

Ordinance 2020-36

SHORT TITLE:

An ordinance amending Provo City Code regarding civil infractions and requirements related to the COVID-19 pandemic. (20-118)

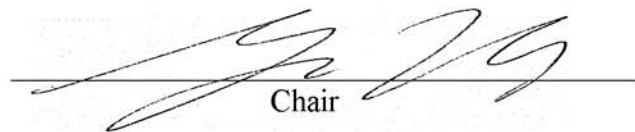
I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE	✓		
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	DAVID HARDING	✓		
TOTALS		7		

This ordinance was passed by the Municipal Council of Provo City, on the 25th day of August 2020, on a roll call vote as described above. Signed this 26th day of August 2020.



Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this _____.

Mayor

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the _____, with a short summary being published on the 29nd day of August 2020, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2020-36.

SEAL

City Recorder

42 WHEREAS, on August 20, 2020, the Municipal Council passed a resolution calling for
43 more measures to be implemented to slow the transmission of COVID-19, and to encourage all of
44 our citizens to take necessary actions to protect the health and allay the fears of our fellow citizens;
45 and

46 WHEREAS, on August 20, 2020 and August 25, 2020, the Municipal Council met to
47 ascertain the facts regarding this matter and receive public comment, which facts and comments
48 are found in the public record of the Council's consideration; and

49 WHEREAS, after considering the facts presented to the Municipal Council, the Council
50 finds that (i) Provo City Code should be amended as set forth below, and (ii) such action furthers
51 the health, safety, and general welfare of the citizens of Provo City.

52
53 NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
54 follows:

55
56 PART I:

57
58 Provo City Code Chapter 9.17 is hereby amended as follows:

59
60 **Chapter 9.17 Civil Infractions**

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62 ...

63
64 **9.17.030. Acts Made Civil Infractions.**

65 The following acts are hereby declared to be civil infractions (and not criminal offenses) and within
66 the jurisdiction of the City Civil Violations Hearing Examiner:

- 67
68 (1) Violation of any of the parking regulations described in the Provo City Code;
69
70 (2) Violations of parking laws and regulations not inconsistent with these ordinances which are
71 described in State statutes, including benefiting disabled (handicapped) persons, which statutes are
72 hereby adopted as a portion of the Provo City Code;
73
74 (3) Violation of motor vehicle license plate and registration regulations when the motor vehicle is
75 parked on public property as described in Section 9.31.100, Provo City Code.
76
77 (4) Violation of Section 9.32.170, Provo City Code.
78
79 (5) Violation of Provo City Code Chapter 9.25.
80

81 ...

82

83 **9.17.060. Fees for Infractions – Payment.**

84

85 (1) Fees and other money related to civil infractions shall be paid to the Finance Department in
86 such manner, not inconsistent with this Chapter, as the Finance Director shall direct. No Hearing
87 Examiner or any subordinate thereof shall receive any fees or other money related to civil
88 infractions over which the Hearing Examiner has jurisdiction.

89

90 (2) The fee for the violation of a regulation listed below shall be as shown in Subsection (8) of
91 this Section:

92

93 (a) All overtime restricted parking violations;

94

95 (b) Parking within an intersection in violation of Section 9.31.010, Provo City Code;

96

97 (c) Double parking in violation of Section 9.31.030, Provo City Code;

98

99 (d) Parking out of stall in violation of Section 9.31.020, Provo City Code;

100

101 (e) Parking in a red or yellow curbed area in violation of Section 9.31.020, Provo City
102 Code;

103

104 (f) Parking across or on a sidewalk in violation of Section 9.31.010, Provo City Code;

105

106 (g) Parking in noncompliance with a parking sign or parallel parking requirements
107 established under Section 9.31.020, Provo City Code;

108

109 (h) Parking in a crosswalk in violation of Section 9.31.010, Provo City Code;

110

111 (i) Parking left side of curb in violation of Section 41-6-104, Utah Code;

112

113 (j) Vehicles parked with expired registration in violation of Section 41-1a-215, Utah Code;

114

115 (k) Parking too close to a fire hydrant in violation of Section 9.31.010, Provo City Code,
116 or for parking in a fire access lane in violation of Section 9.32.120, Provo City Code;

117

118 (l) Parking or leaving a vehicle unattended over seventy-two (72) hours in violation of
119 Section 9.31.050, Provo City Code;

120

121 (m) Except as specifically allowed under Chapter 9.32, Provo City Code, parking along a
122 public street or highway which obstructs or partially obstructs clear passage of vehicular
123 entrance or egress to any driveway abutting upon a public street or highway in violation of
124 Section 9.31.010, Provo City Code;

125
126 (n) Parking in a disability parking space in violation of Section 41-1a-414, Utah Code;

127
128 (o) Any other parking violation found in the Provo City Code or State law, but not
129 specifically mentioned in this Section; and

130
131 (p) Violations of Section 9.32.170, Provo City Code; and

132
133 (q) Violations of Provo City Code Chapter 9.25.

134 ...

135
136 (8) The fees established under this Section are set forth in the following table:

137

Violation	Paid on Time (within 10 days)¹	Paid Late (11 or more days)^{1, 2}
Disability Space – 41-1a-1306 UCA	\$175.00	\$218.75
Skateboard, etc. Violation – Section 9.32.170, Provo City Code	\$55.00	\$68.75
Violation of Provo City Code Section 9.25.030(3)	\$500.00	\$625
All Other Regulations Listed in Subsection (2) of this Section	\$55.00	\$68.75

138 ...

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140

141 **PART II:**

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143 Provo City Code Chapter 9.25 is hereby enacted as follows:

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145 **Chapter 9.25 COVID-19 Response**

146

147 **9.25.010. Purpose.**

- 148 **9.25.020. Face Coverings.**
- 149 **9.25.030. Large Public Gatherings.**
- 150 **9.25.040. Exemptions.**
- 151 **9.25.050. Posting.**
- 152 **9.25.060. Penalties.**
- 153 **9.25.070. Expiration of this Chapter.**

154

155 **9.25.010. Purpose.**

156 The purpose of this Chapter is to ensure a coordinated implementation of practices which slow the
157 transmission of COVID-19 by requiring all individuals living or working within or visiting Provo,
158 Utah, to wear face coverings while (1) in indoor areas accessible to the public, including without
159 limitation businesses and City buildings, where social distancing is not possible, reasonable, or
160 prudent, (2) in attendance at large outdoor gatherings where social distancing is not possible,
161 reasonable, or prudent, and (3) in attendance at large indoor gatherings. All provisions of this
162 Chapter shall be interpreted to effectuate this intent.

163

164 **9.25.020. Face Coverings.**

165 Except as otherwise provided in this Chapter, any individual within Provo shall be required to
166 wear a face covering that completely covers the nose and mouth when in indoor areas accessible
167 to the public where consistent social distancing of at least six feet from individuals not dwelling
168 in the same household is not possible, reasonable, or prudent.

169

170 **9.25.030. Large Public Gatherings.**

171 (1) Any individual within Provo who is in attendance at an indoor public gathering of more than
172 fifty (50) individuals shall be required to wear a face covering that completely covers the nose and
173 mouth regardless of whether or not social distancing is possible.

174

175 (2) Any individual within Provo who is in attendance at an outdoor public gathering of more than
176 twenty-five (25) individuals shall be required to wear a face covering that completely covers the
177 nose and mouth where consistent social distancing of at least six feet is not possible, reasonable,
178 or prudent.

179

180 (3) It shall be unlawful to organize a public gathering in contravention of subsections (1) or (2)
181 and promote such as an event without requiring attendees to wear face coverings. It shall also be
182 unlawful to organize an indoor public gathering of more than fifty (50) individuals and fail to
183 provide clear notice at the public entrance or entrances to the gathering of the requirements of this
184 Section.

185

186 **9.25.040. Exemptions.**

187 The following individuals are exempt from wearing a face covering:

- 188 (1) Individuals under five years of age;
- 189 (2) Individuals with a medical condition, mental health condition, or disability that prevents
190 wearing a face covering;
- 191 (3) Individuals who are hearing impaired, or communicating with an individual who is hearing
192 impaired, where the ability to see the mouth is essential for communication;
- 193 (4) Individuals for whom wearing a face covering would create a risk to the individual related to
194 their work, as determined by local, state or federal regulators or workplace safety guidelines;
- 195 (5) Individuals who are obtaining a service involving the nose or face for which temporary removal
196 of the face covering is necessary to perform the service;
- 197 (6) Individuals who are seated at a restaurant or other establishment that offers food or beverage
198 service, while they are eating or drinking; and
- 199 (7) Individuals who are purchasing a product or receiving a service that requires identification may
200 briefly remove a face covering, as necessary, so that the retailer or service provider can verify
201 identity; and
- 202 (8) Individuals engaging in strenuous physical activity where circumstances are not reasonably
203 conducive to wearing a face covering, such as swimming, running, fitness classes, etc.

204

205 **9.25.050. Posting.**

206 (1) All businesses open to the public where face coverings are required by this Chapter shall post
207 a notice in a clearly visible location at or near the public entrance or entrances to such place of
208 business that declares that face coverings are required by law.

209

210 (2) Organizers of indoor public gatherings larger than fifty (50) individuals shall comply with the
211 requirements of Section 9.25.030.

212

213 **9.25.060. Penalties.**

214 Violations of this Chapter are a civil infraction and shall be subject to the provisions of Provo City
215 Code Chapter 9.17.

216

217 **9.25.070. Expiration of this Chapter.**

218 This Chapter shall expire and be automatically repealed on November 15, 2020 unless by
219 ordinance the Council amends this section on or by October 20, 2020.

220

221

222 **PART III:**

223

224 A. If a provision of this ordinance conflicts with a provision of a previously adopted
225 ordinance, this ordinance shall prevail.

226

227 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
228 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
229 invalid, the remainder of the ordinance shall not be affected thereby.

230
231 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
232 updated to reflect the provisions enacted by this ordinance.

233
234 D. This ordinance shall take effect immediately after it has been posted or published in
235 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
236 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

237
238 END OF ORDINANCE.