

***TOQUERVILLE CITY
ORDINANCE 2025.XX***

**AN ORDINANCE AMENDING AND RESTATING TITLE 10, CHAPTER 5 OF THE
TOQUERVILLE CITY CODE TO CLARIFY PENALTIES FOR LAND USE
VIOLATIONS**

RECITALS

WHEREAS, Toquerville City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah and, as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries, with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2); and

WHEREAS, the Toquerville City Council (“City Council”), as the legislative body of the City, is authorized under Utah Code Ann. § 10-9a-501 to enact and amend land use regulations to protect the health, safety, and welfare of the community; and

WHEREAS, the City Council recognizes the need to clarify and update the City’s penalty provisions for land use violations to ensure effective enforcement of the City’s regulations;

WHEREAS, the City Council has determined that amending Toquerville City Code Title 10 Chapter 5 is in the best interest of the City and its residents;

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, Utah as follows:

**TITLE 10, CHAPTER 5, SECTION 4 OF THE TOQUERVILLE CITY CODE IS
HEREBY AMENDED AS FOLLOWS:**

10-5-4: PENALTY:

Any person, firm or corporation, as principal, agent, employee or otherwise, violating, causing or permitting violation of the provisions of this Title shall be guilty of a class B misdemeanor, as per 1-4-1 of this Code. In addition, the City may bring an action to enjoin the continuation of the violation. Each day a violation continues shall be considered a separate violation and offense. (Ord. 2012.04, 1-18-2012; amd. 2014 Code; Ord. 2024.06, 5-2-2024)

1. **REPEALER.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period this Ordinance remains effective. This Repeater shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

2. **SEVERABILITY.** Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction

to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

3. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this ____ day of ____ 2025, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder