

**Enterprise Municipal Code  
Title 1 – General Provisions  
Chapters 1-01 to 1-20**

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**TITLE 1  
GENERAL PROVISIONS**

**Chapters:**

- 1-01 Code Adoption
- 1-04 General Provisions
- 1-08 City Seal
- 1-12 Ordinances
- 1-16 General Penalty
- 1-20 Ordinance Officer

**Chapter 1-01  
CODE ADAPTATION  
(RESERVED)**

**Chapter 1-04  
GENERAL PROVISIONS**

**Sections:**

- 1-04-010 Constitutional and statutory provisions adopted.
- 1-04-020 Definitions--Rules of construction.
- 1-04-030 Waiver not implied
- 1-04-040 Intent to defraud.
- 1-04-050 Titles of sections.
- 1-04-060 Constitutionality.

**1-04-010 CONSTITUTIONAL AND STATUTORY PROVISIONS ADOPTED.**

The provisions of the Constitution and Statutes of the state of Utah relative to cities of the third class are declared to have the same force and effect as if the provisions thereof had been specially ordained. (Ord. 88-7-27R (part), 1988: prior code §315)

**1-04-020 DEFINITIONS--RULES OF CONSTRUCTION.**

In the construction of these ordinances and all ordinances amendatory thereof the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context of the ordinance.

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- A. The singular number includes the plural.
- B. Words used in the present tense include the future.
- C. Words used in the masculine gender comprehend, as well, the feminine and neuter.
- D. When any time is specified in this code, it means standard time, as distinguished from solar time, and the word "midnight" or "noon" shall be taken to be midnight or noon, standard time.
- E. Words prohibiting anything being done except in accordance with a license or permit or authority from a board or officer shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.
- F. As used in this code, the following words and terms shall have the meanings set out in this subsection:
- "Bribe"** signifies any goods, money, right in action, property, thing of value, or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence unlawfully the person to whom it is given in his action, vote, or opinion in the public or official capacity.
- "Corruptly"** imports a wrongful desire to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to or to some other person.
- "Highway"** and **"road"** include public bridges, and may be held equivalent to **"county highway," "county road," "common road"** and **"state road."**
- "Knowingly"** imports only a knowledge that the facts exist which brings the act of omission within the provision of this code. It does not require any knowledge of the unlawfulness of such an act or omission.
- "Land," "real estate"** and **"real property"** includes lands, tenements, hereditaments, water rights, possessory rights, and claims.
- "Malice"** and **"maliciously"** import a wish to vex, annoy, or injure another person, or intent to do a wrongful act established either by proof or by presumption of law.
- "Month"** means a calendar month, unless otherwise expressed, and **"year"** or the abbreviation **"A.D."** is equivalent to the expression **"year of our Lord."**
- "Neglect," "negligence," "negligent"** and **"negligently"** import a want of such intention to the nature or probable consequence of the act or commission as a prudent man ordinarily bestows in acting in his own concerns.
- "Oath"** includes **"affirmation"** and the word **"swear"** includes **"affirm."** Every mode of oral statement under oath or affirmation is embraced in the term **"testify,"** and every written one in the term **"depose."**
- "Officer"** includes officers and boards in charge of departments and members of such boards.
- "Owner,"** applied to buildings or land, includes any part owner, joint owner, tenant in common, and joint tenant or lessee of the whole or of a part of such building or land.
- "Person"** includes bodies politic and corporate, partnerships, associations, and companies.
- "Personal property"** includes every description of money, goods, chattels, effects, evidence of right in actions and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defected, discharged, or diminished, and every right or interest therein.
- "Property"** includes both real and personal property.
- "Signature"** includes any name, mark or sign written with the intent to authenticate any instrument or writing.
- "Street"** includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.

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**"Tenant"** or **"occupant,"** applied to a building or land, includes any person who occupies the whole or any part of such building, or land either alone or with others.

**"Willfully"** when applied to the intent, with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate the law, or to injure another, or to acquire any advantage.

**"Writing"** includes printing, writing, and typewriting. (Ord. 88-7-27R (part), 1988: prior code §310)

**1-04-030 WAIVER NOT IMPLIED.**

The omission to specify or enumerate in this code those provisions of the general law applicable to all cities shall not be construed as a waiver of the benefits of any or all such provisions. (Ord. 88-7-27R (part), 1988: prior code §309)

**1-04-040 INTENT TO DEFRAUD.**

Whenever by any of the provisions of this code intent to defraud is required in order to constitute any offense, it is sufficient if any intent appears to defraud any person, association or body politic, or corporate whatever. (Ord. 88-7-27R (part), 1988: prior code §314)

**1-04-050 TITLES OF SECTIONS.**

The title of any section or subsection of this code shall be deemed to in no wise restrict or qualify, or to limit the effect of the provisions set forth and contained in such section or subsection. (Ord. 88-7-27R (part), 1988: prior code §311)

**1-04-060 CONSTITUTIONALITY.**

Should any section, subsection or portion of this code, or of any ordinance which may be hereafter passed, approved and published as required by law, be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portions of such section, subsection, part or portion of this code. (Ord. 88-7-27R (part), 1988: prior code §312)

**Chapter 1-08**  
**CITY SEAL**

**Sections:**

1-08-010 Description.

**1-08-010 DESCRIPTION.**

The seal to be provided and used by and for the City is described as follows: Circular in form, one and eleven-sixteenths inches in diameter, and the inscription "City of Enterprise, Utah", and two stars in the margin, is declared to be and shall hereafter be the corporate seal of the City. (Prior code §577)

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**Chapter 1-12  
ORDINANCES**

**Sections:**

1-12-010 Enacting clause.

**1-12-010 ENACTING CLAUSE.**

The enacting clause of all ordinances of the City, hereafter passed, shall be in the following form: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, UTAH." (Ord. 88-7-27R (part), 1988: prior code §313)

**Chapter 1-16  
GENERAL PENALTY**

**Sections:**

1-16-010 Violation--Penalty.

**1-16-010 VIOLATION--PENALTY.**

Whenever no other penalty is prescribed, any person convicted of violating any provision of any ordinance included in this code, or ordinances hereafter enacted, shall be punished by a fine in any sum less than one thousand dollars, or by imprisonment in the City jail for a period not longer than six months, or by both such fine and imprisonment, according to UCA 10-3-703. (Ord. 88-7-27R (part), 1988: prior code §316)

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**Chapter 1-20  
ORDINANCE OFFICER**

**Sections:**

- 1-20-010 Established.
- 1-20-020 Failure to enforce ordinances.
- 1-20-030 Building inspector designated.
- 1-20-040 Penalties.

**1-20-010 ESTABLISHED.**

An ordinance officer, who is entrusted with the administration and enforcement of the ordinances in whole or in part, shall be designated by the City council of the City of Enterprise. (Res. 17.72 1994 §1)

**1-20-020 FAILURE TO ENFORCE ORDINANCES.**

Failure to enforce these ordinances shall not legalize any violations of such provisions. (Res. 17.72 1994 §2)

**1-20-030 BUILDING INSPECTOR DESIGNATED.**

The building inspector shall be authorized to be the ordinance officer and shall enforce all provisions, entering actions in court if necessary. (Res. 17.72 1994 §3)

**1-20-040 PENALTIES.**

Penalties shall as established in the ordinances and rules of civil procedure shall be substantially followed. (Res. 17.72 1994 §4)