review the following items to determine and identify whether a proposed governmental action raises constitutional taking issues.
 - a. Does the action result in a permanent physical occupation of private property?
 - b. Does the action require a property owner to dedicate property or grant an easement to the City?
 - c. Does the action deprive the property owner of all economically viable uses of the property?
 - d. Does the action have a severe impact on the property owner's economic interest?

- e. Does the action deny a fundamental attribute of ownership?
- 2. Analysis. If the acting body determines that a governmental action involves constitutional taking issues, the proposed action should be reviewed further to determine appropriate action. In reviewing the proposed action, the following factors may be analyzed:
 - a. The affect the potential taking would have on the use or value of the private property;
 - b. The likelihood that the action may result in a constitutional taking;
 - c. Any alternatives to the proposed action that would fulfill the City's lawful objectives and reduce the risk of a constitutional taking;
 - d. The cost to the City for payment of compensation if a taking is determined;
 - e. The governmental interest involved and its nexus to the potential taking;
 - f. And The proportionality and relationship between the proposed governmental action and the proposed development.

1.05.040 APPEALS

- 1. Application. Any owner of private property whose interest in the property is subject to a physical or regulatory taking by the City, pursuant to a final and authoritative decision or action by any official, employee, board, commission or council of the City, may appeal the acting body's decision or action by filing a written notice of appeal and statement of the grounds for the appeal with the City Recorder within thirty (30) days from the date of the acting body's decision or action. Additional information regarding the claim, such as property valuation and ownership, may be required in conjunction with the application as deemed necessary by the City for proper review of the action.
- 2. Review. The City Council or its designee shall hear all evidence regarding the appeal and determine whether or not the action by the City constitutes a constitutional taking as defined herein. The reviewing body shall render its decision and findings in writing within fourteen (14) days from the date the appeal was filed. The decision of the reviewing body shall be given to the applicant and the official, employee, board, commission or council that rendered the final decision giving rise to the appeal. When determined to be necessary and appropriate, the reviewing body shall make a recommendation to the official, employee, board, commission or council that made the decision giving rise to the appeal.
- 3. Failure to Render Decision. If the City fails to hear and decide the appeal within fourteen (14) days, the acting body's decision or action is presumed to be approved.

1.05.050: LIMITATIONS

The guidelines set forth herein are advisory only and shall not be construed to expand nor limit the scope of the City's liability for a constitutional taking. The City shall have no legal liability to any person, firm or entity of any nature whatsoever and a court may not impose liability upon the City for failure to comply with the provisions of this Chapter.

CHAPTER 6
CONSOLIDATED FEE SCHEDULE

1.06.010: General