

**LAYTON CITY
ORDINANCE 19-17**

**AMENDING THE LAYTON CITY MUNICIPAL CODE TO AMEND PUNISHMENTS AND
PENALTIES FOR VIOLATIONS OF LAYTON CITY'S LAWS AND ORDINANCES**

AN ORDINANCE ADOPTING AND APPROVING AMENDMENTS TO LAYTON MUNICIPAL CODE AS FOLLOWS: TITLE 5, CHAPTER 5.16, SECTION 5.16.130 OFF-PREMISE BEER RETAILER LICENSE; TITLE 5, CHAPTER 5.16, SECTION 5.16.470 PENALTY FOR VIOLATION; TITLE 5, CHAPTER 5.20, SECTION 5.20.040 VIOLATIONS; TITLE 5, CHAPTER 5.30, SECTION 5.30.120 PENALTY; TITLE 5, CHAPTER 5.32, SECTION 5.32.180 IN JUNCTION; PENALTY; TITLE 6, CHAPTER 6.24, SECTION 6.24.080 INSPECTOR; POWERS AND DUTIES; TITLE 6, CHAPTER 6.24, SECTION 6.24.180 PENALTY; TITLE 9, CHAPTER 9.16, SECTION 9.16.010 DEFINED; TITLE 9, CHAPTER 9.16, SECTION 9.16.030 OWNER OR PROPRIETOR OF PREMISES GUILTY OF MISDEMEANOR; TITLE 9, CHAPTER 9.16, SECTION 9.16.040 OPERATING SLOT MACHINES; TITLE 9, CHAPTER 9.20, SECTION 9.20.020 SALE TO DRUNKEN PERSON; TITLE 9, CHAPTER 9.20, SECTION 9.20.030 SUPPLYING TO MINORS; TITLE 9, CHAPTER 9.24, SECTION 9.24.040 PURCHASE OR POSSESSION OF TOBACCO OR NARCOTICS; TITLE 9, CHAPTER 9.28, SECTION 9.28.010 PROHIBITED; TITLE 9, CHAPTER 9.36, SECTION 9.36.040 SCAVENGING PROHIBITED; TITLE 9, CHAPTER 9.44, SECTION 9.44.010 MALICIOUS MISCHIEF; TITLE 9, CHAPTER 9.44, SECTION 9.44.020 CRIMINAL TRESPASS; TITLE 9, CHAPTER 9.44, SECTION 9.44.030 REMOVING GATES; TITLE 9, CHAPTER 9.44, SECTION 9.44.040 TRESPASS BY VEHICLE; TITLE 9, CHAPTER 9.44, SECTION 9.44.050 DEFINITIONS; GRAFFITI PROHIBITED; PENALTIES; TITLE 9, CHAPTER 9.44, SECTION 9.44.070 CITY PARKS; HOURS OF CLOSURE; TITLE 9, CHAPTER 9.48, SECTION 9.48.030 FALSE ALARMS; TITLE 9, CHAPTER 9.52, SECTION 9.52.010 REFUSING TO ASSIST OFFICERS; TITLE 9, CHAPTER 9.52, SECTION 9.52.020 IMPERSONATING AN OFFICER; TITLE 9, CHAPTER 9.52, SECTION 9.52.030 RESISTING AN OFFICER; TITLE 9, CHAPTER 9.52, SECTION 9.52.050 TAKING OR DESTROYING GOODS FROM OFFICER'S CUSTODY; TITLE 9, CHAPTER 9.56, SECTION 9.56.010 DEFINED; TITLE 9, CHAPTER 9.60, SECTION 9.60.020 DISCHARGING FIREARMS; TITLE 9, CHAPTER 9.60, SECTION 9.60.025 HUNTING; TITLE 9, CHAPTER 9.60, SECTION 9.60.040 THROWING MISSILES; TITLE 9, CHAPTER 9.64, SECTION 9.64.010 PROVISIONS OF THE UTAH CODE, ADDRESSING FIREWORKS, ADOPTED BY REFERENCE; TITLE 9, CHAPTER 9.81, SECTION 9.81.010 THEFT OF WATER SERVICES; TITLE 10, CHAPTER 10.04, SECTION 10.04.040 PENALTY FOR VIOLATIONS; TITLE 10, CHAPTER 10.16, SECTION 10.16.010 REQUIRED; TITLE 10, CHAPTER 10.16, SECTION 10.16.020 OBEDIENCE TO POLICE AND FIRE DEPARTMENT ORDERS REQUIRED; TITLE 10, CHAPTER 10.16, SECTION 10.16.045 LOW PROFILE MOTORIZED VEHICLE PROHIBITED ON PUBLIC PROPERTY; TITLE 10, CHAPTER 10.25, SECTION 10.25.100 NOTICE OF TRAFFIC CODE VIOLATIONS; RESPONSE REQUIRED; TITLE 10, CHAPTER 10.62, SECTION 10.62.010 PARKING DURING WINTER MONTHS; TITLE 10, CHAPTER 10.84, SECTION 10.84.030 PENALTY; TITLE 12, CHAPTER 12.04, SECTION 12.04.070 PROHIBITION OF JUNK DEALERS; TITLE 13, CHAPTER 13.16, SECTION 13.16.100 ENFORCEMENT, VIOLATION, AND PENALTIES; TITLE 16, CHAPTER 16.04, SECTION 16.04.050 VIOLATION DEEMED MISDEMEANOR; TITLE 18, CHAPTER 18.40, SECTION 18.40.060 VIOLATION; REMEDY; TITLE 18, CHAPTER 18.60, SECTION 18.60.010 VIOLATION DEEMED MISDEMEANOR; TITLE 19, CHAPTER 19.19, SECTION 19.19.030 INSPECTION; TITLE 19, CHAPTER 19.19.050 PENALTIES; TITLE 20, CHAPTER 20.02, SECTION 20.02.040 VIOLATION AND PENALTY; OTHER REMEDIES

WHEREAS, Layton City is a municipal corporation and body politic duly constituted under the laws of the State of Utah; and

WHEREAS, Utah Code § 10-7-67 authorizes Layton City to enforce its laws and ordinances by way of misdemeanor and infraction penalties; and

WHEREAS, Title 10, Chapter 8, of the Utah Code confers broad powers upon Layton City to create and enforce laws and ordinances in furtherance of the welfare of Layton City citizens, corporations, and businesses; and

WHEREAS, from time to time it becomes necessary to amend the punishments and penalties for violations of Layton City's laws and ordinances; and

WHEREAS, the State of Utah has recently amended many of its statutes and penalties necessitating a commensurate amendment to Layton City's laws and ordinances;

NOW THEREFORE, be it ordained by the Council of Layton City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "5.16.130 Off-Premise Beer Retailer License" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.16.130 Off-Premise Beer Retailer License

An off-premises beer retailer license may be issued to allow a licensee to sell beer on the licensed premises in original containers for consumption off the premises only, in accordance with state law and City ordinances.

1. An off-premise beer retailer shall not purchase, acquire, possess for the purpose of resale, or sell beer, except beer that the off-premise beer retailer lawfully purchases from a beer wholesaler licensee or a small brewer that manufactures the beer. A violation of this Section is punishable as provided by State law.
2. If an off-premise beer retailer purchases beer from a beer wholesaler licensee, the off-premise beer retailer shall purchase beer only from a beer wholesale licensee who is designated by the manufacturer to sell beer in the geographical area in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by the Department of Alcoholic Beverage Control (DABC) to sell to the off-premise beer retailer as provided in Section §13-301 of Utah Code Annotated (as amended). A violation of this Section is a class B misdemeanor.
3. All employees involved in the transaction of off-premises retail beer sales shall be required to possess and display a "Beer Handler's Permit" while on duty.

4. Staff of an off-premise beer retailer who directly supervise the sale of beer, or who sell beer to a patron for consumption off the premises shall wear a unique identification badge on the front of their clothing, visible above the waist, which bears the staff first and/or last name, initials, or other unique identifier. The identification badge shall be of sufficiently size to be clearly visible and identifiable while engaging in or directly supervising the retail sale of beer.
 - a. An off-premise beer retailer shall make and maintain a record of each staff member's current identification badge that includes the staff's full name, address, driver's license number or similar identification number.
 - b. An off-premise beer retailer shall make available a record required to be made or maintained under this Section for immediate inspection by a peace officer, or by the Community and Economic Development Director, or designee. The City may impose a fine of up to two hundred fifty dollars (\$250.00) against an off-premise beer retailer that does not comply or require its staff to comply with this Section.
5. Those businesses possessing an off-premise beer retailer license that are open twenty-four (24) hours a day shall have all public entrances and exits and the transaction or cashier area monitored by video camera and recorder from the hours of 11:00 p.m. to 5:00 a.m. Said cameras shall be programmed in such a manner that the date and time shall appear on the video tape or film when being viewed through a monitor. The recorded tapes shall be maintained by the business for a period of not less than seven (7) days from the day the recording ends. Said tapes shall be made available to the City for review and auditing purposes upon twenty-four (24) hours notice, absent exigent circumstances.
 - a. Any licensee may submit plans or proposals to the Chief of Police or designee to verify compliance with the intent of this Section. The objective of the review is to verify that people may be reasonably identifiable through the camera based on location, direction, and distance between the camera and monitored area. Any approval obtained through such a review is not a guarantee nor warranty of the effectiveness of the plan or approval but is only to determine whether the licensee's plan or proposal satisfies the intent hereof.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-18, Amended, 4/17/1997

SECTION 2: AMENDMENT "5.16.470 Penalty For Violation" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.16.470 Penalty For Violation

1. **General Provision.** A violation of this Chapter shall be a class B misdemeanor, unless otherwise provided herein as otherwise punishable under State law.
2. **Enhancement for Licensees.**
 - a. This subsection applies to any conviction of class B misdemeanors, or more serious classification of offenses, under this Chapter or similar state or county laws. It is specifically provided, that in case of a licensee's second conviction, within a twenty-four (24) month period, the minimum penalty prescribed shall be not less than three hundred dollars (\$300.00), and in case of a licensee's third or subsequent conviction under this Chapter within a twenty-four (24) month period, the minimum penalty shall be not less than six hundred dollars (\$600.00). For the purposes of this Chapter, the forfeiture of bail on a charge is deemed a prior conviction. This does not preclude the enforcement of any civil or administrative penalties applicable to said violations.
 - b. A licensee can reduce the time periods from twenty-four (24) months to twelve (12) months used to calculate second or subsequent convictions by implementing and conducting regular training for those employees involved in the transactions of alcoholic beverages. The training must be in the proper sales and handling of alcoholic beverages and must be in addition to the training set forth in this Chapter. The licensee must maintain a record of the subject matter of the training, the length thereof, and those in attendance. To qualify for the time period reduction, training sessions must occur once each six (6) months, with ninety percent (90%) attendance, and no employee missing two (2) consecutive sessions. Said training sessions should last a minimum of fifty (50) minutes each.
3. **Civil Penalties for Permittees.** Violations of this Chapter by a holder of a Beer Handler's Permit shall result in the following administrative sanctions in addition to any criminal penalties assessed:
 - a. First violation, fourteen (14) day suspension of permit;
 - b. Second violation within a twenty-four (24) month period, six (6) month suspension of permit;
 - c. Third violation within a forty-eight (48) month period, one (1) year suspension of permit; and
 - d. Fourth violation within a forty-eight (48) month period, permanent revocation of permit.
 - e. Any time period, during which a permit is suspended, shall be excluded when calculating the time period in determining the applicable enhancing civil penalty.
 - f. For purposes of this Chapter, a violation can be found either as the result of a criminal conviction or as the result of an administrative hearing under the licensing provisions of this Code.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 06-53, Amended, 11/2/2006 OrdNo. 1053, Amended, 8/24/1994 OrdNo. 97-18, Amended, 4/17/1997

SECTION 3: **AMENDMENT** "5.20.040 Violations" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.20.040 Violations

1. It is an Infraction to make a false statement in any application for a license authorized by this Chapter.
2. It is unlawful to engage in or cause to be published, displayed, announced, or distributed, any false advertising in connection with the sale of any distressed goods.
3. It is unlawful to commingle with any distressed goods, as set forth in any inventory filed with the application for a license as provided herein, any other goods which are not listed on the inventory; provided, however, that nothing contained herein shall prohibit the sale of distressed goods and other goods at the same time and at the same business establishment, so long as the distressed goods are segregated from such other goods in such a manner that the distressed goods can be clearly and readily distinguished by prospective purchasers.
4. No person seeking a license shall secure goods, wares, or merchandise prior to the application for a license, for the purpose of commingling such goods with distressed goods at a distressed goods sale and any extraordinary purchase or addition to stocks that is not normally made in the usual course of business within sixty (60) days prior to the application for a license shall be presumptive evidence that any such purchase or addition was made for the purpose of commingling at such sale.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-18, Amended, 4/17/1997

SECTION 4: **AMENDMENT** "5.30.120 Penalty" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.30.120 Penalty

In addition to the other penalties provided by law, any person violating the provisions of this Chapter shall be guilty of an Infraction. No seller shall be deemed to have substantially complied with these provisions if:

1. he or she fails to list all property proposed to be sold or exchanged; or
2. he or she fails to list the correct serial number or identifying marks of said property; or

3. he or she gives false information as to his or her identity or the property's identity even though such information is not specifically required by this Chapter.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 930, Enacted, 8/15/1991 OrdNo. 97-18, Amended, 4/17/1997

SECTION 5: AMENDMENT "5.32.180 Injunction; Penalty" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.32.180 Injunction; Penalty

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of this Code is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation. A violation of this Chapter is a class B misdemeanor and is punishable as such unless otherwise provided herein or by State law.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-67, Enacted, 12/4/1997

SECTION 6: AMENDMENT "6.24.080 Inspector; Powers And Duties" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

6.24.080 Inspector; Powers And Duties

The inspector is authorized and directed to inspect and examine real property situated within the municipality for the purpose of determining whether a nuisance exists, as described in Section 6.24.030, or the existence of other violations of this Title. All matters involving noxious weeds may be pursued in coordination with the Davis County Health Department. Nuisances involving noxious weeds may be pursued in coordination with Davis County Weed Control and/or the Utah State Department of Agriculture. A violation of this section shall be punishable as provided as in U.C.A § 76-8-301 (1953 as amended).

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-12, Amended, 3/20/1997

SECTION 7: AMENDMENT "6.24.180 Penalty" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

6.24.180 Penalty

1. Any person who is found guilty of violating any of the provisions of this chapter, , either by failing to do those acts required herein or by doing a prohibited act, is guilty of an Infraction unless otherwise providedherein, Bor as otherwise provided under State lawmisdemeanor .
2. Each day such violation is committed or permitted to continue shall constitute a separate violation.
3. The City Attorney may initiate legal action, civil or criminal, requested by the department to abate any condition that exists in violation of these rules and regulations.
4. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-12, Amended, 3/20/1997

SECTION 8: AMENDMENT "9.16.010 Defined" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.16.010 Defined

Every person who deals, plays, or carries on, opens or causes to be opened, or who conducts, either as owner or employee, whether for hire, or not, any game of faro, monte, roulette, or any game played with cards, dice, or any other device for money, checks, credit, or any other representative of value within the corporate limits of Layton, and every person who plays or bets at or against any of the prohibited games upon a first offense is guilty of a class B misdemeanor. However, any person who is convicted two or more times shall be punished as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997

SECTION 9: **AMENDMENT** "9.16.030 Owner Or Proprietor Of Premises Guilty Of Misdemeanor" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.16.030 Owner Or Proprietor Of Premises Guilty Of Misdemeanor

Every person who knowingly permits any of the games mentioned in Sections 9.16.010 and 9.16.020 to be played, conducted, or dealt in any house or place owned or rented by such person, in whole or in part, and any person who plays at or against any of the prohibited games is, upon first offense, guilty of a class B misdemeanor. However, any person who is convicted two or more times shall be punished as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 10: **AMENDMENT** "9.16.040 Operating Slot Machines" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.16.040 Operating Slot Machines

It is unlawful for any person to keep or operate, either as owner, agent, or employee, or allow to be kept, used, operated, or conducted, in said person's place of business or elsewhere, the device or instrument commonly known as a "slot machine" or "pinball machine," or any other similar device or instrument for gambling. A first offense under this section shall be punishable as a class B misdemeanor. Any subsequent offenses shall be punishable as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 11: **AMENDMENT** "9.20.020 Sale To Drunken Person" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.20.020 Sale To Drunken Person

It is unlawful for any person to sell or supply any alcoholic beverage or permit alcoholic beverages to be sold or supplied to any person under or apparently under the influence of an alcoholic beverage or other impairing substance. A violation of this section if committed recklessly is a class B misdemeanor; if committed knowingly is punishable as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 95-47, Amended, 7/20/1995

SECTION 12: **AMENDMENT** "9.20.030 Supplying To Minors" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.20.030 Supplying To Minors

It is unlawful for any person to sell, supply, or to induce, aid, or encourage the sale or supplying of any alcoholic beverage to any person under the age of twenty-one (21) years, and anyone doing so shall be in violation of this Chapter, but this shall not apply to the supplying of an alcoholic beverage to such person for medicinal purposes by the parent or guardian of such person or by a physician. A violation of this section if committed recklessly or negligently is a class B misdemeanor; if committed knowingly is punishable as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 95-47, Amended, 7/20/1995

SECTION 13: **AMENDMENT** "9.20.100 Penalty" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.20.100 Penalty

Unless otherwise provided, a violation of any provision of this Chapter shall constitute a class C misdemeanor and shall be punishable as such.

Ord. No. 97-35, Recodified, 6/19/1997

SECTION 14: **AMENDMENT** "9.24.030 Sale Of Tobacco Or Narcotics" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.24.030 Sale Of Tobacco Or Narcotics

It is unlawful for any person to sell, give, or furnish any cigar, cigarette, or tobacco in any form to any person under nineteen (19) years of age. A violation of this section is a class C misdemeanor upon a first offense and a class B misdemeanor upon a second offense. Any third or subsequent offenses shall be punishable as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 15: **AMENDMENT** "9.24.040 Purchase Or Possession Of Tobacco Or Narcotics" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.24.040 Purchase Or Possession Of Tobacco Or Narcotics

It is unlawful for any person under the age of nineteen (19) years to buy, accept, or have in his or her possession any cigar, cigarette, or tobacco in any form. A violation of this section is a class B misdemeanor. Any subsequent violations shall be punishable as provided by State law..

. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 16: **AMENDMENT** "9.28.010 Prohibited" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.28.010 Prohibited

It is unlawful for any person to pursue, or advertise in any manner, the person's vocation as a prostitute or engage in prostitution. A first violation of this section is a class B misdemeanor. Any subsequent violations shall be punishable as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 17: **AMENDMENT** "9.36.040 Scavenging Prohibited" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.36.040 Scavenging Prohibited

1. It shall be unlawful for any person to remove, sort through, or scavenge solid waste contained in a container or receptacle. A violation of this section is a class C misdemeanor.
2. This Section does not apply to:
 - a. Law enforcement officers engaged in investigation of any crime under federal, state, or local law.
 - b. Properly licensed providers under a contractual or legal obligation to collect solid waste.
 - c. The owner or authorized user of a container or receptacle or a person receiving permission from the owner or authorized user to sort through or remove the contents of a container or receptacle.
 - d. State licensed private investigators acting within the reasonable parameters of an investigation, which is within the scope of the investigator's authority.
3. No person, other than a designated provider, may place solid waste into a solid waste vehicle.
4. This ordinance shall not be deemed to create a private property right in any solid waste set out for collection by an owner, agent thereof, or authorized user of a solid waste receptacle.

Ord. No. 05-47, Enacted 11/3/2005

Ord. No. 09-05, Amended, 3/19/2009

SECTION 18: **AMENDMENT** "9.40.020 Vending Tickets Or Chances" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.40.020 Vending Tickets Or Chances

It is unlawful for any person to sell or give or in any manner whatever furnish or transfer to or for any other person any ticket, chance, share, or interest, or any paper, certificate, or instrument purporting or understood to be or to represent a chance, share, or interest in any lottery where the receipt or failure of receipt of any reward depends on the event thereof. Any violation of this chapter is a class B misdemeanor.

Ord. No. 97-35, Recodified, 6/19/1997

SECTION 19: AMENDMENT "9.44.010 Malicious Mischief" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.44.010 Malicious Mischief

It is unlawful for any person maliciously to injure or destroy any real or personal property not his own. Any violation of this section is a class B misdemeanor if the damage caused is valued at less than \$500.00. Any damage caused which is valued at greater than \$500.0 shall be punishable as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997

SECTION 20: AMENDMENT "9.44.020 Criminal Trespass" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.44.020 Criminal Trespass

1. For purposes of this Section "enter" means intrusion of the entire body.
2. A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Sections 76-6-202, 76-6-203, or 76-6-204 of the Utah Code (as amended).
 - a. The person enters or remains unlawfully on property and:
 - i. intends to cause annoyance or injury to any person thereon or damage to any property thereon;
 - ii. intends to commit any crime, other than theft or a felony; or
 - iii. is reckless as to whether the person's presence will cause fear for the safety of another.
 - b. Knowing the person's entry or presence is unlawful, the person enters or

remains on property as to which notice against entering is given by:

- i. personal communication to the actor by the owner or someone with apparent authority to act for the owner;
- ii. fencing or other enclosure obviously designed to exclude intruders; or
- iii. posting of signs reasonably likely to come to the attention of intruders.

3. It is a defense to prosecution under this Section:

- a. That the property was open to the public when the actor entered or remained; and
- b. The actor's conduct did not substantially interfere with the owner's use of the property.

4. Exception for building maintenance and repair.

- a. Whoever, being the owner of land abutting that of another, the building or buildings on which are so close to the land of such other person as to require an entry on said abutting land for the purpose of maintaining or repairing said building or buildings in order to prevent waste, shall not be deemed guilty of trespass or liable civilly for damages, provided that such entry is made:
 - i. expeditiously;
 - ii. exercising due care that no damage is caused by such entry to the land or buildings of said abutting owner;
 - iii. after having notified the police chief or designee that the owner has requested permission to enter on adjoining land from the owner or agent thereof for the purpose of maintaining or repairing a building or buildings and that such permission was refused and the owner's entry is for the purpose stated herein; and
 - iv. after having posted a bond with the City in the amount of One Thousand Dollars (\$1,000) to protect against any damage to the adjoining property by said entry.
- b. No person so entering on land of another shall store material or tools thereon for more than eight hours in any one day nor shall he continue to enter thereon for more than thirty days in the aggregate in any calendar year.
- c. After said entry, said owner shall in all respects restore said adjoining land to the condition in which it was prior to said entry.
- d. The purpose of the posting of a bond in (4)(a)(iv) above is to provide a defined resource for the adjoining property owner in case damages occur. If no demand is made on the bond within sixty (60) days of the completion of the repair or maintenance, the bond will be released to the posting entity. If a dispute regarding damages arises, the bond will be interpled, as the City is not party to any such action. The City is not liable for any conduct of any property owner acting or purporting to act under this code section. This code section does not create a legal relationship between the City and the subject property owners.

5. Criminal trespass is a Class B misdemeanor. If the offense is committed within a dwelling it shall be punishable as provided by State law. If the offense is committed in the common area of a condominium unit it is punishable as in infraction.

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 13-21, Amended, 6/20/2013

SECTION 21: **AMENDMENT** "9.44.030 Removing Gates" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.44.030 Removing Gates

It is unlawful for any person to remove any gate, sign, or any other property, whether public or private, from its location as fixed by a public official or by the owner thereof as the case may be. Any violation of this section is a class B misdemeanor if the damage caused is valued at less than \$500.00. Any damage caused which is valued at greater than \$500.00 shall be punishable as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 13-21, Amended, 6/20/2013

SECTION 22: **AMENDMENT** "9.44.040 Trespass By Vehicle" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.44.040 Trespass By Vehicle

It is unlawful for any person to drive any car, truck, or other motor vehicle across private property as a shortcut between two (2) streets or roads or between two (2) points on the same street or road without first obtaining the permission of the owner of the property. Any action for a violation of this section shall not be a bar to prosecution under other applicable law for any damage caused by the vehicle trespass.

Ord. No. 97-35, Recodified, 6/19/1997

SECTION 23: **AMENDMENT** "9.44.050 Definitions; Graffiti Prohibited; Penalties" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.44.050 Definitions; Graffiti Prohibited; Penalties

1. **Definitions.** For the purpose of this Chapter the following definitions apply:
 - a. **"Property"** as used herein shall mean all property, public and private, with or without apparent ownership, real and personal property, and anything temporarily or permanently affixed thereto or thereon, including but not limited to structures, plant life, signs, banners, etc.
 - b. **"Graffiti"** as used herein shall mean the painting, writing, drawing, application of stickers or logos of any material, or otherwise marking of any property without the express written consent of the true owner, or that is not otherwise allowed by ordinance, which defaces, detracts, or diminishes the value or reasonable appearance of the property. For purposes of Section 10-11-1 et seq., of the Utah Code (as amended), graffiti is deleterious and/or unsightly.
 - c. **"Gang"** as used herein shall mean a group or association which condones, encourages, facilitates, or promotes among its membership:
 - i. Unlawful activities;
 - ii. The establishment of alleged territorial areas beyond their own actual property ownership, wherein they intend to exclude those that otherwise may lawfully enter in or proceed through; or
 - iii. Divisiveness among other such groups, neighborhoods, races, colors, or nationalities.
 - d. **"Gang Graffiti"** as used herein shall mean, in addition to the definition for graffiti given herein, graffiti that identifies, indicates, infers, or communicates in any way that it was done by a gang or member thereof, is about a gang or member thereof, or is to a gang or member thereof. The criteria to be used in making such a determination may include, but is not limited to, content (whether words, names, letters, initials, signs, pictures, or symbols), style of writing, colors used, location of the graffiti and that location's history regarding graffiti, how it was placed in reference to existing graffiti or gang graffiti (such as overstriking other graffiti or in response to other graffiti or gang graffiti), absence of or overstriking of certain letters, or the absence of particular colors.
2. **Graffiti prohibited.** It is unlawful for any person to place, or assist, encourage, aid or participate, in the placement of, or cause to be placed, or be in attendance with others and acquiescing in the placement of graffiti upon any property.
3. **Penalties; Enhancement.**
 - a. Any violation of any provision of this chapter which causes, or is intended to cause a pecuniary loss of Three Hundred Dollars (\$300.00) or less shall be a class B misdemeanor and is punishable as such. Any violation which causes or is intended to cause a pecuniary loss of greater than Three Hundred Dollars (\$300.00) shall be punishable as provided by State law. Any person found guilty of violating this ordinance in addition to any restitution for cleanup and/or restoration from graffiti damage shall be punished as follows:
 - i. Upon a first conviction a minimum fine of Three Hundred Dollars (\$300.00) shall be imposed.

- ii. Upon a second conviction a minimum fine of Five Hundred Dollars (\$500.00) shall be imposed.
- iii. Upon a third conviction a minimum fine of Seven Hundred Dollars (\$700.00) shall be imposed.
- iv. Upon a fourth and subsequent conviction a minimum fine of Nine Hundred Dollars (\$900.00) shall be imposed.

Upon any of the foregoing convictions restitution shall be ordered in an amount sufficient to enable the victim or victims to restore the property to the condition as it existed prior to the violation. Any incarceration, probation, or other conditions of sentencing are left to the discretion of the sentencing court. It is recommended that for second and subsequent convictions the court weigh seriously the imposition of a jail sentence. It is also recommended that if the court, in its discretion, imposes any community service in lieu of a fine as penalty and/or a jail sentence, that said community service be assigned in the area of graffiti removal.

- b. **Gang enhancement provision.** The fines and penalties set forth in paragraph (3) of this Section shall be enhanced by an amount equal to twenty percent (20%) of the fine to otherwise be imposed under any one of the following criteria:
 - i. If the actor is shown, by clear and convincing evidence at a sentencing hearing, to be a member of a gang, to hold oneself out to be a member of a gang, or to purposely appear to be a member of the gang, regardless of whether the graffiti was gang graffiti; or
 - ii. If the graffiti, which formed the basis of the actor's conviction was shown, by clear and convincing evidence at a sentencing hearing, to be gang graffiti, regardless of whether the actor was associated with a gang.

4. Graffiti removal; Private property.

- a. Owners of property, structures, buildings, or natural features upon which graffiti has been placed shall remove the graffiti within five (5) calendar days after it was placed. If the owner of said structure fails to remove such graffiti within the required five (5) calendar days, owner shall be given written notice sent by certified mail that if not removed within five (5) days after notice, said graffiti may be removed by the City at the expense of the owner. The City shall do so at the expense of a property owner for the actual and reasonable costs of cleaning the graffiti, including labor.

- b. The owner may appeal the order requiring graffiti clean-up by filing an appeal with the City Manager or designee within five (5) days of the date of the order. The City Manager or designee may sustain, modify, or reverse the order based on evidence regarding the following criteria: history of graffiti being placed on the same location and the owner's timely removal thereof; the extent and frequency of graffiti incidents; owner's ability to bear the costs of removal; general upkeep of the property; and other related, articulated criteria.

After the time for appeal has expired and the property is cleaned by the City, if the owner fails to make payment to the City Treasurer within twenty (20) days of the date of billing, the City may either cause suit to be brought in an appropriate court of law, or certify the amount to the County Treasurer for inclusion in the tax notice of the property owner.

In the event collection of expenses of removal are pursued through the court, the City shall sue for and receive judgment for all expenses of removal, together with reasonable attorney's fees, interest, and court costs, and shall execute upon such judgment in the manner provided by law.

In the event that the City elects to certify the expenses of removal to the County Treasurer for inclusion in the tax notice of the property owner, an itemized statement of all expenses incurred in such removal shall be delivered to the County Treasurer within ten (10) days of the completion of the graffiti removal.

Ord. No. 97-35, Recodified, 6/19/1997

SECTION 24: AMENDMENT "9.44.070 City Parks; Hours Of Closure" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.44.070 City Parks; Hours Of Closure

1. All City parks, including driveways, parking lots, and sidewalks within park boundaries are closed from midnight to 4:30 a.m.
2. **Exceptions.** This Section does not apply to the following:
 - a. An individual or group that is involved in a City sponsored activity where a City employee or an agent of the City is present.
 - b. While traveling directly to or from a public safety facility with a legitimate and lawful purpose.
 - c. In any areas that may be designated for overnight camping, provided those camping possess a permit therefor.

- d. By written permit provided that the possessor of the permit strictly complies with the requirements therein.
3. **Permit Process.** The City Manager, or designated representative, may issue permits for late night or overnight stays in City parks based upon the following criteria:
- a. That the park contains the necessary facilities to provide for such activities without any detrimental affect on the park property.
 - b. That the purpose of the stay is consistent with the use and purpose of the park.
 - c. The proximity of the park property to residential uses and the reasonableness of the impact upon those residential uses.
 - d. If the specific park has been the location of criminal activity.
 - e. The size and makeup of the group in order to assess impact and ensure adult supervision. The minimum ratio of adult to minor shall be one (1) adult, twenty-one (21) years of age or more, for every four (4) persons under the age of eighteen (18) years.
 - f. A review of the applicant's summary of the activities planned or anticipated for the outing.
 - g. Other criteria that is reasonable and consistent with maintaining the consistent purpose and use of each parcel of public property.
4. **Penalties.** Any violation of the closure hours or the provisions of any permit issued shall constitute a criminal trespass under Layton Ordinance 9.44.020 and shall be punishable as such.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 25: **AMENDMENT** "9.48.030 False Alarms" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.48.030 False Alarms

It is unlawful, without cause, to give an alarm of fire by outcry, pulling or otherwise initiating an alarm, or by any other means. Any violation of this chapter is a class B misdemeanor if the damage caused is valued at less than \$500.00. Any damage caused which is valued at greater than \$500.00 shall be punishable as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 26: **REPEAL & REENACT** "9.52.010 Refusing To Assist Officers" of the Layton Municipal Code is hereby *repealed & reenacted* as follows:

REPEAL & REENACT

9.52.010 Refusing To Assist Officers

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 27: **AMENDMENT** "9.52.020 Impersonating An Officer" of the Layton Municipal Code is hereby *amended* as follows:

AMENDMENT

9.52.020 Impersonating An Officer

It is unlawful for any person to represent himself to be an officer of the law, or to attempt to impersonate such officer without authority, or to perform any official act for or in behalf of any such officer without authority. Any violation of this section is a class B misdemeanor.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 28: **AMENDMENT** "9.52.030 Resisting An Officer" of the Layton Municipal Code is hereby *amended* as follows:

AMENDMENT

9.52.030 Resisting An Officer

It is unlawful for any person to willfully resist, delay, or obstruct any public officer in the discharge or attempted discharge of the duties of that office, or to willfully fail to obey a lawful order of any such officer. Any violation of this section is a class B misdemeanor.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 29: **AMENDMENT** "9.52.050 Taking Or Destroying Goods From Officer's Custody" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.52.050 Taking Or Destroying Goods From Officer's Custody

It is unlawful for any person to willfully injure, destroy, take or attempt to take or assist any person in taking or attempting to take from the custody of any officer any property which such officer has in charge under any process of law. Any violation of this section is a class B misdemeanor.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 13-21, Amended, 6/20/2013

SECTION 30: **AMENDMENT** "9.56.010 Defined" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.56.010 Defined

Assault is an attempt, with unlawful force or violence to do bodily injury to another; a threat, accompanied by a show of immediate force or violence, to do bodily injury to another; or an act, committed with unlawful force or violence, that causes injury, not amounting to substantial bodily injury or serious bodily injury as defined by State law, to another or creates a substantial risk of bodily injury to another. Any violation of this section is a class B misdemeanor.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 936, Amended, 9/5/1991

SECTION 31: **AMENDMENT** "9.60.020 Discharging Firearms" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.60.020 Discharging Firearms

1. It is unlawful for any person to discharge any gun, rifle, or pistol within the City limits,

except:

- a. in self defense when legally allowed to do so;
 - b. by any peace officer in the discharge of his duty;
 - c. in the case of target shooting, if in a proper place and breastwork or battery for the protection of the citizens has been erected, and written approval of such structure has been given by the Police Chief;
 - d. in the case of shooting wild animals that have been secured or captured in a cage or other device, when the animal is discovered on property that is designated for agricultural use, at a location that is more than six hundred feet (600') from any building, where the shooting is not in a direction and distance that would endanger persons, property, or motorists and provided that the person discharging the firearm has received written approval to do so by the City's Police Department. For the purpose of this Subsection, "wild animals" shall have the same meaning as provided in Section 8.01.010 of the Layton Municipal Code. Authorization under this Subsection shall not exceed the limits of the written permission granted by the City's Police Department, nor does this authorization relieve any person for any damage or injury resulting from said shooting; and
 - e. in the case of the lawful slaughter of livestock in an area designated for agricultural use, for personal consumption, at a location that is more than six hundred feet (600') from any building, where the shooting is not in a direction and distance that would endanger persons, property, or motorists and provided that the person discharging the firearm has received written approval to do so by the City's Police Department.
2. Shotguns may be discharged if the discharge is not within six hundred feet (600') of a building and is not in such a direction and distance that it would endanger motorists, and as long as the shotguns are discharged only during a special hunt where written permission has been given by the appropriate state agency authorizing said hunting with shotguns. Any ammunition used herein shall be limited to pellet type, commonly referred to as "shot." The use of "slug" ammunition is prohibited. Any violation of this section is a class B misdemeanor.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 99-13, Amended, 2/18/1999 OrdNo. 07-35, Amended, 10/18/2007 OrdNo. 10-01, Amended, 6/3/2010 OrdNo. 863, Enacted, 3/7/1991

SECTION 32: AMENDMENT "9.60.025 Hunting" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.60.025 Hunting

1. It is unlawful for any person to engage in the act of hunting or to carry an uncased firearm in the open under conditions which may reasonably be construed as hunting in the area within the corporate limits of Layton City.
2. As used in this Section, "hunting" is the search for or pursuit of any wild game animal, bird, or mammal, with the purpose of capturing or killing or attempting to capture or kill the animal, regardless of whether such kill or capture is actually effected. "Hunting" shall not be construed to mean the pursuit of such game animals through the use of snares or animal traps or when the game is to be taken by falconry.
3. Nothing under this Chapter shall be construed so as to prevent the Department of Wildlife Resources (DWR) from controlling, maintaining, or otherwise managing wildlife within Layton City.
 - a. Persons having received written authorization from DWR to participate in a special management hunt within Layton City, shall:
 - i. not use any firearm while hunting;
 - ii. not discharge any arrow, missile, or other projectile within six hundred feet (600') from any building, across any roadway, or in a direction which may endanger persons or property. Any such discharge shall only be from an elevated structure, such as a hunter's tree stand, to ensure a downward trajectory of the projectile;
 - iii. be responsible for any injury or damage caused while participating in the hunt;
 - iv. notify the Police Department of the specific dates and times that the hunt will occur; and
 - v. comply with all DWR regulations, rules, and instructions, and comply with all other statutes and ordinances.
 - b. Subsection (a) shall not apply to DWR officers or other peace officers acting within the course and scope of their enforcement responsibilities. Any violation of this section is a class B misdemeanor.

Ord. No. 10-01, Enacted, 6/3/2010

Ord. No. 13-21, Amended, 6/20/2013

SECTION 33: **AMENDMENT** "9.60.040 Throwing Missiles" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.60.040 Throwing Missiles

It is unlawful for any person willfully or carelessly to throw or propel any stone, stick, or other missile or to shoot any weapon whereby any person may be hit or hurt or whereby any window may be broken or other property may be injured or destroyed. Any violation of this section is a class B misdemeanor. Any property damage shall be punishable as provided in Layton Ordinance 9.44.010. Any injury causes shall be punishable as provided in Layton Ordinance 9.56.010.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 10-01, Amended, 6/3/2010

SECTION 34: AMENDMENT "9.64.010 Provisions Of The Utah Code, Addressing Fireworks, Adopted By Reference" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.64.010 Provisions Of The Utah Code, Addressing Fireworks, Adopted By Reference

This Chapter 9.64 of the Layton Municipal Code includes, but is not limited to, sections of the Fire Prevention and Fireworks Act found in Part 2 of Chapter 7 of Title 53, and sections of the County and Municipal Fireworks Act found in Chapter 3 of Title 11 of the Utah Code (as amended), which sections are, by this reference, adopted as Layton City Ordinances. Each section of the Fire Prevention and Fireworks Act adopted by reference shall have a new section number as referenced and adopted herein. Any violation of this section is a class B misdemeanor.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 03-37, Amended, 9/4/2003

SECTION 35: AMENDMENT "9.81.010 Theft Of Water Services" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.81.010 Theft Of Water Services

It shall be unlawful for any person who owns, has possession or control of, or resides in or on any structure or property, to allow or permit the improper use of the City's water services to structure or property. The improper use of municipal services shall include, but not be limited to, the unauthorized tampering with or opening of a meter box, the unauthorized turning on of water service at the street valve, the turning on of water at the street valve after the City has turned the water off, the jumping of water service to avoid or circumvent the meter. For the purpose of this Section, tampering with or opening of a meter box is "unauthorized" unless express permission is obtained from the City by written permit or otherwise, or if there is an immediate threat of injury or damage to persons or property. A person shall be presumed to be the owner of a structure if their name appears on the most recent tax roles at the County Recorder's office. A person shall be deemed to be in control, custody, or residing in a structure or on property if they have the legal right, by lease, rental, or otherwise, to reside in or on the structure or property. A violation of this Section is a class B misdemeanor where any loss caused is less than \$500.00 in value, with each day constituting a separate violation until the violation ceases. Any violation which causes in excess of \$500.00 shall be punishable as provided by State law.

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 00-25, Enacted, 10/5/2000

SECTION 36: AMENDMENT "10.04.040 Penalty For Violations" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.04.040 Penalty For Violations

Any person violating any of the provisions of this Title 10 known as the City traffic code is guilty of an infraction, unless designated otherwise, and upon conviction shall be punishable as such.

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 04-11, Amended, 1/15/2004

SECTION 37: AMENDMENT "10.16.010 Required" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.16.010 Required

It is an infraction for any person to do any act forbidden or fail to perform any act required in this Title.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-11, Amended, 1/15/2004

SECTION 38: **AMENDMENT** "10.16.020 Obedience To Police And Fire Department Orders Required" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.16.020 Obedience To Police And Fire Department Orders Required

No person shall fail or refuse to comply with any lawful order or direction of an officer of the Police or Fire Department, in their capacity as such officer. Any violation of this section is a class B misdemeanor.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-11, Amended, 1/15/2004

SECTION 39: **AMENDMENT** "10.16.045 Low Profile Motorized Vehicle Prohibited On Public Property" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.16.045 Low Profile Motorized Vehicle Prohibited On Public Property

1. **Definitions.** For the purposes of this Section:

- a. "Low profile motorized vehicle" shall mean any motorized vehicle that:
 - i. is not regulated by the state or by any other City Code provision;
 - ii. is not otherwise permitted upon the highways or sidewalks; and
 - iii. is less than thirty-six inches (36") in height when in its normal operating position, notwithstanding any flag, antenna, or other device attached, or modifications made thereto.

This definition includes, but is not limited to, "**pocket bikes**" or miniature motorcycles, and "**go-carts**."

2. **Proscription.** It is unlawful for any person to operate a low profile motorized vehicle upon any public property within the City. It is unlawful for an adult, parent, or guardian to allow a minor to operate such a vehicle on public property within the City.

SECTION 40: **REPEAL & REENACT** "10.25.100 Notice Of Traffic Code Violations; Response Required" of the Layton Municipal Code is hereby *repealed & reenacted* as follows:

REPEAL & REENACT

10.25.100 Notice Of Traffic Code Violations; Response Required

1.
 - a.
 - b.
2.
 - a.
 - i.
 - ii.
 - iii.
 - iv.
 - b.
- 3.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-11, Amended, 1/15/2004 OrdNo. 95-41, Amended, 7/20/1995

SECTION 41: **AMENDMENT** "10.62.010 Parking During Winter Months" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.62.010 Parking During Winter Months

1. No person, who owns or has possession, control, or custody of any vehicle, shall park, or allow or permit another to park any such vehicle upon any public street between the hours of 1:00 a.m. and 6:00 a.m., during the months of December, January, and February.
2. During all times, other than those set forth in paragraph (1) above, no person, who owns or has possession, custody, or control of any vehicle, shall park, or allow or permit another to park any such vehicle upon any public street when the removal of snow from the streets is apparent or imminent, or when necessary, as determined by the City.

3. person convicted hereunder for the first time shall be assessed a fine not to exceed Ten Dollars (\$10.00), with any other sentence the court deems appropriate. The sentencing for any subsequent offense shall be within the discretion of the court.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-11, Amended, 1/15/2004 OrdNo. 98-59, Amended, 9/3/1998 OrdNo. 95-74, Amended, 11/2/1995 OrdNo. 96-12, Amended, 4/4/1996

SECTION 42: REPEAL & REENACT "10.84.030 Penalty" of the Layton Municipal Code is hereby *repealed & reenacted* as follows:

R E P E A L & R E E N A C T

10.84.030 Penalty

Ord. No. 97-35, Recodified, 6/19/1997

SECTION 43: AMENDMENT "12.04.070 Prohibition Of Junk Dealers" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.04.070 Prohibition Of Junk Dealers

No public way, roadway, street, sidewalk, trail, or other public property can be used by a Junk Dealer for acquiring, purchasing, or otherwise carrying on any transaction related to junk dealing as defined in Section 5.29.010 or Section 19.02.020 of the Layton Municipal Code. Violation of this Section shall be punishable as a class C misdemeanor upon a first offense. Offenses subsequent to a conviction under this section shall be punishable as provided by State law. The City may also, at its option, cause the removal of any vehicle, trailer, or materials from any public property and cause the person or entity in violation of this Section, to pay the cost of such removal.

Ord. No. 14-26, Enacted, 12/18/2014

SECTION 44: AMENDMENT “13.16.100 Enforcement, Violation, And Penalties” of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.16.100 Enforcement, Violation, And Penalties

1. **Stop-work order; Revocation of permit:** In the event that any person or any holder of a state issued Construction Storm Water Permit pursuant to this ordinance, violates the terms of the permit, any provision of this ordinance, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Public Works Department may issue a stop work order, such that no further work on the development shall be performed or approved.
2. **Violation and penalties:** In addition to the above, the City may avail itself of any of the following non-exclusive remedies to enforce this Chapter:
 - a. **Notice and order.** Whenever the Public Works Department finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Public Works Department may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
 - i. The performance of monitoring, analyses, and reporting;
 - ii. The elimination of illicit connections or discharges;
 - iii. That violating discharges, practices, or operations shall cease and desist;
 - iv. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - v. Payment of a fine to cover administrative and remediation costs;
 - vi. The implementation of source control or treatment BMPs; and
 - vii. The immediate removal of mud, dirt, or debris left by any vehicle on a street within the City that drains into the City's storm drain system.
 - b. **Nuisance abatement.** The violation of Subsection (2)(a)(vii) above, may also be declared and treated as a nuisance under Chapter 6.24, Weeds and Refuse, of the City Code and enforced by one of the City's Code Enforcement Officers. Each day of violation shall constitute a separate offense.
 - c. **Criminal penalties.** Any violation of the provisions of this Chapter shall be a class B misdemeanor upon a first offense. Any subsequent offense within two years of a previous offense may be punishable as provided by State law.
 - d. **Responsibility.** For the purpose of this Chapter, the following persons or entities shall be considered responsible for leaving mud, dirt, or debris on a street within the City:
 - i. **Driver.** The driver of the vehicle leaving the mud, dirt, or debris; and

- ii. **General Contractor.** The General Contractor or owner in charge of the job site from which the mud, dirt, or debris comes from.
- e. **Other Penalties and Remedies.**
 - i. **State penalties:** Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.
 - ii. **Other remedies:** In addition to the remedies listed above for a violation of this Chapter, the City shall have the right to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Chapter. The City shall have the right to have such measures installed or maintained by City personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work plus a twenty-five percent (25%) penalty charge. The City may assess said charges against the bond posted by the contractor and/or property owner.

Ord. No. 06-41, Enacted 9/21/2006
Ord. No. 08-30, Amended, 6/5/2008

SECTION 45: AMENDMENT "16.04.050 Violation Deemed Misdemeanor" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.04.050 Violation Deemed Misdemeanor

Unless otherwise provided, a violation of the provisions of this Title 16, the Fire Prevention Code or failure to comply therewith or failure to comply with a lawful order made thereunder, or constructing or building in violation of any detailed statement or specification or plan submitted and approved thereunder, or any certificate or permit issued thereunder shall be a class B misdemeanor and shall be punishable as such. Each separate violation or noncompliance shall be a separate offense, and any defect or violation requiring correction or remedy which is not corrected or remedied within ten (10) days shall be a separate offense.

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 98-60, Amended, 12/3/1998

SECTION 46: AMENDMENT “18.40.060 Violation; Remedy” of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.40.060 Violation; Remedy

. Any building permit granted without compliance with the requirements of this Chapter may be revoked. As an additional remedy for enforcement the Building Official is empowered to seek an injunction to compel compliance with the provisions of this Chapter.

Ord. No. 97-35, Recodified, 6/19/1997

SECTION 47: REPEAL & REENACT “18.60.010 Violation Deemed Misdemeanor” of the Layton Municipal Code is hereby *repealed & reenacted* as follows:

R E P E A L & R E E N A C T

18.60.010 Violation Deemed Misdemeanor

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 05-32, Amended, 8/18/2005

SECTION 48: AMENDMENT “19.19.030 Inspection” of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.19.030 Inspection

1. The Planning Director is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of the zoning ordinance; provided, however, that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification, or repair of any building or structure.

2. The Planning Director or any employee of Layton City who is authorized to represent the City shall have the right to enter any building for the purpose of determining the use thereof or to enter the premise for the purpose of determining compliance with the provisions of this Title, provided that such right of entry shall be exercised only at a reasonable hour and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.
3. A violation of this section is a class B misdemeanor.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-19, Enacted, 4/17/1997 OrdNo. 04-69, Recodified, 12/16/2004

SECTION 49: AMENDMENT “19.19.050 Penalties” of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.19.050 Penalties

Any person, firm, or corporation, whether as principal agent, employed or otherwise, violating, causing, or permitting the violation of any of the provisions of this Title shall be guilty of a offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 04-69, Recodified, 12/16/2004

SECTION 50: AMENDMENT “20.02.040 Violation And Penalty; Other Remedies” of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

20.02.040 Violation And Penalty; Other Remedies

1. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing, or permitting the violation of the provisions of this Title shall be guilty of a class B misdemeanor and shall be punishable as provided by law. Such person, firm, or corporation who violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm, or corporation.
2. In addition to the fines and penalties set forth in paragraph (1), the City is hereby authorized to exercise the following additional remedies, jointly or severally:
 - a. **Notice of correction.** A City enforcement officer may prepare and serve notice of a violation of this Title, requiring compliance within fourteen (14) days of the date of the notice. The notice shall describe the sign, specify the violation(s), and inform the recipient that if the violation(s) is/are not remedied, the sign may be removed at the responsible party's cost. The notice shall also inform the recipient that if the recipient disagrees with the enforcement officer regarding the violation, the recipient may appeal the enforcement officer's determination to the Director of the Community and Economic Development Department. Said appeal must be in writing and received by the Director of the Community and Economic Development Department within the fourteen (14) day period. Notice of violations are deemed to have been given when notice is mailed or given to the property owner of record or occupant of the property upon which the sign is located. Notice to the property owner shall be mailed to the owner of the property on which the sign is located, as shown on the last assessment roll. If known, the notice may also be mailed or delivered to the owner of the sign.
 - b. **Removal.** A sign in violation of this Title may be removed by the City:
 - i. Pursuant to a court order issued in conjunction with an enforcement action, either civil or criminal;
 - ii. At the conclusion of the fourteen (14) day period set forth hereinabove, provided no appeal has been filed;
 - iii. Immediately in situations where the sign is in such a condition or location so as to constitute an imminent threat to the health, safety, welfare, or property of the citizenry; and/or
 - iv. Immediately where the sign is located upon public property and is not permitted to be so located.
 - c. **Civil enforcement.** The City may initiate a civil action in the District Court seeking compliance and other available remedies.
3. **Costs.** The City is hereby authorized to recover its expenditures for the enforcement of this Title, pursuant to any available method, including but not limited to, restitution pursuant to a criminal prosecution, civil penalties, statutory nuisance abatement processes, etc. Any challenges to those costs shall be made pursuant to the applicable process.
4. **Disposal of signs.** Within two (2) business days after a sign comes into the possession of the City, the enforcement officer shall use reasonable means to provide notice to the owner of the sign or agent thereof. Said notice will state that the sign must be retrieved from the City within five (5) business days of the date of the notice.

- a. If the sign is not retrieved within that time period, the sign becomes the property of the City and may be disposed of at the City's discretion. Any costs for removal and storage may be recovered from said owner or agent.
- b. If the sign is retrieved within that time period, the person retrieving said sign shall demonstrate ownership and shall pay costs of removal and storage before receiving the sign. If said person disagrees with the assessed costs, said person may, after paying the costs and retrieving the sign, file an appeal. Said appeal must be in writing and submitted to the office of the City Manager within five (5) business days of retrieving the sign and paying the costs. The City Manager will hear the matter or designate a hearing officer. The sole issue on appeal is the reasonableness of the assessed costs.

Ord. No. 97-35, Recodified, 6/19/1997
 Ord. No. 05-46, Amended, 11/3/2005

SECTION 51: REPEALER CLAUSE If any provision of Layton City's ordinance that is deemed to be inconsistent with this amendment it is hereby repealed.

SECTION 52: SEVERABILITY CLAUSE If any part of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining language shall remain in full force and effect.

SECTION 53: EFFECTIVE DATE This ordinance amendment shall become effective immediately upon posting.

PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL

June 6, 2019

	AYE	NAY	ABSENT	ABSTAIN
Joyce Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bruce Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joy Petro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Day	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Carter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presiding Officer

Scott Freitag
 Scott Freitag, Mayor, Layton City



Attest

Kimberly Read
 Kimberly Read, City Recorder, Layton City