

**TOOELE COUNTY
ORDINANCE 2021-17**

**AN ORDINANCE REPEALING, RENAMING AND RE-ENACTING
CHAPTER 1, ORDINANCES, OF TITLE 1, GENERAL PROVISIONS, OF
THE TOOELE COUNTY CODE**

WHEREAS, Tooele County has historically been governed by a Board of County Commissioners under the county commission form of government; and

WHEREAS, a majority of Tooele County voters who voted in the 2018 general election voted to change the form of Tooele County government from the county commission form of government to the council-manager form of government; and

WHEREAS, the change to the council-manager form of government occurred on January 1, 2021; and

WHEREAS, certain provisions of existing Title 1, Chapter 1 became obsolete on that same date; and

WHEREAS, re-enacted Title 1, Chapter 1 is expedient and necessary;

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF
TOOELE COUNTY, UTAH AS FOLLOWS:**

SECTION I – CHAPTER REPEALED. Chapter 1, *Ordinances*, of Title 1, *General Provisions*, of the Tooele County Code is hereby repealed.

SECTION II – CHAPTER RENAMED. Chapter 1, *Ordinances*, of Title 1, *General Provisions*, of the Tooele County Code is hereby renamed to *General Provisions*.

SECTION III – CHAPTER ENACTED. Chapter 1, *General Provisions*, of Title 1, *General Provisions*, of the Tooele County Code is hereby enacted to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION IV – REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

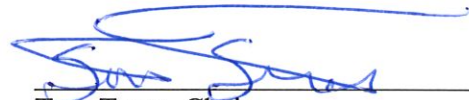
SECTION V – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

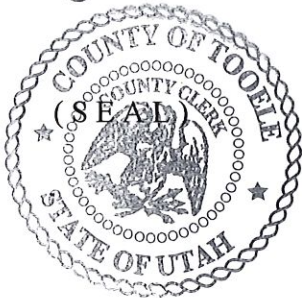
IN WITNESS WHEREOF the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 16th day of March, 2021.

ATTEST:

TOOELE COUNTY COUNCIL:


MARILYN K. GILLETTE, Clerk


TOM TRIPP, Chair



Council Member Hamner voted	<u>aye</u>
Council Member Hoffmann voted	<u>aye</u>
Council Member Thomas voted	<u>aye</u>
Council Member Tripp voted	<u>aye</u>
Council Member Wardle voted	<u>aye</u>

APPROVED AS TO FORM:


COLIN R. WINCHESTER
Deputy Tooele County Attorney

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 1
GENERAL PROVISIONS

Section

- 1-1-1. Tooele County Code.**
- 1-1-2. Effect of amendments and repeals.**
- 1-1-3. Definitions.**
- 1-1-4. Rules of construction.**
- 1-1-5. Penalty for violation.**
- 1-1-6. Liability of employers and agents.**
- 1-1-7. Severability.**

1-1-1. Tooele County Code.

These ordinances shall collectively be known and cited as the “Tooele County Code” or the “Code.”

1-1-2. Effect of amendments and repeals.

The amendment of any provision of this Code shall not affect any act done, any right accrued, any penalty incurred, any legal action or pending proceeding, or the tenure of office of any person holding office under a prior version of the provision. Nor shall the repeal of any provision have the effect of reviving any provision previously repealed or superseded.

1-1-3. Definitions.

As used in this Code:

- (1) “Code” means the Tooele County Code;
- (2) “Council” means the Tooele County Council;
- (3) “Council member” means a member of the Tooele County Council;
- (4) “County” means Tooele County; and
- (5) “Manager” means the Tooele County Manager.

1-1-4. Rules of construction.

(1) Words and phrases are to be construed according to the context and the approved usage of the language; but technical words and phrases, words and phrases that have acquired a peculiar legal meaning, or words and phrases that are defined in this Code, are to be construed according to such meaning or definition.

- (2) The singular includes the plural, and the plural includes the singular.
- (3) A word used in the present tense includes the future tense.
- (4) A word used in one gender includes the other genders.
- (5) “Include” or “includes” or “including” means that the items listed are not an exclusive list unless the word “only” or similar language is used to expressly indicate that the list is an exclusive list.

1-1-5. Penalty for violation.

Whenever no other penalty is prescribed, any person found guilty of violating any provision of this Code shall be deemed guilty of a class B misdemeanor.

1-1-6. Liability of employers and agents.

When the provisions of this Code prohibit the commission or omission of any act, not only the person doing the prohibited thing, or omitting the directed act, but also the employer, if the act or omission is done within the course and scope of employment, and all other persons aiding or abetting therein, shall be guilty of the offense described and subject to the penalty prescribed for the offense.

1-1-7. Severability.

The unenforceability, invalidity or illegality of any provision of this Code shall not render the other provisions unenforceable, invalid or illegal.

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 1
ORDINANCES

Section

- ~~1-1-1. Repeal of existing ordinances.~~
- ~~1-1-2. Effect of repealing ordinances.~~
- ~~1-1-3. Citation.~~
- ~~1-1-4. Effective date.~~
- ~~1-1-5. Penalty for violation of an ordinance.~~
- ~~1-1-6. Definitions and rules for construction of ordinances.~~
- ~~1-1-7. Liability of employers and agents for violation of ordinances.~~
- ~~1-1-8. Penalty.~~
- ~~1-1-9. Severability.~~

1-1-1. Repeal of existing ordinances.

The ordinances contained in this title and in the titles which follow, whether previously adopted as a provision consistent herewith or to be adopted, shall be known as the **“Tooele County Code”** and so far as their provisions are the same in effect as those of previously existing ordinances they shall be construed as continuations thereof; but, subject to the preceding limitations and the provisions of Section 1-1-2, all ordinances of this County heretofore in force, except as such are of a private, local, or temporary nature, including franchises, grants, dedications, bond issues and special levies for local assessments, are hereby repealed. Such ordinances as are adopted are hereafter a part of this revision and shall repeal existing ordinances on the same subject but not until such ordinances as are adopted shall become effective. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-2. Effect of repealing ordinances.

The repeal of the ordinances as provided in Section 1-1-1, shall not affect any act done, or any right accrued, any penalty incurred, any suit, prosecution or proceeding pending or the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance hereby have the effect of reviving any ordinance hereto repealed or superseded. This recodification, however, shall in no wise affect the Zoning and Subdivision Ordinances of Tooele County, as amended, each of which shall remain in full force and effect as separate Tooele County Ordinances. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-3. Citation.

This recodification shall be known as the **“Tooele County Code.”** Any provision of State law or uniform code adopted by reference in this code shall be cited by adding the number of the title of this code in front of the section number assigned in the State or uniform code. For example, Section 76-6-404 of the Utah Code adopted by reference in Title 6 of this code would be cited as **“Section 6/76-6-404,”** of the Tooele County Code. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

~~1-1-4. Effective date.~~

~~The “Tooele County Code” shall take effect on September 1, 1992. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~1-1-5. Penalty for violation of an ordinance.~~

~~Whenever no other penalty is prescribed, any person found guilty of violating any provision of any Tooele County Code provision presently in effect shall be deemed guilty of a class B misdemeanor. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~1-1-6. Definitions and rules for construction of ordinances.~~

~~In the construction of these revised ordinances, and all ordinances amendatory thereof, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Board of County Commissioners, or repugnant to the context of the ordinance.~~

~~(1) More language changes are not intended to reflect changes in the substance or meaning of the ordinances.~~

~~(2) The singular number includes the plural.~~

~~(3) Words used in the present tense include the future.~~

~~(4) Words used in the masculine gender comprehend, as well, the feminine and neuter.~~

~~(5) The term “**Board of Health**” is the Tooele County Board of Health.~~

~~(6) The term “**business**” is any activity, operation, enterprise or calling referred to in this ordinance for which a license is required.~~

~~(7) The term “**Commission**” is the Board of County Commissioners of Tooele County, Utah.~~

~~(8) The word “**County**” or the term “**Tooele County**” may be construed to mean the portions of Tooele County, Utah, outside the limits of incorporated cities or towns therein, and shall include the entire County when the context requires such an interpretation.~~

~~(9) The term “**County Assessor**” is the County Assessor of Tooele County, Utah.~~

~~(10) The term “**County Attorney**” is the County Attorney of Tooele County, Utah.~~

~~(11) The term “**County Auditor**” is the County Auditor of Tooele County, Utah.~~

~~(12) The term “**County Clerk**” is the County Clerk of Tooele County, Utah.~~

~~(13) The term “**County Recorder**” is the County Recorder of Tooele County, Utah.~~

~~(14) The term “**County Sheriff**” is the County Sheriff of Tooele County, Utah.~~

~~(15) The term “**County Surveyor**” is the County Surveyor of Tooele County, Utah.~~

~~(16) The term “**County Treasurer**” is the County Treasurer of Tooele County, Utah.~~

~~(17) The words “**highway**” and “**road**” include public bridges, and may be held equivalent to the words “**County way**,” “**County road**,” “**common road**,” “**state road**.” They may also include sidewalks or crosswalks.~~

~~(18) The term “**knowingly**” imports only a knowledge that facts exist which bring the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.~~

~~(19) The term “**maliciously**” or “**malice**” 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.~~

~~(20) The word “**owner**” applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of any part of such building or land.~~

~~(20) The term “person” includes bodies politic and any individual, partnership, association, corporation or group of individuals, however styled or designated.~~

~~(21) The word “street” includes alleys, lanes, courts, boulevards, public squares, public places and sidewalks or crosswalks.~~

~~(22) The word “tenant” or “occupant” applied to a building or land shall include any person who occupies the whole or any part of such building either alone or with others.~~

~~(23) 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 any advantage. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

1-1-7. Liability of employers and agents for violation of ordinances.

~~When the provisions of this code prohibit the commission or omission of any act, not only the person doing the prohibited thing, or omitting the directed act, but also the employer, if the act or omission is done within the course and scope of employment, and all other persons aiding or abetting therein, shall be guilty of the offense described and subject to the penalty prescribed for the offense. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

1-1-8. Penalty.

~~(1) Except as provided hereafter, if the performance of an act is declared in this code, which includes technical codes adopted by reference and state statutes adopted as part of this code, to be unlawful, or is described as a misdemeanor or a class B misdemeanor, or is otherwise prohibited, the act shall be punishable by a fine in an amount not exceeding \$1,000 or by imprisonment in the County jail for a period of time not exceeding six months, or by any combination of the fine and imprisonment.~~

~~(2) If the performance of an act is declared in this code, which includes technical codes adopted by reference and state statutes adopted as part of this code, to be a class C misdemeanor, the act shall be punishable by a fine in an amount not exceeding \$500 or by imprisonment in the County jail for a period of time not exceeding 90 days, or by any combination of the fine and imprisonment.~~

~~(3) If the performance of any act is declared in this code, which includes technical codes adopted by reference and state statutes adopted as part of this code, to be an infraction, the act shall be punishable by a fine in an amount not exceeding \$500. No imprisonment shall be imposed for an infraction.~~

~~(4) When no penalty is prescribed, any person convicted of violating any provision or provisions of this code, or ordinances hereafter enacted as a part of this code, shall be deemed guilty of a class B misdemeanor. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

1-1-9. Severability.

~~The Board of County Commissioners of Tooele County, Utah, hereby declares that said Board would have passed these recodified ordinances and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional, void or unlawful. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~