

## **Title 10**

### **PUBLIC PEACE, MORALS AND WELFARE**

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## Chapter 10.02

### STATE STATUTES ADOPTED BY REFERENCE; GENERAL PROVISIONS

#### Sections:

#### **10.02.010 Utah Criminal Code.**

#### **10.02.020 Utah Code of Criminal Procedure.**

#### **10.02.030 Utah Controlled Substances Act.**

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#### **10.02.090 Severability.**

#### **10.02.010 Utah Criminal Code.**

The Utah Criminal Code, UTAH CODE ANN. 76-1-101 *et seq.*, together with all future amendments and revisions, is adopted by reference as follows:

A. Chapters 1 through 4 of Title 76 of Utah Code Annotated, together with all future amendments and revisions, are adopted by reference in their entirety.

B. Chapters 5 through 10 of Title 76 of Utah Code Annotated, together with all future amendments and revisions, are adopted by reference to the extent that those chapters describe criminal violations which are classified therein as an infraction, a Class C misdemeanor, or a Class B misdemeanor.

#### **10.02.020 Utah Code of Criminal Procedure.**

The Utah Code of Criminal Procedure, UTAH CODE ANN. 77-1-101 *et seq.*, together with all future amendments and revisions, is adopted by reference in its entirety.

#### **10.02.030 Utah Controlled Substances Act.**

The Utah Controlled Substances Act, UTAH CODE ANN. 58-37-1 *et seq.*, together with all future amendments and revisions, is adopted by reference in its entirety, to the extent that it describes criminal violations which are classified therein as an infraction, a Class C misdemeanor, or a Class B misdemeanor.

#### **10.02.040 Utah Drug Paraphernalia Act.**

The Utah Drug Paraphernalia Act, UTAH CODE ANN. 58-37a-1 *et seq.*, together with all future amendments and revisions, is adopted by reference in its entirety, to the extent that it describes criminal violations which are classified therein as an infraction, a Class C misdemeanor, or a Class B misdemeanor.

#### **10.02.050 Imitation Controlled Substances Act.**

The Imitation Controlled Substances Act, UTAH CODE ANN. 58-37b-1 *et seq.*, together with all future amendments and revisions, is adopted by reference in its entirety, to the extent that it describes criminal violations which are classified therein as an infraction, a Class C misdemeanor, or a Class B misdemeanor.

#### **10.02.060 Utah Controlled Substances Precursor Act.**

The Utah Controlled Substances Precursor Act, UTAH CODE ANN. 58-37c-1 *et seq.*, together with all future amendments and revisions, is adopted by reference in its entirety, to the extent that it describes criminal violations which are classified therein as an infraction, a Class C misdemeanor, or a Class B misdemeanor.

#### **10.02.070 Utah Alcoholic Beverage Control Act.**

The Utah Alcoholic Beverage Control Act, UTAH CODE ANN. 32A-12-101 *et seq.*, together with all future amendments and revisions, is adopted by reference in its entirety.

**10.02.080 Application of gender-based pronouns.**

Any gender-based pronoun, including, but not limited to, he, she, his, hers, him or her, used in this title shall, for the purposes of this title, apply equally to both males and females.

**10.02.090 Severability.**

In the event that any provision of this title is deemed invalid for any reason, the remaining provisions shall remain in full force and effect.

## Chapter 10.04

### INTERFERENCE WITH PUBLIC OFFICERS

#### Sections:

**10.04.010 Resisting or obstructing a peace officer.**

**10.04.020 Giving false information to law enforcement officers.**

**10.04.030 Obstructing service of process.**

**10.04.040 Refusing to aid an officer.**

**10.04.050 Impersonating a public officer.**

**10.04.10 Resisting or obstructing a peace officer.**

Any person who knowingly resists or obstructs the performance, by one known to the person to be a law enforcement officer, of any authorized act within his official capacity, shall be guilty of a misdemeanor.

**10.04.020 Giving false information to law enforcement officers.**

Any person who, with the intent to mislead a law enforcement officer as to his identity, knowingly gives a false name, age, date of birth or address to a law enforcement officer in the lawful discharge of his official duties shall be guilty of a misdemeanor.

**10.04.030 Obstructing service of process.**

Any person who knowingly resists or obstructs the authorized service or execution of any civil or criminal process or order of any court shall be guilty of a misdemeanor.

**10.04.040 Refusing to aid an officer.**

Any person who refuses or knowingly fails, when commanded, to give reasonable aid to a person whom he knows to be a law enforcement officer in the process of apprehending a person, or in the process of preventing the commission of any offense by another, shall be guilty of a misdemeanor.

**10.04.050 Impersonating a public officer.**

Any person who falsely impersonates or represents himself to be a public officer, sheriff, deputy sheriff, justice of the peace, coroner or notary public, or other law enforcement officer of any character whatsoever, and in such assumed character arrests or detains or attempts or threatens to arrest or detain, or otherwise intimidates or searches the person, building or other property of any person, or obtains money, property or anything of value, shall be guilty of a misdemeanor.

## Chapter 10.08

### BODILY HARM

#### Sections:

#### 10.08.010 Assault.

#### 10.08.020 Battery.

#### 10.08.025 Reckless conduct.

#### 10.08.030 Telephone harassment.

#### 10.08.040 Place of commission of offense involving use of telephone.

#### 10.08.050 Definitions—Crime of stalking—Designated.

#### 10.08.010 Assault.

A. A person commits an assault when:

1. He attempts, with unlawful force or violence, to do bodily injury to another; or

2. He makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to another.

B. Assault is a Class B misdemeanor.

#### 10.08.020 Battery.

A battery is any willful and unlawful use of force or violence upon the person of another. Any person committing battery shall be guilty of a misdemeanor.

#### 10.08.025 Reckless conduct.

A. A person who cause bodily harm to or endangers the bodily safety of an individual by any means, commits reckless conduct if he performs recklessly the acts that cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

B. Reckless conduct is a Class B misdemeanor.

#### 10.08.030 Telephone harassment.

A. A person is guilty of telephone harassment if, with intent to annoy or alarm another, such person:

1. Makes a telephone call, whether or not a conversation ensues, without purpose of

lawful communication, including but not limited to making a call or calls and then terminating the call before conversation ensues;

2. Makes repeated, unwanted telephone calls;

3. Insults, taunts or challenges another by use of telephone communication in a manner likely to provoke a violent or disorderly response;

4. Telephones another and knowingly makes any false statement concerning injury, death, disfigurement, indecent conduct or criminal conduct of the person telephoned or any member of his family, or uses obscene, profane or threatening language with intent to cause fear, intimidate, harass or annoy. The making of a false statement as herein set out shall be *prima facie* evidence of intent to cause fear, intimidate, harass or annoy; or

5. Any person who, with the intent described in subsections (A)(3) and (A)(4) of this section, knowingly sends, or causes to be sent, by use of telephone transmission facilities, any electronic text or graphic message or image.

B. Any person committing telephone harassment shall be guilty of a misdemeanor.

#### 10.08.040 Place of commission of offense involving use of telephone.

Any offense committed by use of a telephone or telephone transmission facilities, as set out in section 10.08.030 of this chapter, or its successor, may be deemed to have been committed at either the place at which the telephone call or calls were made, or at the place where the telephone call or calls were received.

#### 10.08.050 Definitions—Crime of stalking—Designated.

A. Definitions.

1. “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a

continuity of purpose but serving no legitimate purpose.

a. The course of conduct must cause a reasonable person to suffer severe emotional distress.

b. Constitutionally protected activity is not included within the meaning of “course of conduct.”

c. “Series of acts” means two or more acts.

2. “Harasses” means knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy or disturb the person.

B. A person is guilty of stalking who repeatedly follows or harasses another person or repeatedly follows a course of conduct against that person with the intent of placing that person in reasonable fear of bodily injury, harm to that person’s family members, or damage to property of that person or another.

C. Any person committing any stalking shall be guilty of a misdemeanor.

## Chapter 10.16

### CHEMICAL INHALATION OR INGESTION

#### Sections:

#### **10.16.010 Definitions.**

#### **10.16.020 Ingestion and inhalation of substances prohibited when.**

#### **10.16.030 Use or possession of substances prohibited when.**

#### **10.16.040 Sale of substances prohibited when.**

#### **10.16.010 Definitions.**

As used in this chapter, the phrase “chemical substance containing a solvent or chemical compound having the property of releasing toxic vapors or fumes” means and includes any glue, cement, cleaning fluid, paint thinner, lacquer or lacquer thinner, or other adhesive or solvent containing one or more of the following compounds: acetone, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluene, trichloroethylene, or amyl acetate.

#### **10.16.020 Ingestion and inhalation of substances prohibited when.**

No person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction or the dulling of his brain or nervous system, intentionally smell, ingest or inhale the fumes from any chemical substance or chemical compound having the property of releasing toxic vapors or fumes; provided, however, that nothing in this section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes. Any person committing any such act shall be guilty of a misdemeanor.

#### **10.16.030 Use or possession of substances prohibited when.**

Any person who, for the purpose of violating section 10.16.020 of this chapter, uses or possesses for the purpose of so using any chemical substance containing a solvent or chemical compound having the property of releasing toxic vapors or fumes shall be guilty of a misdemeanor.

#### **10.16.040 Sale of substances prohibited when.**

Any person who sells, offers to sell, or gives away to any other person, or obtains for any other person, any chemical substance containing a chemical compound having the property of releasing toxic vapors or fumes if he has reasonable cause to suspect that the product sold, offered for sale or obtained will be used for the purposes set forth in section 10.16.020 of this chapter shall be guilty of a misdemeanor.

## Chapter 10.20

### GAMBLING

#### Sections:

#### 10.20.010 Definitions.

#### 10.20.020 Gambling prohibited--Acts constituting gambling—Penalty.

#### 10.20.030 Keeping a gambling place prohibited.

#### 10.20.040 Gambling promotion.

#### 10.20.050 Seizure of gambling devices.

#### 10.20.060 Seizure of gambling funds.

#### 10.20.010 Definitions.

As used in this chapter:

A. "Fringe gambling" means any gambling, lottery, or video gaming device which is given, conducted, or offered for use or sale by a business in exchange for anything of value, or given away incident to the purchase of other goods or services. "Fringe gambling" does not include a gambling, lottery, video gaming device, or other promotional activity which is clearly occasional and ancillary to the primary activity of the business.

B. "Gambling" means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome:

1. Is based on an element of chance; and
2. Is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome.

C. "Gambling" includes a lottery and fringe gambling. Gambling does not include:

1. A lawful business transaction; or
2. Playing an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

D. "Gambling bet" means money, checks, credit, or any other representation of value.

E. "Gambling device" means any clock,

tape machine, slot machine, or other machine or device for the reception of money or other thing of value on chance or skill, or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, equipment or other device designed primarily for use in a gambling place. A gambling device does not include:

1. A coin-in-the-slot-operated mechanical device played for amusement that rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player no coins, tokens or merchandise; or

2. Vending machines by which full and adequate return is made for the money invested and in which there is not an element of chance.

F. "Gambling proceeds" means anything of value used in gambling.

G. "Lottery" means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining property, or portion of it, or for any share or any interest in property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name it is known.

H. "Policy game" means any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall, in the event of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property, evidence of debt, or other thing of value.

I. "Video gaming device" means any device that possesses all of the following characteristics:

1. A video display and computer mecha-

nism for playing a game;

2. The length of play of any single game is not substantially affected by the skill, knowledge, or dexterity of the player;

3. A meter, tracking, or recording mechanism that records or tracks any money, tokens, games, or credits accumulated or remaining;

4. A play option that permits a player to spend or risk varying amounts of money, tokens, or credits during a single game, in which the spending or risking of a greater amount of money, tokens, or credits:

(a) Does not significantly extend the length of play time of any single game; and

(b) Provides for a chance of greater return of credits, games, or money; and

5. An operating mechanism that requires inserting money, tokens, or other valuable consideration in order to function.

#### **10.20.020 Gambling prohibited--Acts constituting gambling—Penalty.**

A. Gambling is unlawful in the city.

B. A person commits gambling when he does any one or more of the following:

1. Plays a game of chance or skill for money or other thing of value;

2. Makes a wager upon the result of any game, contest, or any political nomination, appointment or election;

3. Uses or keeps any book, instrument or apparatus for the purpose of recording or registering bets or wagers, or holds any funds that have been bet or wagered;

4. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election;

5. Sets up or promotes any lottery, or sells, offers to sell or transfers any ticket or share for any lottery;

6. Sets up or promotes any policy game, or sells, offers to sell or knowingly possesses or transfers any policy ticket or other similar device;

7. Knowingly advertises any lottery or

policy game, or drafts, prints or publishes any lottery ticket or share, or any policy ticket or similar device, or any advertisement of any lottery or policy game; or

8. Knowingly transmits information as to wagers, betting odds or changes in betting odds by telephone, telegraph, radio, computer, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information.

9. Knowingly allows the use of any video gaming device that is:

(a) In any business establishment or public place; and

(b) Accessible for use by any person within the establishment or public place.

C. Any person violating any provision of this chapter shall be guilty of a misdemeanor.

#### **10.20.030 Keeping a gambling place prohibited.**

A. A “gambling place” means any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling house shall be guilty of a misdemeanor.

B. When any premises are determined by a court having jurisdiction to be a gambling place:

1. Such premises are a public nuisance and may be proceeded against as such;

2. All licenses, permits or certificates issued by the city authorizing the playing of cards or the serving of food or liquor on such premises shall be void; and no license, permit or certificate so canceled shall be reissued for such premises for a period of 60 days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction; and

3. Any owner of the premises who knowingly permits thereon a violation of any section of this title shall be held liable, and the

premises may be sold to pay any unsatisfied judgment recovered and any unsatisfied fine levied under any section of this title.

**10.20.040 Gambling promotion.**

A. A person is guilty of gambling promotion if he derives or intends to derive an economic benefit other than personal winnings from gambling and:

1. He induces or aids another to engage in gambling; or
2. He knowingly invests in, finances, owns, controls, supervises, manages, or participates in any gambling.

B. Any person violating any provision of this section shall be guilty of a misdemeanor.

**10.20.050 Seizure of gambling devices.**

Every gambling device shall be subject to seizure, confiscation, destruction or sale, pursuant to the laws of the state of Utah.

**10.20.060 Seizure of gambling funds.**

Any funds used for purposes of gambling and seized in any gambling place, or found in or on any gambling device, shall vest in the general fund of the city.

## **Chapter 10.24**

### **PROFANE AND ABUSE LANGUAGE**

#### **Sections:**

#### **10.24.010 Use of abusive language or fighting words.**

#### **10.24.010 Use of abusive language or fighting words.**

It is unlawful for any person to use profane, obscene or indecent language in any public place where other persons might reasonably hear such language, or the use of language constitutes fighting words.

## Chapter 10.28

### SEX OFFENSES

#### Sections:

**10.28.030 Procuring services of others prohibited.**

**10.28.050 Sex paraphernalia—  
Distribution, display or promotion to minors prohibited.**

**10.28.060 Showing of material harmful to minors at outdoor theaters.**

**10.28.070 Possession of harmful materials by minors.**

**10.28.080 Procuring certain articles for minors prohibited.**

**10.28.090 Exposing minors to harmful materials.**

**10.28.100 Obscene acts and materials.**

**10.28.030 Procuring services of others prohibited.**

It is unlawful for any person under a disability by reason of age to engage or utilize the services of any other person, whether for remuneration or not, to procure for such person under such disability any article or material that the said person is forbidden by law to purchase or have in his possession or control. Any person who commits any such act shall be guilty of a misdemeanor.

**10.28.050 Sex paraphernalia—  
Distribution, display or promotion to minors prohibited.**

#### A. Definitions

1. “*Display publicly*” means the exposing, placing, posting, exhibiting, whether public or private, an item in a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a public thoroughfare, place or vehicle.

2. “*Distribute*” means to transfer the possession of, with or without consideration.

3. “*Knowingly*” means to have actual or

constructive knowledge of the contents of the subject matter. A person has constructive knowledge if a reasonable inspection under the circumstances would have disclosed the nature of the subject matter or if the failure to inspect is for the purpose of avoiding such disclosure.

4. “*Minor*” means any unmarried person less than 18 years of age.

5. “*Person*” shall not be limited to individuals only, but means and includes public and private corporations, firms, joint associations, partnerships and the like. The word “person” as used herein shall apply to a natural person and shall apply equally to the male and female genders.

6. “*Promote*” means to manufacture, issue, transmit, publish, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.

7. “*Sexual device*” means any item, device or product, including but not limited to a dildo, vibrator, artificial vagina, spanish fly, ben wa balls, pillow or other product shaped or made to resemble male or female genitals, buttocks, or developed female breasts, edible underwear, flavored or unflavored edible body lotion or other substance designed for internal consumption, sadomasochistic device, or any other item, device or product manufactured, promoted or designed to be used primarily for sexual stimulation, sexual arousal, or the enhancing or prolonging of sexual activity. “Sexual device” shall not mean “sex paraphernalia” as defined in this section, and shall not mean any device, appliance or pill designed to be used primarily for contraception purposes, and shall not mean movies, books, magazines or other communicative material protected by the First Amendment of the United States Constitution.

8. “*Sex paraphernalia*” means any inedible lubricant which is manufactured, promoted or designed to be used primarily for sexual stimulation, sexual arousal, or the enhancing

or prolonging of sexual activity.

9. “*Willfully*” means a purpose or willfulness to commit the act or to omit an act required herein.

B. It is unlawful for any person to knowingly and willfully distribute or furnish any sex paraphernalia to any minor. Each distribution to a minor shall constitute a separate offense, and any such offense shall be a misdemeanor.

C. It is unlawful for any person to knowingly and willfully promote, display publicly, distribute or furnish any sexual device to any minor. Each promotion or distribution or each day during which any sexual device is displayed publicly to a minor shall constitute a separate offense, and any such offense shall be a misdemeanor.

D. This section does not prohibit any parent or legal guardian from distributing, promoting or displaying sex paraphernalia or sexual device to his minor child or ward.

#### **10.28.060 Showing of material harmful to minors at outdoor theaters.**

A. It is unlawful for any person to willfully or knowingly show at or in an outdoor theater any motion picture that is harmful to minors if such motion picture, or any part or portion thereof, can be seen or viewed by a minor from a place or position outside the theater premises, or viewing area associated therewith, whether or not such premises or viewing area is enclosed by fence or wall.

B. Definitions. Whenever used in this section, the following words and phrases shall be defined as follows:

1. “*Minor*,” “*harmful to minors*,” “*nudity*,” “*sexual conduct*,” “*sexual excitement*” and “*sadomasochistic abuse*” shall have the same meanings as those set forth for such words and phrases in section 10.28.090 of this chapter.

2. “*Motion picture*” means and includes movie, slide or still projection, photograph, or

negative thereof, videotape, drawing, sketch, engraving, print, painting, picture, image, recording, reproduction, physical object, or any visual representation of any kind or nature however made or displayed, including the voice or sound associated therewith.

3. “*Outdoor theater*” means and includes drive-in, amphitheater, arena, stadium, field, park, or any place or area where an audience may assemble that is not completely enclosed by floor, walls and ceiling or roof, with building or construction materials.

4. “*Person*” shall not be limited to individuals only, but means and includes public and private corporations, firms, joint associations, partnerships, and educational, scientific and religious institutions, organizations and associations. The word “*person*” shall also apply to the plural as well as the singular and when being applied to a natural person shall include both male and female.

5. “*Show*” means and includes the words exhibit, publish, advertise, depict, portray, represent, describe, recite, or any other manner or method of visual or aural representation.

6. “*Willfully*” and “*knowingly*” shall have the same meanings as those set forth in section 10.28.050 of this chapter.

C. Any person committing any such act shall be guilty of a misdemeanor for each day of violation hereof.

#### **10.28.070 Possession of harmful materials by minors.**

It is unlawful for any person under the age of 18 years to knowingly have in his possession or control any article or material of whatever nature that is determined to be obscene, or that is harmful to minors as defined in this title. Any person committing any such act shall be guilty of a misdemeanor for each day of violation hereof.

**10.28.080 Procuring certain articles for minors prohibited.**

It is unlawful for any person to procure for any other person under disability by reason of age any article or material that such person under such disability is forbidden by law to purchase or have in his possession or control. Any person committing any such act shall be guilty of a misdemeanor for each day of violation hereof.

**10.28.090 Exposing minors to harmful materials.**

A. Definitions. As used in this section:

1. “*Harmful to minors*” means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, when it:

a. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors;

b. Predominantly appeals to the prurient interest of minors; and

c. Is without serious literary, artistic, political or scientific value.

2. “*Knowingly*” means having general knowledge of, or reason to know, or a belief or ground for belief that warrants further inspection or inquiry, or both, as to:

a. The character and content of any material described herein that is reasonably susceptible of examination by the defendant; and

b. The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable, *bona fide* attempt to ascertain the true age of such minor.

3. “*Minor*” means any person under the age of 18 years.

4. “*Nudity*” or “*state of nudity*” means the live showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque cover-

ing, or the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola.

5. “*Sadomasochistic abuse*” means flagellation or torture by or upon a person for the purpose of erotic pleasure.

6. “*Sexual conduct*” or “*Specified Sexual Activity*” means actual or simulated acts of any of the following:

a. Sex acts, normal or perverted, including, but not limited to, human sexual intercourse, sexual copulation between a person or an animal, cunnilingus, bestiality, buggery, pederasty, sodomy, oral copulation, or masturbation; or

b. Excretory functions as a part of or in connection with any of the activities described above.

B. It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to knowingly sell, loan or give to a minor:

1. Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body that depicts nudity, sexual conduct, or sadomasochistic abuse, and that is harmful to minors; or

2. Any book, pamphlet, magazine, printed matter (however reproduced), or sound recording that contains any matter enumerated in subsection (B)(1) of this section, or narrative accounts of sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

C. It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to knowingly exhibit to a minor, or knowingly sell to a minor an admission ticket or pass, or knowingly to admit a minor to premises whereon there is exhibited a motion picture, show or other presentation that, in whole or in part, depicts nudity, sexual conduct, sexual excitement or sadomasochistic abuse, and that is harmful to

minors.

D. Any motion picture rated NC-17 by the Motion Picture Association, or any motion picture carrying an “X” rating shall be deemed to be harmful to minors under this section.

E. A violation of any provision of this section shall constitute a misdemeanor.

#### **10.28.100 Obscene acts and materials.**

A. Is it unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to willfully or knowingly act in, pose for, model for, print, draw, design or otherwise prepare, sell, offer for sale, give away, exhibit, publish or offer to publish, or have in his possession or under his control with the intent to sell, offer for sale or otherwise distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, image, cast, slide, figure, instrument, statue, drawing or presentation, or other article of material that is obscene.

B. Definitions. As used in this section:

1. “Knowingly” means to have actual or constructive knowledge of the contents of the subject matter. A person has constructive knowledge if a reasonable inspection under the circumstances would have disclosed the nature of the subject matter, and if the failure to inspect is for the purpose of avoiding such disclosure.

2. “Obscene” means, to the average adult person applying contemporary community standards, the dominant theme of the material or conduct, taken as a whole, appeals to the prurient interest and is without serious literary, artistic, political or scientific value. A “prurient interest” is a lewd, shameful or morbid interest in nudity, sex, or excretion.

3. “Willfully” means a purpose or willfulness to commit the act or to omit an act as required herein.

## Chapter 10.32

### UNLAWFUL ACTS IN OR ABOUT SCHOOLS, COLLEGES OR UNIVERSITIES

#### Sections:

#### **10.32.010 Unlawful acts in or about schools, colleges or universities.**

#### **10.32.010 Unlawful acts in or about schools, colleges or universities.**

A. It is unlawful for any person to annoy, disturb or otherwise prevent or attempt to prevent the orderly conduct of the activities, administration or classes of any school, college or university.

B. It is unlawful for any person to annoy, disturb, assault or molest any student or employee of any school, college or university while in or at such school, college or university building, or on the grounds thereof.

C. It is unlawful for any person to loiter, idle, wander, stroll, or play in, about or on any school, college or university grounds or building, either on foot or on any vehicle, without having some lawful business therein or thereabouts, or in connection with such school, college or university, or the employees thereof.

D. It is unlawful for any person to conduct himself in an obscene, lewd, wanton or lascivious manner in speech or behavior in, about or on any school, college or university building or grounds.

E. It is unlawful for any person to park or move a vehicle in the immediate vicinity of, or on the grounds of any school, college or university for the purpose of annoying or molesting the students or employees thereof, or in an effort to induce, entice or invite students or employees into or on the vehicle for any immoral or unlawful purpose.

F. Violation of this section shall be punished as a misdemeanor.

## Chapter 10.36

### DISORDERLY CONDUCT

#### Sections:

**10.36.010 Riot.**

**10.36.020 Disturbing the peace.**

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**10.36.100 Solicitation of person(s) with intent to have another commit an offense specified in UTAH CODE ANN. § 58-37-8.**

**10.36.010 Riot.**

A. A person is guilty of riot if:

1. Simultaneously with two or more other persons, such person engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm;

2. Such person assembles with two or more other persons with the purpose of engaging, soon thereafter, in tumultuous or violent conduct, knowing that two or more other persons in the assembly have the same purpose; or

3. Such person assembles with two or more other persons with the purpose of committing an offense against a person or property of another who such person supposes to be guilty of a violation of law, believing that two or more other persons in the assembly have the same purpose.

B. Any person who refuses to comply

with a lawful order to withdraw given to him immediately prior to, during or immediately following a violation of subsection (A)(1) of this section, or its successor, is guilty of riot.

C. It is no defense to a prosecution under this section that withdrawal must take place over private property; provided, however, that no persons so withdrawing shall incur criminal or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal. Any person found guilty of riot shall be guilty of a misdemeanor.

**10.36.020 Disturbing the peace.**

A. A person is guilty of disturbing the peace if such person:

1. Refuses to comply with the lawful order of a law enforcement officer to move from a public place;

2. Knowingly creates a hazardous condition;

3. Intending to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

a. Engages in fighting, violent, tumultuous or threatening behavior;

b. Uses words that are intended to cause acts of violence by the person to whom the words are addressed;

c. Makes unreasonable noises in a private place which could be heard in a public place;

d. Maliciously or willfully disturbs the peace or quiet of another or of any public place by making an unreasonably loud noise or by discharging firearms;

e. Obstructs vehicular or pedestrian traffic, except as allowed pursuant to the provisions of Title 11; or

f. Transmits in any manner to another a false alarm to the effect that a bomb or other explosive would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such a bomb or explosive is concealed in such a place.

B. "Public place," for the purpose of this section, means any place to which the public or a substantial group of the public has access, and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

C. Any person found guilty of disturbing the peace shall be guilty of a misdemeanor if the offense continues after a request by a person to desist. Otherwise, it is an infraction.

#### **10.36.030 Disrupting a meeting or procession.**

A. A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession or gathering, he obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance, or any other means under circumstances which could cause a breach of peace.

B. Any person found guilty of disrupting a meeting or procession shall be guilty of a misdemeanor.

#### **10.36.040 *Reserved***

#### **10.36.050 Failure to disburse.**

A. A person is guilty of failure to disburse when such person remains at the scene of a riot, disorderly conduct or an unlawful assembly after having been ordered to disburse by a law enforcement officer.

B. This section shall not apply to a person who reasonably attempted to but was unable to leave the scene of a riot or unlawful assembly.

C. Any person who fails to disburse shall be guilty of a misdemeanor.

#### **10.36.060 Drinking and drunkenness in public places.**

A. It is unlawful to:

1. Drink liquor in a public building, park or stadium; or

2. Be under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors to a degree that the person may endanger himself or another, if such person is in a public place or in a private place where he unreasonably disturbs other persons.

B. A law enforcement officer may release from custody an individual arrested under this section, if he believes imprisonment is unnecessary for the protection of the individual or another; or a law enforcement officer may take a person arrested under this section to a detoxification center or other special facility designated by the courts of Utah or by state law, as an alternative to jail incarceration for such offenses.

C. An offense under this section is a misdemeanor.

#### **10.36.065 Unlawfully opening, possessing or consuming an alcoholic beverage in a public place.**

A. Unlawful to Have Open Containers of Alcohol in Designated Areas. No person shall open, possess, or consume from an open bottle, can or other receptacle containing an alcoholic beverage in an unpermitted public place.

B. Definitions.

1. "Unpermitted public place," as used in this section, means:

a. Any street, right of way, sidewalk, alley, publicly owned property or state or county road located within the city limits and which abuts upon: (i) any county- or city-owned real property; (ii) any business required to have a city business license pursuant to chapter 5.04 of this code;

b. Boarded or abandoned commercial buildings;

c. Vacant lots in areas zoned for commercial or manufacturing uses; or

d. Any publicly owned building or publicly owned real property.

"Unpermitted public place" shall not mean

or include a premises or area identified in a license or permit issued by the city as authorizing the possession or consumption of alcohol, when there is conformance with the applicable license or permit restrictions; businesses specifically permitted under title 5 of this code; businesses licensed as “home occupation” as defined by title 19 of this code; or apartment houses or “apartments” as defined by title 19 of this code.

2. “Alcoholic beverages,” as used in this section means “beer” and “liquor” as defined in UTAH CODE ANN. § 32A-1-105.

3. “Open bottle, can or other receptacle,” as used in this section, means a container having within it an alcoholic beverage, which container has been opened, its seal broken or the contents of which have been partially consumed.

C. An offense under this section shall be a misdemeanor.

### **10.36.070 Loitering.**

A. A person is guilty of loitering if such person:

1. Appears at a place or at a time under circumstances that warrant alarm for the safety of persons or property in the vicinity, and upon inquiry by a law enforcement official, such person fails to give a reasonably credible account of his identity, conduct, or purposes;

2. Loiters, remains, wanders, or lingers idly in or about a school, either by walking, sitting, standing, or by sitting in or upon a vehicle or conveyance, not having any reason or relationship involving custody of or responsibility for a pupil or student or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same, and upon inquiry of a law enforcement official, such person fails to give a reasonably credible account of his identity, conduct or purposes;

3. Loiters, remains, wanders or lingers idly in or about a building, lot, street, sidewalk

or any other public or private place, either by walking, sitting, standing, or by sitting in or upon a vehicle or conveyance, without apparent reason and under circumstances which justify suspicion that he may be engaged in or about to engage in a crime, and upon inquiry of a law enforcement official, such person fails to give a reasonably credible account of his identity, conduct or purposes; or

4. Is on or in any public area as hereafter defined, and which person:

a. Remains, wanders idly or prowls:

i. In a manner or at a time not usual for law abiding citizens; or

ii. Under circumstances that warrant a reasonable alarm or immediate concern for the safety of persons or property in the vicinity; or

iii. Accosts other persons in any public place or in any place open to the public for the purpose of begging;

b. Refuses to obey the lawful command of a law enforcement officer to move on, or provide to said police officer a lawful reason for remaining on or in said public area.

B. A law enforcement officer’s command shall be lawfully given when the alleged loitering by such person creates or causes to be created:

1. A breach of the peace;

2. The actual or attempted obstruction, molestation or interference of any other person lawfully on or in any public area, as hereafter defined, in such a manner as to cause such other person to reasonably fear for his safety;

3. The obstruction or attempted obstruction of the free normal flow of vehicular traffic, or the normal passage of pedestrian traffic in said public areas; or

4. The unreasonable disturbance of any person acting lawfully on or in any said public place;

C. For the purposes of subsection A(4) of this section, “public area” means any place open to the public, including but not limited to any common public area of any shopping mall,

public way, street, highway, alley or park.

D. No person shall be convicted under this section if the explanation such person gave of his conduct and purposes was true and, if believed by the law enforcement official at the time, would have dispelled the alarm.

E. Loitering is a misdemeanor.

**10.36.080 Camping and sleeping on public grounds.**

A. It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to camp, lodge, cook, make a fire or pitch a tent, fly, lean-to, tarpaulin, umbrella or any other type of ground cover or shelter, or place sleeping bags, bedding or any other type of camping or sleeping equipment on any public grounds, as defined in subsection (B) of this section, and it is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to use or benefit from the use of any of the foregoing items of shelter or camping or sleeping equipment to fail to remove the same from such public grounds more than five minutes after being requested to do so by any law enforcement officer or citizen.

B. For the purpose of this section, the term "public grounds" means any real property owned in whole or in part by the United States of America and its agencies, or the state of Utah or any of its political subdivisions, upon which no camping or sleeping has been authorized by the owner.

**10.36.100 Solicitation of person(s) with intent to have another commit an offense specified in UTAH CODE ANN. § 58-37-8.**

A. It is unlawful for any person to request, or solicit a controlled substance, or controlled substance precursor from another person, except as permitted by applicable federal and

state laws.

B. Definitions. As used in this section:

1. "Controlled substance" means a drug, substance or immediate precursor as defined by UTAH CODE ANN. § 58-37-2(4) or its successor.

2. "Controlled substance precursor" means any material defined as a controlled substance precursor by UTAH CODE ANN. § 58-37c-3(2) or its successor.

C. Violation of this section is a misdemeanor.

## Chapter 10.41

### GRAFFITI PENALTIES

#### Sections:

#### 10.41.010 Definitions.

#### 10.41.020 Graffiti prohibited.

#### 10.41.030 Graffiti implements— Prohibition against furnishing to minors.

#### 10.41.040 Graffiti implements— Prohibition against possession by minors.

#### 10.41.050 Graffiti implements—Intent.

#### 10.41.060 Graffiti—Violation—Penalty.

#### 10.41.070 Graffiti—Responsible adult civil liability.

#### 10.41.080 Graffiti—City victim.

#### 10.41.090 Graffiti removal required.

#### 10.41.010 Definitions.

As used in this chapter, the following definitions shall apply:

A. "*Graffiti*" means any unauthorized inscription, insignia, symbol, word, figure, character or design that is marked, etched, scratched, drawn, sprayed or painted on a building, fence, wall, rock, bridge, gate, tree or landscaping, or other structure.

B. "*Graffiti implement*" means any fluid that does not remain soluble in water or any item that may be used to propel or apply said fluid.

C. "*Minor*" means a person under eighteen years of age.

D. "*Responsible adult*" means a parent or legal guardian of a minor.

#### 10.41.020 Graffiti prohibited.

It is unlawful for any person to apply graffiti to any building, fence, wall, rock, bridge, gate, tree or landscaping, or other structure, either publicly or privately owned, without the permission of the owner or operator of such property.

#### 10.41.030 Graffiti implements— Prohibition against furnishing to minors.

No person shall knowingly sell, exchange, give, loan, or in any way furnish a graffiti implement to any person if such person has the intent to use such graffiti implement to:

A. Place graffiti on public or private property, real or personal, of another;

B. Aid in the placement of such graffiti; or

C. Otherwise vandalize or deface such property.

#### 10.41.040 Graffiti implements— Prohibition against possession with intent.

No person shall have a graffiti implement in his possession with the intent to:

A. Place graffiti on public or private property, real or personal, of another;

B. Aid in the placement of such graffiti; or

C. Otherwise vandalize or deface such property.

#### 10.41.050 Graffiti implements—Intent.

Any person who, while in a public place, carries a graffiti implement with the intent to:

A. Place graffiti on public or private property, real or personal, of another;

B. Aid in the placement of such graffiti; or

C. Otherwise vandalize or deface such property, is guilty of a class B misdemeanor unless he has first received valid authorization from the governmental entity which has jurisdiction over the public area or other person who is designated to provide such authorization as to private property.

#### 10.41.060 Graffiti—Violation—Penalty

A. Except as otherwise provided in this section, any person who is convicted of violating the provisions of this Chapter 10.41 shall be guilty of a class B misdemeanor.

B. A person who is convicted of violating Section 10.41.020 shall be subject to the following minimum fines and penalties:

1. For the first offense, the violator shall pay a fine of not less than \$400 but not more than \$1,000, plus perform one hundred hours of community service.

2. For the second offense, the violator shall pay a fine of not less than \$750 but not more than \$1,000, plus perform two hundred hours of community service.

3. For the third and each subsequent offense, the violator shall pay a fine of \$1,000, plus perform two hundred hours of community service.

C. The community service assigned pursuant to this section must, if possible, be related to the abatement of graffiti.

D. In addition to such punishment, the court may, in imposing sentence, order the defendant to restore the property which was defaced, damaged or destroyed.

E. The responsible adult(s) of a minor who violates section 10.41.020 is liable for all fines and penalties imposed against the minor to the extent permissible under UTAH CODE ANN. 78A-6-1113 or other applicable state statute.

F. If a person violates Section 10.41.020, the court may, in addition to any other penalty imposed, and unless prohibited by state or federal law, issue an order suspending the violator's driver's license for not more than two years. The court may require the violator to surrender all driver's licenses then held by the violator. The court shall, within five days after issuing the order, forward to the Department of Motor Vehicles any surrendered driver's licenses together with a copy of the suspension order.

G. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to another ordinance or statute for the same conduct.

#### **10.41.070 Graffiti—Responsible adult civil liability.**

A. Any person who violates Section 10.41.020 is liable civilly to a property owner or other person who is damaged thereby.

B. Any act of a minor which results in the unlawful placement of graffiti on a building, fence, wall, rock, bridge, gate, tree or landscaping, or other structure, shall be imputed to that minor's responsible adult(s) for civil liability purposes to the extent permissible under UTAH CODE ANN. 78A-6-1113 or other applicable state statute.

C. This section in no way limits or narrows the liability of a responsible adult for acts of a minor pursuant to any other provision of law.

#### **10.41.080 - Graffiti—City victim.**

If graffiti is applied to any public property, or private property visible from any public street, road or alleyway, and such graffiti is removed, covered or cleaned up at city expense, the city then becomes the victim of the graffiti and suffers damage for the purpose of prosecution or a civil claim brought under this chapter.

#### **10.41.090 Graffiti removal required.**

A. Owners of property, structures, buildings or natural features upon which graffiti has been placed shall promptly remove such graffiti. If the owner of such property fails to remove such graffiti within six business days, then the city may give the owner written notice in person or by certified mail to his last known address. The notice shall inform the owner that there is graffiti on the property, that there is a requirement to remove or otherwise abate the graffiti, and that if the graffiti is not removed or abated within ten days after the date of the notice, the graffiti may be cleaned up by the city at the owner's expense.

B. The owner may object to the required graffiti cleanup by filing an appeal with the

city manager or his designee within ten days after the date of the notice.

C. If the time for appeal expires and the owner has not cleaned up the graffiti, then the city may enter upon the property without further notice or legal process and remove or otherwise abate the graffiti.

D. The city's costs incurred in the graffiti cleanup shall be billed to the owner. If the owner fails to make full payment to the city treasurer within 90 days after the date of billing from the city, the city may cause suit to be brought in an appropriate court or may recover its costs as provided in UTAH CODE ANN. 10-11-3 to -4.

E. If suit by the city for recovery of its expenses of removal of graffiti is pursued, the city also shall be entitled to an award of its reasonable attorney's fees, interest and court costs.

F. The city's right to abate graffiti and to recover the cost of such cleanup under this chapter in no way limits or narrows the city's rights to inspect and clean property, and to recover its costs, under UTAH CODE ANN. 10-11-1 to -4, as amended.

#### **10.40.020 Criminal trespass to vehicles.**

Whoever knowingly and without authority enters any vehicle, aircraft or watercraft, or any part thereof of another, without his consent, shall be guilty of a misdemeanor.

#### **10.40.030 Criminal trespass to land.**

A. Whoever enters upon the land or any part thereof of another, after receiving immediately prior to such entry notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, shall be deemed guilty of a misdemeanor.

B. A person will be deemed to have received notice from the owner or occupant within the meaning of subsection A of this

section if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

#### **10.40.040 Trespass on city property.**

It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to drive or operate any self-propelled motor vehicle in, on or about any property belonging to the city, or under the control of the city, except on public highways, streets and roads, unless such property is specifically designated and posted for such use.

#### **10.40.050 Trespass from a public recreational trail.**

It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, for the purpose of biking, hiking, or any other activity to willfully leave the boundaries of any public recreational trail across privately owned lands without the express consent of the landowner whenever notice against leaving the trail has been given by posting of a sign or signs reasonably likely to notify trail users.

#### **10.40.060 Placing printed matter on vehicles.**

A. It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to distribute, deposit, place, throw, scatter or cast, or cause to be distributed, deposited, placed, thrown, scattered or cast, any handbill, circular, card, booklet, placard or other printed or written matter of any type, except notice of parking violations in or upon any automobile or other vehicle.

B. The provisions of this section shall not be deemed to prohibit the handing, transmit-

ting or distributing of any noncommercial printed or written matter to the owner or other occupant of any automobile or other vehicle who is willing to accept the same.

## Chapter 10.44

### THEFT AND RELATED OFFENSES

#### Sections:

#### 10.44.010 Definitions.

#### 10.44.020 Acts constituting theft designated—Penalty.

#### 10.44.030 Presumptions and *prima facie* evidence.

#### 10.44.010 Definitions.

For the purposes of this chapter:

A. “Dealer” means a person in the business of buying or selling goods.

B. “Deception” means and occurs when a person intentionally does any of the following:

1. Creates or confirms by words or conduct an impression of law or fact that is false and that the actor does not believe to be true, and that is likely to affect the judgment of another in the transactions;

2. Fails to correct a false impression of law or fact that the actor previously created or confirmed by words or other conduct that is likely to affect the judgment of another and that the actor does not now believe to be true;

3. Prevents another from acquiring information likely to affect his judgment in the transaction;

4. Sells or otherwise transfers or encumbers property without disclosing a lien, security interest, adverse claim, or other legal impediment to the enjoyment of the property, or whether the lien, security interest, claim or impediment is or is not valid or is or is not a matter of official record; or

5. Promises performance that is likely to affect the judgment of another in the transaction, which performance the actor does not intend to perform or knows will not be performed; provided, however, that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform

or knew the promise would not be performed.

C. “Obtain” means, in relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another; in relation to labor or services, to secure performance thereof; and in relation to a trade secret, to make any facsimile, replica, photograph or other reproduction.

D. “Obtain or exercise unauthorized control” means, but is not necessarily limited to, conduct heretofore defined or known as common-law larceny by trespass, larceny by conversion, larceny by bailee, and embezzlement.

E. “Property” means anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments or other writings representing or embodying rights concerning real or personal property, labor services, commodities of a public utility nature such as telecommunications, gas, electricity, steam or water, and trade secrets, meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula or invention which the owner thereof intends to be available only to persons selected by him.

F. “Purpose to deprive” means to have a conscious objective:

1. To withhold property permanently or for so extended a period, or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost;

2. To restore the property only upon payment of a reward or other compensation; or

3. To dispose of the property under circumstances that make it unlikely that the owner will recover it.

G. “Receives” means acquiring possession, control or title, or lending on the security of the property.

H. “Services” means and includes, but is not necessarily limited to, labor, professional

services, public utility and transportation services, restaurant, hotel, motel, tourist cabin, rooming house and like accommodations, the supplying of equipment, tools, vehicles or trailers for temporary use, telephone or telegraph services, gas, electricity, water or steam and the like, and admission to entertainment, exhibitions, sporting events, or other events for which a charge is made.

**10.44.020 Acts constituting theft designated—Penalty.**

A. A person commits theft when he knowingly does any of the following:

1. Obtains or exercises unauthorized control over the property of another, having a value of \$300 or less, with the purpose to deprive the owner thereof;

2. Obtains or exercises control over the property of another having a value of \$300 or less, by deception, and with the purpose to deprive the owner thereof;

3. Obtains or exercises control over the property of another, having a value of \$300 or less, by extortion, as defined by the laws of the state of Utah, and with the purpose to deprive the owner thereof;

4. Receives, retains or disposes of the property of another, having a value of \$300 or less, knowing that such property had been stolen, or believing that it probably had been stolen, or who conceals, sells, withholds, or aids in concealing, selling or withholding any such property from the owner, knowing the property to be stolen, with a purpose to deprive the owner thereof;

5. Obtains property of another, having a value of \$300 or less, which he knows or reasonably should have known to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient, or as to the nature or amount of the property, without taking reasonable measures to return it to the owner, and with the purpose to deprive the owner of the property when he obtains the

property, or at any time prior to taking the measures designated above;

6. Obtains services, having a value of \$300 or less, which he knows are available only for compensation, by deception, threat, force, or any other means designed to avoid the due payment therefore; or

7. Diverts the services of another, over which he has control and to which he knows he is not entitled, having a value of \$300 or less, to his own benefit or to the benefit of another who he knows is not entitled thereto.

B. A person convicted of theft, as herein enumerated, shall be deemed guilty of a misdemeanor.

**10.44.030 Presumptions and *prima facie* evidence.**

The following presumptions shall be applicable to this chapter:

A. Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed *prima facie* evidence that the person in possession stole the property.

B. The knowledge or belief required for subsection (A)(4) of section 10.44.020 of this chapter is presumed, in a case of an actor who:

1. Is found in possession or control of other property stolen on a separate occasion;

2. Has received other stolen property within the year preceding the receiving offense charged; or

3. Being a dealer in property of the sort received, retained or disposed, acquires it for a consideration which he knows is far below its reasonable value.

## Chapter 10.56

### ALCOHOLIC BEVERAGES AND TOBACCO

#### Sections:

- 10.56.010 Alcoholic beverages—Sale to minors prohibited.**
- 10.56.020 Proof of age—Refusing service authorized when.**
- 10.56.030 Proof of age—Evidence—Defense for transactions.**
- 10.56.040 False evidence of age—Prohibited.**
- 10.56.050 False evidence of age—Presenting or possessing.**
- 10.56.060 Alcoholic beverages—Possession by persons under 21.**
- 10.56.070 Employment of persons under 21 prohibited.**
- 10.56.080 Minors on premises where alcoholic beverages are sold—Work permits.**
- 10.56.090 Tobacco—Sale to persons under 19 prohibited.**
- 10.56.100 Tobacco—Purchase or possession prohibited when.**
- 10.56.010 Alcoholic beverages—Sale to minors prohibited.**
- A. Every person who sells, procures, furnishes, gives or causes to be sold, furnished or given away any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.
- B. Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any place licensed to sell or serve beer or alcoholic beverages, is guilty of a misdemeanor.
- C. Any licensee of a place licensed to sell beer or alcoholic beverages who permits a person under the age of 21 years to consume any alcoholic beverage in the premises without

requiring identification as provided for in section 10.56.030 of this chapter is guilty of a misdemeanor.

D. “Alcoholic beverage” or “alcoholic beverages” as used in this chapter shall mean “beer” and “liquor” as defined in UTAH CODE ANN. § 32A-1-105, or its successor.

#### **10.56.020 Proof of age—Refusing service authorized when.**

For the purpose of preventing the violation of section 10.56.010, any licensee, or his agent or employee, may refuse to sell any alcoholic beverage to any person who is unable to produce adequate written evidence that he is at least 21 years of age.

#### **10.56.030 Proof of age—Evidence—Defense for transactions.**

A. *Bona fide* evidence of majority and identity of the person is a document containing a photograph of such person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator’s license or an identification card issued to members of the Armed Forces.

B. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and acted in reasonable reliance upon such *bona fide* evidence in any transaction, employment, use or permission forbidden by this chapter shall be a defense to any criminal prosecution therefor, or to any proceedings for the suspension or revocation of any licenses based thereon.

#### **10.56.040 False evidence of age—Prohibited.**

Any person who sells, gives or furnishes to any person under the age of 21 years any false or fraudulent written, printed or photostatic evidence of the majority and identity of such person is guilty of a misdemeanor.

**10.56.050 False evidence of age—  
Presenting or possessing.**

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his own, for the purpose of ordering, purchasing, attempting to purchase or otherwise attempting to procure any alcoholic beverage, or who has in his possession any false or fraudulent written, printed or photostatic evidence of age and identity, is guilty of a misdemeanor.

**10.56.060 Alcoholic beverages—Possession  
by persons under 21.**

Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway, or in any public place, or in any place open to the public is guilty of a misdemeanor. This section does not apply to possession by a person under the age of 21 years making a delivery of any beer or alcoholic beverage in pursuance of the order of a parent or in the course of his employment.

**10.56.070 Employment of persons under 21  
prohibited.**

Every person who knowingly employs or uses the services of any person under the age of 21 years in or on that portion of any premises, during business hours, which are primarily designed, intended and used for the sale and serving of alcoholic beverages for consumption on the premises is guilty of a misdemeanor.

**10.56.080 Minors on premises where alcoholic  
beverages are sold—Work  
permits.**

A. Any licensee, or his agent or employee, of a place licensed to sell or serve alcoholic beverages who knowingly permits a person under the age of 21 years to enter and remain on the licensed premises without lawful busi-

ness is guilty of a misdemeanor. Any person under the age of 21 years who enters and remains on the licensed public premises without lawful business therein is guilty of a misdemeanor.

B. This section shall not be construed to prohibit minors from eating meals in a restaurant when the primary business of the restaurant is the serving of meals, nor to prohibit minors from eating meals in a licensed private club on that portion of the premises which is primarily intended for the serving of meals, provided that such minor is a guest of a club member.

C. Any portion of a licensed private club which is primarily intended for the serving of meals and which shall admit persons under 21 years of age as patrons shall have the dining area clearly designated by signs and by physical barriers or walls which separate persons in the dining area from that portion of the premises intended primarily for the consumption and sale of alcoholic beverages. Should persons under 21 years of age be admitted, entrance to and exit from the dining areas shall be by route other than through that portion of the premises primarily intended for the consumption and sale of alcoholic beverages.

D. Persons under 21 years of age may be employed by a club licensee as entertainers, kitchen staff, bus boys, waiters, waitresses and maintenance personnel, provided such minor employees do not enter on that portion of the premises primarily intended for the sale and consumption of alcoholic beverages and perform all their employment duties on the portion of the premises primarily intended for dining. The physical structure of the premises shall be such that no employee under 21 years of age need enter the portion of the premises primarily intended for the sale and consumption of alcoholic beverages in the performance of employment duties, and such entry by a minor employee is prohibited.

E. Any employee under 21 years of age of

a club licensee shall obtain a work permit. The work permit shall be carried on the person while working on the premises and displayed upon request of law enforcement officers. The work permit shall be granted or denied in accordance with the city's business license ordinance, upon application to the city marshal or any other entity then providing law enforcement services to the city.

F. This section shall not be construed to allow any person under the age of 21 years on that portion of the premises of a lounge, bar, tavern or club intended primarily for the sale and consumption of alcoholic beverages for any reason whatsoever.

**10.56.090 Tobacco—Sale to persons under 19 prohibited.**

Any person who sells, gives or furnishes any cigar, cigarette or tobacco, in any form, to any person under the age of 19, is guilty of a misdemeanor.

**10.56.100 Tobacco—Purchase or possession prohibited when.**

Any person under the age of 19 years who buys, accepts or has in his possession any cigar, cigarette or tobacco, in any form, is guilty of a misdemeanor.

## Chapter 10.60

### CURFEW

#### Sections:

#### 10.60.010 Definitions.

#### 10.60.020 16-year-old curfew.

#### 10.60.030 18-year-old curfew.

#### 10.60.040 Parental liability.

#### 10.60.050 Business liability.

#### 10.60.060 Exceptions.

#### 10.60.070 Enforcement.

#### 10.60.010 Definitions.

A. "Care and custody" means the legal authority of a parent or guardian to supervise or otherwise be responsible for a minor, or the express authority given from such parent or legal guardian of a minor to a responsible adult to supervise or otherwise be responsible for the activities and care of the minor.

B. "Emergency errand" means any errand or travel undertaken to directly and immediately seek to prevent or reduce the consequences of an illness or injury, criminal or potentially criminal activity, or fire or other accident and shall include the seeking of aid and assistance from medical or emergency response personnel or the purchase of medications.

C. "Minor" means any unmarried, emancipated person who is not a member of the armed forces of the United States and who is under the age of 16 years for the purposes of section 10.60.020 of this chapter or who is under the age of 18 years for the purposes of section 10.60.030 of this chapter.

D. "Public places" means any place open to the public, whether publicly or privately owned, including but not limited to, parking lots and the interiors and exteriors of commercial establishments such as restaurants, stores or places of entertainment.

#### 10.60.020 16-year-old curfew.

It is unlawful for any minor under the age of 16 years to remain or loiter upon any of the sidewalks, streets, alleys or public places in the city, between the hours of 11:00 p.m. and 5:00 a.m. the following morning.

#### 10.60.030 18-year-old curfew.

It is unlawful for any minor under the age of 18 years to remain or loiter upon any of the sidewalks, streets, alleys or public places in the city, between the hours of 1:00 a.m. and 5:00 a.m.

#### 10.60.040 Parental liability.

It is unlawful for any parent, guardian or other person having care and custody of any minor to allow or permit the minor to violate the provisions of this chapter. Violation is a misdemeanor.

#### 10.60.050 Business liability.

No person owning or operating a business as defined by this code of ordinances shall knowingly permit any minor to remain on the premises of such business in violation of the provisions of this section. Any such violation shall be a misdemeanor. This section, however, shall not apply to any minor who is lawfully employed on the premises.

#### 10.60.060 Exceptions.

The provisions of this chapter shall not apply to any circumstances in which the minor is:

A. Accompanied by a parent, guardian or other responsible adult having care and custody of such minor;

B. Engaged in legitimate trade, employment or occupation which requires the minor's presence in or on the sidewalks, streets, alleys or public places while working at or traveling to or from such employment;

C. Engaged in an emergency errand directed by the minor's parent, guardian or other

responsible person having care and custody;

D. In a motor vehicle engaged in a normal interstate travel beginning in, traveling through, or ending in the city;

E. Attending or engaged in traveling between the minor's home or place of residence and a place where any religious, municipal, social, entertainment, sporting, political, library or school function is occurring; or

F. Within the immediate vicinity of the minor's place of residence.

**10.60.070 Enforcement.**

A. Any minor who is in violation of the provisions of this chapter is subject to arrest and citation.

B. Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor.

C. It is unlawful for any parent, guardian or other person charged with the care and custody of a minor who is in violation of this chapter to refuse to appear and take custody of the minor within a reasonable time after being ordered to do so by a peace officer.

D. Any violation of this chapter is a misdemeanor.

## Chapter 10.61

### FAILURE TO SUPERVISE A CHILD

#### Sections:

#### 10.61.010 Intent/purpose.

#### 10.61.020 Failure to supervise a child.

#### 10.61.030 Affirmative defenses.

#### 10.61.040 Child's conviction not required.

#### 10.61.050 Definitions.

#### 10.61.060 Penalty/counseling.

#### 10.61.010 Intent/purpose.

The increasing number of criminal episodes committed by children is a negative reflection of our society's attention to family stability, and demonstrates the breakdown of meaningful parental supervision of children. Those who bring children into the world or assume a parenting role, but fail to effectively train, guide, teach and control them, should be accountable at law. Those who need assistance and training should be aided. Those who neglect their parenting duties should be encouraged to be more diligent through criminal sanctions, if necessary. This chapter should be construed to achieve these remedial objectives.

#### 10.61.020 Failure to supervise a child.

A person commits the offense of failing to supervise a child or tending to cause the delinquency of a child, if the person is the parent, lawful guardian, or other person over the age of 18 years who is lawfully charged with the care or custody of a child, which adult person resides within the corporate limits of the city, and the person does any of the following:

A. Solicits, requests, commands, encourages or intentionally aids or acts with the child in violation of any federal, state or local law;

B. Aids, contributes to, or becomes legally responsible for the neglect, abuse or delinquency of the child;

C. Willfully abuses, neglects or abandons

the child in any manner likely to cause the child unnecessary suffering or serious injury to his health or morals;

D. Provides, encourages or permits the child to possess or consume an alcoholic beverage or a controlled substance;

E. Fails to provide appropriate and reasonable supervision of the child; or

F. Aids, contributes or becomes responsible for the neglect, abuse or delinquency of the child.

For purposes of this section, a person is responsible for the delinquency of a child or has failed to provide appropriate and reasonable supervision when:

1. The child has committed three or more delinquent acts within a two-calendar-year period, which events have been referred to the juvenile court;

2. The person fails to undertake counseling requirements ordered by a juvenile court having jurisdiction over the child;

3. The person fails to take meaningful and reasonable disciplinary or remedial action in response to prior delinquency acts of the child; or

4. The act or failure to act by the person demonstrates a willful lack of commitment to prevent future delinquent acts by the child.

#### 10.61.030 Affirmative defenses.

In a prosecution under this chapter, it shall be an affirmative defense that the person charged:

A. Is a direct victim of that act or conduct which resulted in the child being subject to the jurisdiction of the juvenile court;

B. Reported the act or event to appropriate governmental authorities at or near the time the child committed the wrongful or delinquent act or conduct; or

C. Provided reasonable and appropriate supervision to the child, under the totality of the circumstances. In assessing the reasonableness or appropriateness of the person's su-

pervisory actions, the court will consider:

1. The severity of the offense committed by the child;
2. The number of prior offenses committed by the child;
3. The person's knowledge of the child's wrongful conduct or behavior;
4. The discipline, counseling or other remedial measures taken by the person, after obtaining knowledge of the wrongful behavior of the child; and
5. Any other action by the person which demonstrates a reasonable commitment and effort to prevent future delinquent or wrongful conduct, behavior or acts by the child.

**10.61.040 Child's conviction not required.**

It shall not be necessary to obtain an adjudication of delinquency, a conviction or otherwise establish that the child became a delinquent or committed delinquent acts, in order to obtain the conviction of a person under this chapter.

**10.61.050 Definitions.**

For purposes of this chapter, the following words or phrases have the following meanings:

- A. "Child" is an unemancipated minor, under the age of 18 years.
- B. "Delinquent act" is an act or criminal episode which, if committed by an adult, would be an infraction, a misdemeanor or a felony; however, it does not include minor traffic offenses or other misdemeanors not involving moral turpitude.
- C. "Person" is a natural parent; adoptive parent; legal guardian, by virtue of a judicial order; or other person over 18 years of age who has assumed the parenting role over a child by marriage or custom and practice.

**10.61.060 Penalty/counseling.**

Violation of this chapter is a misdemeanor. To fulfill the primary objective and purpose of

this chapter, it is the legislative intent that:

- A. Upon a first conviction under this chapter, the court sentence the defendant to complete a program of appropriate counseling; and
- B. Upon subsequent convictions under this chapter, the court may sentence the defendant to perform not less than 100 hours of community service, and to complete a program of appropriate counseling.

## Chapter 10.64

### FIREARMS AND WEAPONS

#### Sections:

**10.64.010 Adoption and incorporation of Utah State Code provisions relating to weapons.**

**10.64.020 Minors—Liability of parent or guardian.**

**10.64.030 Discharge prohibited within city limits—Exceptions.**

**10.64.010 Adoption and incorporation of Utah State Code provisions relating to weapons.**

The provisions of part 5 of chapter 10 of the Utah Criminal Code (UTAH CODE ANN. § 76-10-501, *et seq.*) and its successors are hereby adopted and incorporated by this reference as violations of city ordinances.

**10.64.020 Minors—Liability of parent or guardian.**

Any parent, guardian or person having charge or control of any minor who grants consent to such minor to possess and use dangerous weapons as defined in UTAH CODE ANN. § 76-10-501(2)(c) shall thereby become liable for any damages caused by such minor's use of the dangerous weapon.

**10.64.030 Discharge prohibited within city limits—Exceptions.**

It is unlawful to discharge any firearm within the city limits of the city, except in self-defense, or defense of property, or in the case of any peace officer, in the performance of his duty, or at a duly-licensed shooting gallery or range.