

**ESCALANTE CITY
ORDINANCE 2023-05**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE NO.1.12.020
DEFINITIONS, AND PROVIDING REPEALER WITHIN THE CITY OF
ESCALANTE, STATE OF UTAH.**

WHEREAS, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to amend the following Ordinance; and

WHEREAS, The City Council and Mayor wish to amend such an Ordinance.

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

SECTION 1: **AMENDMENT** “1.12.020 Definitions - Administration” of the Escalante Municipal Code is hereby *amended* as follows:

AMENDMENT

1.12.020 Definitions - Administration

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

BUSINESS: Includes any trade, profession, calling, activity, operation or enterprise for which a license or permit is required by any ordinance of the city.

CITY: The city of Escalante City, Garfield County, Utah.

CITY COUNCIL: Unless otherwise indicated, the city council of Escalante City, Utah.

CITY RECORDER: The individual appointed to act as the city recorder of the city.

CODE: The city code of Escalante City, Utah.

COUNTY: Garfield County, Utah.

EMPLOYEES: Whenever reference is made in this code to a city employee by title only, this shall be construed as though followed by the words "of Escalante City".

FEE: A sum of money charged by the city for the carrying on of a business, profession or

occupation.

GENDER: A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.

HIGHWAY; ROAD: Includes public bridges, and may be equivalent to the words "county way", "county road", "common road", and "state road".

LICENSE: The permission granted for the carrying on of a business, profession or occupation. The term "license" includes any certificate, permit or license issued by the city.

LOCATION: Whenever any act, conduct or offense is prohibited or required and no reference is made to location, unless the context specifically indicates otherwise, the act, conduct or offense prohibited or required shall be within the boundaries of this city.

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the city, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the city. otherwise, the act, conduct or offense prohibited or required shall be within the boundaries of this city.

OCCUPANT OR TENANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

OFFICERS OR OFFICIALS: Any elected or appointed person employed by the city, unless the context clearly indicates otherwise. Whenever reference is made in this code to a city officer or official by title only, this shall be construed as though followed by the words "of Escalante City".

OPERATOR: The person who is in charge of any operation, business or profession.

OWNER: As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights 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.

PROPERTY: Includes both real and personal property.

REASONABLE TIME: In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall

be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

STATE: The state of Utah.

STREET: Includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks and intersections.

STOCK WATERING OR "STOCK WATER": The use of water for consumption by domesticated animals and wild animals held in captivity as pets or for profit.

TENANT OR OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

TIME COMPUTED: The time within which an act is to be done as provided in any ordinance or in any resolution or order of the city, when expressed in days, shall be determined by excluding the first day and including the last day, except if the last day be a Sunday or a legal holiday, then the last day shall be the day next following such Sunday or legal holiday which is not a Sunday or legal holiday. When time is expressed in hours, Sunday and all legal holidays shall be excluded.

WEEK: Shall be construed to mean any (7) day period.

WHOLESALE: The terms "wholesaler" and "wholesale dealer", as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL FEBRUARY 21, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Chad Lyman	_____	_____	<u> X </u>	_____
Councilmember Dan'l Lindsay	<u> X </u>	_____	_____	_____
Councilmember Marlene Stowe	<u> X </u>	_____	_____	_____
Councilmember Guy Graham	<u> X </u>	_____	_____	_____
Councilmember Lenza Wilson	<u> X </u>	_____	_____	_____

Presiding Officer

Attest



Melani Torgersen, Mayor, Escalante City



Stephanie Steed, MMC, City Recorder, Escalante City

