

CHAPTER 1. GENERAL PROVISIONS

Article 1-1. General Provisions

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1-1-1. How Code designated and cited.

The ordinances included in the following chapters and sections shall constitute and are designated as the "Orem City Code" and may be so cited.

(Ord. No. 661, Revised, 04/10/90)

1-1-2. Rules of construction and definitions.

In the interpretation of this Code, and of all ordinances, resolutions, and other official City documents, the following rules and definitions shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council.

City. The words "the City" or "this City" shall mean the City of Orem, Utah. The words "in the City" shall mean and include all territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

Computation of time. Unless otherwise specifically provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last, except that the last day shall be excluded if it is a Sunday or a holiday.

Council. Whenever the word "Council" is used in this Code, it shall be construed to mean the City Council of the City of Orem, Utah.

County. The words "the County" or "this County" shall mean the Utah County in the State of Utah.

Day. A day is the period of time between any midnight and the midnight following.

Daytime, nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Delegation of authority. Whenever a provision appears requiring the head of a department or other officer of the City to do some act or perform some duty, or granting some right to him, it shall be construed to

authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty, or it shall grant to them such right, unless the terms of the provisions designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than any general provisions imposed by this Code, the provisions imposing the greater restriction or regulation shall be applicable.

Joint authority. Whenever joint authority is given to three (3) or more persons or officers, it shall be construed as giving such authority to the majority of them.

Month. The word "month" shall mean a calendar month.

Number. The singular number shall include the plural and the plural number shall include the singular.

Oath. The word "oath" shall be construed to 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."

Official time. Whenever certain hours are named in this Code, they shall mean Mountain Standard Time or Mountain Daylight Savings Time, as may be in the current use in the City.

Officials, officers, departments, etc. Whenever reference is made to officials, boards, commissions, departments or other municipal agents by title only, such reference shall be read as though followed by the words "of the City of Orem, Utah."

Or, And. "Or" may be read "and" and "and" may be read "or" if the sense requires it.

Owner. The word "owner" applied to real estate shall include any part owner, joint owner, tenant in common, tenant in partnership, joint interest or other fee interest in the whole or a part of such real estate.

Person. The word "person" shall include any person, firm, partnership, association, organization, business trust, corporation, company or political body.

Personal property. "Personal property" includes every description of money, goods, chattels, effects, evidences of right in action, and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Process includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

Property. The word "property" shall include real and personal property.

Real Property shall include lands, tenements, water rights and possessory rights in or claims to land.

Shall, May. "Shall" is mandatory and "may" is permissive.

Signature or subscription; mark. The word "signature" includes any name, mark or sign written with the intent to authenticate any instrument or writing.

State. The words "the State" or "this State" shall mean the State of Utah.

Street. The word "street" shall be construed to include streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public ways in the City and shall include all parts thereof constituting the designated right-of-way.

Tenant or occupant. The word "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of, such building or land, either alone or with others.

Tenses. Words used in the present tense includes the future and words used in the future includes the present.

Week. A week consists of seven (7) consecutive days.

Writing. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language, unless expressly provided otherwise.

Year. The word "year" shall mean a calendar year unless otherwise provided.
(Ord. No. 661, Revised, 04/10/90)

1-1-3. Catchlines of sections.

The catchlines of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, unless otherwise expressly provided.

(Ord. No. 661, Revised, 04/10/90)

1-1-4. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding for violation of said ordinances pending at the time of the repeal.

(Ord. No. 661, Revised, 04/10/90)

1-1-5. Severability of parts of Code.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Ord. No. 661, Revised, 04/10/90)

1-1-6. Amendments to Code; effect of new ordinances; amendatory language.

All ordinances passed subsequent to this Municipal Code which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from said Code by omission from reprinted pages.

All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article, or chapter number, with reference to the subject matter, as the case may be.

(Ord. No. 661, Revised, 04/10/90)

1-1-7. General penalty.

Any person committing any act or omission to act which is declared to be a misdemeanor or unlawful by this Code, where no specific penalty is provided therefor, shall be punished by a fine of not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding six (6) months, or both such fine and imprisonment.

Every day any violation of this Code shall continue shall constitute a separate offense.

(Ord. No. 661, Revised, 04/10/90)

1-1-8. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part of this Code or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any matter whatsoever which would cause the law of the City of Orem to be misrepresented thereby.

(Ord. No. 661, Revised, 04/10/90)

1-1-9. Fees and charges.

All fees and charges required by the City, whether for license, permits, City services or otherwise, shall be established by resolution of the City Council.

(Ord. No. 661, Revised, 04/10/90)