



## TOWN OF STOCKTON

18 North Johnson Street

P.O. Box 240

Stockton, Utah 84071

**Phone: (435) 882-3877**

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### TOWN COUNCIL SPECIAL MEETING MINUTES

DATE: January 24, 2018

TIME: 7:00 pm

Call to order at 7:00pm

1. Pledge of Allegiance

2. Roll Call

Mark Whitney-Mayor-Present

Judy Bori-Councilwoman-Present

Vicki Nash-Councilwoman-Present

Nando Meli-Councilman-Present

Thomas Karjola-Councilman-Present

3. Public Comments: None

4. Review of Home Based Business Licenses:

a. Mark Bell (See Attachment A): Last year the legislature revisited business license fees and requirements. One of the changes that affects Stockton is charging a fee for home based business licenses. We can no longer charge a flat fee for home based businesses. If we do charge a fee, it must be only for the amount that we spend in administrative and other costs associated with handing out the business license (paper, administrative time, copying, staff review, inspections, etc.) There are some home based businesses that can have more impact on the town such as Day Care. This has an effect on traffic, parking, a child getting injured or hit by a car, etc. In this case, we could charge for the license based upon the requirement for increased public safety in the area of the Day Care. Our options include not monitoring home based businesses or providing a license at all; monitoring the businesses and providing a license with no fee; monitoring the businesses and charging only those costs associated with preparation of the license; monitoring the businesses and charging costs associated with the preparation of the license and any other justified fees based upon the type of business.

b. Councilman Meli asked if we could charge a fee for inspections that the Fire Department makes. Some cities don't charge a fee and others do. This would be considered a part of the justified fees should the Council opt to go that direction.

c. It was decided that a work meeting be held to discuss this issue in detail.

5. Review of Resolution for Fee Schedule:

The Town of Stockton has numerous resolutions referencing various fees that are charged for services provided by the Town. The Office Staff consolidated all of these fees into one resolution and fee schedule booklet. Council to look

at this and see if there is anything they don't understand. A cost analysis will be performed area by area and the resolution updated at that time. The current fees are supported by current resolutions. To be added to next Council meeting for approval. (Attachment B)

## 6. Action Items

a. Appointment of Joe Johnston to the Mosquito Abatement Board-Councilwoman Bori recommended we table this until February 8<sup>th</sup>, 2018 Town Council meeting. Discussion among Council concluded there was no reason to wait and thus a motion was made.

Motion to appoint Joe Johnston to the Mosquito Abatement Board-Councilman Meli  
Seconded-Councilwoman Nash  
Councilwoman Bori opposed  
All others Approved  
Motion passed

b. Appointment of Joe Johnston to the Town's Irrigation Shares on the Irrigation Board

Mr. Johnston would represent the Town for the 124 shares we own. He has to be approved by the Irrigation Board shareholders too. Marlene Thomas, David Carberry, and also Don Hill can be consulted for more information. Council members want time to read the by-laws and have a better understanding of what this position is responsible for in representing the Town prior to voting on this position. However, as we do not want to lose our shares or let that seat lapse, Mayor Whitney would be willing to still sit on that board for now. This appointment will be added to the February 8<sup>th</sup>, 2018 Town Council Meeting.

Motion to postpone appointment of Joe Johnston to the Town's Irrigation Shares on the Irrigation Board until the February 8<sup>th</sup>, 2018 Town Council Meeting-Councilman Karjola  
Seconded-Councilwoman Bori  
Unanimous approval  
Motion Passed

c. Approval of Bills over \$1,000-Ricoh bill, Invoice 5051608303, dated December 11, 2017 for \$1,199.92

Motion to approve Ricoh Bill, Invoice 5051608303, dated December 11, 2017 for \$1,199.92-Councilman Meli  
Seconded-Councilwoman Nash  
Unanimous approval  
Motion Passed

d. Appointment of Mayor, Pro-Tem from Noon January 31, 2018 to ~ 8:00pm February 1, 2018.

Councilwoman Nash made a motion to assign Councilman Karjola as the Mayor, Pro-Tem, however, after the following discussion it was decided to table this motion until after Mark Bell explains the roles and responsibilities of the Mayor.

*Discussion: If Councilman Karjola is assigned as Mayor, Pro-Tem from January 31, 2018 (noon) until February 1, 2018 ~8:00pm, he will run the meeting held on February 1<sup>st</sup>, 2018 when the vote is done to appoint the Mayor through the first Tuesday of January of 2020. However, he will not run the question and answer session of those who have identified their desire to run for the position. Councilwoman Bori will run that session. Mayor Whitney asked Councilman Karjola if he planned on voting or if he was going to recuse himself. Councilman Karjola stated that he would not be recusing himself, that it was legal for him to vote. Mayor Whitney expressed his concerned with the perception that this would have not*

*only for the other individuals running for the position, but to the residents as well; the perception to the public could be slanted and it seems unfair and unethical. Councilman Karjola stated that he will vote and that is final. A majority vote from Council is required to select someone for the Interim.*

7. Mark Bell, Town Attorney- Roles and Responsibilities of Mayor and Council:

a. The Town of Stockton operates under the five member council form of government. The Mayor is regular voting member of the Town Council, serves as Chair of the Town Council Meeting, and always performs at a ceremonial function. The following are key points made by Mr. Bell, however, refer to Attachment C for further information. Our form of government requires a collaborative effort. There are circumstances where the Town Council members will not agree and must at some point agree to disagree.

b. Town Council Member's Responsibilities: The Council members can appoint a Manager of a Town, but Towns such as ours are too small and can't afford a Manager.

c. Powers and Duties of the Mayor: Serves as Chief Executive Officer responsible for all employees. The Mayor enforces the laws of the Town (Ordinances); the Chief of Police enforces the laws of the State. Such as, the Mayor cannot release someone from jail if they are incarcerated under State Law; only if it is a violation of Town Ordinances.

d. The Mayor assembles the Town Council agenda; two Town Council members can add something to a special meeting agenda.

e. Councilman Karjola asked what a statutory position was? It is legislative – in our circumstance a position such as a Town Clerk.

f. Discussion refocused on appointing a Mayor:

(1) Councilman Karjola currently serves as the senior Town Council member as he has served two years without a break in service and received the most votes when elected. Council Meli inquired as to what makes a Council person the senior member, as he previously served for four years as a Council member, however, he had a break in service.

(2) In our circumstance right now, with the resignation of Mayor Whitney, the Town Council will elect a Mayor, Pro-Tem. As Councilman Karjola is our Senior Town Council Member he will serve from January 31, 2018 beginning at 12:00pm until February 1, 2018 on or about 8:00pm.

Motion to approve Thomas Karjola as Mayor, Pro-Tem from Noon January 31, 2018 to ~8:00pm, February 1, 2018-  
Councilwoman Nash  
Seconded-Councilwoman Bori  
Councilman Meli opposed  
All others Approved  
Motion Passed

8. Discussion on Interview Questions for Position of the Mayor on February 1, 2018:

a. Councilman Karjola excused himself from the meeting to avoid a conflict of interest as he as submitted his interest in serving as the Mayor, Pro Temp.

b. Mark Bell suggested that we use the same questions we used before to fill David Durtschi's vacancy.

c. We can give the questions out to the candidates before February 1<sup>st</sup>, 2018. Candidate one will have the first question and candidate two will have the second question, and so on. This is the fairest way to conduct the interviews; as each candidate can hear the others answers. Answers are to be timed for two minutes.

d. A list of questions was provided by Ms. Bori to the Council members. These will be reviewed and agreed upon by Town Council members prior to the interview process to be held on February 1, 2018.

9. Unfinished Business: None

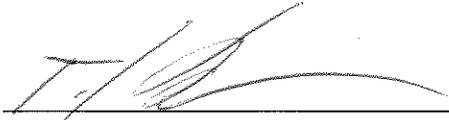
10. Adjourn at 8:20pm

Motion to Adjourn-Nando

Seconded-Judy

Unanimous Approval

Motion Passed



THOMAS KARJOLA

Mayor

Town of Stockton



DIANA MARKS

Town Clerk/Recorder

Town of Stockton

Posting:

Stockton Town Hall; Stockton Town Post Office; Stockton Town Web Site; Tooele Transcript; Utah Public Notice Web Site

**TOWN OF STOCKTON  
HOME BASED BUSINESS LICENSES  
TOWN COUNCIL REVIEW**

As per Town of Stockton Ordinance 3-1 – Business License Provisions, home businesses are required to pay a fee each year for their license. (See Attachment 1)

In May 2016, LOCAL GOVERNMENT LICENSING AMENDMENTS – in the 2017 GENERAL SESSION – STATE OF UTAH – CHIEF SPONSOR: JACOB L. ANDEREGG; HOUSE SPONSOR: MARC K. ROBERTS, resulted in legislative change relieving home businesses of this requirement. (See Attachment 2).

Based upon this change, the Town of Stockton Town Council must decide what action to take in support of this change. Options are:

- (1) Perform an analysis of each home business to determine if it meets the specifications and criteria as outlined in Attachment 2, 17-53-216, business license fees and taxes, paragraph (4)(b);
- (2) Determine the Town of Stockton administrative fees associated with producing a license and charge the home business that fee;
- (3) Charge no fee at all and send out a license annually for monitoring purposes;
- (4) Or, no longer require home businesses to be licensed in the Town of Stockton.

Once these decisions have been made, a change to the current Town Ordinance must be made and notification sent to all current Home Business Owners; refund of those who have already paid for 2018.

ATTN: AI ,

LOCAL GOVERNMENT LICENSING AMENDMENTS

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3  
4  
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6

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: Marc K. Roberts

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to a municipality's or a county's authority to license  
10 a business.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends provisions authorizing a municipality or a county to license a business;
- 14 ▶ prohibits a municipality or a county from requiring a license or charging a fee for
- 15 certain home based businesses; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 10-1-203, as last amended by Laws of Utah 2016, Chapter 350

24 17-53-216, as last amended by Laws of Utah 2008, Chapter 250

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26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **10-1-203** is amended to read:

28 **10-1-203. License fees and taxes -- Application information to be transmitted to**  
29 **the county assessor.**

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30 (1) As used in this section:

31 (a) "Business" means any enterprise carried on for the purpose of gain or economic  
32 profit, except that the acts of employees rendering services to employers are not included in  
33 this definition.

34 (b) "Telecommunications provider" means the same as that term is defined in Section

35 10-1-402.

36 (c) "Telecommunications tax or fee" means the same as that term is defined in Section

37 10-1-402.

38 (2) Except as provided in Subsections (3) through (5) and (7)(a), and subject to  
39 Subsection (7)(b), the legislative body of a municipality may license for the purpose of  
40 regulation [and revenue] any business within the limits of the municipality, [and] may regulate  
41 that business by ordinance, and may impose fees on businesses to recover the municipality's

42 costs of regulation.

43 (3) (a) The legislative body of a municipality may raise revenue by levying and  
44 collecting a municipal energy sales or use tax as provided in Part 3, Municipal Energy Sales  
45 and Use Tax Act, except a municipality may not levy or collect a franchise tax or fee on an  
46 energy supplier other than the municipal energy sales and use tax provided in Part 3, Municipal  
47 Energy Sales and Use Tax Act.

48 (b) (i) Subsection (3)(a) does not affect the validity of a franchise agreement as defined  
49 in Subsection 10-1-303(6), that is in effect on July 1, 1997, or a future franchise.

50 (ii) A franchise agreement as defined in Subsection 10-1-303(6) in effect on January 1,  
51 1997, or a future franchise shall remain in full force and effect.

52 (c) A municipality that collects a contractual franchise fee pursuant to a franchise  
53 agreement as defined in Subsection 10-1-303(6) with an energy supplier that is in effect on July  
54 1, 1997, may continue to collect that fee as provided in Subsection 10-1-310(2).

55 (d) (i) Subject to the requirements of Subsection (3)(d)(ii), a franchise agreement as  
56 defined in Subsection 10-1-303(6) between a municipality and an energy supplier may contain  
57 a provision that:

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58 (A) requires the energy supplier by agreement to pay a contractual franchise fee that is  
59 otherwise prohibited under Part 3, Municipal Energy Sales and Use Tax Act; and

60 (B) imposes the contractual franchise fee on or after the day on which Part 3,  
61 Municipal Energy Sales and Use Tax Act is:

62 (I) repealed, invalidated, or the maximum allowable rate provided in Section 10-1-305  
63 is reduced; and

64 (II) [is] not superseded by a law imposing a substantially equivalent tax.

65 (ii) A municipality may not charge a contractual franchise fee under the provisions  
66 permitted by Subsection (3)(b)(i) unless the municipality charges an equal contractual franchise  
67 fee or a tax on all energy suppliers.

68 (4) (a) Subject to Subsection (4)(b), beginning July 1, 2004, the legislative body of a  
69 municipality may raise revenue by levying and providing for the collection of a municipal  
70 telecommunications license tax as provided in Part 4, Municipal Telecommunications License  
71 Tax Act.

72 (b) A municipality may not levy or collect a telecommunications tax or fee on a  
73 telecommunications provider except as provided in Part 4, Municipal Telecommunications  
74 License Tax Act.

75 (5) (a) (i) The legislative body of a municipality may by ordinance raise revenue by  
76 levying and collecting a license fee or tax on:

77 (A) a parking service business in an amount that is less than or equal to:

78 (I) \$1 per vehicle that parks at the parking service business; or

79 (II) 2% of the gross receipts of the parking service business;

80 (B) a public assembly or other related facility in an amount that is less than or equal to  
81 \$5 per ticket purchased from the public assembly or other related facility; and

82 (C) subject to the limitations of Subsections (5)(c) and (d):

83 (I) a business that causes disproportionate costs of municipal services; or

84 (II) a purchaser from a business for which the municipality provides an enhanced level  
85 of municipal services.

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86 (ii) Nothing in this Subsection (5)(a) may be construed to authorize a municipality to  
87 levy or collect a license fee or tax on a public assembly or other related facility owned and  
88 operated by another political subdivision other than a community reinvestment agency without  
89 the written consent of the other political subdivision.

90 (b) As used in this Subsection (5):

91 (i) "Municipal services" includes:

92 (A) public utilities; and

93 (B) services for:

94 (I) police;

95 (II) fire;

96 (III) storm water runoff;  
97 (IV) traffic control;  
98 (V) parking;  
99 (VI) transportation;  
100 (VII) beautification; or  
101 (VIII) snow removal.  
102 (ii) "Parking service business" means a business:  
103 (A) that primarily provides off-street parking services for a public facility that is  
104 wholly or partially funded by public money;  
105 (B) that provides parking for one or more vehicles; and  
106 (C) that charges a fee for parking.  
107 (iii) "Public assembly or other related facility" means an assembly facility that:  
108 (A) is wholly or partially funded by public money;  
109 (B) is operated by a business; and  
110 (C) requires a person attending an event at the assembly facility to purchase a ticket.  
111 (c) (i) Before the legislative body of a municipality imposes a license fee on a business  
112 that causes disproportionate costs of municipal services under Subsection (5)(a)(i)(C)(I), the  
113 legislative body of the municipality shall adopt an ordinance defining for purposes of the tax

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114 under Subsection (5)(a)(i)(C)(I):  
115 (A) the costs that constitute disproportionate costs; and  
116 (B) the amounts that are reasonably related to the costs of the municipal services  
117 provided by the municipality.  
118 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(I) shall be reasonably related to  
119 the costs of the municipal services provided by the municipality.  
120 (d) (i) Before the legislative body of a municipality imposes a license fee on a  
121 purchaser from a business for which it provides an enhanced level of municipal services under  
122 Subsection (5)(a)(i)(C)(II), the legislative body of the municipality shall adopt an ordinance  
123 defining for purposes of the fee under Subsection (5)(a)(i)(C)(II):  
124 (A) the level of municipal services that constitutes the basic level of municipal services  
125 in the municipality; and  
126 (B) the amounts that are reasonably related to the costs of providing an enhanced level  
127 of municipal services in the municipality.  
128 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(II) shall be reasonably related to  
129 the costs of providing an enhanced level of the municipal services.  
130 (6) All license fees and taxes shall be uniform in respect to the class upon which they  
131 are imposed.  
132 (7) A municipality may not:  
133 (a) require a license or permit for a business that is operated:  
134 (i) only occasionally; and  
135 (ii) by an individual who is under 18 years of age; or  
136 (b) charge a license fee for a home based business, unless the combined offsite impact  
137 of the home based business and the primary residential use materially exceeds the offsite  
138 impact of the primary residential use alone.  
139 ~~[(7)]~~ (8) The municipality shall transmit the information from each approved business  
140 license application to the county assessor within 60 days following the approval of the  
141 application.

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142 ~~[(8)]~~ (9) If challenged in court, an ordinance enacted by a municipality before January  
143 1, 1994, imposing a business license fee on rental dwellings under this section shall be upheld  
144 unless the business license fee is found to impose an unreasonable burden on the fee payer.  
145 Section 2. Section 17-53-216 is amended to read:  
146 **17-53-216. Business license fees and taxes -- Application information to be**  
147 **transmitted to the county assessor.**  
148 (1) ~~[For the purpose of this section, "business"]~~ As used in this section, "business"  
149 means any enterprise carried on for the purpose of gain or economic profit, except that the acts

150 of employees rendering services to employers are not included in this definition.  
151 (2) [The] Except as provided in Subsection (4)(a), and subject to Subsection (4)(b), the  
152 legislative body of a county may by ordinance provide for the licensing of businesses within  
153 the unincorporated areas of the county for the purpose of regulation [and revenue], and may  
154 impose fees on businesses to recover the county's costs of regulation.  
155 (3) All license fees and taxes shall be uniform in respect to the class upon which they  
156 are imposed.  
157 (4) A county may not:  
158 (a) require a license or permit for a business that is operated:  
159 (i) only occasionally; and  
160 (ii) by an individual who is under 18 years of age; or  
161 (b) charge a license fee for a home based business unless the combined offsite impact  
162 of the home based business and the primary residential use materially exceeds the offsite  
163 impact of the primary residential use alone.  
164 [(4)] (5) The county business licensing agency shall transmit the information from each  
165 approved business license application to the county assessor within 60 days following the  
166 approval of the application.  
167 [(5)] (6) This section may not be construed to enhance, diminish, or otherwise alter the  
168 taxing power of counties existing prior to the effective date of Laws of Utah 1988, Chapter  
169 144.

*Crystal Anderson*  
*Office Manager/Treasurer*  
*Town of Stockton*  
*435-882-3877*

## Chapter 1

# BUSINESS LICENSE PROVISIONS

**3-1-1: DEFINITIONS:****3-1-2: AUTHORITY OF TOWN:****3-1-3: LICENSE REQUIRED:****3-1-4: APPLICATION FOR LICENSE:****3-1-5: FEES:****3-1-6: RECIPROCAL LICENSES; NO FEE REQUIRED:****3-1-7: TERM OF LICENSE; CERTIFICATE FORM; NON-TRANSFERABLE:****3-1-8: ISSUANCE OF CERTIFICATE:****3-1-9: SEPARATE LICENSE FOR EACH LOCATION:****3-1-10: INSPECTIONS:****3-1-11: CODE COMPLIANCE:****3-1-12: RECORDS MAINTAINED:****3-1-13: DISPLAY OF LICENSE:****3-1-14: SUSPENSION OR REVOCATION OF LICENSE:****3-1-15: WAITING PERIOD UPON DENIAL OR REVOCATION:****3-1-16: APPEAL PROCEDURE:****3-1-1: DEFINITIONS:  **

For the purpose of this chapter, the following terms shall have the following meanings:

**BUILDING DEPARTMENT:** The Stockton Building Department and any member working for the Department.

**BUSINESS, TRADE, PROFESSION OR CALLING:** Any enterprise carried on for the purpose of gain or economic profit, except the acts of employees rendering services for employers.

**ENGAGING IN BUSINESS:** The sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, and the rendering of personal services for others for consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to an employer under any contract of personal management. "Engaging in business" also includes agricultural industries, but not farming or ranching.

**FIRE DEPARTMENT:** The Stockton Volunteer Fire Department and any member working for the Department.

**HEALTH DEPARTMENT:** The Tooele County Health Department and any member working for the Department.

**PERSON:** Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise.

**PLACE OF BUSINESS:** A location maintained or operated by a person within the Town limits from which a business activity is conducted or transacted. (Ord. 05-01, 1-10-2005)

**3-1-2: AUTHORITY OF TOWN:**  

The Town shall issue licenses and assess and collect license fees. The Town may audit the records of applicants or licensees to ensure compliance with any licensing provisions, i.e., State, Federal and local tax. The Town may refuse to issue a license or may suspend or revoke a license if the applicant or licensee, for any reason, fails or refuses to cooperate in such an audit. (Ord. 05-01, 1-10-2005)

**3-1-3: LICENSE REQUIRED:**  

Unless exempted by State, Federal or local law, it shall be unlawful for any person to engage in business within the Town, whether on a temporary or permanent basis, without first procuring the license required by this chapter. (Ord. 05-01, 1-10-2005; amd. 2017 Code)

**3-1-4: APPLICATION FOR LICENSE:**  

- A. General Procedure: Applicants for a business license shall submit a properly completed application form to the Town Clerk. Unless otherwise provided, if issuance of the requested license is consistent with applicable law, the Town Clerk shall approve the application and issue a license.
- B. Information Required: An application for a license shall be in writing on a form approved by the Town Clerk. The application shall show all of the following with respect to all persons, excluding shareholders, or their equivalent, having a legal or equitable ownership interest in the subject business or other activity:
1. The name, address, date of birth and both home and business telephone numbers, including the same information with respect to all partners, officers or directors;
  2. A description of the business, trade, profession or calling for which a license is requested, including any assumed or fictitious names which may be used;
  3. The address of the property where the subject business, trade or calling is to be carried on;
  4. The State tax number of the subject business, trade, profession, occupation or activity, as well as department of occupation number for the prescribed business profession or trade; and
  5. Any other information required by this title, by statute or as reasonably required by the Town Clerk.
- C. Misrepresentation: It shall be unlawful to incorrectly or fraudulently state or misrepresent any fact as part of applying for or retaining a license.
- D. Changes In Applicant Information: Any changes in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Town Clerk. (Ord. 05-01, 1-10-2005)

**3-1-5: FEES:**  

- A. License, Payment Of Fee Required: Every person intending to engage in business shall, before commencing business, obtain a license and pay to the Town the minimum fee in such amount as established by the Town Council required for the type of business being conducted.
- B. Employees Exempt: An employee who is not a partner or owner shall not be required to pay for an individual license.
- C. Advance Payment Required: License fees shall be paid in advance for the term of the license.
- D. Refunds; Rebates:
1. License fees shall not be refunded because the business or activity for which the same was obtained has been discontinued for any reason.
  2. No rebate shall be allowed upon any license.
- E. Changes; Administrative Fee; Inspection: Other than when a business is renewing their license, if there is a change in the name of the business, address or owners different than what is shown on the Town Clerk records, an administrative fee in such amount as established by the Town Council shall be charged to update the license and a new inspection required.
- F. Failure To Obtain License: Any person doing business without a license when a license is required, including circumstance where a license has expired, been suspended or revoked, shall, in addition to applicable criminal penalty, be required to pay double of all applicable licensing fees.
- G. Failure To Pay; Enforcement Fee: If the license renewal fee is not paid on or before January 15 of the year in which the renewal license is due, there shall be a business license enforcement fee imposed of twenty five percent (25%) of the license fee imposed by this section or twenty five dollars (\$25.00), whichever is greater. If the license renewal fee is not paid in full on or before February 15 of the year in which the renewal fee is due, the business license enforcement fee shall be increased to fifty percent (50%) of the license fee imposed by this chapter or twenty five dollars (\$25.00), whichever is greater. If the renewal license fee is not paid on or before March 1 of the year in which the renewal fee is due, the business license enforcement fee shall be increased to one hundred percent (100%) of the license fee imposed by this chapter.
- H. Violation; Administrative Penalty: Any person or entity operating a business in violation of this chapter shall be assessed an administrative penalty of one hundred fifty dollars (\$150.00), in addition to the fee specified in subsection G of this section.

- I. Civil Action: There is no right to continue a licensed activity without the payment of required fees and penalties. In addition to any criminal action, the Town may bring civil action to collect any delinquent or unpaid fee. In the event legal action is filed to collect delinquent or unpaid fees, the debtor shall pay reasonable attorney fees and costs. (Ord. 05-01, 1-10-2005; amd. 2017 Code)

### 3-1-6: RECIPROCAL LICENSES; NO FEE REQUIRED:

- A. Businesses Exempt From License Fee: No business license fee shall be imposed under this chapter upon the following persons or businesses:
1. Any person engaged in business solely religious, charitable, eleemosynary or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State; nor shall any business license fee be imposed on any person engaged in a business specifically exempted from Municipal taxation and fees by the laws of the United States or the State; nor shall any business license fee be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act;
  2. Any insurance company or agent, for so long as the State law exempts them; (Ord. 05-01, 1-10-2005)
  3. A property owner having for rent two (2) or more dwellings within the boundaries of the Town;
  4. Any sales of merchandise damaged by smoke or fire or bankrupt concerns, where such stocks have been acquired for merchants of the Town theretofore, regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;
  5. Yard sales. Any person who sells his/her own property which has not acquired for resale, barter or exchange and who does conduct such sales or act as a participant by furnishing goods in such a sale not more than four (4) days in any one (1) calendar month at the same residence.
- B. Occupational, Professional Businesses Not Exempt: Occupational and professional licenses are not reciprocal business licenses. Such licensees shall also take out a Town business license and pay the required license fee. (Ord. 05-01, 1-10-2005; amd. 2017 Code)

### 3-1-7: TERM OF LICENSE; CERTIFICATE FORM; NON-TRANSFERABLE:

Unless otherwise expressly provided, the following shall apply to all licenses issued pursuant to this chapter:

- A. Term: All licenses shall be issued for a period of one (1) year, which shall extend from January 1 to December 31. New license certificates issued between January 1 and September 30 shall be valid through December 31 of the year of issuance unless revoked. New license certificates issued between October 1 and December 31 may be prorated and issued through December 31 of year following the year of issuance.

- B. Contents: Every certificate of license shall specify by name of the person to whom such certificate has been issued, name of the business, type of business, term of the license with the commencement and expiration dates, and all conditions and the license number.
- C. Non-Transferable: No license shall be in any manner assignable or transferable; neither shall it authorize any licensee to do business at any other place than indicated in such license. (Ord. 05-01, 1-10-2005; amd. 2017 Code)

### 3-1-8: ISSUANCE OF CERTIFICATE:

Upon receipt of the license fee, the Town shall issue a license certificate valid through December 31 of the fee year. (Ord. 05-01, 1-10-2005)

### 3-1-9: SEPARATE LICENSE FOR EACH LOCATION:

A separate license must be obtained and a separate fee paid for each place of business for where a business activity is established. Each license shall authorize the licensee to engage in only that business activity described in such license and only the location which is indicated thereon. A location shall be considered separate if it has been assigned a different mailing or street address. A business that regularly provides goods or service at various locations in the Town but has no place of business or mailing address shall still be required to obtain a business license. (Ord. 05-01, 1-10-2005; amd. 2017 Code)

### 3-1-10: INSPECTIONS:

- A. Scope: As a condition of the issuance, continuation or renewal of a business license, the applicant shall, upon reasonable demand, permit continuing inspections of the place of business or other activity to ensure compliance with all applicable business, zoning, health, building, fire and/or safety regulations. The Town Clerk may refuse to issue a license or may suspend or revoke a license if the applicant or licensee should for any reason fail or refuse to cooperate with such an inspection. The Fire Department may determine who may or may not do an in home self-inspection. Self-inspections will only be those with no chemicals and/or customers coming onto the property for the conduction of business. The Fire Department will inspect businesses with any type of chemicals and/or customers coming onto the premises to conduct business.
- B. Authority: The Planning Commission, Building Department, Fire Department and Health Department are hereby authorized and empowered to examine and inspect all places of business to verify that businesses authorized by the license issued are carried on in accordance with this chapter and other applicable laws. They must enter any building or premises during regular business hours, or, if there are no regular business hours, shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If the property owner or other responsible person refuses entry or inspection of the property, the Commission or Department may obtain and execute a search warrant. The Commission or Department shall report to the Town

Clerk and the Town Attorney all persons doing business without a license and instances of conduct by any party or business other than what is covered by the license issued. (Ord. 05-01, 1-10-2005)

### 3-1-11: CODE COMPLIANCE:

A. Required: Issuance of a business license does not excuse a licensee from compliance with applicable zoning, building, fire, health or other regulatory requirements. No license shall be issued without first obtaining in writing preliminary approval of the business location from the Planning Commission or a designee indicating that the proposed business complies with the Town zoning regulations. (Ord. 05-01, 1-10-2005)

B. Notice Language: The following shall be printed on the face of each license:

#### NOTICE

*To engage in the business for which the license is issued, you must comply with all County health codes and Town safety codes, including those relating to zoning, building and fire safety. If now, or in the future, you do not comply with these codes, this license does not authorize you to engage in business.*

(Ord. 05-01, 1-10-2005; amd. 2017 Code)

### 3-1-12: RECORDS MAINTAINED:

The Town Clerk shall maintain license registers as a permanent file. All beer licenses and general business license will be kept and maintained for four (4) years after issued. Copies of annual license certificates will be maintained and retained for one (1) year after issued. The index shall state the license number, names to whom issued, the type of license issued, time of issuance and the period covered, the place of business, the kind of business to be transacted, the amount paid and such other information as may be considered necessary. (Ord. 05-01, 1-10-2005)

### 3-1-13: DISPLAY OF LICENSE:

The licensee, in a conspicuous place easily viewed by the public in which the licensed business, trade, profession or calling is carried on, shall display every certificate of license. When such certificate of license has expired, it shall be removed from public view. A licensee without a fixed place of business shall carry a certificate of license while engaged in business. It shall be the duty of each licensee, agent and employee to show the certificate of license upon demand. (Ord. 05-01, 1-10-2005)

### 3-1-14: SUSPENSION OR REVOCATION OF LICENSE:

The Town Clerk may suspend or revoke a license if:

- A. The license was issued when it should not have been;
- B. The business fails or refuses to permit or cooperate with an audit or inspection;
- C. The business fails to pay the required fees, personal property tax or other required taxes and fees imposed by the Town, State or Federal government;
- D. Continuing operation of the licensed activity that would constitute a nuisance or present danger to the health, general welfare or morals of the community;
- E. The business is violating this title or any other applicable law, including zoning, building or health regulations. (Ord. 05-01, 1-10-2005)

### **3-1-15: WAITING PERIOD UPON DENIAL OR REVOCATION:**

No person who has been denied a license or whose license has been revoked and no person associated or connected with such a person in the conduct of business, shall be granted a new license until six (6) months after such denial or revocation has elapsed. (Ord. 05-01, 1-10-2005)

### **3-1-16: APPEAL PROCEDURE:**

- A. Authorized: If a business license is denied, suspended or revoked by the Town Clerk, or if a penalty is imposed, the applicant or licensee may appeal such action.
- B. Filing; Time Limit: Filing of an appeal must be in written notice within ten (10) days of the date of service of notice of any denial, qualified approval, suspension, revocation or penalty. Upon receiving the notice of such appeal, a hearing shall be scheduled before the Town Council within thirty (30) days from the date of the appeal, unless such time shall be extended for good cause.
- C. Public Meeting: The Town Council shall hold a public meeting with a record of the proceedings being kept, and take such facts and evidence as necessary to determine whether the denial, qualified approval, suspension, revocation or penalty was properly under law.

D. Burden Of Proof: The burden of proof shall be upon the Town Clerk.

E. Decision: After the meeting, the Town Council shall have fourteen (14) days, unless extended by good cause, to render findings of fact, conclusion of law and a recommended decision. (Ord. 05-01, 1-10-2005)

TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

Attachment B

INDEX/ORDER OF FEE SCHEDULES

PAGE

1	ADMINISTRATIVE
2	ALEX BAKER MEMORIAL PARK - PAVILION
3	ANIMAL LICENSE
4	BUILDING PERMITS
5	BUSINESS LICENSES
6	CEMETERY
7	CONDITIONAL USE PERMITS & PLANNING COMMISSION
8	FIRE DEPARTMENT
9	GRAMA REQUEST
10	NOTARY PUBLIC
11	POLICE DEPARTMENT
12	UTILITY FEES

ATTN: BI

TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

ADMINISTRATIVE		ACTION	CHARGE	REMARKS
Copies (BW)			\$.10/pg	8.5"x11"
		<i>White or Colored paper</i>	\$.10/pg	8.5"x14"
		<i>we have on hand</i>	\$.25/pg	11"x17"
Faxes			\$.50/pg	
Copies of Manuals				
General Plan			\$.10/pg	
Technical Specifications			\$35.00	
Zoning Code			\$30.00	
Stockton's Ghost Town/Mines			\$3.00	
Brief History of Stockton			\$10.00	

TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

ALEX BAKER MEMORIAL PARK - PAVILION		
ACTION	CHARGE	REMARKS
Pavilion </= 4 hours	\$50.00	
Pavilion >/= 4 hours	\$75.00	
Security Deposit (Refundable upon cleanup approval)	\$50.00	

TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

ANIMAL LICENSE		
ACTION	CHARGE	REMARKS
Un-neutered male dog	\$10.00	
un-neutered female dog	\$15.00	
Neutered/spayed	\$7.50	
Replacement tag	\$3.00	
Kennel License	\$50.00	

TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

BUILDING PERMITS		
ACTION	CHARGE	REMARKS
Fees based on cost/size (Sunrise Engineering - permit fee, plan check fee & state fee)		
Landscaping Deposit	\$500.00	
Deposit is due at signing of building permit. Returned without interest if front yard landscaping is completed within six months. Receipt copies are to be remitted to Town Hall. Failure to complete the landscaping forfeits the deposit to the Town.		
<b>Impact Fees</b>		
Streets	\$800.00	
Storm	\$300.00	
Water	\$2,800.00	
Sewer	\$2,125.00	Additional \$50 verification hook-in fee
Park	\$175.00	
Public Safety	\$1,500.00	
<b>Subdivisions, PUDs, Minor Subdivisions, RV &amp; Mobile Home Parks</b>		
Preliminary Plat	\$150.00	plus \$60 per lot or unit
Final Plat	\$150.00	plus \$80 per lot or unit
Site Plans-Commercial	\$300.00	
Site Plans - Commercial w/units	\$300.00	plus \$30 per unit
<b>Annexation</b>		
5 acres or less	\$300.00	plus \$50 per acre
Over 5 acres	\$300.00	plus \$25 per acre over 5 acres
<b>Miscellaneous</b>		
Lot line adjustments	\$50.00	
Zone Change Request	\$200.00	(refund \$100 if no public hearing)
Zone Text Change Request	\$200.00	

TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

BUSINESS LICENSES		
ACTION	CHARGE	REMARKS
Price varies dependent upon type of business	\$15-\$140	
Class A Liquor License	\$75.00	
Class B Liquor License	\$150.00	
Class C Liquor License		
Class D Liquor License		
Class E Liquor License		
Class F Liquor License		
Seasonal or event	\$200.00	
Combination of B&C	\$300.00	
Duplicate license (reprint)	\$5.00	
Rental Units	\$5	\$5 per single unit; \$5 per unit in multiple housing
On-Site Fire Inspection	\$10.00	residence

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TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

CEMETERY			REMARKS
ACTION	Resident	Non-Resident	
	CHARGE		
Plot	\$150.00	\$300.00	
Plot (Baby)	\$125.00	\$150.00	
*Interment-Regular	\$150.00	\$300.00	
*Interment-Infant/Urn	\$50.00	\$100.00	
Disinterment (body)	\$200.00	\$400.00	IF NO VAULT
Certificate of Transfer	\$25.00	\$30.00	
Moving of Headstone/Marker	\$50.00	Upright	
	\$25.00	Flat	
*Interment fees double for weekend or Holiday	\$300.00	\$400.00	
Fee after hours (3:00 p.m.)	\$200.00	\$200.00	

TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

CONDITIONAL USE PERMITS & PLANNING COMMISSION		
ACTION	CHARGE	REMARKS
Place item on Planning Commission Agenda that requires permit or license	\$10.00	Cost will be considered part of the permit or license
Place item on Agenda for Board of Adjustment Review	\$25.00	Non-refundable
Planning Commission Board of Appeals Building Code Appeals Filing Fee	\$150.00	Must be paid prior to hearing date
Subdivision, planned unit development, minor subdivisions, RV parks and mobile home parks		
Preliminary Plat	\$150 + \$60 per lot or unit	
Final Plat	\$150 + \$80 per lot or unit	
Lot line adjustments	\$50.00	
Site Plans	\$300.00	
Site Plans with Units	\$300 + \$30 per unit	
Zone Change Requests	\$200.00	\$100 refundable if no public hearing held
Annexations		
5 Acres or less	\$300.00	
5 Acres or more	\$50 per acre (1st 5)	
	\$25 per acre (over 5)	
Copy of Zoning Code	\$30.00	
Copy of Technical Specifications (standard drawings)	\$35.00	
Home Occupation Application	\$30.00	Approved by Staff
Animal Permit	\$50.00	Planning and Zoning Approval
w/Gross Receipts up to \$50K	\$40.00	
w/gross receipts of more than \$50K	\$75.00	
	\$100.00	

TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

FIRE DEPARTMENT		
ACTION	CHARGE	REMARKS
On-Site Fire Inspections-Business License	\$10.00	



TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

NOTARY PUBLIC		
ACTION	CHARGE	REMARKS
Stockton Resident (during business hours)	No Charge	
Stockton Resident (nonbusiness hours)	\$5.00	
Non-Resident(during/nonbusiness hours)	\$5.00	

TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

POLICE DEPARTMENT			
ACTION	CHARGE	REMARKS	
Contract Labor for Special Events	\$60.00	PER HOUR	
Criminal History Report	\$10.00	MANDATED BY STATE OF UTAH	

TOWN OF STOCKTON  
 FEE SCHEDULE  
 AS OF JANUARY 2018

UTILITY FEES		
ACTION	CHARGE	REMARKS
Garbage Collection	\$12.00	PER CAN - PER MONTH
Garbage Can	\$25.00	DEPOSIT PER CAN
Meter Service Fee	\$5.00	
Meter Installation	\$200.00	
Sewer	\$43.50	\$50-NEW LINE VERIFICATION FEE/EXISTING BLDG
Water Bond Fee	\$10.00	
Water System	\$100.00	DEPOSIT
Water Usage Basic	\$25.00	0-10,000 gallons
		Additional Water Usage
	2.00 per 1K gallons	10,001-14,000
	2.20 per 1K gallons	14,001-18,000
	2.50 per 1K gallons	18,001-21,000
	2.75 per 1K gallons	over 21,001
<b>NOTE: Water meters are read March - November (weather permitting). Winter month's basic fee \$25.00</b>		
Water Disconnect/Delinquent Account	\$50	per incident
Irrigation Water leased from Town	\$150	per share per year
Convenience Fee	\$10	(shut water off/on)
Water - one time purchase	\$10	access fee-\$10 per 1K gallons
Water for dust control	\$1,150.00	per every 30 days

# TOWN OF STOCKTON, UTAH

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## STATUTES DESCRIBING ROLES AND RESPONSIBILITIES OF MAYOR AND TOWN COUNCIL

[Discussion date: January 24, 2018]

**10-3b-401 Municipal government powers vested in a five-member council.**

The powers of municipal government in a municipality operating under the five-member council form of municipal government are vested in a council consisting of five members, one of which is a mayor.

Enacted by Chapter 19, 2008 General Session

**10-3b-402 Mayor in a five-member council form of government.**

- (1) The mayor in a municipality operating under a five-member council form of municipal government:
  - (a) is a regular and voting member of the council;
  - (b) is the chair of the council and presides at all council meetings;
  - (c) exercises ceremonial functions for the municipality;
  - (d) may not veto any ordinance, tax levy, or appropriation passed by the council; and
  - (e) except as modified by ordinance under Subsection 10-3b-403(2), has the powers and duties described in Section 10-3b-104.
- (2)
  - (a) If the mayor is absent or unable or refuses to act, the council may elect a member of the council as mayor pro tempore, to:
    - (i) preside at a council meeting; and
    - (ii) perform, during the mayor's absence, disability, or refusal to act, the duties and functions of mayor.
  - (b) The municipal clerk or recorder shall enter in the minutes of the council meeting the election of a council member as mayor pro tempore under Subsection (2)(a).

Enacted by Chapter 19, 2008 General Session

**10-3b-403 Council in a five-member council form of government.**

- (1) The council in a municipality operating under a five-member council form of municipal government:
  - (a) exercises any executive or administrative power and performs or supervises the performance of any executive or administrative duty or function that:
    - (i) has not been given to the mayor under Section 10-3b-104; or
    - (ii) has been given to the mayor under Section 10-3b-104 but is removed from the mayor under Subsection (1)(b)(i)(A);
  - (b) may:
    - (i) subject to Subsections (1)(c) and (2), adopt an ordinance:
      - (A) removing from the mayor any power, duty, or function of the mayor under Section 10-3b-104; and
      - (B) reinstating to the mayor any power, duty, or function previously removed under Subsection (1)(b)(i)(A);
    - (ii) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function that the council has under Subsection (1)(a);
    - (iii) subject to Subsections (3) and (4), appoint a manager to perform executive and administrative duties or functions that the council by ordinance delegates to the manager, subject to Subsection (1)(c);
    - (iv) dismiss a manager appointed under Subsection (1)(b)(iii); and
    - (v) assign any or all council members, including the mayor, to supervise one or more administrative departments of the municipality; and
  - (c) may not remove from the mayor or delegate to a manager appointed by the council:
    - (i) any of the mayor's legislative or judicial powers or ceremonial functions;
    - (ii) the mayor's position as chair of the council; or
    - (iii) any ex officio position that the mayor holds.
- (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to the mayor a power, duty, or function provided for in Section 10-3b-104 requires the affirmative vote of:
  - (a) the mayor and a majority of all other council members; or
  - (b) all council members except the mayor.
- (3)
  - (a) As used in this Subsection (3), "interim vacancy period" means the period of time that:
    - (i) begins on the day on which a municipal general election described in Section 10-3-201 is held to elect a council member; and
    - (ii) ends on the day on which the council member-elect begins the council member's term.
  - (b)
    - (i) The council may not appoint a manager during an interim vacancy period.
    - (ii) Notwithstanding Subsection (3)(b)(i):
      - (A) the council may appoint an interim manager during an interim vacancy period; and
      - (B) the interim manager's term shall expire once a new manager is appointed by the new administration after the interim vacancy period has ended.
  - (c) Subsection (3)(b) does not apply if all the council members who held office on the day of the municipal general election whose term of office was vacant for the election are re-elected to the council for the following term.
- (4) A council that appoints a manager in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the manager.

C4

**10-3b-104 Powers and duties of mayor in six-member council and five-member council forms of government.**

(1) Except as provided in Subsection (2), the mayor in a municipality operating under a six-member council form of government or a five-member council form of government:

(a) is the chief executive officer of the municipality to whom all employees of the municipality report;

(b) shall:

(i) keep the peace and enforce the laws of the municipality;

(ii) ensure that all applicable statutes and municipal ordinances and resolutions are faithfully executed and observed;

(iii) if the mayor remits a fine or forfeiture under Subsection (1)(c)(ii), report the remittance to the council at the council's next meeting after the remittance;

(iv) perform all duties prescribed by statute or municipal ordinance or resolution;

(v) report to the council the condition and needs of the municipality; and

(vi) report to the council any release granted under Subsection (1)(c)(iv); and

(c) may:

(i) recommend for council consideration any measure that the mayor considers to be in the best interests of the municipality;

(ii) remit fines and forfeitures;

(iii) if necessary, call on residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality;

(iv) release a person imprisoned for a violation of a municipal ordinance;

(v) with the council's advice and consent:

(A) assign or appoint a member of the council to administer one or more departments of the municipality; and

(B) appoint a person to fill:

(I) a municipal office; or

(II) a vacancy on a commission or committee of the municipality; and

(vi) at any reasonable time, examine and inspect the official books, papers, records, or documents of:

(A) the municipality; or

(B) any officer, employee, or agency of the municipality.

(2) The powers and duties in Subsection (1) are subject to:

(a) municipal ordinances in effect on May 4, 2008 modifying the powers and duties of the mayor; and

(b) the council's authority to limit or expand the mayor's powers and duties under:

(i) Subsection 10-3b-303(2)(a), for a municipality operating under the six-member council form of government; and

(ii) Subsection 10-3b-403(2)(a), for a municipality operating under the five-member council form of government.

Enacted by Chapter 19, 2008 General Session

**STOCKTON TOWN CODE**  
**ADMINISTRATION — MAYOR AND TOWN COUNCIL**

**1-6-1: TOWN GOVERNMENT:**

The Town government is vested in a Town Council, consisting of a Mayor and four (4) Council members, to be elected at large. (Ord. 98-6, 9-14-1998)

**1-6-2: ELECTIONS:**

The election and term of Office of the Town Council shall be as follows: The terms shall all be four (4) years with the Mayor and two (2) Council members being elected in one (1) Town election year and the other two (2) Council members being elected in the following Town election year. The officers so elected shall enter upon their duties at twelve o'clock (12:00) noon on the first Monday in January next succeeding their election. (Ord. 98-6, 9-14-1998)

**1-6-3: DUTIES:**

The Mayor and Council members shall perform the duties as the same are, or may be, prescribed by ordinance and State statute. (Ord. 98-6, 9-14-1998; amd. 2017 Code)

**1-6-4: MEETINGS:**

A. Regular: Meetings of the Town Council shall be held on the second Thursday of each month at seven o'clock (7:00) P.M.; provided, that if the meeting date is a legal holiday, then the meeting shall be held the next Monday following that is not a legal holiday. All meetings may be adjourned from time to time as business may require.

B. Special:

1. The Mayor or two (2) Council members may order the convening of a special meeting of the Council. Each order convening a special meeting of the Council shall:
  - a. Be entered in the minutes of the Council; and
  - b. Provide at least three (3) hours' notice of the special meeting.
2. The Town Clerk shall serve notice of the special meeting on each Council member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode, or by electronic means (e-mail).
3. The personal appearance by a Council member at a special meeting of the Council constitutes a waiver of the notice required under subsection B2 of this section. (Ord. 98-6, 9-14-1998; amd. 2017 Code)

**1-6-5: NUMBERING OF ORDINANCES:**

The Town Clerk shall number all ordinances, beginning with the year of passage, followed by a dash, and a consecutive number beginning with the number 1 (i.e., 2015-01). All ordinances shall be filed in the Town ordinance book in the order of their passage and shall assign appropriate section numbers in conformity with the system of numbering sections used in this Code. (1960 Code § 1-7; amd. 2017 Code)