

ORDINANCE #2023-10-O

AN ORDINANCE AMENDING CHAPTER 9.04 OF THE LINDON CITY CODE, SO AS TO AMEND AND RECODIFY THE LINDON CITY CRIMINAL CODE.

WHEREAS, the Lindon City Council, pursuant to the authority granted to it under Chapter 3 of Title 10 of the Utah State Code, has authorized the Lindon City Attorney to charge and prosecute infractions and misdemeanor crimes which occur within the boundaries of Lindon City; and

WHEREAS, the Lindon City Council previously adopted Titles 76 and 77 of the Utah Code as the City's criminal code; and

WHEREAS, since the City's original adoption of these two titles, the Utah Legislature has amended the Utah Code multiple times and has enacted many new laws and designated numerous new infractions and misdemeanor offenses, which can be found throughout the various titles and chapters of the Utah Code; and

WHEREAS, the Lindon City Council desires to ensure the Lindon City Criminal Code reflects these various changes and modification and to ensure that subsequent changes are appropriately incorporated into its Criminal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, as follows:

PART ONE: AMENDMENT OF CHAPTER 9.04 OF THE LINDON CITY CODE.

Chapter 9.04 of the Lindon City Code is hereby amended and the Lindon City Criminal Code is recodified as follows:

9.04.010 Adoption of Lindon City Criminal Code

1. Section 10-3-928 of the Utah Criminal Code expressly authorizes the Lindon City Attorney to prosecute infractions and misdemeanors, occurring within the boundaries of Lindon City, which have been adopted and established under the laws of the State of Utah and which are contained within the Utah Code. As such, in additions to the infractions and misdemeanors contained in the Lindon City Code, the infractions and misdemeanors contained within the Utah Code, 1953, and as hereafter amended, are ,as contained in Title 76 of Utah Code Annotated, 1953, as amended and constituted in 2004, is hereby adopted as the Lindon City Criminal Code for Lindon City and are incorporated as part of the ordinances of Lindon City. Where a citation, information, or complaint is issued for offenses alleged to have occurred in violation of 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 alleged violation~~section number of the City Code that has been violated~~. Those portions of the Utah Code, as adopted herein, referring to or dealing with felonies which are not subject to enforcement by Lindon City, are not part of the adopted Lindon City Code. Those portions of the Utah Code ~~provisions that are hereby adopted and incorporated as part of the Ordinances of Lindon City~~ referring to or dealing with Class "A" Misdemeanors, that are not eligible for prosecution by a city attorney ~~are not subject to enforcement by Lindon City,~~ are hereby specifically excepted, and are not part of the adopted Lindon City Code.

~~2. Title 77 of the Utah Code Annotated, 1953 as amended in 2004, titled the Utah Code of Criminal Procedure, and Sections 78-31-801, as amended and constituted in 2004, and 78-3a-802, as enacted and constituted in 2004, are hereby adopted and incorporated as part of the Lindon City Code. Where a citation, information, or complaint is issued under Title 77, Section 78-3a-801, or Section 78-3a-802 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 City Code that has been violated. Those portions of the above-referenced Utah Code, as adopted herein, referring to or dealing with felonies which are not subject to enforcement by Lindon City, or punishments associated with felonies which are not subject to enforcement by Lindon City, are not part of the adopted Lindon City Code. Those portions of the Utah Code provisions that are hereby adopted and incorporated as part of the Ordinances of Lindon City referring to or dealing with Class "A" Misdemeanors, that are not subject to enforcement by Lindon City, are hereby specifically excepted, and are not part of the.~~

PART TWO: Severability.


Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

PART THREE: Effective Date.

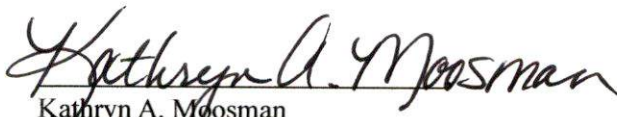
This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City,

Utah, this 3 day of July 2023.


CAROLYN O. LUNDBERG
Lindon City Mayor

ATTEST:


Kathryn A. Moosman
City Recorder



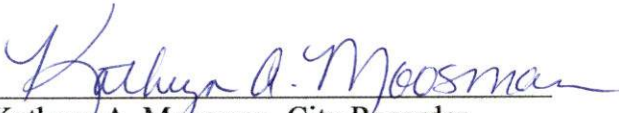
CERTIFICATE OF PASSAGE

STATE OF UTAH }
 } ss.
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed and adopted by the City Council of Lindon City, Utah on the 3rd day of July 2023 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH
AMENDING CHAPTER 9.04 OF THE LINDON CITY CODE SO AS TO AMEND
AND RECODIFY THE LINDON CITY CRIMINAL CODE AND PROVIDING FOR
AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
Corporate Seal of Lindon City, Utah, this 3rd day of July, 2023.


Kathryn A. Moosman, City Recorder



AFFIDAVIT OF POSTING

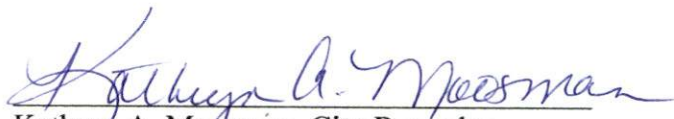
STATE OF UTAH }
 } ss.
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that I posted the attached ordinance in three public places on the 5th day of July 2023.

The three public places are as follows:

1. Lindon City Police Department
2. Lindon City Community Development Office
3. Lindon City Center

I further certify that the agenda of the meeting of the City Council containing notice of public hearing was published and posted according to law, and that copies of the ordinance so posted were true and correct copies of the original.


Kathryn A. Moosman, City Recorder

The foregoing instrument was acknowledged before me this 5 day of July, 2023 by Kathryn A. Moosman.

My Commission expires: January 7, 2025


Notary Public

Residing at: Utah County

