

## Title 1

### GENERAL PROVISIONS

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#### Chapter 1.01

### CODE ADOPTION

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- 1.01.080 Constitutionality.

#### 1.01.010 Adoption

There is hereby adopted the Grand County Code, as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 339 § 1, 2000)

#### 1.01.020 Title--Citation--Reference.

This code shall be known as the Grand County Code and it shall be sufficient to refer to said code as the Grand County Code in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Grand County Code. References may be made to the titles, chapters, sections and subsections of the Grand County Code and such references shall apply to those titles, chapters, sections or subsections as they appear in the code. (Ord. 339 § 2, 2000)

#### 1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the Grand County Code or to any portion thereof, or to any ordinance of the county Grand, Utah, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 339 § 3, 2000)

1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 339 § 4, 2000)

1.01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 339 § 5, 2000)

1.01.060 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance No. 329, passed March 6, 2000.

The following ordinances, passed subsequent to Ordinance 329, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances 330, 331, 332, 332-A, 333, 334, 335, 336, 337, 338. (Ord. 339 § 6, 2000)

1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 339 § 7, 2000)

1.01.080 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. 339 § 8, 2000)

Chapter

1.04

GENERAL PROVISIONS

Sections:

1.04.010 Definitions.

1.04.020 Interpretation of language.

1.04.030 Grammatical interpretation.

1.04.040 Acts by agents.

1.04.050 Prohibited acts include causing and permitting.

1.04.060 Computation of time.

1.04.070 Construction.

1.04.080 Repeal shall not revive any ordinances.

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of Grand County, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“Council” means the council of Grand County. “All its members” or “all council members” means the total number of council members holding office.

“County” means the county of Grand.

“Law” denotes applicable federal law, the Constitution and statutes of the state of Utah, the ordinances of the county and when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Must” and “shall” are each mandatory.

“Oath” includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

“Owner,” applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

“Person” means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Personal property” means and includes money, goods, chattels, things in action and evidences of debt.

“Preceding” and “following” mean next before and next after, respectively.

“Property” means and includes real and personal property.

“Real property” means and includes lands, tenements and hereditaments.

“Sidewalk” means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

“State” means the state of Utah.

“Street” means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

“Tenant” and “occupant,” applied to a building or land, mean and include any person who occupies the whole or a part of such building or land, whether alone or with others.

“Written” means and includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

“Year” means a calendar year. (Ord. 325 § 1, 2000)

1.04.020 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 325 § 2, 2000)

1.04.030 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the county unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 325 § 3, 2000)

1.04.040 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 325 § 4, 2000)

1.04.050 Prohibited acts include causing and permitting.

Whenever in the ordinances of the county any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 325 § 5, 2000)

1.04.060 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday in which case it shall also be excluded. (Ord. 325 § 6, 2000)

1.04.070 Construction.

The provisions of the ordinances of the county, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 325 § 7, 2000)

1.04.080 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 325 § 8, 2000)

## Chapter 1.08

### PRECINCTS

#### Sections:

- 1.08.010 Designated.
- 1.08.020 Board of Education precincts--Reapportioned.
- 1.08.030 Nonresident status.

#### 1.08.010 Designated.

Under the provisions of Title 20, Chapter 5, Section 303, Utah Code Annotated, 1953 as amended, the board of Grand County council declares the ordinance codified in this section is adopted for the purpose of changing the election precincts of Grand County and describing the boundaries of each.

Grand County shall be divided into eleven election precincts, each precinct to be numbered and described as follows:

##### 1. Election Precinct No. 1:

Beginning at a point on the Grand-San Juan County Line; which is South of Jackson Street, thence Westerly with the county Line to a point South of the intersection of Kane Creek Drive with U.S. Hiway 191, thence North to said intersection of Kane Creek Drive and Hwy 191, thence Northwest-erly along Kane Creek Drive to a point South of 100 West Street, thence North to the intersection of 100 West and 200 North Street, thence Easterly with 200 North Street to the intersection of 200 North Street and 400 East Street, thence Southerly with 400 East Street to the intersection of 400 East Street and Hwy 191 thence crossing said Hwy and continuing South on Jackson Street to the end of Jackson Street thence South to the point of beginning.

##### 2. Election Precinct No. 2:

Beginning at the intersection of Spanish Valley Drive and the Grand-San Juan County line and proceeding thence Northwesterly with Spanish Valley Drive to Mill Creek Drive, thence Northwest-erly with Millcreek Drive to the centerline of Mill Creek, thence Easterly with the centerline of Mill Creek to the East line of Section 7, T26S, R22E, thence North to the North line of Township 26 South at the NW Corner, Section 5, T26S, R22E, thence East with the North line of Township 26 South to the Utah-Colorado state line, thence South with the state line to the Grand-San Juan County line, thence West with the county to the point of beginning.

##### 3. Election Precinct No. 3:

Beginning at a point on the Grand-San Juan line at the left bank of the Colorado River, said point is in Section 31, T26S, R21E, S.L.M., proceeding thence Northeasterly with the left bank of the Colo-rado River to its intersection with the West line of Section 2, T26S, R21E, S.L.M., thence with said line North to the Northwest Corner said Section 2, thence Easterly along the Section line to the inter-

section of 500 West and 400 North Streets, thence South to a point on the West line of Section 36, T26S, R21E, S.L.M. on the Grand-San Juan County line, thence with the County line Westerly to the point of beginning.

4. Election Precinct No. 4:

Beginning at the intersection of 400 East Street and 200 North Street, Moab Townsite, Grand County, Utah, said beginning point being a point on the East Line of Range 21 East, SLM, proceeding thence Westerly along 200 North Street to 100 West Street, Moab Townsite; thence North along said 100 West Street to 400 North Street, Moab Townsite, thence West along the South line of Township 25 South, Salt Lake Base Line (400 North Street extended) to the left bank of the Colorado River, thence upstream with said river bank to the East Line, Township 25 South, Range 21 East, SLB&M, thence south along the East line of Range 21 East, SLM, to the point of beginning. Also: Beginning at the intersection of the left bank of the Colorado River and the Grand-San Juan County line, thence Westerly with said county line to the Grand-Emery County line, thence Northerly with said County line to the North line of Township 25 South, thence Easterly with said Township line to the East line of Township 25 South, Range 21 East, thence Southerly with said Range line to the left bank of the Colorado River, thence downstream with said bank to the point of beginning.

5. Election Precinct No. 5:

Beginning at the Northwest Corner, Section 6, Township 25 South, Range 22 East, SLB&M, Grand County, Utah proceeding thence East along the North Line of Township 25 South, Salt Lake Base Line to the East Line of Section 6, Township 25 South, Range 22 East, SLB&M; thence South along the East Line of the West Tier of sections in Township 25 South, Range 22 East to the Southeast Corner, Section 31; thence West along the South Line of said Section 31 to the Northeast Corner, Section 6, Township 26 South, Range 22 East, SLB&M, thence south along the East Line of the West Tier of Sections in Township 26 South, Range 22 East to its intersection with the South Main Channel of Mill Creek; thence Northwesterly along said channel to its intersection with Mill Creek Drive; thence Northwesterly along Millcreek Drive to its intersection with West Line of Range 22 East, SLM (400 East Street); thence North along said Range Line to the point of beginning.

6. Election District No. 6:

The area of Grand County lying East of the West line of Range 18E, South of the Grand-Uintah County line, West of the Utah-Colorado state line and North of the South line of Township 24 South as far East as the Colorado River, and North of the Colorado River as far North as the South line of Township 22 South, and North of the South line of Township 22 South.

7. Election Precinct No. 7:

The area of Grand County lying East of the Grand-Emery County line, South of the Grand-Uintah County line, North of the South line of Township 24 South and West of the East line of Range 17 East.

8. Election Precinct No. 8:

Beginning at the Northwest Corner, Section 5, Township 25 South, Range 22 East, SLB&M and proceeding thence East with the North line of said Section 5 to the right bank of the Colorado River, thence Northeasterly with said river bank to the North line of Township 23 South, Range 24 East at the North line of Section 5, Township 23 South, Range 24 East, thence Easterly with North line of Township 23 South to the Utah-Colorado state line, thence Southerly with said state line to the South line of Township 25 South, thence Westerly with said Township line to the Southeast Corner, Section 31, Township 25 South, Range 22 East, thence Northerly with the East line of the West Tier of Sections in Township 25 South, Range 22 East, to the point of beginning.

9. Election Precinct No. 9:

Beginning at a point on the Grand-San Juan County Line; which is South of the intersection of Mill Creek Drive and Hwy 191 and proceeding thence Westerly with the County Line to a point South of Jackson street thence North to Jackson Street thence continuing North on Jackson street to Hwy 191 thence continuing North on 400 East Street to the intersection of 400 East Street with Mill Creek Drive thence southeasterly along Mill Creek Drive to the intersection of U.S. Hwy 191 and Mill Creek Drive thence South to the point of beginning.

10. Election Precinct No. 10:

Beginning at the intersection of Kane Creek Blvd. and 500 West Street and proceeding thence Northerly with 500 West Street to 400 North Street, thence Easterly with 400 North Street to 100 West Street, thence Southerly with 100 West Street extended to its intersection with Kane Creek Blvd., thence Southeasterly with Kane Creek Blvd. to its intersection with U.S. Hwy 191, thence South to a point on the Grand-San Juan County line in Section 36, T26S, R21E, S.L.M., thence Westerly with the County line to a point on the West line of Section 36, T26S, R21E, S.L.M., thence Northerly to the point of beginning.

11. Election Precinct No. 11:

Beginning at a point on the Grand-San Juan County line at its intersection with Spanish Valley Drive in Section 36, Township 26 South, Range 22 East, SLBM and proceeding thence Westerly with County line to a point South of the intersection of Mill Creek Drive and Hiway 191, thence Northwesterly with Mill Creek Drive to its intersection with Spanish Valley Drive, thence Southeasterly with Spanish Valley Drive to the point of beginning.  
(Ord. 354 § 2, 2003: Ord. 302 §§ 1, 2, 1999)

1.08.020 Board of Education precincts--Reapportioned.

Pursuant to Title 20A, Chapter 14, Section 201, Utah Code Annotated, 1953, as amended, the following reapportionment is adopted as required by law.

That Board of Education Precinct No. 1 is Election Precinct Nos. 1 and 9.

That Board of Education Precinct No. 2 is Election Precinct No. 4.

That Board of Education Precinct No. 3 is Election Precinct Nos. 5 and 11.

That Board of Education Precinct No. 4 is Election Precinct Nos. 2, 6, 7, 8.

That Board of Education Precinct No. 5 is Election Precinct Nos. 3 and 10. (Ord. 303, 1999)

1.08.030 Nonresident status.

Should any member of the Board of Education become a nonresident by reason of redistricting the boundary lines of any representative precinct, then such member shall retain his or her membership on the Board of Education during the term for which he or she was elected. (Ord. 108 § 3, 1969)

Chapter

1.12

RIGHT OF ENTRY FOR INSPECTION

Sections:

1.12.010 Authority.

1.12.020 Consent by owner required when.

1.12.030 Failure to consent to entry.

1.12.010 Authority.

Whenever any officer or employee of the county is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance, the officer or employee may enter such building or premises at all reasonable times to inspect the same; provided, that the officer or employee shall effect entry in the manner provided in Section 1.12.020, or this chapter, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained. (Ord. 323 § 1, 2000)

1.12.020 Consent by owner required when.

If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the officer or employee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to secure entry. (Ord. 323 § 2, 2000)

1.12.030 Failure to consent to entry.

This chapter shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provides

differently by an express reference to this chapter. Notwithstanding any other ordinance of this county, whether heretofore or hereafter adopted, it shall not be a violation of this chapter to refuse or fail to consent to an entry for inspection. (Ord. 323 § 3, 2000)

Chapter

1.16

GENERAL PENALTY

Sections:

1.16.010 Violation--Penalty.

1.16.010 Violation--Penalty.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the county shall be guilty of an infraction unless the violation is made a misdemeanor by ordinance.

B. Except in cases where a different punishment is prescribed by any ordinance of the county, any person convicted of a misdemeanor for violation of an ordinance of the county is punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

C. Any person convicted of an infraction for violation of an ordinance of the county is punishable by a penalty of not more than seven hundred fifty dollars (\$750.00).

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the county is committed, continued or permitted by any such person, and such person shall be punishable accordingly. (Ord. 324 § 1, 2000)