

ORDINANCE NO. 2022-02

AN ORDINANCE ADOPTING STATE LAW PROCEDURES, REQUIREMENTS, AND STANDARDS, INCLUDING FOR CRIMINAL ACTIONS AND PENALTIES

WHEREAS Lake Point is a newly incorporated municipality and had not yet adopted ordinances, codes, or a general plan to regulate and govern activity within municipal boundaries;

WHEREAS the Lake Point City Council desires to adopt applicable standards and regulations under Utah State law until at such time as the Council is able to adopt more specific standards for Lake Point;

WHEREAS the Lake Point City Council finds that it is in the public interest to adopt state standards for building and construction codes, criminal matters, and other matters;

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1. The definitions and standards of the Utah Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a of the Utah Code, are adopted.

Section 2. The Utah State Construction and Fire Codes, as set forth in Title 15A of the Utah Code, are adopted as the Lake Point construction and fire codes.

Section 3. The Utah Criminal Code, as set forth in Title 76 of the Utah Code, is adopted as the Lake Point criminal code, subject to the following:

- a. Where a citation, information, or complaint is issued under the Utah Criminal Code, as adopted by this section it shall be sufficient to use the section number of the Utah Code to designate the section number of the city code which has been violated.
- b. Those portions of the Utah Criminal Code, as adopted herein, referring to or dealing with felonies, or punishments associated with felonies, and those portions of the Utah Criminal Code, as adopted herein, referring to or dealing with class A misdemeanors, which are not subject to enforcement by the city, along with such other matters as can apply only to the State of Utah and cannot reasonably apply to Lake Point, are specifically excepted and are not part of this code.
- c. Where required, for violations that include the possibility of imprisonment, Lake Point shall provide for indigent defense services, as defined and required by Utah Code §§ 78B-22-301 and 78B-22-102.

Section 4. Lake Point hereby adopts all other generally applicable Utah State law requirements and regulations not inconsistent with any ordinance or other enactment of Lake Point.

Section 5. Penalties for Violation:

- a. Except as otherwise provided herein, the criminal penalty for any violation of Lake Point ordinance shall be a fine not to exceed the maximum class B misdemeanor fine under the Utah Criminal Code.

- b. Where the Utah Criminal Code imposes a criminal penalty of a class C misdemeanor or an infraction, Lake Point shall impose the same penalty.
- c. For violations pertaining to an individual's pet, as defined in Utah Code § 4-12-102, or an individual's use of the individual's residence, the violation shall be an infraction, unless the violation is a nuisance as defined in Utah Code § 78B-6-1101 and threatens the health, safety, or welfare of the individual or an identifiable third party.

Section 6. This Ordinance, and the codes and standards adopted herein, shall remain in effect until Lake Point can adopt city-specific codes and standards.

Section 7. This Ordinance shall take effect immediately upon publication.

PASSED, APPROVED, AND ADOPTED on the 7th day of December, 2022

Lake Point

By _____
Chair

ATTEST:

City Recorder

SEAL

Voting:

Daniel Crawford	Yea ☒	Nay ☐	Absent ☐
Doyle Garrard	Yea ☒	Nay ☐	Absent ☐
Jonathan Garrard	Yea ☒	Nay ☐	Absent ☐
Kathleen VonHatten	Yea ☒	Nay ☐	Absent ☐
Ryan Zumwalt	Yea ☒	Nay ☐	Absent ☐