

ORDINANCE NO. 7-1-14 O

**AN ORDINANCE AMENDING KANAB CITY GENERAL ORDINANCE SECTIONS
11-321, 11-327, 13-200.01.210, 13-310, 13-365**

WHEREAS, Kanab City has previously adopted Sections 11-321, 11-327, 13-200.01.210, 13-310, and 13-365 of the Revised Ordinances of the City of Kanab;

WHEREAS, parts of those sections have become outdated, require clarification or corrections, and/or need revision to facilitate prosecution and enforcement in the Kane County Justice Court and Sixth District Court;

WHEREAS, Section 11-321 currently adopts portions of Utah State Code, referencing traffic violations that have penalties considered criminal in nature, and also duplicates the language currently contained in Section 13-310;

WHEREAS, the Kanab City Council desires to delete the repetitive language in Section 11-321, adopt selected portions of the Utah State Code that relate to both traffic and criminal law violations in Section 13-310 of the Revised Ordinances of Kanab City (for ease of prosecution under one ordinance), and merely reference Section 13-310 in Section 11-321;

WHEREAS, Section 11-327 somewhat duplicates the offense found in Utah Code Ann. § 53-3-227, to be adopted by this ordinance in Section 13-310 of Revised Ordinances of Kanab City;

WHEREAS, Section 13-200.01.210 of the Revised Ordinances of Kanab City provides a minimum fine for the second and subsequent offense of the crime outlined in that section, but not for a first offense;

WHEREAS, the Kanab City Council desires Section 13-200.01.210 of the Revised Ordinances of Kanab City to identify a fine amount for a first offense and subsequent offenses, and to be consistent with Section 13-200.01.060(E);

WHEREAS, the Kanab City Council desires to correct and amend portions of Section 13-310 of the Revised Ordinances of Kanab City that currently adopts several Titles of Utah State Code, some of which have become outdated, or amended by the Utah Legislature;

WHEREAS, the Kanab City Council desires to adopt additional Titles of the Utah State Code, Utah Administrative Code, and Federal Motor Carrier Safety Regulations that reference criminal and traffic violations, in order for those violations to be enforced and prosecuted under the jurisdictional authority of the Kanab City Prosecutor in the Kane County Justice Court and the Sixth District Court;

NOW, THEREFORE, BE IT ORDAINED by the Kanab City Council that the Kanab City General Ordinance is hereby amended as reflected in the attached Sections 11 and 13, with underlining signifying additions and strike through signifying deletions.

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

PASSED AND ORDERED this ____ day of, _____ 2014.

KANAB CITY

MAYOR

ATTEST:

RECORDER

KANAB

General Ordinances

Section 11: TRANSPORTATION, STREETS AND PUBLIC WAYS

Section 11-100	Airports and Aircraft
Section 11-110	Aircraft
Section 11-111	Definitions
Section 11-112	Aircraft Owned by the Government, or Licensed by Foreign Governments
Section 11-113	Minimum Height Limits For Aircraft
Section 11-114	Operators of Aircraft to Be Licensed
Section 11-115	Operation of Aircraft to Be Subject To Air Traffic Rules of Federal Civil Aeronautics Administration
Section 11-116	Acrobatic flying Prohibited
Section 11-117	Landing At Other Than Established Airport Prohibited
Section 11-118	Lights or Night Operation of Aircraft
Section 11-119	Noise by Aircraft Operation
Section 11-120	Dropping Objects from Aircraft Prohibited
Section 11-121	Permits Required For Exhibition Flights, Carrying of Banners, Districution of Circular, Loud Speaking Devices, and Carrying of Explosives
Section 11-130	Airport
Section 11-131	Airport Established
Section 11-132	Penalty
Section 11-200	Reserved
Section 11-300	Streets and Public Ways
Section 11-310	Superintendent Of Streets
Section 11-311	Superintendent Of Streets
Section 11-312	Powers and Duties of Street Department
Section 11-313	Construction and Maintenance Zone Safety
Section 11-320	Street-Traffic Control
Section 11-321	Traffic Code
Section 11-322	Definitions Contained In Code
Section 11-323	Prima Facie Speed-Posted Streets
Section 11-324	Angle Parking
Section 11-325	Through Streets-Stop And Yield Intersections
Section 11-326	Designation of Streets and Intersection To Be Posted
Section 11-327	Driving While License Suspended or Revoked
Section 11-330	Animals on Streets

General Ordinances

Section 11: TRANSPORTATION, STREETS AND PUBLIC WAYS

- A. ~~ADOPTION OF TRAFFIC RULES AND REGULATIONS -- See Section 13-310. The provisions of Titles 72 and 41 which define offenses which are Class B or Class C Misdemeanors or Infractions and definitional or supporting sections contained in the Utah Criminal and Traffic Code -- Current Edition, as compiled, prepared and published as a code in book form for the Utah Department of Public Safety, by LexisNexis. And the provisions of the Code of Federal Regulation -- Current Edition, Title 49, parts 40, 325, and 355-399 of the Federal Motor Carrier Safety Regulation, which define offense which are Class B or C Misdemeanors or Infractions and definitional or supporting sections contained in Code of Federal Regulations, Current Edition, three copies of which have been filed for use and examination by the public in the office of the City Recorder, hereby is approved and adopted as the Traffic Code of this municipality, as modified by ordinances of this municipality.~~
- B. ~~PENALTIES~~
- ~~1. Violations shall be punished as provided therein.~~

~~13-310 CRIMINAL CODE~~

- A. ~~ADOPTION OF CRIMINAL CODE. The provisions of Titles 26, 30, 31A, 32A, 53, 54, 58, 59, 63, 67, 73, 76, 77, and 78 which define offenses which are Class B or Class C Misdemeanors, or Infractions, and definitional or supporting sections as contained in the Utah Criminal and Traffic Code Current Edition, which is published as a Code in book form for the Utah Department of Public Safety, by LexisNexis, three copies of which have been filed for use and examination by the public in the office of the City Recorder, hereby is approved and adopted as the Criminal Code of this municipality, as modified by ordinances of this municipality.~~
- B. ~~PENALTIES:~~
- ~~1. Violations shall be punished as provided for therein.~~

General Ordinances

Section 11: TRANSPORTATION, STREETS AND PUBLIC WAYS

When appropriate traffic control or regulatory signs are posted at entrances to intersections identifying them as stop or yield entrances, such streets are hereby declared to be stop entrances and yield entrances as designated by said signs.

Section 11-326 Designation of Streets And Intersection To Be Posted

The governing body shall designate the places at which appropriate traffic control devices or regulatory signs shall be placed relating to maximum speed limits, angle parking, through streets, stop and yield intersections and other regulations governing traffic.

~~Section 11-327 Driving While License Suspended or Revoked~~

~~A. A person whose license or privilege to drive in any state has been suspended or revoked, and who operates any motor vehicle within the municipality while that license or privilege is suspended or revoked is guilty of a class B misdemeanor.~~

~~B. A person whose license or privilege to drive in any state has been suspended or revoked as a result of a conviction involving~~

~~(i) a refusal to submit to a chemical test;~~

~~(ii) a DUI (in violation of U.C.A. 41-6a-502 et seq. or comparable statutes of other states;~~

~~(iii) automobile homicide alcohol related;~~

~~(iv) a criminal prohibition that the person plead guilty as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances under this section; or~~

~~(v) whose revocation or suspension has been extended under U.C.A. 53-3-227, and who operates any motor vehicle upon within the municipality while that license or privilege is suspended or revoked is guilty of a class B misdemeanor.~~

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-200.01.200 Threatening Passers-By

It shall be unlawful for any animal to threaten a passer-by by nipping, chasing, jumping upon, or attacking. The owner or custodian of such animal shall be guilty of a Class C misdemeanor.

Section 13-200.01.210 Penalties

Unless otherwise specifically provided, every person whose animal violates any provision of this Section is guilty of a Class C misdemeanor. In addition to any other penalty authorized by law and unless otherwise specified, a person found guilty of violating Section 13 shall pay a fine of at least one hundred and fifty dollars for the ~~second~~first occurrence and at least three hundred dollars for each additional occurrence within a 12-month period.

Section 13-200.02.010 Licensing

A person owning a dog within the City limits shall license the dog pursuant to the following provisions:

A. Licensing, Fees, and Registration.

1. It is unlawful for any person to own, keep or harbor a dog over the age of three months within the limits of this City without licensing the dog with Kanab City and paying to the City an annual registration fee.
2. A late fee shall be imposed unless a new license is acquired before the expiration of the current license. Licenses for the following year may be purchased within ninety (90) days before the expiration date.
3. All licenses and late fees required by this Section shall be in the amounts established by City Council resolution.

General Ordinances

Section 13: POLICE AND PUBLIC OFFENSES

- A. ADOPTION OF CRIMINAL AND TRAFFIC CODE - The provisions of the Utah State Code, Titles 13, 23 (including the applicable sections of the Utah Administrative Code, enacted by the Utah Department of Wildlife), 24, 26, 30, 31A, 32BA, 41, 53, 53A, 53B, 54, 58, 59, 63, 72, 73, 76, 77, and 78, and the Federal Motor Carrier Safety Regulations (the specific sections adopted by Utah Code, Title 72), any of which as may hereafter be amended from time to time, which define offenses which are Class A, B, or Class C Misdemeanors, or Infractions, and definitions, procedural, or supporting sections as contained in the Utah Criminal and Traffic Code are —1996 Edition, which is published as a Code book form for the Utah Department of Public Safety, by the Michie Company, three copies of which have been filed for use and examination by the public in the office of the City Recorder, hereby is approved and adopted as the Criminal and Traffic Code of this municipality, as may modified by ordinances of this municipality.
- B. Penalties: Each criminal or traffic offense outlined or adopted herein shall be of the same misdemeanor or infraction offense level as outlined in Utah State Code, Utah Administrative Code, and the Federal Motor Carrier Safety Regulations, unless otherwise specified herein. The fine or bail amount for each offense shall be the same as that outlined in Utah State Code or the current version of the Utah Uniform Fine/Bail Schedule, unless otherwise specified herein.
1. Any violation of Section 32A-12-209 shall be punished as a class C Misdemeanor, with no minimum mandatory fine.
 2. Violations of all other provisions shall be punished as provided for therein.

Section 13-311 Off-Highway Vehicle Act

- A. Adoption of Off-Highway Vehicle Act. Section 22 of Title 41 of the Utah Code Annotated 1953, as it applies to all off-highway vehicles other than snowmobiles shall constitute the Kanab City Ordinance as

General Ordinances

Section 13: POLICE AND PUBLIC OFFENSES

merchandise, display rack or other material or enclosure at all times when a customer is present on the premises.

- B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Section 13-364 Loitering, Exterior Lighting, Visibility, and Monitoring Requirements

- A. The operator of a sexually-oriented business shall have the duty to:
1. post conspicuous signs stating that no loitering is permitted on the premises;
 2. designate one (1) or more employees to monitor the activities of persons on the premises by visually inspecting the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitors; and
 3. provide lighting of the exterior portion of the premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously whenever the premises are open for business. Such monitors shall be installed within an operator's station.
- B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.
- C. No sexually-oriented business licensee or other person shall erect a fence, wall, or other barrier which prevents any portion of a parking lot for employees or customers of the business from being visible from a public right of way.

Section 13-365 Penalties and Enforcement

- A. A person who knowingly violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of ~~any~~ any of the provisions of this Section shall be guilty of a Class "B" misdemeanor.

Section 13: POLICE AND PUBLIC OFFENSES

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General Ordinances

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