

ORDINANCE NO. 2023-09

AN ORDINANCE ADOPTING PROVISIONS OF THE UTAH CODE, INCLUDING THE UTAH CRIMINAL CODE, THE MOTOR VEHICLE INSURANCE PROVISIONS, THE MOTOR VEHICLE ACT, THE UNIFORM DRIVER LICENSE ACT, THE TRAFFIC RULES AND REGULATIONS, THE PUBLICLY OWNED MOTOR VEHICLE PROVISIONS, THE DRIVING BY MINORS PROVISIONS, THE FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OWNERS AND OPERATORS ACT, THE VINTAGE VEHICLE PROVISIONS, THE OFF-HIGHWAY VEHICLE PROVISIONS, THE UTAH CODE OF CRIMINAL PROCEDURE, THE ALCOHOLIC BEVERAGE CONTROL ACT, THE UTAH CONTROLLED SUBSTANCES ACT, THE UTAH DRUG PARAPHERNALIA ACT, AND THE UTAH IMITATION CONTROLLED SUBSTANCES ACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of LaVerkin City desires and deems it to be in the best interests of the City and its residents, business, and guests, to have its laws and procedures, particularly those incorporated by reference in prior years, to be and remain current and consistent with State law as to offenses and their elements, procedures associated with their investigation and prosecution, and penalties and fines pertaining to such offenses; and

WHEREAS, the City Council of LaVerkin City desires and deems it to be in the best interests of the City, and its residents, businesses, and guests, to adopt certain provisions of the *Utah Code*, including the *Utah Criminal Code*, the *Motor Vehicle Insurance provisions*, the *Motor Vehicle Act*, the *Uniform Driver License Act*, the *Traffic Rules and Regulations*, the *Publicly Owned Motor Vehicle provisions*, the *Driving by Minors provisions*, the *Financial Responsibility of Motor Vehicle Owners and Operators Act*, the *Vintage Vehicle provisions*, the *Off-Highway Vehicle provisions*, the *Utah Code of Criminal Procedure*, the *Alcoholic Beverage Control Act*, the *Utah Controlled Substances Act*, the *Utah Drug Paraphernalia Act*, and the *Utah Imitation Controlled Substances Act*; and

WHEREAS, in 2023, the Utah State Legislature made various amendments to such laws, and it is imperative that City law enforcement and prosecutorial personnel be aware and cognizant of, understand and apply, accurately cite or charge concerning, and otherwise act or proceed in accordance with the current and applicable law, procedure, and enforcement of the State of Utah, as enacted by the Utah State Legislature.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH:

SECTION I: Section 5-2-1 of the *LaVerkin City Code* is hereby amended to read as follows:

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SECTION 5-2-1. ADOPTION OF STATE CODES AND PROVISIONS.

A. Codes or Provisions Adopted.

1. Criminal Code. Subject to the provisions of subsections B and C hereof, the *Utah Criminal Code*, as contained in Title 76 of *Utah Code Annotated* (1953, as amended in and through 2023), is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as a part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to the *Utah Criminal Code* does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of the *Utah Criminal Code*.
2. Code of Criminal Procedure. Subject to the provisions of subsections B and C hereof, Title 77 of *Utah Code Annotated* (1953, as amended in and through 2023), titled the *Utah Code of Criminal Procedure*, and Sections 78A-6-1001 through 78A-6-1003 of *Utah Code Annotated* (1953, as amended in and through 2023) are hereby adopted and incorporated as part of the *LaVerkin City Code* and incorporated as part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to said title and/or sections does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such legislative addition, change, and/or amendment.
3. Provisions of the Human Services Code. Subject to the provisions of subsections B and C hereof, Chapters 3, 4a, and 5b of Title 62A of *Utah Code Annotated* (1953, as amended in and through 2023), titled the *Human Services Code*, are hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to said portion of the *Human Services Code* does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of the *Human Services Code*.
4. Provisions of the Health Code. Subject to the provisions of subsections B and C hereof, Chapter 8a of Title 26 of *Utah Code Annotated* (1953, as amended in and through 2023), titled the *Utah Emergency Medical Services System Act*, are hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to the *Utah Emergency Medical Services System Act* does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of the *Utah Emergency Medical Services System Act*.

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5. Public Education. Subject to the provisions of subsections B and C hereof, Part 5 of Chapter 3 of Title 53A of *Utah Code Annotated* (1953, as amended in and through 2023), relating to offenses committed on school property, is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to said portion of Title 53A does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of Title 53A.
6. Controlled Substances. Subject to the provisions of subsections B and C hereof, the *Utah Controlled Substances Act*, as contained in Chapter 37 of Title 58, *Utah Code Annotated* (1953, as amended in and through 2023), is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as a part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to the *Utah Controlled Substances Act* does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of the *Utah Controlled Substances Act*.
7. Drug Paraphernalia. Subject to the provisions of subsections B and C hereof, the *Utah Drug Paraphernalia Act*, as contained in Chapter 37a of Title 58, *Utah Code Annotated* (1953, as amended in and through 2023), is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as a part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to said portion of the *Utah Drug Paraphernalia Act* does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of the *Utah Drug Paraphernalia Act*.
8. Imitation Controlled Substances. Subject to the provisions of subsections B and C hereof, the *Utah Imitation Controlled Substances Act*, as contained in Chapter 37b of Title 58, *Utah Code Annotated* (1953, as amended in and through 2023), is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as a part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to said portion of the *Utah Imitation Controlled Substances Act* does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of the *Utah Imitation Controlled Substances Act*.

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9. Wildlife Resources Code. Subject to the provisions of subsections B and C hereof, the *Wildlife Resources Code of Utah*, as contained in Title 23, *Utah Code Annotated* (1953, as amended in and through 2023), is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as a part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to said portion of the *Wildlife Resources Code of Utah* does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of the *Wildlife Resources Code of Utah*.
 10. Pawnshop and Secondhand Merchandise Transaction Information Act. Subject to the provisions of subsections B and C hereof, the *Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act*, as contained in Chapter 32a of Title 13, *Utah Code Annotated* (1953, as amended in and through 2023), is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as a part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to said portion of the *Pawnshop and Secondhand Merchandise Transaction Information Act* does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of the *Pawnshop and Secondhand Merchandise Transaction Information Act*.
- B. Those portions of the State codes and/or provisions, as adopted in this Section, referring to or dealing with felonies or other offenses which are not subject to or authorized for enforcement by the City of LaVerkin, or punishments associated therewith, are not made a part of the adopted *LaVerkin City Code*.
 - C. Where and to the extent that the provisions of the *Utah Code*, as adopted by this Section, are in conflict with the provisions of the *LaVerkin City Code*, they shall supersede such *LaVerkin City Code* provisions; *provided that*, where such conflict exists because the City has enacted legislation that is more restrictive than provided by State law, and the City is not prevented by State law from being more restrictive, then the conflicting *LaVerkin City* provision(s) shall govern. Where and to the extent that provisions of the *Utah Code* are not in conflict with the provisions of the *LaVerkin City Code*, they shall supplement said City Code.
 - D. Where a citation, information, or complaint is issued under or pursuant to the State codes and/or provisions adopted herein, it shall be sufficient to use the section number of the *Utah Code* to designate the section number of the *LaVerkin City Code* that is applicable and/or has been violated.

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SECTION II: Section 6-1-1 of the *LaVerkin City Code* is hereby amended to read as follows:

SECTION 6-1-1. ADOPTION BY REFERENCE OF CERTAIN PROVISIONS OF THE STATE INSURANCE, MOTOR VEHICLE, AND PUBLIC SAFETY CODES.

A. Codes or Provisions Adopted.

1. Motor Vehicle Insurance.

- a. Subject to the provisions of subsections B and C hereof, Part III of Chapter 22, of Title 31A, *Utah Code Annotated* (1953, as amended in and through 2023), titled *Motor Vehicle Insurance*, is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as part of the Ordinances of the City of LaVerkin *provided that*—where a legislatively-adopted addition to, change in, or amendment to said Part of Title 31A does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of Title 31A.
- b. Where a citation, information, or complaint is issued under the provisions of Part III of Chapter 22 of Title 31A of the *Utah Code Annotated* (1953, as amended), as adopted herein, it shall be sufficient to use the section number of the *Utah Code* to designate the section number of the *LaVerkin City Code* that is applicable and/or has been violated.

2. Motor Vehicle and Driver License Regulations.

- a. Subject to the provisions of subsections B and C hereof, Chapters 1a, 6a, 8, 12a, 21, 22, and 26 of Title 41 of *Utah Code Annotated* (1953, as amended in and through 2023), titled *Motor Vehicles*, is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to said portion of the Title 41 does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of Title 41.

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- b. Subject to the provisions of subsections B and C hereof, and Chapter 3 of Title 53 of *Utah Code Annotated* (1953, as amended in and through 2023), titled *Uniform Driver License Act*, is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to the *Uniform Driver License Act* does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of the *Uniform Driver License Act*.
 - c. Where a citation, information, or complaint is issued under the provisions of Chapters 1a, 6a, 8, 12a, 21 or 22 of Title 41 of *Utah Code Annotated* (1953, as amended), and/or Chapter 3 of Title 53 of *Utah Code Annotated* (1953, as amended), as adopted herein, it shall be sufficient to use the section number of the *Utah Code* to designate the section number of the *LaVerkin City Code* that is applicable and/or has been violated.
- B. Those portions of the State codes and/or provisions, as adopted in this Section, referring to or dealing with felonies or other offenses which are not subject to or authorized for enforcement by the City of LaVerkin, or punishments associated therewith, are not made a part of the adopted *LaVerkin City Code*.
- C. Where and to the extent that the provisions of the *Utah Code*, as adopted by this Section, are in conflict with the provisions of the *LaVerkin City Code*, they shall supersede such *LaVerkin City Code* provisions; *provided that*, where such conflict exists because the City has enacted legislation that is more restrictive than provided by State law, and the City is not prevented by State law from being more restrictive, then the conflicting *LaVerkin City* provision(s) shall govern. Where and to the extent that provisions of the *Utah Code* are not in conflict with the provisions of the *LaVerkin City Code*, they shall supplement said City Code.
- D. Where a citation, information, or complaint is issued under or pursuant to the State codes and/or provisions adopted herein, it shall be sufficient to use the section number of the *Utah Code* to designate the section number of the *LaVerkin City Code* that is applicable and/or has been violated.

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SECTION III: The following provisions of Chapter 2 of Title 3 of the *LaVerkin City Code* are hereby amended.

1. Section 3-2-0 is amended to read as follows:

1. SECTION 3-2-0. Adoption of Alcoholic Beverage Control Act.
 - A. Subject to the provisions of subsections B and C hereof, the *Alcoholic Beverage Control Act*, as contained in Title 32B, *Utah Code Annotated* (1953, as amended in and through 2023), is hereby adopted and incorporated as a part of the *LaVerkin City Code* and incorporated as part of the Ordinances of the City of LaVerkin; *provided that*—where a legislatively-adopted addition to, change in, or amendment to said portion of the *Alcoholic Beverage Control Act* does not become effective until a date subsequent to the effective date of this Section—such addition, change or amendment shall not be effective hereunder until the effective date of such provision of the *Alcoholic Beverage Control Act*.
 - B. Those portions of the *Alcoholic Beverage Control Act*, as adopted by this Section, referring to or dealing with felonies or other offenses which are not subject to or authorized for enforcement by the City of LaVerkin, or punishments associated therewith, are not made a part of the adopted *LaVerkin City Code*.
 - C. Where and to the extent that the provisions of the *Alcoholic Beverage Control Act*, as adopted by this Section, are in conflict with the provisions of the *LaVerkin City Code*, they shall supersede such *LaVerkin City Code* provisions; *provided that*, where such conflict exists because the City has enacted legislation that is more restrictive than provided by State law, and the City is not prevented by State law from being more restrictive, then the conflicting *LaVerkin City* provision(s) shall govern. Where and to the extent that provisions of the *Alcoholic Beverage Control Act* are not in conflict with the provisions of the *LaVerkin City Code*, they shall supplement said City Code.
 - D. Where a citation, information, or complaint is issued under or pursuant to the State codes and/or provisions adopted herein, it shall be sufficient to use the section number of the *Utah Code* to designate the section number of the *LaVerkin City Code* that is applicable and/or has been violated.

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2. Subsection A of Section 3-2-11 is amended to read as follows:
 - A. All employees of licensees who will either supervise the sales of alcoholic beverages, or shall handle the sales of alcoholic beverages to a customer shall have a valid certificate showing completion of an alcohol training and education seminar outlined by Utah Code Annotated sections 32B-1-701 et seq. and 62A-15-401 as updated. Any individual who directly supervises the sale of alcoholic beverages or sells alcoholic beverages to a customer shall complete the required alcohol training and education seminar within thirty (30) days of the day on which the individual is employed if on the date of employment the employee does not have a valid certificate that the individual has completed an alcohol training and education seminar for purposes of this section.
3. Subsection C of Section 3-2-12 is hereby amended to read as follows:
 - C. Fines And Penalties: A local authority may impose a fine of up to two hundred fifty dollars (\$250.00) against any retailer that does not comply or require its employees to comply with the requirements of this section. In addition to any criminal penalties that may be imposed, an individual is subject to other administrative penalties as allowed by Utah Code title 32B, as amended.
4. Subsection F of Section 3-2-9 is hereby amended to read as follows:
 - F. State Law Applicability: A license for the sale of any alcoholic beverage shall be required as provided in Utah Code Annotated title 32B, the provisions of which are hereby adopted insofar as applicable to this chapter. All licensees must notify the city clerk immediately if their state issued license is denied, suspended or revoked for any reason.
5. The definition of Alcoholic Beverages in Section 3-2-1 is hereby amended to read as follows:

ALCOHOLIC BEVERAGES: Beer and liquor as the terms are defined in Utah Code Annotated section 32B-1-102, as amended.
6. Subsection V of Section 3-2-14 is hereby amended to read as follows:
 - V. Prohibited Conduct: Acts or conduct on the licensee's premises which are constitute a nuisance activity or are otherwise contrary to the public welfare and morals, as addressed or defined by Utah Code Annotated sections 32B-1-104(1), 32B-1-504, 32B-3-301 through 32B-3-305, 32B-6-406.1, and chapter 10 of title 76, as amended, are prohibited

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SECTION IV: Subsection F of Section 3-2-9 is hereby amended to read as follows:

State Law Applicability: A license for the sale of any alcoholic beverage shall be required as provided in Utah Code Annotated title 32B, the provisions of which are hereby adopted insofar as applicable to this chapter. All licensees must notify the city clerk immediately if their state issued license is denied, suspended or revoked for any reason.

SECTION V: REPEAL OF CONFLICTING PROVISIONS.

All ordinances or resolutions, or parts or provisions thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent that they conflict herewith.

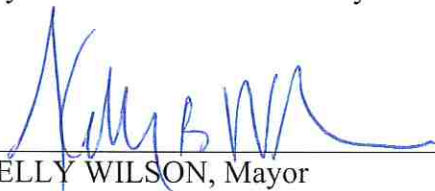
SECTION VI: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION VII: EFFECTIVE DATE.

In the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Ordinance take effect as soon as possible. This Ordinance, therefore, shall take effect immediately upon its passage and first publication as provided by law.

PASSED AND ADOPTED by the City Council of LaVerkin City this 7th day of June, 2023.



KELLY WILSON, Mayor

ATTEST:



CHRISTY BALLARD, City Recorder

