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**Mayor**  
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Mike Engstrom  
Bill Wangsgard

**Town Clerk/Recorder**  
Gail Ahlstrom

**Treasurer**  
Linda Laws

**Attorney**  
r Morris

**HUNTSVILLE TOWN  
ORDINANCE 2016-04-07**

**GENERAL PENALTIES**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, ADOPTING TITLE 20 OF THE HUNTSVILLE TOWN CODE PRESCRIBING FINES AND PENALTIES FOR CODE VIOLATIONS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Huntsville Town (hereafter referred to as "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §10-3-703 states that the "... governing body of each municipality may impose a criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Section 76-3-301 or by a term of imprisonment up to six months, or by both the fine and term of imprisonment."

**WHEREAS**, the Town desires to implement a schedule of general penalties as requested by the justice court;

**NOW, THEREFORE**, be it ordained by the Town Council of Huntsville Town as follows:

**Section 1: Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Adoption.** Title 20 entitled "General Penalties" is hereby adopted to read as follows:

**Title 20  
General Penalties**

**Sections:**

- 20.1. **General Provisions.**
- 20.2. **Title 1 Animal Regulations Violations.**
- 20.3. **Title 2 Nuisance Violations.**
- 20.4. **Violations of Title 3 Building Codes, Title 4 Building Land Use Permit, and Title 13 Fire Code.**
- 20.5. **Title 5 Business License Violations.**
- 20.6. **Title 8 Usage of Town Property Violations.**
- 20.7. **Title 9 Garbage and Title 10 Culinary Water Violations.**
- 20.8. **Title 11 Cemetery Violations.**
- 20.9. **Title 12 Parking and Overnight Camping Violations.**
- 20.10. **Title 14 Traffic Code Violations and Violation of Toll Road.**
- 20.11. **Title 15 Land Use Violations.**
- 20.12. **Title 16 Streets and Rights of Way Violations.**

**20.13. Title 17 Excavation Violations.**

**20.14. Title 41 Off-Highway Vehicle Laws and Rule Violations.**

**20.1. General Provisions.**

The fines and penalties prescribed herein are applicable in absences of a specific fine or penalties being otherwise provided in the applicable code. The violations and penalties of this Title along with any fine are prescribed for violations of the town code as determined by an authorized city official and are for use by the justice court in assigning penalties and fines in cases in the justice court. All criminal fines prescribed herein have an equivalent civil fine in the same amount as the criminal fine. Civil fines are independent, and may be in addition to, any criminal fine. Fines and penalties are not exclusive remedies.

**20.2. Title 1 Animal Regulations Violations.**

All violations of the animal regulations in Title 1 shall be a class C misdemeanor with a fine not to exceed \$250.00 per violation.

**20.3. Title 2 Nuisance Violations.**

All violations of the nuisance regulations in Title 2 shall be a class B misdemeanor with a fine not to exceed \$1,000.00 per violation.

**20.4. Violations of Title 3 Building Codes, Title 4 Building Land Use Permit, and Title 13 Fire Code.**

All violations of the regulations in Title 3, 4, and 13 shall be a class B misdemeanor with a fine not to exceed \$1,000.00 per violation.

**20.5. Title 5 Business License Violations.**

All violations of the business license regulations in Title 5 shall be a class B misdemeanor with a fine not to exceed \$500.00 per violation.

**20.6. Title 8 Usage of Town Property Violations.**

Violations of Title 8 relating to damage or abuse of town property and related violations shall be a class B misdemeanor with a fine not to exceed \$500.00 per violation.

**20.7. Title 9 Garbage and Title 10 Culinary Water Violations**

Theft of any city services, including but not limited to garbage or water services, is governed by Utah Code §76-6-409 for "theft of services." Any other violation of this chapter. Is a class c misdemeanor and punishable by a fine not to exceed \$500.00 per violation.

**20.8. Title 11 Cemetery Violations.**

Violations of Title 11 relating to damage or abuse of the town cemetery and related violations shall be a class B misdemeanor with a fine not to exceed \$1,500.00 per violation.

**20.9. Title 12 Parking and Overnight Camping Violations.**

Parking and camping violations shall be an infraction punishable by a fine not to exceed \$100.00.

**20.10. Title 14 Traffic Code Violations and Violation of Toll Road.**

All traffic violations are governed by Utah Code and the corresponding Bail Schedule adopted by the Administrative Office of the Courts. Any traffic violation not governed by the Utah Code shall be an infraction punishable by a fine not to exceed \$100.00. Violations of the toll road shall be an infraction

punishable by a fine not to exceed \$25.00. In accordance with Utah Code §10-3-703 not impose a civil penalty and adjudication for the violation of a municipal moving traffic ordinance.

**20.11. Title 15 Land Use Violations.**

All violations of the land use regulations in Title 15 shall be a class B misdemeanor with a fine not to exceed \$1,000.00 per violation.

**20.12. Title 16 Streets and Rights of Way Violations.**

All violations of the streets and rights-of-way regulations in Title 16 shall be a class C misdemeanor with a fine not to exceed \$250.00 per violation.

**20.13. Title 17 Excavation Violations.**

All violations of the excavation regulations in Title 17 shall be a class B misdemeanor with a fine not to exceed \$1,000.00 per violation.

**20.14. Title 41 Off-Highway Vehicle Laws and Rule Violations.**

Off-highway vehicle violations shall be an infraction punishable by a fine not to exceed \$50.00.

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance shall be effective immediately upon posting or publication after final passage.

PASSED AND ADOPTED by the Town Council on this 7th day of April, 2016.

JIM TRUETT, Mayor

ATTEST

GAIL ALSTROM, Town Clerk



RECORDED this 7th day of April, 2016.

POSTED this 8th day of April, 2016.

**CERTIFICATE OF PASSAGE AND POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the Town Recorder of Huntsville Town, hereby certify that foregoing Ordinance was duly passed and posted at:

1) Huntsville Post Office, 2) Huntsville Town Hall, and 3) www.huntsvilletown.com, on the above referenced date.

GAIL ALSTROM, Town Clerk

DATE: 4/11/16