

TITLE 15. CRIMINAL CODE

Chapter 15.100. Inchoate Offenses.

15-101. Attempt - Elements of Offense.

- (A) For the purpose of this section, a person is guilty of an attempt to commit any act made an offense by any ordinance of this municipality if, acting with the kind of culpability otherwise required for the commission of the offense, he engages in conduct constituting a substantial step toward commission of the offense.
- (B) For purposes of this part, conduct does not constitute a substantial step unless it is strongly corroborative of the actor's intent to commit the offense.
- (C) No defense to the offense of attempt shall arise:
 - (1) Because of the offense attempted was actually committed; or
 - (2) Due to factual or legal impossibility if the offense could have been committed had the attendant circumstances been as the actor believed them to be.

15-102. Attempt - Classification of Offenses. Criminal attempt to commit:

- (A) A Class B misdemeanor is a Class C misdemeanor;
- (B) A Class C misdemeanor is an infraction;
- (C) An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction.

15-103. Conspiracy - Elements of Offense. For purposes of this section, a person is guilty of conspiracy when he, intending that conduct constituting an offense under these ordinances whether he specifically intends to violate the ordinances or not, agrees with one or more persons to engage in or cause the performance of such conduct and any one of them commits an overt act in pursuance of the conspiracy, except where the offense is arson, or burglary, the overt act is not required for the commission of the conspiracy.

15-104. Conspiracy - Classification of Offenses. Conspiracy to commit:

- (A) A Class B misdemeanor is a Class C misdemeanor;
- (B) A Class C misdemeanor is an infraction;

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- (C) An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction.

15-105. Specific Attempt or Conspiracy Offense Prevails. Whenever any offense specifically designates or defines an attempt or conspiracy and provides a penalty for the attempt or conspiracy other than provided in this section, the specific offense shall prevail over the provisions of this section.

15-106. Conviction of Inchoate and Principal Offense Prohibited. No person shall be convicted of both an inchoate and principal offense.

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15-200. Offenses Against the Person.

15-201. Assault.

- (A) Assault is:
- (1) An attempt, with unlawful force or violence to do bodily injury to another; or
 - (2) A threat accompanied by a show of immediate force or violence, to do bodily injury to another.
- (B) Assault is a Class B misdemeanor except where it is committed in a fight or scuffle entered by mutual consent and no serious bodily injury results, in which case it is a Class C misdemeanor.

15-202. Harassment.

- (A) A person is guilty of harassment if, with intent to frighten or harass another, he communicates in writing a threat to commit any violent felony.
- (B) Harassment is a Class C misdemeanor.

15-203. Terroristic Threat.

- (A) A person commits terroristic threat if he threatens to commit any offense involving violence with intent:
- (1) To cause action of any sort by an official or volunteer agency organized to deal with emergencies; or
 - (2) To place a person in fear of imminent serious bodily injury.
 - (3) To prevent or interrupt the occupation of a place of assembly; or aircraft, automobile or other form of conveyance, but shall not include a facility of public transportation operated by a common carrier.
- (B) Terroristic threat is a Class B misdemeanor.

15-204. Unlawful Detention.

- (A) A person commits unlawful detention if he knowingly restrains another unlawfully so as to interfere substantially with this liberty.
- (B) Unlawful detention is a Class B misdemeanor.

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CHAPTER 15-300. Offenses Against Property.

15-301. Definitions. For purposes of this chapter:

- (A) Property means any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure.
- (B) Habitable structure means any building, vehicle, trailer, railway car, aircraft, or watercraft used for lodging or assembling person or conducting business whether a person is actually present or not.
- (C) Property is that of another, if anyone other than the actor has a possessory or proprietary interest in any portion thereof.
- (D) Value means:
 - (1) The market value of the property, if totally destroyed, at the time and place of the offense, or where cost of replacement exceeds the market value; or
 - (2) Where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense.
 - (3) If the property damaged has a value that cannot be ascertained by the criteria set forth in subsections (1) and (2) above, the property shall be deemed to have a value not to exceed \$50.00.

15-302. Arson.

- (A) A person is guilty of arson if, by means of fire or explosives, a person unlawfully and intentionally damages the property of another or any property with intention of defrauding an insurer.
- (B) Arson is a Class B misdemeanor if the damage to property exceeds \$250.00 but is not more than \$1,000.00 in value. Any other violation under this section shall constitute a Class C misdemeanor.

15-303. Reckless Burning.

- (1) A person is guilty of reckless burning if the person:
 - (a) Recklessly starts a fire or causes an explosion which endangers human life; or
 - (b) Having started a fire, whether recklessly or not, and knowing that it is spreading and will endanger the life or property of another, either fails to

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take responsible measures to put out of control the fire or fails to give a prompt fire alarm; or Damages the property of another by reckless use of fire or causing an explosion.

- (2) A violation of Subsections (a) and (b) is a class B misdemeanor.
- (3) A violation of Subsection (c) is
 - (a) a class B misdemeanor if the damage to property is or exceeds \$300 but less than \$1,000 in value; and
 - (b) a class C misdemeanor if the damage to property is or exceeds \$150 but is less than \$300 in value.
- (4) Any other violation under Subsection (c) shall constitute an infraction.
(Ord. 98-03)

15-304. Criminal Mischief.

- (A) A person commits criminal mischief if:
 - (1) He intentionally damages, defaces or destroys the property of another;
 - (2) He recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car or caboose, whether moving or standing; or
 - (3) He intentionally and unlawfully tampers with the property of another and thereby:
 - (a) Recklessly endangers human life; or
 - (b) Recklessly causes or threatens a substantial interruption or impairment of any public utility service.
- (B) Criminal mischief is defined herein as a Class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss in excess of \$250.00 and a Class C misdemeanor if the actor's conduct causes or is intended to cause loss of less than \$250.00.

15-305. Manufacture or Possession of Instrument for Burglary or Theft. Any person who manufactures or possesses any instrument, tools, device, article or other thing adapted, designed, or commonly used in advancing or facilitating the commission of any offense under circumstances manifesting an intent to use or knowledge that some person intends to use the same in the commission of a burglary or theft is guilty of a Class B misdemeanor.

15-306. Criminal Trespass.

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- (A) For purposes of this section "enter" means intrusion of the entire body.
- (B) A person is guilty of criminal trespass if:
 - (1) He enters or remains unlawfully on property; and
 - (a) intends to cause annoyance or injury to any person thereon or damage to any property thereon; or
 - (b) intends to commit any crime, other than theft or a felony;
 - (c) is reckless as to whether his presence will cause fear for the safety of another.
 - (2) Knowing his entry or presence is unlawful, he enters or remains on property as to which notice against entering is given by:
 - (a) personal communication to the actor by the owner or someone with apparent authority to act for the owner; or
 - (b) fencing or other enclosure obviously designed to exclude intruders; or
 - (c) posting of signs reasonably likely to come to the attention of intruders.
- (C) A violation of subsection (B) is a Class C misdemeanor unless it was committed in a dwelling, in which event it is a Class B misdemeanor. A violation of subsection a. is an infraction.
- (D) It is a defense to prosecution under this section:
 - (1) That the property was open to the public when the actor entered or remained; and
 - (2) The actor's conduct did not substantially interfere with the owner's use of the property.

15-307. Theft. Definitions. For the purposes of this chapter:

- (A) 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

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property, labor, services, or otherwise containing anything of value to the owner, 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.

- (B) 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.
- (C) Purpose to deprive means to have the conscious object:
 - (1) To withhold property permanently or for so extended a period or to sue under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost; or
 - (2) To restore the property only upon payment of a reward or other compensation;
 - (3) To dispose of the property under circumstances that make it unlikely that the owner will recover it.
- (D) Obtain or exercise unauthorized control means, but is not necessarily limited to, conduct heretofore defined or known as common-law larceny by trespassory taking, larceny by conversion, larceny by bailee, and embezzlement.
- (E) Deception occurs when a person intentionally:
 - (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 it is likely to affect the judgment of another in the transaction; or
 - (2) Fails to correct a false impression of law or fact that the actor previously created or confirmed by words or conduct that is likely to affect the judgment of another and that the actor does not now believe to be true; or
 - (3) Prevents another from acquiring information likely to affect his judgment in the transaction; or

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- (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, 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 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.

15-308. Presumptions and Defenses. The following presumption shall be applicable to this section:

- (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) It is no defense under this part that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, provided an interest in property for purposes of this subsection shall not include a security interest for the repayment of a debt or obligation.
- (C) It is a defense under this section that the actor:
 - (1) Acted under an honest claim of right to the property or service involved; or
 - (2) Acted in the honest belief that he had the right to obtain or exercise control over the property or service as he did; or
 - (3) Obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented.

15-309. Theft - Evidence to Support Accusation. Conduct denominated theft in this chapter constitutes a single offense embracing the separate offenses as those heretofore known as larceny, larceny by trick, larceny by bailees, embezzlement, false pretense, extortion, blackmail, and receiving stolen property. An accusation of theft may be supported by evidence that it was committed in any manner specified in this chapter subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

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15-310. Theft - Elements. A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him thereof.

15-311. Theft by Deception.

- (A) A person commits theft if he obtains or exercises control over property of another by deception and with a purpose to deprive him thereof.
- (B) Theft by deception does not occur, however, when there is only falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Puffing means an exaggerated commendation of wares or worth in communications addressed to the public or to a class or group.

15-312. Theft by Extortion.

- (A) A person is guilty of theft if he obtains or exercises control over the property of another by extortion and with a purpose to deprive him thereof.
- (B) As used in this chapter, extortion occurs when a person threatens to:
 - (1) Cause physical harm in the future to the person threatened or to any other person or to property at any time; or
 - (2) Subject the person threatened or any person to physical confinement or restraint; or
 - (3) Engage in other conduct constituting a crime; or
 - (4) Accuse any person of a crime or expose him to hatred, contempt or ridicule; or
 - (5) Reveal any information sought to be concealed by the person threatened; or
 - (6) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
 - (7) Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or

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- (8) Bring about or continue a strike, boycott or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
- (9) Do any other act which would not in itself substantially benefit him but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.

15-313. Theft of Lost, Mislaid or Mistakenly Delivered Property.

- (A) A person commits theft when he obtains property of another which he knows 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
- (B) He has the purpose to deprive the owner of the property when he obtains the property or at any time prior to taking the measure designated in paragraph A.

15-314. Receiving Stolen Property - Duties of Pawnbrokers.

- (A) A person commits theft if he receives, retains, or disposes of the property of another knowing that it has 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.
- (B) The knowledge or belief required for paragraph A is presumed in the case of an actor who:
 - (1) Is found in possession or control of other property stolen on a separate occasion; or
 - (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, acquired it for a consideration which he knows is far below its reasonable value.
 - (4) Every pawnbroker or person who has or operates a business dealing in or collecting used or second- hand merchandise or personal property, and every agent, employee or representative of the pawn- broker or person who buys, receives or obtains property shall require the seller or person

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delivering the property to certify, in writing, that he has the legal rights to sell the property.

- (C) If the value given for the property exceeds \$20.00, the pawnbroker or person shall also require the seller or person delivering the property to obtain a legible print, preferably the right thumb, at the bottom of the certificate next to his signature or any other positive form of identification.
- (1) Every pawnbroker or person who has or operates a business dealing in or collecting used or second-hand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who fails to comply with the requirements of paragraph number 4 shall be presumed to have bought, received or obtained the property knowing it to have been stolen or unlawfully obtained. This presumption may be rebutted by proof.
- (2) When in a prosecution under this section it appears from the evidence that the defendant was a pawn-broker or a person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, or was an agent, employee or representative of a pawnbroker or person, that the defendant bought, received, concealed or withheld the property without requiring the person from whom he bought, received, or obtained the property to sign the certificate required in paragraph 4 and in the event the transaction involves an amount exceeding \$20.00 also place his legible print, preferably the right thumb, on the certificate, then the burden shall be upon the defendant to show that the property bought, received or obtained was not stolen.
- (3) As used in this section:
- (a) Receives means acquiring possession, control, or title or lending on the security of the property.
- (b) Dealer means a person in the business of buying or selling goods.

15-315. Theft of Services.

- (A) A person commits theft if he obtains services which he knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment therefor.

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- (B) A person commits theft if, having control over the disposition of services of another, to which he knows he is not entitled, he diverts such services to his own benefit or to the benefit of another who he knows is not entitled thereto.
- (C) As used in this section services includes, but is not necessarily limited to, labor, professional service, 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 service, gas, electricity, water or steam, and the like, admission to entertainment, exhibitions, sporting events, or other events for which a charge is made.
- (D) Under this section "services" includes gas, electricity, water, or sewer, only if the services are obtained by threat, force, or a form of deception not described in Section 76-6-409.3. U.C.A. 1953 amended.

15-315.1 Possession of articles from which identification plates removed--Class B misdemeanor.

- (A) Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his possession any mechanical or electrical device, appliance, contrivance, material, piece of apparatus or equipment, or any integrated chip or panel, printed circuit, from which the manufacturer's nameplate, serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is guilty of Class B misdemeanor.
- (B) When property described in subsection A comes into the custody of a peace officer, it shall become subject to North Logan City and state of Utah statutes related to the care, keeping and disposal of stolen or embezzled property. Such property prior to being disposed of, shall have an identification mark imbedded, engraved in, or permanently affixed to it.
- (C) This section does not apply to those cases or instances where any of the changes or alterations enumerated in subsection A of this section have been customarily made or performed as an established practice in the ordinary and regular conduct of business, by the original manufacturer, or under specific authorization from the original manufacturer, or by the legal owner who possesses reasonable documentation of ownership.

(Ord. 96-12)

15-316. Theft by Person Having Custody of Property Pursuant to Repair or Rental Agreement. A person is guilty of theft if:

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- (A) Having custody of property pursuant to an agreement between himself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair, or use of such property, he intentionally uses or operates it, without the consent of the owner, for his own purposes in a manner constituting a gross deviation from the agreed purpose; or
- (B) Having custody of any property pursuant to a rental or lease agreement where it is to be returned in a specified manner or at a specified time, intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement.

15-317. Theft by Failure to Make Required Payment or Disposition of Property Subject to Legal Obligation - Presumptions- Definitions.

- (A) A person commits theft if he obtains property from anyone or personal services from an employee upon agreement, or subject to a known legal obligation to make a specified payment or other disposition to a third person, whether from that property or its proceeds or from his own property to be reserved in an equivalent or agreed amount, if he purposely or recklessly fails to make the required payment or disposition and deals with the property obtained or withheld as his own.
- (B) Liability under paragraph A is not affected by the fact that it may be impossible to identify particular property as belonging to the victim at the time of the failure to make the required payment or disposition.
- (C) An officer or employee of the government or of a financial institution is presumed:
 - (1) To know of any legal obligation relevant to his liability under this section; and
 - (2) To have dealt with the property as his own if he fails to pay or account upon lawful demand, or if an audit reveals a shortage or falsification of his accounts.
- (D) As used in this section:
 - (1) Financial institution means a bank, insurance company, credit union, safety deposit company, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

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- (2) Government means the United States, any state or any county, municipality, or other political unit within territory belonging to the United States, or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government or formed pursuant to interstate compact or international treaty.
- (E) Theft of property and services as provided in this chapter shall be punishable as a Class B misdemeanor.

15-318. Retail Theft. A person commits the offense of retail theft when he knowingly:

- (A) Takes possession of, conceals, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of such merchandise; or
- (B) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value of any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the retail value with the intention of depriving the merchant of the retail value of such merchandise; or
- (C) Transfers any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the retail value of such merchandise; or
- (D) Underrings with the intention of depriving the merchant of the retail value of the merchandise; or
- (E) Removes a shopping cart from the premises of a retail mercantile establishment with the intent of depriving the merchant of possession, use or benefit of such cart.

15-319. Detention of Suspected Violator by Merchant. Any merchant who has probable cause to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes.

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- (A) To make reasonable inquiry as to whether such person has in his possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;
- (B) To request identification;
- (C) To verify such identification:
- (D) To make a reasonable request of such person to place or keep in full view any merchandise such individual may have removed, or which the merchant has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, purchase or for any other reasonable purpose;
- (E) To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;
- (F) In the case of a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of that minor immediately, if possible, of this detention and to surrender custody of such minor to such person.

A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.

15-320. Penalty - Retail Theft. The offense of retail theft shall be punishable as a Class B Misdemeanor.

15-321. Tampering with Records.

- (A) Any person who, having no privilege to do so, knowingly falsifies, destroys, removes, or cancels any writing, other than the writings enumerated in Section 15-323, or record, public or private, with intent to deceive or injure any person or to conceal any wrongdoing is guilty of tampering with records.
- (B) Tampering with records is a Class B misdemeanor.

15-322. Issuing a Bad Check.

- (A) (1) Any person who issues or passes a check or draft for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value or paying for any services, wages, salary, labor or rent, knowing it will not be paid by the

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drawee and payment is refused by the drawee, is guilty of issuing a bad check or draft.

- (2) For purposes of this section, a person who issues a check or draft for which payment is refused by the drawee is presumed to know the check or draft would not be paid if he had no account with the drawee at the time of issuance.
- (B) Any person who issues or passes a check or draft for the payment of money, for the purpose of obtaining any money, property, or other thing of value or paying for any services, wages, salary, labor, or rent, payment of which check or draft is legally refused by the drawee, is guilty of issuing a bad check or draft if he fails to make good and actual payment to the payee in the amount of the refused check or draft within 14 days of his receiving actual notice of the check draft's nonpayment.
- (C) If the check or draft or series of checks or drafts made or drawn within this jurisdiction within a period not exceeding six months amounts to a sum not less than \$200.00, the offense shall be punished as a Class B misdemeanor.

15-323. Fraudulent Use of a Credit Card - "Credit Card" Defined.

- (A) A person is guilty of fraudulent use of a credit card if he uses a credit card for the purpose of obtaining property or services with knowledge that:
 - (1) The card is stolen; or
 - (2) The card has been revoked or canceled; or
 - (3) For any other reason his use of the card is unauthorized by either the issuer or the person to whom the credit card is issued.
- (B) "Credit Card" means a writing or other evidence of an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.
- (C) Fraudulent use of a credit card shall be punishable as a Class B misdemeanor if the value of the goods, property, or money, or the charges for the service obtained or avoided or attempted to be obtained or avoided, or if the value of the charges of the goods, property, money, or service obtained or avoided through a series of similar violations of these sections committed within a period not exceeding six months and amount in the aggregate to a sum not more than \$100.00.

15-324. Deceptive Business Practices - Definitions - Defense.

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- (A) A person is guilty of a Class B misdemeanor if, in the course of business, he:
- (1) Uses or passes for uses a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or
 - (2) Sells or offers or exposes for sale or delivers less than the represented quantity or quality of any commodity or service; or
 - (3) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or
 - (4) Sells, offers or exposes for sale adulterated or mislabeled commodities.
 - (a) "Adulterated" means varying from the standard of composition or quality prescribed, or pursuant to any statute or ordinance providing criminal penalties for such variance, or set by established commercial usage.
 - (b) "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute or ordinance providing criminal penalties for such variance, or set by established commercial usage.
 - (5) Makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services.
 - (6) Offers, by advertising or other means of communication, to the public or a substantial number of persons, property, or services as part of the scheme or plan, with intent not to sell or provide the advertised property or services:
 - (a) At the price which he offered them; or
 - (b) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
 - (c) At all.

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- (B) It is affirmative defense to prosecution under this section that the defendant's conduct was not knowing or reckless.

15-325. Bribery of or Receiving Bribe by Person in the Business of Selection, Appraisal, or Criticism of Goods or Services.

- (A) A person is guilty of a Class B misdemeanor when, without the consent of the employer or principal, contrary to the interests of the employer or principal:
- (1) He confers, offers, or agrees to confer upon the employee, agent, or fiduciary of an employer or principal any benefit with the purpose of influencing the conduct of the employee, agent, or principal's affairs; or
 - (2) He, as an employee, agent, or fiduciary of an employer or principal, solicits, accepts, or agrees to accept any benefit from another upon an agreement or understanding that such benefit will influence his conduct in relation to his employer's or principal's affairs; provided that this section does not apply to inducements made or accepted solely for the purpose of causing a change in employment by an employee, agent or fiduciary.
- (B) A person is guilty of violation of this section if he holds himself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of goods or services and he solicits, accepts, or agrees to accept any benefit to influence his selection, appraisal, or criticism.

15-326. Defrauding Creditors. A person is guilty of a Class B misdemeanor if:

- (A) He destroys, removes, conceals, encumbers, transfers, or otherwise deals with property subject to a security interest with a purpose to hinder enforcement of that interest; or
- (B) Knowing that proceedings have been or are about to be instituted for the appointment of a person entitled to administer property for the benefit of creditors, he:
- (1) Destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property with a purpose to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors; or
 - (2) Presents to any creditor or to any assignee for the benefit of creditors, orally or in writing, any statement relating to the debtor's estate, knowing that a material part of such statement is false.

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15-327. Using or Making Slugs.

- (A) A person is guilty of a Class B misdemeanor if:
 - (1) With a purpose to defraud the supplier of property or a service offered or sold by means of a coin machine, he inserts, deposits, or uses a slug in that machine; or
 - (2) He makes, possesses, or disposes of a slug with the purpose of enabling a person to use it fraudulently in a coin machine.
- (B) As used in this section:
 - (1) "Coin machine" means any mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination, or a token made for the purpose, and, in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service.
 - (2) "Slug" means any object which, by virtue of its size, shape, or other quality, is capable of being inserted, deposited, or otherwise used in a coin machine as an improper substitute for a genuine coin, bill, or token.

15-328. Criminal Simulation.

- (A) A person is guilty of criminal simulation if, with intent to defraud another:
 - (1) He makes or alters an object in whole or in part so that it appears to have value because of age, antiquity, rarity, source, or authorship that it does not have; or
 - (2) He sells, passes, or otherwise utters an object so made or altered; or
 - (3) He possesses an object so made or altered with intent to sell, pass, or otherwise utter it; or
 - (4) He authenticates or certifies an object so made or altered as genuine or as different from what it is.
- (B) Criminal simulation is punishable as a Class B misdemeanor.

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15-329. False or Fraudulent Insurance Claim - Punishment as for Theft. Every person who presents, or causes to be presented, any false or fraudulent claim, or any proof in support of any such claim, upon any contract of insurance for the payment of any loss, or who prepares, makes or subscribes any account, certificate of survey, affidavit or proof of loss, or other book, paper or writing, with intent to present or use the same, or to allow it to be presented or used, in support of any such claim is punishable as in the manner prescribed for theft of property of like value.

15-400. Offenses Against Government.

15-401. Definitions. For the purposes of this chapter:

- (A) "Public servant" means any officer or employee of the municipality, including judges, consultants, jurors, and persons otherwise performing a government function. A person is considered a public servant upon his election, appointment, or other designation as such, although he may not yet officially occupy that position.
- (B) "Party official" means any person holding any post in a political party whether by election, appointment, or otherwise.
- (C) "Pecuniary benefit" means any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increase prosperity generally.
- (D) A person is a candidate for electoral office upon his filing or being nominated as a candidate for any municipal officer.

15-402. Campaign Contributions not Prohibited. Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of any offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

15-403. Bribery to Influence Official or Political Actions. A person is guilty of a Class B misdemeanor if:

- (A) He promises, offers, or gives any pecuniary benefit to another with the purpose of influencing the other's action, decision, opinion, recommendation, vote, nomination, or other exercise of discretion as a public servant, party official, or voter; or

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- (B) Being a public servant, party official, candidate for electoral office, or voter, he solicits, accepts, or agrees to accept any pecuniary benefit from another, knowing the other person's purpose is as described above in Paragraph (A) of this section.

15-404. Receiving Bribe or Bribery by Public Servant. A person is guilty of a Class B misdemeanor if:

- (A) Being a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit in return for having given a decision, opinion, recommendation, nomination, vote, otherwise exercised in his discretion, or for having violated his duty; or
- (B) He promises, offers, or gives any pecuniary benefit, acceptance of which would be a violation of Paragraph (A).

15-405. Receiving bribe or Bribery for Endorsement of Person as Public Servant. A person is guilty of a Class B Misdemeanor if:

- (A) He solicits, accepts, agrees to accept for himself, another person, or a political party, money or any other pecuniary benefit as compensation for his endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant; or
- (B) He knowingly gives, offers, or promises any pecuniary benefit prohibited by paragraph (A).

15-406. Alteration of Proposed Ordinance or Resolution. Every person who fraudulently alters the draft of any ordinance or resolution which has been presented to the governing body of any municipality to be passed or adopted, with intent to procure it being passed or adopted by the governing body or signed by the Mayor in language different from that intended by the governing body, is guilty of a Class B misdemeanor.

15-407. Alteration of Engrossed Copy of Ordinances or Resolution. Every person who fraudulently alters any ordinance or resolution which has been passed or adopted by the governing body with intent to have it printed or published as part of the ordinances or resolutions of this municipality in language different from that in which it was passed or adopted by the legislature, is guilty of a Class B misdemeanor.

15-408. Failure of Member of Governing Body to Disclose Interest in Ordinance or Resolution. Every member of the governing body who has a personal or private interest in any measure, ordinance or resolution proposed or pending before the governing body and does not disclose the fact to the governing body and votes thereon is guilty of a Class B misdemeanor.

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15-409. Official Misconduct - Unauthorized Act or Failure of Duty. A public servant is guilty of a Class B misdemeanor if, with an intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

15-410. Official Misconduct - Unlawful Acts Based on "Inside" Information. A public servant is guilty of a Class B misdemeanor if, knowing that official action is contemplated or in reliance on information which he has acquired by virtue of his office or from another public servant which information has not been made public, he:

- (A) Acquires or divests himself of a pecuniary interest in any property, transaction, or enterprise which may be affected by such action or information; or
- (B) Speculates or wagers on the basis of such action or information
- (C) Knowingly aids another to do any of the foregoing.

15-411. Unofficial Misconduct.

- (A) A person is guilty of unofficial misconduct if he exercises or attempts to exercise any of the functions of a public officer when:
 - (1) He has not taken and filed the required oath of office; or
 - (2) He has failed to execute and file the required bond; or
 - (3) He has not been elected or appointed to office; or
 - (4) He exercises any of the functions of his office after his term has expired and the successor has been elected or appointed and has qualified, or after his office has been legally removed.
 - (5) He knowingly withholds or retains from his successor in office or other person entitled to the official seal or any records, papers, documents, or writings appertaining or belonging to his office or mutilates or destroys or takes away the same.
- (B) Unofficial misconduct is a Class B misdemeanor.

15-412. Interference with Public Servant. A person is guilty of a Class B misdemeanor if he uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function.

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15-413. Picketing or Parading in or Near Court. A person is guilty of a Class B misdemeanor if he pickets or parades in or near a building which houses a court of this municipality with intent to obstruct access to that court or to affect the outcome of a case pending before that court.

15-414. Prevention of Governing Body or Public Servant from Meeting or Organizing. A person is guilty of a Class B misdemeanor if he intentionally and by force or fraud:

- (A) Prevents the governing body of this municipality or any of the members thereof, from meeting or organizing; or
- (B) Prevents any other public servant from meeting or organizing to perform a lawful governmental function.

15-415. Disturbing Governing Body or Official Meeting.

- (A) A person is guilty of a Class B misdemeanor if:
 - (1) He intentionally disturbs the governing body while in session; or
 - (2) He intentionally commits any disorderly conduct in the immediate view and presence of the governing body of this municipality which tends to interrupt its proceedings or impair the respect of its authority; or
 - (3) Intentionally disturbs an official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting which tends to interrupt its proceedings.
- (B) "Official meeting", as used in this section, means any lawful meeting of municipal officials for the purposes of carrying on governmental functions.

15-416. Interference with Peace Officer Making Lawful Arrest. A person is guilty of a Class B misdemeanor if he has knowledge, or by the exercise of reasonable care, should have knowledge, that a peace officer is seeking to effect a lawful arrest or detention of himself or another and interferes with such arrest or detention by use of force or by use of any weapon.

15-417. Obstructing Justice.

- (A) A person is guilty of an offense if, with intent to hinder, prevent, or delay the discovery, apprehension, prosecution, conviction or punishment of another for the commission of crime, he:
 - (1) Knowing an offense has been committed, conceals it from a magistrate; or

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- (2) Harbors or conceals the offender; or
- (3) Provides the offender a weapon, transportation, disguise, or other means for avoiding discovery or apprehension; or
- (4) Warns such offender of impending discovery or apprehension; or
- (5) Conceals, destroys, or alters any physical evidence that might aid in the discovery, apprehension, or conviction of such person; or
- (6) Obstructs by force, intimidation, or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person.

(B) An offense under this section is a Class B misdemeanor.

15-418. Failure to Aid Peace Officer. A person is guilty of a Class B misdemeanor if, upon command by a peace officer identifiable or identified by him as such, he unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person.

15-419. Acceptance of Bribe or Bribery to Prevent Criminal Prosecution - Defense.

- (A) A person is guilty of a Class B misdemeanor if he:
 - (1) Solicits, accepts, or agrees to accept any benefit as consideration for his refraining from initiating or aiding in a criminal prosecution; or
 - (2) Confers, offers, or agrees to confer any benefit upon another as consideration for the person refraining from initiating or aiding in a criminal prosecution.
- (B) It is an affirmative defense that the value of the benefit did not exceed an amount which the actor believed to be due as restitution or indemnification for the loss caused or to be caused by the offense.

15-420. Escape - Term for Escape From Municipal Jail.

- (A) A person is guilty of a Class B misdemeanor if he escapes from official custody.
- (B) "Official custody" for the purpose of this section, means arrest, custody in the municipal jail, or any other institution for confinement to which an offender has

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been confined pursuant to an order of the municipal court. For purposes of this section a person is deemed to be confined in the municipal jail if he has been sentenced and committed in the municipal jail and the sentence has not been terminated or voided or the prisoner is not on parole.

- (C) The term imposed upon a person escaping confinement in the municipal jail shall commence from the time the actor would otherwise have been discharged from the jail on the term or terms which he was serving.

15-421. Bail - Jumping.

- (A) A person is guilty of an offense when having been released on bail or on his own recognizance by court order or by other lawful authority upon condition that he subsequently appear personally upon a charge of an offense, he fails without just cause to appear at the time and place which have been lawfully designated for his appearance.
- (B) Bail-jumping is an infraction.

15-422. Public Moneys Defined. As used in this section, "public moneys" includes all bonds and evidences of indebtedness and all money belonging to the municipality and all money, bonds, and evidences of indebtedness received or held by municipal officials in their official capacity.

15-423. Misusing Public Moneys.

- (A) Every officer of this municipality and every other person charged with the receipt, safekeeping, transfer or disbursement of moneys of this municipality commits an offense if he:
 - (1) Without authority of law appropriates the money or any portion thereof to his own use, or to the use of another; or
 - (2) Loans the money or any portion thereof without authority of law; or
 - (3) Fails to keep the money in his possession until disbursed or paid out by authority of law; or
 - (4) Unlawfully deposits the money or any portion in any bank or with any other person; or
 - (5) Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the money; or

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- (6) Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or
 - (7) Willfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such moneys by competent authority; or
 - (8) Willfully omits to transfer the money when the transfer is required by law; or
 - (9) Willfully omits or refuses to pay over, to any officer or person authorized by law to receive it, any money received by him under any duty imposed by law so to pay over the same.
- (B) A violation of this section is a Class B misdemeanor.

15-424. Failure to Pay Over Fine, Forfeiture or Fee. Every public officer who receives any fine, forfeiture, or fee and refuses or neglects to pay it over within the time prescribed by law is guilty of a Class B misdemeanor.

15-425. Obstructing Collection of Revenue. Every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the people of this municipality have an interest and which such officer is by law empowered to collect, is guilty of a Class B misdemeanor.

15-426. Giving False Tax Receipt or Failing to Give Receipt. Every person who uses or gives any receipt, except that prescribed by the ordinances, resolutions or rules of this municipality, as evidence of the payment for the tax or license of any kind, or who receives payment for the tax or license without delivering the receipt prescribed, is guilty of a Class B misdemeanor.

15-427. Refusing to Give Tax Assessor or Tax or License Collector List of, or Denying Access to Employees. Every person who, when requested by the assessor or collector of taxes or license fees, refuses to give to any assessor or collector the name and residence of each man in his employ, or to give the assessor or collector access to the building or place where such men are employed, is guilty of a Class B misdemeanor.

15-428. Doing Business Without License. Every person who commences or carries on any business, trade, profession, or calling, for the transaction or carrying on of which a license is required by any ordinance of this municipality, without taking out the license required is guilty of a Class B misdemeanor.

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15-429. Trafficking in Warrant. No officer of this municipality shall, either directly or indirectly, contract for or purchase any warrant or order issued by this municipality at any discount whatever upon the sum due on the warrant or order, and, if any officer of this municipality shall so contract for or purchase any such order or warrant on a discount, he is guilty of a Class B misdemeanor.

15-430. Stealing, Destroying or Mutilating Public Records by Custodian. Every officer having the custody of any record, map, or book, or any paper or proceedings of any court, filed or deposited in any public office, or placed in his hands for any purpose, who is guilty of stealing, willfully destroying, mutilating, defacing, altering, falsifying, removing, or secreting the whole or any part thereof, or who permits any other person so to do, is guilty of a Class B misdemeanor.

15-431. Recording False or Forged Instruments. Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any office of this municipality, which instrument, if genuine, might be filed or registered or recorded under any law or ordinance of this state or municipality or of the United States, is guilty of a Class B misdemeanor.

15-432. Injuring or Removing Monuments of Official Surveys. Every person who willfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed erected or used by persons engaged in the United States or state survey or survey of this municipality is guilty of a Class B misdemeanor.

15-433. Tampering with Official Notice or Proclamation. Every person who intentionally defaces, obliterates, tears down or destroys any copy of transcript or extract from or of any law of the United States or State of Utah, or this municipality, or any proclamation, advertisement, notice, resolution or ordinance, set up at any place in this municipality by authority of any law of the United States or of the State of Utah or of this municipality, or by order of any court or of any public officer, before the expiration of the time for which the same was to remain, is guilty of an infraction.

15-434. Removing or Injuring Road Signs. Every person who maliciously removes or injures any milepost, milestone, guidepost, traffic sign or any other sign intended for traffic information or control, or any inscription on them, erected upon any highway, street, road, alley, or parking area or lot is guilty of a Class B misdemeanor. (Ord. 98-03)

15-435. Falsification in Official Matters: Definitions: For the purposes of this part:

- (A) "Official proceeding" means any proceeding before the governing body, court or administrative body of this municipality authorized by any state or ordinance of the governing body to take evidence under oath or affirmation, including notary or other person taking evidence in connection with any of these proceedings.

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- (B) "Material" means capable of affecting the course or outcome of the proceeding. A statement is not material if it is retracted in the course of the official proceeding in which it was made before it became manifest that the falsification was or would be exposed and before it substantially affect the proceeding. Whether a statement is material is a question of law to be determined by the court.

15-436. False or Inconsistent Material Statements. A person is guilty of a Class B misdemeanor if in any official proceeding conducted by this municipality or pursuant to its ordinances:

- (A) He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true; or
- (B) He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

15-437. False or Inconsistent Statements. In any proceeding conducted by this municipality or pursuant to its ordinances, a person is guilty of a Class B misdemeanor if:

- (A) He makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and he does not believe the statement to be true if:
 - (1) The falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing his official functions; or
 - (2) The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or
- (B) He makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statement is false but only that one or the other was false and not believed by the defendant to be true.
- (C) No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

15-438. Written False Statement. A person is guilty of a Class B misdemeanor if:

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- (A) He makes a written false statement which he does not believe to be true on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or
- (B) With intent to deceive a public servant in the performance of his official function, he:
 - (1) Makes any written false statement which he does not believe to be true; or
 - (2) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or
 - (3) Submits or invites reliance on any writing which he knows to be lacking in authenticity; or
 - (4) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.
- (C) No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

15-439. Perjury or False Swearing - Proof of Falsity of Statements - Denial or Criminal Guilty.

- (A) On any prosecution for perjury or false swearing, except a prosecution upon inconsistent statements pursuant to 15-436 falsity of a statement may not be established solely through contradiction by the testimony of a single witness.
- (B) No prosecution shall be brought under this section when the substance of the defendant's false statement is his denial of guilt in a previous criminal trial.

15-440. False Reports of Offenses to Law Enforcement Officer. A person is guilty of a Class B misdemeanor if he:

- (A) Knowingly gives or causes to be given false information to any law enforcement officer with a purpose of inducing the officer to believe that another has committed an offense; or
- (B) Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense or danger.

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15-441. False Name, Birth Date or Address to Law Enforcement Officer. A person commits a Class B misdemeanor if, with intent of misleading a law enforcement officer as to his identity, birth date, or residence, he knowingly gives a false name, birth date or address to a law enforcement officer in the lawful discharge of his official duties.

15-442. Falsification or Alteration of Government Record. A person is guilty of a Class B misdemeanor if he:

- (A) Knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by this municipality for information or record, or required by law to be kept for information of this municipality; or
- (B) Presents or uses anything knowing it to be false and with a purpose that it be taken as a genuine part of information or records referred to in A; or
- (C) Intentionally and unlawfully destroys, conceals or otherwise impairs the verity or availability of any such thing.

15-443. Impersonation of Officer. A person is guilty of a Class B misdemeanor if he impersonates a public servant or a peace officer of this municipality with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.

15-444. False Judicial or Official Notice. A person is guilty of a Class B misdemeanor who, with a purpose to procure the compliance of another with a request made by the person, knowingly sends, mails, or delivers to the person a notice or other writing which has no judicial or other sanction but which in its format or appearance simulates a summons, complaint, court order, or process, or an insignia, seal, or printed form of any official of this municipality, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction.

15-445. Abuse of Process: Wrongful Commencement of Action in Justices' Court. Any party to any suit or proceedings, and any attorney or agent for the party, who knowingly commences, prosecutes, or maintains any action, suit, or proceeding in the court of this municipality, other than as provided by Section 78-5-8 is guilty of a Class B misdemeanor.

15-446. Assuming Liability for Conferring Jurisdiction Upon Justice. Any person who binds himself, or voluntarily becomes liable jointly or jointly and severally with any other person, for the purpose of conferring jurisdiction of any cause upon the court of this municipality which otherwise would be without jurisdiction except for the liability of the joint obligor, and any person who induces a person to assume the liability for the purpose of conferring jurisdiction upon the court, is guilty of a Class B misdemeanor.

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15-447. Wrongful Attachment by Justice - Liability. It is unlawful for the Judge of the Courts of this municipality to issue any writ of attachment, and for any part, agent or attorney of the party, to advise, induce, or procure the issuance thereof, in any action, suit, or proceeding before the affidavit is filed, or where the affidavit filed therefore does not conform substantially with the requirements of Rule 64C of the Utah Rules of Civil Procedure. Any person violating any of the provisions of this section is guilty of a Class B misdemeanor.

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15-500. Offenses Against Public Order and Decency.

15-501. Riot.

- (A) A person is guilty of riot if:
- (1) Simultaneously with two or more other persons he engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm; or
 - (2) He 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) He assembles with two or more other persons with the purpose of committing an offense against a person or property of another who he supposes to be guilty of a violation of law, believing that two or more 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 paragraph (A) is guilty of riot. It is no defense to a prosecution under this paragraph 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.

15-502. Loitering.

- (A) A person is guilty of loitering if he 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, he fails to give a reasonably credible account of his identity, conduct, or purposes.
- (B) No person shall be convicted under this section if the explanation he gave of his conduct and purposes was true and, if believed by the law enforcement official at the time, would have dispelled the alarm.
- (C) Loitering is a Class C misdemeanor.

15-503. Vulgar Language. It shall be a Class C misdemeanor for any person to use vulgar, profane, or indecent language on any public place, or place of business open to public patronage.

15-504. Unlawful Acts. On any public property it is unlawful for any person to:

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- (A) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, signs, posts, or other boundary markers, or other structures, equipment, facilities or public property.
- (B) Soil or litter public restrooms and washrooms.
- (C) Dig and remove any soil, rock, trees, or plants, or materials, or make any excavation unless permission is obtained.
- (D) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, upon public property, except with special permit.
- (E) Urinate or defecate, except in a public restroom in receptacles placed there for such purpose.
- (F) Damage, or remove any tree or plant. No person shall attach any rope, wire or other contrivance to any tree or plant. No person shall dig in, injure or impair the beauty or usefulness of any park.
- (G) Intentionally stand, sit or lie in or upon any street, sidewalk, stairway or crosswalk so as to prevent free passage of persons or vehicles passing over, along or across any street, sidewalk, stairway or crosswalk.
- (H) Discard, otherwise deposit any garbage, refuse on any public property except in waste containers provided therefore.
- (I) To beg or to go from door to door of private homes or commercial and business establishments or place himself in or upon any public way or public place to beg or to receive money or other things of value.

15-505. Disorderly Conduct.

- (A) A person is guilty of disorderly conduct if:
 - (1) He refuses to comply with the lawful order of the police to move from a public place or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or
 - (2) Intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof:

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- (a) He engages in fighting or in violent, tumultuous, or threatening behavior; or
 - (b) He makes unreasonable noises in a public place; or
 - (c) He makes unreasonable noises in a private place which can be heard in a public place; or
 - (d) He engages in abusive or obscene language or makes obscene gestures in a public place; or
 - (e) He obstructs vehicular or pedestrian traffic.
- (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) Disorderly conduct is a Class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction.

15-506. Disrupting a Meeting or Processions.

- (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.
- (B) Disrupting a meeting or procession is a Class B misdemeanor.

15-507. Failure to Disperse.

- (A) A person is guilty of failure to disperse when he remains at the scene of a riot, disorderly conduct, or an unlawful assembly after having been ordered to disperse by a peace officer.
- (B) This section shall not apply to a person who attempted to but was unable to leave the scene of the riot or unlawful assembly.
- (C) Failure to disperse is a Class C misdemeanor.

15-508. Giving a False Alarm.

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- (A) A person is guilty of giving a false alarm if he initiates or circulates a report of warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause evacuation of any building, place of assembly, or facility of public transport, to cause public inconvenience or alarm or action of any sort by any official or volunteer agency organized to deal with emergencies.
- (B) Giving a false alarm is a Class B misdemeanor.

15-509. Telephone Harassment.

- (A) A person is guilty of telephone harassment and subject to prosecution if, with intent to annoy or alarm another, he:
 - (1) Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication; or
 - (2) Makes repeated telephone calls at extremely inconvenient hours or in offensively coarse language; or
 - (3) Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.
- (B) Telephone harassment is a Class B misdemeanor.

15-510. Emergency Telephone Abuse.

- (A) A person is guilty of emergency telephone abuse if he:
 - (1) Intentionally refuses to yield or surrender the use of a party line or a public pay telephone to another person upon being informed that the telephone is needed to report a fire or summon police, medical, or other aid in case of emergency, unless the telephone is likewise being used for an emergency call; or
 - (2) Asks for or requests the use of a party line or a public pay telephone on the pretext that an emergency exists, knowing that no emergency exists.
- (B) Emergency telephone abuse is a Class C misdemeanor.
- (C) For the purposes of this section (1) "party line" means a subscriber's line or telephone circuit consisting of two or more main telephone stations connected there- with, each station with a distinctive ring or telephone number.

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- (D) "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of human life or property.

15-511. Offenses Against Privacy: Definitions: For purposes of this section:

- (A) "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.
- (B) "Eavesdrop" means to overhear, record, amplify, or transmit any part of a wire or oral communication of others without the consent of at least one party thereto by means of any electronic, mechanical or other device.
- (C) "Public" includes any professional or social group of which the victim of a defamation is a member.

15-512. Privacy Violation.

- (A) A person is guilty of privacy violation if, except as authorized by law, he:
 - (1) Trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or
 - (2) Installs in any private place, without the consent of the person or persons entitled to privacy there, any device for observing photographic, recording, amplifying, or broadcasting sounds or events in the place or uses any such unauthorized installation; or
 - (3) Installs or uses outside of a private place any device for hearing, recording, amplifying, or broadcasting sounds originating in the place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy there.
- (B) Privacy violation is a Class B misdemeanor.

15-513. Communication Abuse.

- (A) A person commits communication abuse if, except as authorized by law, he:
 - (1) Intercepts, without the consent of the sender or receiver, a message by telephone, telegraph, letter, or other means of communicating privately; this paragraph does not extend to:

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- (a) Overhearing of messages through a regularly installed instrument on a telephone party line or on an extension; or
 - (b) Interception by the telephone company or subscriber incident to enforcement of regulations limiting use of the facilities or to other normal operation and use; or
- (2) Divulges without consent of the sender or receiver the existence or contents of any such message if the actor knows that the message was illegally intercepted or if he learned of the message in the course of employment with an agency engaged in transmitting it.
- (B) Communication abuse is a Class B misdemeanor.

15-514. Criminal Defamation.

- (A) A person is guilty of criminal defamation if he knowingly communicates to any person orally or in writing any information which he knows to be false and knows will tend to expose any other living person to public hatred, contempt, or ridicule.
- (B) Criminal defamation is a Class B misdemeanor.

15-515. Abuse of Personal Identity.

- (A) A person is guilty of abuse of personal identity if, for the purpose of advertising any articles of merchandise for purposes of trade or for any other advertising purposes, he uses the name, picture, or portrait of any individual or uses the name or picture of any public institution of this state, the official title of any public officer of this state, or of any person who is living, without first having obtained the written consent of the person or, if the person be a minor, the written consent of his parent or guardian, or, if the person is dead, without the written consent of his heirs or personal representatives.
- (B) Abuse of personal identity is a Class B misdemeanor.

15-516. Conveying False or Libelous Material to Newspaper or Broadcasting Stations.

Any person who willfully states, conveys, delivers, or transmits, by any means whatsoever, to the manager, editor, publisher, reporter, or agent of any radio station, television station, newspaper, magazine, periodical, or serial for publication therein, any false or libelous statement concerning any person and thereby secures actual publication of the same, is guilty of a Class B misdemeanor.

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15-517. Abuse of a Flag.

- (A) A person is guilty of abuse of a flag if he:
- (1) Intentionally places any unauthorized inscription or other things upon any flag of the United States or of any state of the United States; or
 - (2) Knowingly exhibits any such flag, knowing the inscription or other thing to be unauthorized; or
 - (3) For purposes of advertising a product or service for sale or for distribution, affixes a representation of the flag of the United States or of a state of the United States to the product or on any display whereon the product or service is advertised; or
 - (4) Knowingly casts contempt upon the flag of the United States or of any state of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it.
- (B) Abuse of a flag is a Class B misdemeanor.

15-518. Noise. It is a Class C misdemeanor for any person to disturb the peace or quiet of any neighborhood, family or person by loud, or unusual noises by tumultuous or offensive conduct.

15-519. Fighting - Threatening. It is a Class C misdemeanor for any person to threaten physical force against another person or to challenge, invite or engage in a fight.

15-520. Loudspeakers.

- (A) It is an infraction for any person to maintain, operate, connect or suffer or permit to be maintained, operated, or connected any calliope or radio apparatus, sound device or any talking machine or loudspeaker attached thereto in such a manner that the loudspeaker or amplifier causes the sound from such radio apparatus or sound device or talking machine to be projected directly therefrom outside of any building, vehicle, or out-of-doors, provided that the Chief of Police may grant a permit to so broadcast any events or happenings of cultural, political, intellectual, or religious interest. Every person desiring a permit to so broadcast shall make application, file a statement showing the place where he proposes to broadcast, the times and probable duration, and the nature, topics or titles of said broadcast. Said permit shall not be arbitrarily denied and when an application for a permit is denied, the Chief of Police shall set forth in writing and with particularity the grounds for so denying the application for a permit.

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- (B) Nothing herein contained shall be construed to prevent the operation of a radio apparatus, sound device, amplifier or talking machine used in a reasonable manner by any person within any building, vehicle or structure even though the sound therefrom may be heard on the outside of such building, vehicle or structure, provided that the said apparatus, sound device, amplifier or talking machine shall not project the sound therefrom directly outside of any building, vehicle or out-of-doors, and provided further that no such radio apparatus, sound device, amplifier or talking machine is in any way fastened to or connected with any outside wall or window in any buildings, vehicle or structure so that sound therefrom is projected outside of such walls or windows.

15-521. Regulation of Fireworks.

- (A) Authority and Purpose:

- (1) This section is adopted pursuant to the provisions of Section 11-3-8, UCA 1953, as amended.
- (2) The sale, offer to sell, exposure for sale, use, discharge, distribution, or possession of fireworks or pyrotechnics in the City of North Logan, except as hereinafter provided, is hereby declared by the City Council of North Logan City to be against the public health, safety, and welfare of the people of the City.

- (B) Definitions:

- (1) Approved means acceptable to the authority having jurisdiction.
- (2) Authority having jurisdiction means the duly authorized representative or agency having legal enforcement responsibility of fire regulations.
- (3) Combination fireworks device means any device containing combinations of two or more or the effects described in subsections (5) and (6).
- (4) Fireworks means any composition or device manufactured or used for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation but does not include model rockets, toy pistol caps, emergency signal flares, snakes, or glow worms, party poppers, wire sparklers under 36 inches in length, matches, of Class A or B explosives.
- (5) Ground audible device means any paper or cardboard tube containing no more than 50 milligrams of pyrotechnic material that travels along the

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ground (chaser) upon ignition and often produces a whistling and/or popping effect.

- (6) Ground or hand-held sparkling device means:
 - (a) Any cylindrical tube (cylindrical fountain) not exceeding 3/4" in inside diameter and containing not more than 75 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;
 - (b) Any cardboard or heavy paper cone (cone fountain) containing up to 50 grams of pyrotechnic composition which produces colored fire upon ignition.
 - (c) Any cylindrical tube (illuminating torch) containing up to 100 grams of pyrotechnic composition which produces colored fire upon ignition;
 - (d) Any pyrotechnic device (wheel) capable of being attached to a post or tree containing up to six "driver" units or tubes not exceeding 1/2" in inside diameter that each contain not more than 60 grams of pyrotechnic composition per driver unit which revolves upon ignition producing a shower of color and sparks and sometimes a whistling effect;
 - (e) Any device similar in design and effect to a "wheel" capable of being placed on the ground (ground spinner) and ignited; and
 - (f) Any narrow paper fuseless tube (flitter sparkler) filled with pyrotechnic composition that produces color and sparks when the popper at one end of the tube is ignited.
- (7) Indoor sales means sales conducted inside permanent structures.
- (8) Permanent structure means a non-movable building, securely attached to a foundation, housing business licensed to sell merchandise in addition to fireworks.
- (9) Permitted fireworks means those fireworks which are permitted to be sold and discharged pursuant to the terms of this section and shall specifically include only model rockets, toy pistol caps, emergency flares, snakes (glow worms), party poppers, wire sparklers under 36 inches in length, matches, ground or hand held sparkling device, ground audible device,

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combination fireworks device, and trick noisemaker as defined in this section.

- (10) Person means an individual, company partnership or corporation.
- (11) Temporary stand means a non-permanent structure used exclusively for the sale of fireworks.
- (12) Trick noisemaker means:
 - (a) Any tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke (smoke device) as its primary effect; and
 - (b) Any device that produces a small report intended to surprise the user, including:
 - (i) A booby trap which is a small tube with a string protruding from both ends that ignites the friction sensitive composition in the tube when the string is pulled;
 - (ii) A snapper which is a small paper wrapped device containing a minute quantity of explosive composition coated on bits of sand which explodes producing a small report.
 - (iii) A trick match which is a kitchen or book match coated with a small quantity of explosive composition that produces a small shower of sparks when ignited.
 - (iv) A cigarette load which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited; and
 - (v) An auto burglar alarm which is a tube which contains pyrotechnic composition that produces a loud whistle and smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.

15-522. Unlawful to Possess, Sell, Use, or Otherwise.

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- (A) It shall be unlawful for any person, firm, partnership, or corporation to offer or expose for retail or wholesale sale, to sell, possess, use, distribute, or discharge any fireworks or pyrotechnics of any nature or dimension other than permitted fireworks as defined in this chapter, and unless otherwise specifically exempted.

- (B) It shall be unlawful to sell, or distribute in any manner any fireworks or pyrotechnic, other than permitted fireworks as defined in this section or otherwise exempt, to a person under the age of 16 years unless accompanied by his or her parent, custodian, or guardian. (ord. 97-11)

15-523. Seizure and Revocation. Fireworks sold, offered for sale, discharged, or stored or handled in violation of this section may be seized and destroyed and the license of the person selling or offering such fireworks for sale may be revoked.

15-524. License.

- (A) Except as provided herein, no person shall offer for sale or sell at retail or otherwise unless specifically exempted here from any fireworks other than permitted fireworks without having first applied for and received a license from the city.

- (B) All applications for a license to sell fireworks shall:
 - (1) Be made in writing accompanied by a fee of \$350.00 per stand. Said fee shall be non-refundable and shall apply to business operations maintained primarily for the sale of permitted fireworks.
 - (2) Set forth the proposed location of the fireworks stand and the designated zone of said location.
 - (3) Include for delivery to the City Council certificates of insurance evidencing public liability coverage in favor of the applicant in the amount of \$1,000,000 - \$3,000,000; and property damage coverage in favor of the applicant in the amount of \$3,000,000 and designating the City as an additional insured. Said insurance certificate shall include a minimum of \$1,000,000 products liability coverage.
 - (4) Include a statement that the applicant agrees to comply strictly with the terms of any license granted and to furnish any additional information upon request.
 - (5) Include a copy of the Utah Sales Tax License of Permit.

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- (6) The license for fireworks shall be displayed together with the sales tax permit in a prominent place readily visible to the public at the sales location. The license shall be made available at the sale site for presentation upon request to any duly authorized public safety official. The City may revoke or suspend the license or confiscate merchandise in the event of the violation of any of the terms of this section or of the minimum rules and regulation for fire and life safety adopted and promulgated by the Utah State Fire Prevention Board.
- (7) Prior to the issuance of a license, each applicant shall file with the City Recorder a cash deposit, certificate of deposit, or approved surety bond made payable to the City in the amount of \$150.00 to assure compliance with the provisions of this section, including, but not limited to, the removal of any sale stand and the cleaning of the site. In the event that licensee does not comply or remove the stand or clean the site, the City may do so, or cause the same to be done by other persons, and the reasonable costs thereof shall be charged against the licensee and his deposit or surety bond.

15-525. General Requirements.

- (A) There shall be no retail sales of permitted fireworks except within a commercial zone.
- (B) Deleted (Ord. 97-11) Reserved
- (C) Any buildings and temporary stands or trailers used for the retail sales of fireworks shall be constructed in compliance with City Building regulations.
- (D) All permitted fireworks retail sales locations shall be under the direct supervision of a responsible person who is at least 18 years of age or older. A sales person shall remain at the sales location at all times unless approved and suitable locking devices are provided and used to prevent the unauthorized access to the merchandise by other persons or unless the merchandise itself is removed. (Ord. 97-11)
- (E) All retail sales locations shall be kept clear of dry grass, trash, or other combustible material for a distance of at least 50 feet in all directions.
- (F) The storage of fireworks for sale shall not be located in any residential zone or within 50 feet of any residence.

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- (G) Smoking shall not be permitted within 50 feet of any fireworks either on display for retail sale or being stored and signs shall be conspicuously posted at all sales and storage locations with at least four inch letters specifying "No Smoking Within 50 Feet" or words of a similar nature.
- (H) A sign, clearly visible to the general public, shall be posted at all fireworks sales locations, indicating the legal dates for the sale and discharge of fireworks.
- (I) All retail sales locations shall be equipped with an approved portable fire extinguisher having a combined rating of at least 2A:10BC, and such other fire extinguishers or equipment as may be required by the fire marshal, and shall have such extinguishers located at 8 foot intervals for the total length of the stand and readily accessible and in good working order.
- (J) All sales locations must be approved in writing by the fire marshal and shall be subject to inspection by authorized public safety officials at any time.
- (K) All permitted fireworks shall be effectively kept away from any type of self-service access to the public and it shall be placed in a location which is unavailable and is inaccessible to members of the public directly.
- (L) No person under the age of 18 years of age shall work at or about any sales location where permitted fireworks are sold or offered for sale.
- (M) No person shall be permitted to sleep or cook within 50 feet of any fireworks sales or storage location.

15-526. Restrictions on Indoor Sales.

- (A) Display of fireworks inside buildings:
 - (1) Up to 250 pounds of fireworks, display of fireworks is unrestricted.
 - (2) From 251 pounds to 500 pounds of fireworks, display of fireworks, must be within constant visual supervision.
 - (3) Above 500 pounds of fireworks, display of fireworks must be constantly attended by a sales person.
- (B) In all retail sales locations in permanent structures; the area where fireworks are displayed or stored shall be at least 50 feet from any flammable liquid or gas, or other highly combustible material. Fireworks shall not be stored (including stock for sale) near exit doorways, stairways, or in locations that would impede egress.

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- (C) Fireworks shall be stored, handled, displayed, and sold only as packaged units inside buildings.

15-527. Temporary Stand and Trailers.

- (A) Each stand or trailer shall have a minimum of two, approved exit doors, which swing out at opposite ends of the stand, door locking devices, if any, shall be easily released from the inside without special knowledge, key, or effort. Each stand in excess of 24 feet in length shall have at least 3 exits in good working order and evenly spaced.
- (B) Each stand or trailer shall have a minimum 3' wide unobstructed aisle, running the length of the stand or trailer, inside and behind the counter.
- (C) The pass through openings for sales of fireworks in stands or trailers shall be arranged to permit the customer to view the merchandise for sale but prevent the touching or handling of non-prepackaged fireworks by the customer.
- (D) Temporary stands or trailers for the sale of fireworks shall be located in properly zoned areas, at least 25 feet from other fireworks stands or trailers, or any other building nor within 100 feet of any gasoline pump, liquid petroleum tank or LPG, flammable liquid or gas storage and dispensing units.
- (E) If the stand or trailer is used for the overnight storage of fireworks, it shall be equipped with suitable locking devices to prevent unauthorized entry.
- (F) Stands or trailers shall not be illuminated or heated by any device requiring an open flame or exposed heating elements. All heaters and lighting devices shall be approved by the authority having jurisdiction.
- (G) The general public shall not be allowed to enter a temporary stand or trailer.

15-528. Restrictions on Discharge.

- (A) It shall be unlawful for any person to ignite, explode, project, or otherwise fire, use, or discharge, or permit the same of any fireworks upon or over or onto the property of another, or to ignite, explode, discharge, use, or otherwise fire, project, or make any other use of any fireworks within 30 feet of any residence, dwelling, or other structure.

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- (B) The fire marshal is hereby authorized to prohibit the sale or discharge of any fireworks should he determine that an unreasonable fire hazard or personal safety hazard is created by the use and discharge of such fireworks in the circumstances.

15-529. Public Display.

- (A) The City Council, notwithstanding any of the provisions of this act to the contrary, may, upon application in writing, upon the posting of a suitable bond, grant a permit for the public display of fireworks by religious, fraternal or civic organizations or groups of individuals, approved by the City Council and the City Council is authorized by resolution, to grant such permission when such display is to be handled by a competent operator, to be approved by the fire marshal and the Chief of Police. Such display shall be of such a character, and so located, discharged, or fired, as in the opinion of the fire marshal and Chief of Police, after property inspection, shall not be hazardous to property or endanger any person or persons. After such permit shall have been granted, sales possession, use, and distribution of fireworks for such display shall be lawful for that purpose only.
- (B) All such applications for permits shall set forth the date, the hour, and place of making such display, and the place of storing fireworks prior to the display; and further, the name or names of the person, persons, firm, partnership, corporation, association or group of individuals making the display; and the name of the person or person, in charge of the igniting, firing, setting off, exploding or causing to be exploded such fireworks. The location of the storage place shall be subject to the approval of the fire marshal and Chief of Police. No permit granted hereunder shall be transferable.
- (C) The City Council may require a bond deemed adequate by the Council from the licensee in a sum not less than five hundred dollars conditioned for the payment of all damages, which may be caused either to a person or persons or to property, by reason of the display so as aforesaid licensed, and arising from any acts of the licensee, his agents or employees. Such bond shall run to the City and shall be for the use and benefit of any person injured or the owner of any property damaged, who is authorized to maintain an action thereon, or his heirs, executors, administrators, successors or assigns.

15-530. Exemption. This section does not apply to the product inventories of fireworks, manufacturers, importers, distributors, or wholesalers designated for shipment directly out of the state.

15-531. Throwing Objects Prohibited. Every person who carelessly throws any object whereby any person is hit or property injured, or in such manner as to render travel upon the

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public streets and places dangerous, or in such manner as to frighten or annoy any person is guilty of an infraction.

15-532. Unlawful Use of Restrooms Against Public Property. No person shall use the restroom and washrooms designated for the opposite sex.

15-533. Controlled Substances. Possession Prohibited.

- (A) It shall be unlawful:
 - (1) For any person knowingly and intentionally to possess or use a controlled substance, as defined by Chapter 37 Title 58, Utah Code Annotated, 1953 as amended, unless it was obtained pursuant to a valid prescription order or directly from a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this code.
 - (2) For any owner, tenant, licensee, or person in control of any building, room, vehicle, or other place, knowingly and intentionally to permit the same to be occupied by persons unlawfully possessing, using, or distributing controlled substances therein.
 - (3) For any person knowingly and intentionally to be present where controlled substances are being used or possessed in violation of this code and the use or possession is open, obvious, apparent, and not concealed from those present.
 - (4) For any person knowingly and intentionally to possess an altered or forged prescription or written order for a controlled substance.
- (B) Any offense committed in violation of this part shall be punishable as a Class B misdemeanor upon a first conviction.

15-534. Controlled Substances. Drug Paraphernalia.

- (A) It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body.
- (B) The definition of "drug paraphernalia" in considerations in determining whether or not an object is drug paraphernalia shall be in accordance with the provisions of Chapter 37a of Title 58 of the Utah Code Annotated, 1953 as amended.

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- (C) Any offense committed in a violation of this section shall be punishable as a Class B misdemeanor.

15-550. Noise Control Ordinance

15-551. Prohibited Acts Generally. It shall be unlawful for any person to make or continue, or cause to be made or continued, any excessive, unnecessary or unusual loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of North Logan City.

15-552. Prohibited Acts Specifically. The following acts, among others, are declared to be loud, disturbing or unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- (1) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary or unreasonable period of time. The use of any horn, whistle or other device operated by engine exhaust.
- (2) Electronic Audio Devices. The using, operating, or permitting to be played, used or operated in residential areas any television, radio receiving set, musical instrument, compact disc player or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners hereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of thirty (30) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) Loud speakers, amplifiers and other sound devices for advertising. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure without or in violation of a permit issued pursuant to section 15-554 of this ordinance.
- (4) Yelling, shouting, etc. Yelling, shouting whistling or otherwise creating noise on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at

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any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, or other type of residence.

- (5) Dogs. The keeping of any dog which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- (7) Defect in vehicle or load. The use of any automobile, motorcycle, or other vehicle, which due to lack of repair or improper loading creates loud and unnecessary grating, grinding, rattling or other noise.
- (8) Loading and unloading of vehicles. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (9) Construction or repairing of buildings. The erection (including excavation), demolition, alteration or repair of any building shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., local prevailing time, except in case of urgent necessity in the interest of public health and safety, and then only with permit from the city.
- (10) Schools, courts, churches, hospitals, parks. The creation of any excessive noise adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital or in any park, which unreasonably disturbs the users thereof.
- (11) Pile drivers, hammers, etc. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is usually attended by loud or unusual noise.
- (12) Power lawn mowers. The operation of any power mower, cultivator, or like or related device (except snow blowers) in an area zoned residential between the hours of 10:00 p.m. and 7:00 a.m.
- (13) Motor vehicle noise. The operation of any vehicle having more than two axles, upon any residential street or in any area zoned residential between the hours of 10:00 p.m. and 6:00 a.m.

15-553. Exceptions. The following uses and activities shall be exempt from noise level regulations:

- (1) Noises of safety signals, warning devices, and emergency pressure relief valves.

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- (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency.
- (3) Noises resulting from emergency work.
- (4) Any other noise resulting from activities of a temporary duration permitted by law for which a license or permit therefore has been granted by the city in accordance with Section 15-554.
- (5) Any aircraft or railroad equipment operated in conformity with, or pursuant to state statute, federal law, federal regulations and traffic control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal regulations shall also be exempt.
- (6) Farm equipment involved in acceptable agriculture practices.

15-554. Application for Special Permit. Applications for a permit for relief from the noise level designated in this ordinance on the basis of undue hardship may be made to the city council or duly authorized representative. Any permit granted by the council hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The city council or duly authorized representative may grant a relief, as applied for, under the following circumstances:

- (1) If they find that additional time is necessary for the applicant to alter or modify the activity or operation to comply with this ordinance; or
- (2) If they find that the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this ordinance; or
- (3) If they find that no other reasonable alternative is available to the applicant.

The city council, in granting such a special permit, may prescribe any conditions or requirements they deem necessary to minimize adverse effects upon the community of the surrounding neighborhood.

15-555. Penalty. Any person violating any of the provisions of this noise control ordinance shall be deemed guilty of an infraction. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

15-556. Additional Remedy – Injunction. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof or which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement as prescribed by law.

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15-600. Offenses Against Public Health, Safety, Welfare and Morals.

15-601. Definitions. For the purposes of this section:

- (1) “Place of business” means, but is not limited to, such places as shops, stores, factories, public garages, offices, theaters, recreation and dance halls, cafes, cafeterias, restaurants, hotels, lodging houses, buses, and waiting rooms.
- (2) “Enclosed public place” means, but is not limited to, the dining rooms in hotels, restaurants, cafes and cafeterias, theaters, arenas, passenger elevators, buses, motor and other passenger vehicles used by common carriers, and state, county, and city buildings.

(Ord. 98-03)

15-602. Cigarettes and Tobacco - Advertising Restrictions. It is a Class B misdemeanor for any person to display on any billboard, streetcar sign, streetcar, bus, placard, or on any other object or place of display, any advertisement of cigarettes, cigarette papers, cigars, chewing tobacco, or smoking tobacco or any disguise or substitute of either, except that a dealer in cigarettes, cigarette papers, tobacco or cigars, or their substitutes, may have a sign on the front of his place of business stating that he is a dealer in the articles; provided that nothing herein shall be construed to prohibit the advertising of cigarettes, cigarette papers, chewing tobacco or smoking tobacco, or any substitute of either, in any newspaper, magazine, or periodical printed or circulating in this municipality.

15-603. Permitting Minors to use Tobacco in Place of Business. It is a Class C misdemeanor for the proprietor of any place of business to knowingly permit persons under age nineteen to frequent a place of business while they are using tobacco.

15-604. Furnishing Cigars, Cigarettes or Tobacco to Minors. Any person who sells, gives, or furnishes any cigars, cigarette or tobacco in any form, to any person under nineteen years of age, is guilty of Class C misdemeanor.

15-605. Buying or Possessing Cigars, Cigarettes or Tobacco by Minors. Any person under the age of nineteen years who buys, accepts, or who has in his possession any cigar, cigarette or tobacco in any form is guilty of a Class C misdemeanor, or may be subject to the jurisdiction of the juvenile court.

15-606. Smoking in Public Place. It is an infraction for any person to smoke in any public place, except in designated smoking areas.

15-607. Cigarette Vending Machine Access to Minors. Any person who maintains in his place of business a tobacco vending machine accessible to persons under the age of 19 or provides any method of self-help for the disposition to persons under the age of 19 by gift, sale or

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otherwise of any cigarette or cigarette paper or wrapper or any paper made or prepared for the purpose of making cigarettes or tobacco in any form whatsoever is guilty of a Class C misdemeanor. Cigarette vending machines shall be deemed accessible to persons under the age of 19 except:

- (A) Where they are in locations where persons under the age of 19 are prohibited.
- (B) Where the machine can be operated only by the owner or his employee, either directly or through a remote control device which is inaccessible to the customer and must be operated for each sale.
- (C) In private industrial locations where only adult employees are customarily allowed, provided such locations are inaccessible to person under age 19.
- (D) In adult-private clubs, provided that such locations are inaccessible to persons under the age of 19.

15-608. Abuse of Psychotoxic Chemical Solvents.

- (A) A person is guilty of abuse of psychotoxic chemical solvents if:
 - (1) For the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, he intentionally:
 - (a) Smells or inhales the fumes of any psychotoxic chemical solvent;
or
 - (b) Possesses, purchases, or attempts to possess or purchase any psychotoxic chemical solvent.
 - (2) Knowing or believing that a purchaser or another intends to use a psychotoxic chemical in violation of subsection (A) (1) or (A) (2), sells or offers to sell any psychotoxic chemical solvent.
- (B) This section shall not apply to the inhalation of any anesthesia for medical or dental purposes.
- (C) Abuse of psychotoxic chemical solvents is a Class B misdemeanor.
- (D) As used in this section, psychotoxic chemical solvent includes any glue, cement or other substance containing one or more of the following chemical compounds: acetone and acetate, benzene, butyl-alcohol, ethylene dichloride, isopropyl

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alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance. Nothing in this section shall be construed to include any controlled substance regulated by the provisions of Utah Code Annotated Section 58-37-1 et seq.

15-608.1 Manufacture, Distribution, Possession, or Use of Synthetic Cannabinoids.

- (A) The Recorder/Clerk is hereby delegated the authority to process, grant or deny all alcoholic beverage license applications, subject to the total number of licenses allowed and other provisions of this Chapter, and state and federal law and regulations.
- (i) produce, manufacture, dispense, or
 - (ii) possess with intent to produce, manufacture, or dispense, or
 - (iii) distribute, or agree, consent, offer, or arrange to distribute, or
 - (iv) possess with the intent to distribute, or
 - (v) possess or use synthetic cannabinoids, more specifically identified as follows:
 - (a) 1-Pentyl-3-(1-naphthoyl)indole
Some trade or other names: JWH-018
 - (b) 1-Butyl-3-(1-naphthoyl)indole
Some trade or other names: JWH-073
 - (c) N-benzylpiperazine
Some trade or other names: BZP
 - (d) 1-(3-[trifluoromethylphenyl]) piperazine
Some trade or other names: TFMPP; or
 - (e) any structurally similar analogs of the substances listed above.
- (B) **Penalty:** A violation of this ordinance is a Class B Misdemeanor.
- (C) **Subsequent State Action:** If the Utah State Legislature adopts a statute enacting criminal penalties for prohibitions set forth in this ordinance, then upon the effective date of such state statute, provisions of this ordinance that are covered by the state statute shall no longer be deemed effective. Any violations of this ordinance prior to a state statute becoming effective may be prosecuted. If there are provisions of this ordinance that are not covered by the state statute, those provisions will remain in effect and may be prosecuted.

(Ord. 10-08)

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15-609. Interference with Control of Water Commissioner. Every person who in any way interferes with or alters the flow of water in any stream, ditch, or lateral while under the control or management of the water commissioner or superintendent is guilty of a Class B misdemeanor.

15-610. Taking Water Out of Turn or Excess Amount - Injuring Facilities. Every person who, in violation of any right of any other person, willfully turns or uses the water, or any part thereof, of any canal, ditch, pipeline, or reservoir, except at a time when the use of the water has been duly distributed to the person or willfully uses any greater quantity of water than has been duly distributed to him or in any way changes the flow of water when lawfully distributed for irrigation or other useful purposes, except when duly authorized to make the change, or willfully and maliciously breaks or injures any dam, canal, pipeline, watergate, ditch, or other means of diverting or conveying water for irrigation or other useful purposes, is guilty of a Class B misdemeanor.

15-611. Obstruction of Watergates by Logs. Every person who rafts or floats logs, timber, or wood down any river or stream and allows the logs, timber, or wood to accumulate at or obstruct the watergates owned by any person or irrigation company taking or diverting the water of the river or stream for irrigation or manufacturing purposes is guilty of a Class B misdemeanor.

15-612. Injuring Bridge, Dam, Canal or Other Water-Related Structure. Every person who willfully and maliciously cuts, breaks, injures, or destroys any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any swamp and overflowed or marsh land, or to conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of municipality; or willfully or maliciously makes or causes to be made any aperture in any such dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure with intent to injure or destroy it; or draws up cuts or injures any piles fixed in the ground and used for securing any lake or river bank or walls or any dock, quay, jetty, or lock is guilty of a Class B misdemeanor.

15-613. Fencing of Shafts and Wells. Any person who has sunk or shall sink a shaft or well for any purpose shall enclose it with a substantial curb or fence, which shall be at least four and one-half feet high. Any person violating the provisions of this section is guilty of a Class B misdemeanor.

15-614. "Nuisance" Defined - Violation - Classification of Offense.

- (A) A nuisance is any item, thing, manner, condition whatsoever that is dangerous to human life or health or renders soil, air, water or food impure or unwholesome.
- (B) Any person, whether as owner, agent, or occupant who creates, aids in creating, or contributes to a nuisance, or who supports, continues or retains a nuisance, is guilty of a Class B misdemeanor.

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15-615. Befouling Waters. A person is guilty of a Class B misdemeanor if he:

- (A) Constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop, or other offensive yard or outhouse where the waste or drainage therefrom shall flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or
- (B) Deposits, piles, unloads, or leaves any manure heap, offensive rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or
- (C) Dips or washes sheep in any stream, or constructs, maintains, or uses any pool or dipping vat for dipping or washing sheep in such close proximity to any stream located within this municipality or over which this municipality may exercise its jurisdiction and used by the inhabitants of this municipality for domestic purposes as to make the waters thereof impure or unwholesome; or
- (D) Constructs or maintains any corral, yard, or vat to be used for the purpose of shearing or dipping sheep within twelve miles of the municipality, where the refuse or filth from the corral or yard would naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes; or
- (E) Establishes and maintains any corral, camp, or bedding place for the purpose of herding, holding or keeping any cattle, horses, sheep, goats, or hogs, within seven miles of this municipality, where the refuse or filth from the corral, camp, or bedding place will naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes.

15-616. "Public Nuisance" Defined.

- (A) A public nuisance is a crime against the public order and economy of this municipality and consists in unlawfully doing any act or omitting to perform any duty, which act or omission, either:
 - (1) Annoys, injures, or endangers the comfort, repose, health or safety of three or more persons; or
 - (2) Offends public decency; or
 - (3) Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or

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- (4) In any way renders three or more persons insecure in life or the use of property.
- (B) An act which affects three or more persons in any of the ways specified in this section is still a nuisance regardless of whether the extent of annoyance or damage inflicted on individuals is unequal.

15-617. Maintaining, Committing, or Failing to Remove Public Nuisance - Classification of Offense. Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a Class B misdemeanor.

15-618. Carcass or Offal - Prohibitions Relating to Disposal- Classification of Offense. Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop into any river, creek, pond, street, alley, or public highway, or road in common use or who attempts to destroy it by fire, within one-fourth of a mile of this municipality is guilty of a Class B misdemeanor.

15-619. Not to Affect Other Provisions of Municipal Ordinances. Nothing contained in this Municipal Criminal Code shall affect any other provisions of this municipality's ordinances, rules or regulations which regulate, prohibit, or effect nuisances or public nuisances.

15-620. Action for Abatement of Public Nuisances. The municipal attorney is empowered to institute an action in the name of this municipality to abate a public nuisance.

15-621. Unlawful Handling of Explosives.

- (A) Every person who makes or keep nitroglycerin or other high explosive substances of five or more pounds of gunpowder within this municipality, or who carries it through the streets hereof, without first obtaining a permit therefore from the Recorder/Clerk, shall be guilty of a Class B misdemeanor.
- (B) The Recorder/Clerk may impose as a condition of receiving and keeping a permit under this section, that the person comply with reasonable safety standards as the Chief of Police may require.

15-622. Marking of Containers of Explosives Before Transportation or Storage. Every person who knowingly leaves with or delivers to another, or to any express or railway company or other common carrier, or to any warehouse or storehouse, any package containing nitroglycerin, dynamite, guncotton, gunpowder, or other highly explosive compound, or any benzine, gasoline, phosphorus, or other highly inflammable substance, or any vitriol, sulfuric, nitric, carbolic, muriatic, or other dangerous acid, chemical or compound, to be handled, stored,

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shipped, or transported, without plainly marking and indicating on such package the name and nature of the contents thereof, is guilty of a Class B misdemeanor.

15-623. Powder Houses. Every person who builds, constructs, or uses within 300 feet of any residence or traveled county road any powder house, magazine, or building in which more than five pounds of gunpowder, dynamite or other explosive is kept in quantities exceeding 500 pounds is guilty of a Class B misdemeanor.

15-624. Marking of Containers of Explosives Held for Sale or Use. It shall be a Class B misdemeanor to sell or offer or take or solicit orders of sale, or purchase or use, or have on hand or in store for the purpose of sale or use, any giant, hercules, atlas, venture or any other high explosive except there shall be plainly stamped or printed the name and place of business of the person, partnership, or corporation by whom or by which it was manufactured, and the exact and true date of its manufacture, and the percentage of nitroglycerin or other high explosive contained therein.

15-625. Different Dates on Containers of Explosive Prohibited- Reuse of Containers Prohibited. It shall be a Class B misdemeanor for any person or persons, partnership, or corporation to have two or more different dates on any box or package containing giant, hercules, atlas, or venture, or any other high explosive containing nitroglycerin. It shall further be unlawful to use any box, package, or wrapper formerly used by any other person or persons, partnership, or corporation in the packing of such giant, hercules, atlas, venture, or other high explosive containing nitroglycerin, and the name and date on the box or package shall be the same as on the wrapper containing the giant, hercules, atlas, venture, or other explosive containing nitroglycerin.

15-626. "Infernal Machine" Defined. An infernal machine is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, loaded pistol, or gun, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened, or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb or property.

15-627. Infernal Machine - Delivery to Common Carrier, Mailing, or Placement on Premises. Every person who delivers or causes to be delivered to any express or railway company or other common carrier, or to any person, any infernal machine, knowing it to be such, without informing the common carrier or person of the nature thereof, or sends it through the mail, or throws or places it on or about the premises or property of another, or in any place where another may be injured thereby in his person or property, is guilty if a Class B misdemeanor.

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15-628. Infernal Machine - Construction or Possession. Every person who knowingly constructs or contrives any infernal machine or with intent to injure another in his person or property, has any infernal machine in his possession is guilty of a Class B misdemeanor.

15-629. Weapons: Definitions: For the purpose of this section:

- (A) "Dangerous weapon" means a firearm or any other item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In construing whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object, or thing; the character of the wound produced, if any; and the manner in which the instrument, object or thing was used shall be determinative.
- (B) "Firearms" means a pistol, revolver, shotgun, sawed-off shotgun, rifle or sawed-off rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive. Also includes a bow with over 40 pounds draw. (Ord 01-02)
- (C) "Sawed-off shot gun" means a shotgun having a barrel or barrels of less than eighteen inches in length, or in the case of a rifle, having a barrel or barrels of less than sixteen inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification or otherwise) if the weapon as modified has an overall length of less than 26 inches.
- (D) "Prohibited area" means any place where it is unlawful to discharge a weapon.
- (E) "Crime of violence" means, murder, voluntary man- slaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, or an attempt to commit any of the foregoing offenses.
- (F) "Bureau" means the Utah State Bureau of Criminal Identification.
- (G) "Low-force Weapons" Objects other than firearms which can be used to throw projectiles with considerable force but typically not with deadly force. This includes, but is not necessarily limited to, BB-guns, air powered rifles, pellet guns, paint ball guns, pouch-slings, slingshots, wrist rockets, and bows of 40 pounds draw or under, and/or any device which could be used as a weapon from which is expelled a projectile by a force other than explosives but typically not with deadly force. (Ord 01-02)

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15-630. When Weapon Deemed Loaded. For the purpose of this section, any pistol, revolver, shotgun, rifle, or other weapon described in this section shall be deemed to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position, except in the case of pistols and revolvers, in which case they shall be deemed loaded when the unexpended cartridge, shell, or projectile is in a position that the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired; and a muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.

15-631. Carrying Concealed Dangerous Weapon. Any person, except those persons described in Section 76-10-503 *, and those persons exempted under Section 76-10-510 *, carrying a concealed dangerous weapon is guilty of a Class B misdemeanor, except that a firearm that contains no ammunition and is enclosed in a case, gun box, or securely tied pack shall not be considered a concealed weapon, but if the dangerous weapon is a firearm and contains no ammunition, he shall be guilty of a Class B misdemeanor. (* U.C.A. 1953, as amended.)

15-632. Carrying Loaded Firearm in Vehicle or on Street. Every person who carries a loaded firearm in a vehicle or on any public street or in a prohibited area is guilty of a Class B misdemeanor.

15-633. Threatening With or Using Dangerous Weapon in Fight or Quarrel. Every person who, not in necessary self defense in the presence of two or more persons, draws, or exhibits any dangerous weapon in an angry and threatening manner or unlawfully uses the same in any fight or quarrel is guilty of a Class B misdemeanor.

15-634. Discharge of Firearm From Vehicle or Near Highway. It shall be a Class B misdemeanor for any person to discharge any kind of firearm from an automobile or other vehicle or to discharge a firearm from, upon, or across any highway.

15-635. Possession of Dangerous Weapon by Minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

15-636. Possession of Weapon Authorized - Permit or License not Required. Nothing in this section shall be construed to prohibit a citizen of the United States over the age of eighteen years who resides or is temporarily within this municipality and who is not within the classes described by Section 76-10-503, Utah Code Annotated, 1953 as amended, from owning, possessing, or keeping within his place of residence or place of business or any vehicle under his control any pistol, revolver, or other firearm or dangerous weapon capable of being concealed upon the person, and no permit or license to purchase, own, possess or to keep any such firearm

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or weapon at his place of residence, or place of business, or any vehicle under his control, shall be required of him.

15-637. License to Carry Concealed Weapon - Requirements for Issuance. The Chief of Police (town marshal, or other head of the police department), upon proof that the person applying is of good character, and upon showing that good cause exists for the issuance, may issue to such person a license to carry a concealed weapon for a period of one year from the issuance date of the license.

15-638. License - Application Form. The application for license must be in substantially the following form:

STATE OF UTAH

County of _____ Name of Municipality _____
 Name _____
 Address _____ Present _____ Occupation _____
 Address of Employer _____ Age _____ Height _____
 Weight _____
 Color of eyes _____ Color of Hair _____
 Have you ever been convicted of any felony? Yes _____ No _____ If the answer to the above question is yes, state where and when and what the charge was _____
 Are you addicted to any narcotics or other habit-forming drugs? Yes _____ No _____ Have you ever been declared mentally incompetent? Yes _____ No _____ If the answer to the above question is yes, state where and when _____
 Reason or reasons for issuance of _____ license _____

 _____ Dated this _____ day of _____, 19____.

Subscribed and sworn to this _____ day of _____, 19____.

Notary Public

Residing in _____ County

My commission expires:

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15-639. License - Fee - Amount and Disposition. Each applicant for a license shall pay a fee of \$3.00 at the time of filing the application. The officer receiving the application shall also receive the \$3.00 fee and shall transmit one-half of the fee together with the fingerprints of the individual to the State Bureau of Criminal Identification. The remaining half of the fee shall be transmitted to the city or town treasurer.

15-640. License - Records - Copies Transmitted to Bureau. When any license is issued a record shall be maintained in the office of the City Recorder/Clerk which shall be open to public inspection. Copies of each license issued shall be filed immediately by the Chief of Police with the State Bureau of Criminal Identification.

15-641. Hand Gun Dealers' Records. All dealers who sell hand guns shall cause a record form, provided by the State Bureau of Criminal Identification, to be filled out in triplicate. The dealer shall retain one copy and forward the original and one copy to the Chief of Police of this municipality within ten days of the date of sale. The Chief of Police shall, within ten days of receipt of the original and the copy, forward the original to the State Bureau of Identification. A violation of this section is an infraction.

15-642. Unlawful Marking of Pistol or Revolver. Any person who places or stamps on any pistol or revolver any number except one assigned to it by the bureau is guilty of a Class B misdemeanor. This section does not prohibit restoration by the owner, of the name of the maker, model, or of the original manufacturer's number or other mark of identification when the restoration is authorized by the bureau, nor prevent any manufacturer from placing in the ordinary course of business the name of the maker, model, manufacturer's number, or other mark of identification upon a new pistol or revolver.

15-643. Alteration of Number or Mark on Pistol or Revolver. Any person who changes, alters, removes, or obliterates the name of the maker, model, manufacturer's number, or other marks of identification, including any distinguishing number or mark assigned by the bureau, on any pistol or revolver, without first having secured written permission from the bureau to make the change, alteration or removal, shall be guilty of a Class B misdemeanor.

15-644. Persons Exempt From Weapons Laws. The provisions of this section shall not apply to any of the following:

- (A) United States marshals while engaged in the performance of their official duties.
- (B) Federal officials required to carry firearms while engaged in the performance of their official duties.
- (C) Law enforcement officials of this or any other jurisdiction while engaged in the performance of their official duties.

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- (D) Common carriers while engaged in the regular and ordinary transport of firearms as merchandise.
- (E) Nonresidents traveling in or through this municipality, provided that any firearm is unloaded and enclosed in a case, gun box, or securely tied package or held securely in a gun rack or locked in the trunk of an automobile in which the nonresident is transporting the firearm.

15-645. Disposition of Weapons After Use for Court Purposes. The police departments which has in its possession a weapon after it has been used for court purposes shall determine the true owner of the weapon and return it to him; however, if unable to determine the true owner of the weapon, or if the true owner is the person committing the crime for which the weapon was used as evidence, the department shall confiscate it and shall revert to the department for their use and/or disposal as the Chief of Police shall determine.

15-646. Restrictions on the Discharge of Firearms.

- (A) It shall be unlawful for any person to discharge any firearm within the City limits except as follows:
 - (1) At a police target range, if and when such a range is established, and in compliance with any rules or regulations adopted for the use of said range.
 - (2) At a regularly conducted supervised course of instruction, such as a hunter safety or similar course, having the prior written approval of the Police Chief.
 - (3) At a regularly organized gun club shooting range with a range and facilities, as well as any rules and regulations adopted for the use of said range, having been approved by the Police Chief and the range location and facilities having been approved by the governing body.
 - (4) At any location, unless otherwise prohibited, when given prior specific approval by the Police Chief.
 - (5) In lawful defense of property, person, or self.
 - (6) In the case of any peace officer in the discharge of his duty.
 - (7) During upland game hunting season and if the person is discharging a shotgun and is lawfully hunting upland game, pheasant, or dove and possesses a current valid hunting license and provided the person is

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hunting east of the three sets of high voltage lines at approximately 1800 to 2000 East. (Ord. 96-11, 01-02)

(8) Deleted (Ord. 96-11)

(B) It shall be unlawful for anyone to use any low-force weapon within the city in an unsafe or careless manner. Such uses may include, but are not limited to shooting towards a building, a vehicle, people, pets or domesticated animals. Children twelve years of age and under must have adult supervision. A violation of the provisions in this paragraph shall be an infraction and violators may be required to attend a low-force weapons safety course or other similar, approved instruction. (Ord 01-02)

(C) A violation of this section (15-646) shall be a Class B misdemeanor, except as provided for in paragraph (B) above. (Ord. 01-02)

10-646.1 Restrictions on the Discharge of Weapons in the Green Canyon Watershed. North Logan City recognizes the need to educate its citizens and others visiting Green Canyon about the restrictions on the discharge of certain weapons in the Green Canyon Watershed east of North Logan City. Those restrictions are not imposed by North Logan but are imposed by the USDA Forest Service. According to Forest Service Order #04-19-82 (published July 7, 1997) - discharging any firearm, air rifle, or gas gun is prohibited in all of the area of the Green Canyon Watershed. That area is defined as the area in the canyon between the tops of the ridges that form that canyon. Exceptions in the Forest Service order do permit hunting during an authorized hunting season for the purpose of taking legal game. Persons are encouraged to contact the Forest Service for more information. (Ord. 01-02)

15-647. Charity Drives: Definitions. As used in this section:

(A) "Person" means any individual, organization, group, association, partnership, corporation, or any combination of them;

(B) "Professional fund raiser" means any person who for compensation or any other consideration plans, conducts, or manages the solicitation of contributions for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself out to persons as independently engaged in the business of soliciting contributions for such purpose, but shall not include a bona fide officer or employee of a charitable organization;

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- (C) "Professional solicitor" means any person who is employed or retained for compensation by a professional fund raiser to solicit contributions in this municipality for charitable purposes.
- (D) "Charitable organization" means any organization that is benevolent, philanthropic, patriotic, or eleemosynary or one purporting to be such.
- (E) "Contribution" means the promise or grant of any money or property of any kind or value.

15-648. Use of Person's Name Without Consent for Soliciting Contributions Prohibited - Exceptions. No charitable organization, professional fund raiser, or professional solicitor, seeking to raise funds for charitable purposes, shall use the name of any other person for the purpose of soliciting contributions without the written consent of the person; provided that this section shall not apply to religious corporations or organizations, charities, agencies, and organizations operated, supervised or controlled by or in connection with a religious corporation or organization.

15-649. Use of Name Without Consent on Stationery or as One Who Contributed to Organization Prohibited. It shall be deemed to be a violation of this section to use, without written consent, the name of a person for the purpose of soliciting contributions if the person's name is listed on any stationery, advertisement, brochure, or correspondence or a charitable organization, or his name is listed or referred to as one who has contributed to, sponsored, or endorsed the charitable organization or its activities. Any person who violates the provisions of this section is guilty of a Class B misdemeanor.

15-650. Corporation Frauds. Definitions:

- (A) "Bona fide shareholder of record" means a shareholder of record who has acquired shares in good faith and is acting for a proper purpose reasonably related to his interests as a shareholder.
- (B) "Director" means any of the persons having by law the direction or management of the affairs of a corporation, by whatever name the persons are described in its charter or known by law.

15-651. Fraudulent Signing of Share Subscriptions. Every person who signs the name of a fictitious person to any subscription for, or agreement to take, shares in any corporation existing or proposed, and every person who signs to any subscription or agreement the name of any person, knowing that the person has no means or does not intend in good faith to comply with all the terms thereof, or under any understanding or agreement that the terms of the subscription or agreement are not to be complied with or enforced, is guilty of a Class B misdemeanor.

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15-652. Misrepresenting Person as Officer, Agent, Member or Promoter. Every person who, without being authorized so to do, subscribes the name of another to, or inserts the name of another in, any prospectus, circular, or other advertisement or announcement of any corporation or joint stock association, existing or intended to be formed, with intent to permit it to be published, and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, member or promoter of such corporation or association, is guilty of a Class B misdemeanor.

15-653. Concurrence by Director in Dividend or Division of Capital in Violation of Law. Every director or any corporation issuing shares, except savings and loan or building and loan associations who concurs in any vote or act of the directors of the corporation or any of them, by which it is intended either:

- (A) To make any dividend except as permitted by the Utah Business Corporation Act; or
- (B) To divide, withdraw, or in any manner pay to the share- holders, or any of them, any part of the stated capital of the corporation except as permitted by the Utah Business Corporation Act is guilty of a Class B misdemeanor.

15-654. False Reports. Every director, officer or agent of any corporation or joint stock association who knowingly makes or concurs in making or publishing any written report, exhibit, or statement of its affairs or pecuniary condition, containing any material statement which is false is guilty of a Class B misdemeanor.

15-655. Refusing Inspection of Books. Every officer or agent of any corporation having or keeping an office, who has in his custody or control the books of such corporation, and who refuses to give a bona fide shareholder of record or member of the corporation, lawfully demanding during office hours, the right to inspect or take a copy of it or of any part thereof, is guilty of a Class B misdemeanor.

15-656. Presumption of Director's Knowledge of Affairs. Every director of a corporation or joint stock association is deemed to possess a knowledge of the affairs of his corporation as to enable him to determine whether any act, proceeding, or omission of its directors is a violation of this section.

15-657. Presumption of Director's Concurrence in Action if Present at Meeting - Written Dissent Required. Every director of a corporation or joint stock association who is present at a meeting of the directors at which any act, proceeding, or omission of the directors in violation of this section occurs is deemed to have concurred therein, unless he, at the time causes, or in writing requires, his dissent therefrom to be entered in the minutes of the directors or forwards his dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting.

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15-658. Foreign Corporations Subject to Ordinances. It is no defense to a prosecution for any violation of any of the provisions of this section that the corporation was one created by the laws of another state, government, or country if it was one carrying on business or keeping an office therefor within this municipality.

15-659. Trade and Commerce. "Junk Dealer" Defined. For the purpose of this section "junk dealer" means all persons, firms, or corporations engaged in the business of purchasing or selling secondhand, or castoff material of any kind, such as old iron, copper, brass, lead, zinc, tin, steel, aluminum, and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper, and other like materials.

15-660. Fraudulent Practices to Affect Market Price. Every person who willfully makes or publishes any false statement, spreads any false rumor, or employs any other false or fraudulent means or device, with intent to affect the market price of any kind of property, is guilty of a Class B misdemeanor.

15-661. Junk Dealer's Record of Sales and Purchases. Every junk dealer shall keep a book in which shall be written, in ink in the English language, at the time of each and every purchase and sale a listing of the weight and metallic description of the sale or purchase, together with the full name and residence of the person or persons selling the junk, together with the date and place of the purchase and sale. No entry in the book shall be erased, mutilated, or changed. The book and entries shall at all times be open to inspection by the sheriff of the county or any of his deputies and by any member of the police force of this municipality, and any constable or other state, municipal, or county officials in this county, provided this section shall not apply to any sale of less than twenty pounds.

15-662. Violation by Junk Dealer - Classification of Offense. Any junk dealer who shall be found guilty of a violation of any of the provisions of this section shall be guilty of a Class B misdemeanor; provided that this section shall not be construed to in any way affect any tax, license or regulation otherwise imposed on any junk dealer.

15-663. Junk Dealer to Obtain Statement from Sellers. At the time of purchase by any junk dealer of any copper wire, pig, or pigs of metal or of any junk, as defined in this section, he shall obtain a signed and dated statement from the person or persons selling it as to when, where, and from whom the property was obtained and also the residence, address, and place of employment of the seller or sellers. The statement shall be retained for five years by the junk dealer and shall be subject to the provisions of Section 16-661 relating to erasure, mutilation, or change and also to inspection.

15-664. Falsification or Seller's Statement to Junk Dealer. Any seller who, in the making of his statement as required by this section in selling, offering, or trying to sell junk willfully makes a false statement or gives untrue information, shall be guilty of a Class B misdemeanor.

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15-665. Trademarks, Trade Names and Devices. Definitions: For the purpose of this section:

- (A) "Forged trademark", "forged trade name", "forged trade device", and "counterfeited trademark", "counterfeited trade name", "counterfeited trade device", or their equivalents, as used in this section, include every alteration or imitation of any trademark, trade name, or trade device so resembling the original as to be likely to deceive.
- (B) "Trademark" or "trade name" or "trade device", as used in this section, includes every trademark registrable with the Secretary of State.

15-666. Forging or Counterfeiting Trademark, Trade Name or Trade Device. Every person who willfully forges or counterfeits, or procures to be forged or counterfeited any trademark, trade name, or trade device, usually affixed by any person, or by any association or union of workingmen, to his or its goods, which has been filed with the Division of Corporations, with intent to pass off any goods to which the forged or counterfeited trademark, trade name, or trade device is affixed or intended to be affixed, as the goods of the person or association or union of workingmen, is guilty of a Class B misdemeanor.

15-667. Selling Goods Under Counterfeited Trademark, Trade Name or Trade Device. Every person who sells or keeps for sale any goods upon or to which any counterfeited trademark, trade name, or trade device has been affixed, after it has been filed with the Division of Corporations, intending to represent the goods as the genuine goods of another, knowing it to be counterfeited, is guilty of a Class B misdemeanor.

15-668. Sales in Containers Bearing Registered Trademark of Substituted Articles. Every person who has or uses any container or similar article bearing or having in any way connected with it the registered trademark of another for the purpose of disposing, with intent to deceive or defraud any article or substance other than that which the container of similar article originally contained or was connected with by the owner of such trademark is guilty of a Class B misdemeanor.

15-669. Using, Destroying, Concealing or Possessing Articles with Registered Trademark or Service Mark to Deprive Owner of Use of Possession - Exception. Every person who, without the consent of the owner of an article bearing the owner's validity registered trademark or service mark, uses, destroys, conceals, or possesses the article or who defaces or otherwise conceals the trademark or service mark upon the article with intent to deprive the owner of the use or possession of that article is guilty of a Class B misdemeanor; provided, however, that nothing contained in this section shall be construed to apply to or restrict the transfer or use of wooden boxes or the reuse of burlap or cotton bags or sacks when those bags or sacks have been reversed inside out or the markings thereon have been concealed or obliterated to effectively

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demonstrate that the products contained therein do not purport to be the products of the owner of the registered trademark or service mark theretofore put upon those bags.

15-670. Selling or Dealing With Articles Bearing Registered Trademark or Service Mark with Intent to Defraud. Every person who, without the consent of the owner of an article bearing the owner's validly registered trademark or service mark, knowingly sells or traffics in the articles or who withholds the articles from the owner thereof with intent to defraud the owner thereof, is guilty of a Class B misdemeanor.

15-671. Use of Registered Trademark Without Consent. Every person who adopts or in any way uses the registered trademark of another, without the consent of the owner thereof, is guilty of a Class B misdemeanor.

15-672. Gambling. Definitions: For the purpose of this section:

- (A) "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 is based upon an element of chance and is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome, and gambling includes a lottery; 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.
- (B) "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 may be known.
- (C) "Gambling bet" means money, checks credit, or any other representation of value.
- (D) "Gambling device or record" means anything specifically designed for use in gambling or used primarily for gambling.
- (E) "Gambling proceeds" means anything of value used in gambling.

15-673. Gambling.

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- (A) A person is guilty of gambling if he:
 - (1) Participates in gambling, or
 - (2) Knowingly permits any gambling to be played, conducted, or dealt upon or in any real or personal property owned, rented or under the control of the actor, whether in whole or in part.
- (B) Gambling is a Class B misdemeanor.

15-674. Gambling Fraud.

- (A) A person is guilty of gambling fraud if he participates in gambling and wins or acquires to himself or another any gambling proceeds when he knows he has a lesser risk of losing or greater chance of winning than one or more of the other participants, and the risk is not known to all participants.
- (B) A person convicted of gambling fraud shall be punished as in the case of theft of property of like value, provided that the penalty shall not exceed a Class B misdemeanor.

15-675. 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) Gambling promotion is a Class B misdemeanor.

15-676. Possessing a Gambling Device or Record.

- (A) A person is guilty of possessing a gambling device or record if he knowingly possesses it with intent to use it in gambling.
- (B) Possession of a gambling device or record is a Class B misdemeanor.

15-677. Failure of Prosecuting Attorney or Law Enforcement Officer to Prosecute Offenses. Any prosecuting attorney or police officer who has reasonable cause to believe that

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any person has violated any provision of this section and shall thereafter fail or refuse to diligently prosecute such person is guilty of a Class B misdemeanor.

15-678. Seizure and Sale of Devices or Equipment Used for Gambling.

- (A) Whenever the Justice Court Judge shall determine that any devices or equipment is used or kept for the purpose of being used for gambling, he may notify the governing body and/or the Chief of Police and may authorize the Chief of Police to seize such devices and to hold them for sale at the best price obtainable pending a hearing before the Justice Court Judge. After the hearing has been properly scheduled and all parties having an interest in the devices have been notified of the hearing, the Justice Court Judge may order the devices seized and declare them to be the property of this municipality. The Court may then order the devices sold for the best price obtainable. The sale shall be made to a person of good character and repute who is a bona fide resident of the state wherein it is lawful to use such equipment. The officials conducting the sale shall place the equipment on a public carrier, properly cosigned to the purchaser at his place of residence.
- (B) The proceeds of any sale shall be paid to the municipal treasury.
- (C) If no sale is consummated within ninety (90) days after authorization therefore, the devices or equipment shall be destroyed under the direction of the Justice Court Judge.

15-679. Seizure and Disposition of Gambling Debts or Proceeds.

- (A) At the commencement of any prosecution for a violation of this section any gambling bets or gambling proceeds which are reasonably identifiable as having been used or obtained in violation of this section may be seized and they shall be held pending the disposition of the proceedings. At the conclusion of the proceedings, any person who is found guilty of a violation of this section shall forfeit any sums held by the Court which were acquired or being used in violation of this section. Any sums not identifiable, or in the event the individual is found not guilty, the sums shall be returned to him.
- (B) A commencement of prosecution shall occur upon arrest, or issuance of a complaint, or citation, whichever occurs first.
- (C) All sums forfeited under this section shall be paid into the treasury of the municipality conducting the prosecution.

15-680. Confidence Game - Punishment as for Theft - Description in Charge.

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- (A) Any person who obtains or attempts to obtain from any other person any money or property by any means, instrument or device commonly called a confidence game shall be punished as in the case of theft of property of like value.
- (B) In every complaint or citation under this section, it shall be deemed and held a sufficient description of the offense to charge that the accused did, on _____(insert the date) unlawfully and knowingly obtain or attempt to obtain (as the case may be) from _____ (Insert name of the person or persons defrauded or attempted to be defrauded) his money or property (as the case may be) by means and by use of a confidence game.

15-681. Sexual Offenses.

- (A) A male person commits unlawful sexual intercourse if he has sexual intercourse with a female, not his wife, who is under sixteen years of age when at the time of intercourse the male is not more than three years older than the female.
- (B) Unlawful sexual intercourse is a Class B misdemeanor. Evidence that the actor was not more than three years older than the victim at the time of the intercourse shall be raised by the defendant.

15-682. Lewdness.

- (A) A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, or an attempt to commit any of these offenses, performs an act of sexual intercourse or sodomy, exposes his or her genitals or private parts, masturbates, engages in trespassory voyeurism, or performs any other act of gross lewdness, in a public place or under circumstances which he or she should know will likely cause affront or alarm, to, on, or in the presence of another who is 14 years of age or older.
- (B) Lewdness is a Class B misdemeanor.

15-683. Perversion. It shall be a Class B misdemeanor for any person to:

- (A) Commit or offer or agree to commit a lewd act or an act of moral perversion.
- (B) Secure or offer another for the purpose of committing a lewd act or an act of moral perversion.

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- (C) Be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution or moral perversion.
- (D) Make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view.
- (E) Knowingly transport any person to any place for the purpose of committing a lewd act or an act of moral perversion.
- (F) Knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of moral perversion, or to knowingly permit any person to remain in any place or building for any such purpose.
- (G) Direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.
- (H) Aid, abet, allow, permit, or participate in the commission of any of the acts prohibited in subsections (A) through (G) above.

15-684. Sodomy.

- (A) A person commits sodomy when he engages in any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.
- (B) Sodomy is a Class B misdemeanor.

15-685. Married Persons' Conduct Exempt - Limitations of Actions - "Penetration" or "Touching" Sufficient to Constitute Offense.

- (A) The provisions of this part shall not apply to conduct between married persons; provided, however, that for purposes of this section, persons living apart under a decree of judicial separation are not married.
- (B) No prosecution may be instituted or maintained under this section unless the allege offense was brought to the notice of public authority:
 - (1) Within three months of its occurrence; or
 - (2) Where the alleged victim was less than eighteen years of age or otherwise incompetent to make complaint, within three months after a

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parent, guardian, or other competent person specifically interested in the victim, other than the alleged offender, learned of the offense.

- (C) In any prosecution for unlawful sexual intercourse, or sodomy, any sexual penetration or, in the case of sodomy, any touching, however slight, is sufficient to constitute the offense.

15-686. Indecent Exposure.

- (A) It shall be a Class B misdemeanor for any person to indecently expose his body in public.
- (B) For the purpose of this section, indecent exposure means:
 - (1) The exposed male genital or the covered male genital shown in a discernible turgid state.
 - (2) The exposed female genital or female breasts which are not covered with an opaque covering below a point immediately above the top of the nipple (or the breast with only nipple covered).

15-687. Offensive, Indecent Entertainment. It shall be unlawful for any person to hold, conduct or carry on, or to cause or permit to be held, conducted or caused any motion pictures, exhibition or entertainment of any sort which is offensive to decency, or which is of an obscene, indecent or immoral nature, or so suggestive as to be offensive to the moral sense.

15-688. Window Peeping. It shall be a Class C misdemeanor for any person to look, peer, or peep into or be found loitering around or within view of any window within a building occupied as the residence of another with the intent of watching or looking through the window to observe any person undressed, or in the act of dressing or undressing.

15-689. Pornographic and Harmful Materials and Performances. Definitions: For the purpose of this section:

- (A) "Material" means anything printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects.

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- (B) "Performance" means any physical human bodily activity, whether engaged in alone or with other persons, including but not limited to singing, speaking, dancing, acting, simulating, or pantomiming.
- (C) "Distribute" means to transfer possession of materials whether with or without consideration.
- (D) "Knowingly" means an awareness, whether actual or constructive, of the character of material or of a performance. A person has constructive knowledge if a reasonable inspection or observation under the circumstances would have disclosed the nature of the subject matter and if a failure to inspect or observe is for the purpose of avoiding the disclosure or is criminally negligent.
- (E) "Exhibit" means to show.
- (F) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks, with less than a full, opaque covering, or the showing of a female breast with less than a full opaque covering, or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- (G) "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if the person is a female, breast, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification.
- (H) "Sexual excitement" means a condition of human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.
- (I) "Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask, or in a revealing or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.
- (J) "Minor" means any person less than 18 years of age.
- (K) "Harmful to Minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse when it:
 - (1) Taken as a whole, appeals to the prurient interest in sex of minors.

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- (2) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- (3) Taken as a whole, does not have serious value for minors. Serious value includes only serious literary, artistic, political or scientific value for minors.
- (4) "Contemporary community standards" means those current standards in the vicinity where an offense alleged under this act has occurred, is occurring, or will occur.
- (5) "Public place" includes a place to which admission is gained by payment of a membership or admission fee, however designated, notwithstanding its being designated a private club or by words of like import.

15-690. Pornographic Material or Performance - Determination of Predominant Appeal to Prurient Interest - Expert Testimony not Required.

- (A) Any material or performance is pornographic if:
 - (1) The average person, applying contemporary community standards finds that, taken as a whole, it appeals to prurient interest in sex;
 - (2) It is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and
 - (3) Taken as a whole it does not have serious literary, artistic, political or scientific value.
- (B) In prosecutions under this part, where circumstances of production, presentation, sale, dissemination, distribution, exhibition, or publicity indicate that the matter is being commercially exploited by the defendant for the sake of its prurient appeal, this evidence is probative with respect to the nature of the matter and can justify the conclusion that, in the context in which it is used, the matter has no serious literary, artistic, political, or scientific value.
- (C) Neither the prosecution nor the defense shall be required to introduce expert witness testimony as to whether the material or performance is or is not harmful to adults or minors or is or is not pornographic, or as to any element of the definition of pornographic, including contemporary community standards.

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15-691. Prostitution. Definitions: For the purpose of this section:

- (A) "Sexual activity" means intercourse or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.
- (B) "House of Prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another.
- (C) "Inmate" means a person who engages in prostitution in or through the agency of a house of prostitution.
- (D) "Public place" means any place to which the public or any substantial group thereof has access.

15-692. Prostitution.

- (A) A person is guilty of prostitution when:
 - (1) He engages or offers or agrees to engage in any sexual activity with another person for a fee; or
 - (2) Is an inmate of a house of prostitution; or
 - (3) Loiters in or within view of any public place for purpose of being hired to engage in sexual activity.
- (B) Prostitution is a Class B misdemeanor.

15-693. Patronizing a Prostitute.

- (A) A person is guilty of patronizing a prostitute when:
 - (1) He pays or offers or agrees to pay another person a fee for the purpose of engaging in an act of sexual activity; or
 - (2) He enters or remains in a house of prostitution for the purpose of engaging in sexual activity.
- (B) Patronizing a prostitute is a Class C misdemeanor.

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15-694. Aiding Prostitution.

- (A) A person is guilty of aiding prostitution if he:
- (1) Solicits a person to patronize a prostitute; or
 - (2) Procures or attempts to procure a prostitute for a patron, or
 - (3) Leases or otherwise permits a place controlled by the actor, alone or in association with another, to be used for prostitution or the promotion of prostitution or
 - (4) Solicits, receives, or agrees to receive any benefit for doing any of the acts prohibited by this subsection.
- (B) Aiding prostitution is a Class B misdemeanor.

15-695. Exploiting Prostitution.

- (A) A person is guilty of exploiting prostitution if he:
- (1) Procures an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate; or
 - (2) Encourages, induces or otherwise purposely causes another to become or remain a prostitute; or
 - (3) Transports a person into or within this municipality with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose; or
 - (4) Not being a child or legal dependent of a prostitute, shares the proceeds of prostitution with a prostitute pursuant to their understanding that he is to share therein.
 - (5) Owns, controls, manages, supervises, or otherwise keeps alone or in association with another a house of prostitution or a prostitute business.
- (B) Exploiting prostitution is a Class B misdemeanor.

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15-696. Curfews - Minors.

- A) It is unlawful for any minor under eighteen years of age to remain or loiter in any sidewalks, streets, alleys or public places in the city between ten-thirty p.m. and five a.m. immediately following from Sunday evening through Friday morning.
- B) It is unlawful for any minor under eighteen years of age to remain or loiter in any sidewalks, streets alleys or public places in the city between twelve midnight p.m. and five a.m. immediately following from Friday evening through Sunday morning.
- C) It is unlawful for any parent, guardian or other person having legal care and custody of any minor under eighteen years of age to allow or permit any such minor to remain or loiter on any sidewalks, streets, alleys or public places in the city, within the times provided in subsection A and B of this section except as provided in subsection D of this section.
- D) The provisions of subsection A, B, and C of this section shall not apply where the minor under age of eighteen is:
 - 1) Married;
 - 2) Accompanied by a parent, guardian or other adult person having care of such minor;
 - 3) Returning home from, going to or being in attendance at any religious or school function, organized dance, theater, sports event or other such associational activity; provided however that going to or from such activity shall be by a direct route and within a reasonable time of the commencement or termination of such event;
 - 4) Engaged in a legitimate emergency errand
 - 5) Engaged in a legitimate employment and can produce evidence of such employment; or
 - 6) In a motor vehicle engaged in normal travel, while traveling to, from, or through the city on an interstate trip.

(Ord. 97-15)

15-697. Use of Engine Brakes Prohibited

- A. Dynamic Braking Device -- Definition. "Dynamic braking device" (commonly referred to as a Jacob's brake, engine brake or compression brake) means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- B. Use of Dynamic Braking Systems Prohibited. It is unlawful for any person to operate any motor vehicle with a dynamic braking device engaged, except for the aversion of imminent danger within the North Logan City limits.
- C. Any person violating the provisions of this section is guilty of a Class C Misdemeanor.

(Ord. 99-09)

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15-698. Interfering With Custodial Rights or Personal Liberty.

- (A) A person, whether a parent or other, is guilty of custodial interference if, without good cause, he takes, entices, conceals, or detains a child under the age of sixteen from his parent, guardian, or other lawful custodian:
 - (1) Knowing he has no legal right to do so; and
 - (2) With intent to hold the child for a period substantially longer than the visitation or custody period previously awarded by a court of competent jurisdiction.
- (B) A person, whether a parent or other, is guilty of custodial interference if, having actual physical custody of a child under the age of sixteen pursuant to a judicial award of any court of competent jurisdiction which grants to another person visitation or custody rights, and without good cause he conceals or detains the child with intent to deprive the other person of his lawful visitation or custody rights.
- (C) A person is guilty of custodial interference if without good cause he takes, entices, conceals, or detains an incompetent or other person under the age of sixteen who has been committed by authority of law to the custody of another person or institution from the other person or institution, knowing he has no legal right to do so.
- (D) A person guilty of custodial interference is guilty of a Class B misdemeanor.

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15-700. ALCOHOL.

15-701. Public Intoxication and Consumption of Alcoholic Beverages in Public Places Prohibited. (Amended Ord. 89-3, March 16, 1989.)

- (A) It is a Class C misdemeanor for any person to be under the influence of alcoholic beverages, a controlled substance, or of any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or another in a public place or in a private place where he unreasonably disturbs another person.
- (B) A peace officer or magistrate may release from custody an individual arrested under this section if he believes imprisonment is unnecessary for the protection of the individual or another.
- (C) It shall be unlawful for any person to drink any alcoholic beverages in any public place within the corporate limits of North Logan City, except such public places that have been licensed under the provisions of North Logan City Ordinances and by State law, if applicable, for such consumption on the premises. A violation of this subsection (c) is a Class C misdemeanor.
- (D) "Public Place" shall mean and include any place, building or conveyance to which the public has, or is permitted to have access, and any highway, street, public sidewalk, publicly owned property, lane, park or place of public resort or amusement and any other place which, under the provisions of the Alcoholic Beverage Control Act of Utah, as currently in effect, or as may be amended, has been declared to be a public building or place. In addition, "alcoholic beverages" shall be defined as and have the same meaning as set forth in the referenced Alcoholic Beverage Control Act.

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as a whole, or any part thereof.

15-702. Illegal Sale, Manufacturing, Storage of Intoxicating Liquor. It shall be unlawful for any person, except as permitted by state law, and the ordinances of this municipality to knowingly have in his possession any intoxicating liquor or to manufacture, keep, sell, or store for sale, offer or expose for sale, import, carry transport, advertise, distribute, give away, dispense, or serve intoxicating liquor.

15-703. Possession of Liquor. It shall be unlawful except as permitted by state law and the ordinances of this municipality for any person to have or keep for sale or possession any liquor which has not been purchases from the state liquor store or package agency.

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15-704. Liquor to Drunken Person. It shall be unlawful for any person to sell or supply any alcoholic beverage or to permit alcoholic beverages to be sold or supplied to any person who is apparently under the influence of liquor.

15-705. Alcoholic Beverages and Minors.

- (A) It shall be unlawful for alcohol beverages to be given, sold, or otherwise supplied to any person under the age of 21 years, but this shall not apply to supplying liquor to such person for medicinal purposes only by the parent or guardian of such person or to the administering of liquor to such person by a physician in accordance with the provisions of this section.
- (B) It shall be unlawful for any person under the age of 21 years to have possession of beer or any intoxicating liquor.

15-706. Minor Prohibited Where Beer is Sold.

- (A) It is unlawful for any person to operate any pool or billiard hall in this municipality if beer as defined in this code is kept, sold or consumed without first making a regulation and enforcing the same, keeping posted in a conspicuous place the terms of such regulation, which shall read, "No person under 21 years of age permitted in these premises".
- (B) It is unlawful for any person in charge of or employed in such pool or billiard hall to permit any person under the age of 21 years of age to enter upon or remain in any such premises or for any person under the age of 21 years to enter upon or remain in said premises for any purpose.
- (C) Pool or billiard halls may be kept open to minors where no beer as defined in this code is kept or consumed or sold.

15-707. Canvassing or Soliciting. It shall be unlawful for any person to canvass or solicit for alcoholic beverages by mail, telephone, or other manner, and the person is hereby prohibited from engaging in such activities, except to the extent that such prohibition may be in conflict with the laws of the United States or the State of Utah.

15-708. Solicitation of Drinks. No person shall frequent or loiter in any tavern, cabaret, or night club, with the purpose of soliciting the purchase of alcoholic drinks. No proprietor or operator of any such establishment shall allow the presence in such establishment of any who violates the provisions of this section.

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15-709. Beer in Kegs.

- (A) Purpose. The purpose of this ordinance is to promote the health, safety and welfare of the inhabitants of the City of North Logan decreasing neighborhood disturbances and the offensive and disorderly conduct generally caused by beer keg parties or gatherings. It is intended that beer be dispensed for consumption from kegs only current holders of licenses from North Logan City. This ordinance shall be liberally construed to the end that the aforesaid purposes may be realized.
- (B) Dispensing Beer from or selling Kegs. It shall be unlawful for any manufacturer, distributor, wholesaler, or retailer of beer, or any of its agents or employees or for any person or persons, corporation, association or entity of any nature, to sell, dispense, trade, give or otherwise dispose of beer in kegs or other bulk containers to anyone except persons, businesses, corporations or other entities holding a current valid beer license issued by the City of North Logan.
- (C) Storing or possessing Kegs. It shall be unlawful for any person or person, corporation, business, or entity of any kind to have in his or its possession or in his or its automobile or in his or its house, apartment, or other premises any beer keg where the same contains beer or any trace of beer, unless that person, corporation, association, business or entity possesses a valid North Logan City beer license or a valid state beer manufacturer's or wholesaler's license.
- (D) Penalties.
- (1) Any person, business, corporation, association, or agent, or employee of the same who or which shall violate either subsection (B) or (C) above shall be punished by a fine of no less \$100 and not to exceed \$299 or by imprisonment not to exceed six months or by both such fine and imprisonment.
 - (2) Any person, business, corporation, association, or other entity who or which is found to have violated any of the provisions of subsection (B) or (C) above and who or which possesses a City beer license of any kind or nature, or who or which possesses a City consent to a state liquor license of any kind shall have that license or consent suspended for a period of not less than thirty (30) days. A person, business, corporation, association or other entity who or which violates this section or whose agents or employees violate this section more than once shall have his or its beer license or consent to a state liquor license permanently revoked.

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15-800. Traffic Code

15-801 Duty to keep proper lookout. No person shall drive a vehicle on the streets of this city without keeping a reasonable and proper lookout for other traffic objects, fixtures or property thereon or adjacent thereto.

15-802 Negligently colliding. It is unlawful to operate a vehicle with such lack of due care and in such negligent manner as to cause the same to collide with any vehicle, person, or object.

15-803 Careless driving. Any person who drives any motor vehicle in a careless or imprudent manner without due regard for the width, grade, curve and use of the streets and alleys of the city and all other attendant circumstances, so as to endanger or be likely to endanger the property or the life or limb of any person is guilty of careless driving.

15-804 Seating.

- (A) No person shall have in the driver's lap any other person, adult or minor, nor animal, nor shall the driver be seated in the lap of any person while the vehicle is in motion.
- (B) No person shall ride, and no person driving a motor vehicle shall knowingly permit any person to ride, upon any portion of any vehicle not designed or intended for the use of passengers.
 - (1) This ordinance shall apply but shall not be limited to the sides of truck beds, truck tailgates or any other exterior portion of a truck or vehicle.
 - (2) Persons may ride in the bed of a pickup truck as long as they are seated in the bed of the truck.

15-805 Vehicles. Every vehicle, at all times while being driven, stopped or parked upon the streets or alleys of the city, shall be registered in the name of the owner thereof in accordance with the laws of the state, unless such vehicle is not required by the laws of the state to be registered in this state, and shall display in proper position valid and un-expired registration plates or indicia of registration meeting the requirements of the laws of the state, clear and distinct and free from defacement, mutilation, grease and other obscuring matter, so as to be plainly visible and legible at all times; provided, however, if such vehicle is not required to be registered in this state, the indicia of registration issued by another state, territory, possession or district of the United States or a foreign country, substantially complying with the provisions of this chapter, shall be considered as compliance with this title.

(Ord. 96-12)

15-806. Skateboards, longboards and non-motorized scooters may operate on public roadways with the following restrictions: (a) May operate only on roadways posted at twenty-five miles per hour (25 MPH) or less; (b) May not impede the movement or free flow of traffic; (c) Operators must wear a helmet; (d) Operators may not operate at speed greater than is reasonable or prudent

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under the existing conditions, giving regard to the actual and potential hazards then existing.; (e) Operators must obey traffic control devices and all traffic laws; (f) May be operated only during daylight hours, defined as between the time of thirty (30) minutes before official sunrise and thirty (30) minutes after official sunset. Violation of this section is an infraction.

(Ord. 07-08)

TITLE 15. CRIMINAL CODE

15-900. Graffiti Code (Ord. 09-01)

15-901. Definitions.

1. ***Graffiti*** means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property or, despite advance authorization, is otherwise deemed a public nuisance by the City Council.
2. ***Graffiti Implement*** means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of marking, scarring or leaving a visible mark on any natural or manmade surface.
3. ***Graffiti Nuisance Property*** means any property from which graffiti has not been abated within five (5) days from the date notice was given as described in this Ordinance.
4. ***Legal Guardian*** means a person who, under Court order, is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by a Court.
5. ***Minor*** means any person under eighteen (18) years of age.
6. ***Parent*** means a person who is a natural parent, adoptive parent, foster parent or step-parent of another person or a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

15-902. Prohibited Acts.

1. **Graffiti.** It shall be unlawful for any person to apply graffiti to any natural or manmade surface on any public property or, without the permission of the owner, on any private property. Violation of this section is a Class B Misdemeanor.
2. **Violation by Parent or Legal Guardian.** It shall be unlawful and a violation of this Ordinance for a parent or legal guardian of a minor to knowingly permit their minor child or ward, or by failing to make a reasonable effort to supervise and direct their minor child or ward, or by exercising insufficient control of their minor child or ward, to allow their minor or ward to commit a violation of this Ordinance. It shall also be unlawful and a violation of this Ordinance for a parent or legal guardian to fail to make a reasonable effort to restrain a minor, in the

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event the parent or legal guardian knew or should have known in advance, of the possible violation of this Ordinance by their minor child or ward.

3. **Graffiti Nuisance Property.** Graffiti is expressly declared to be a public nuisance; and no owner, property manager or occupant of a building, structure or other natural or manmade surface on any real or personal property within North Logan City shall fail to eradicate graffiti from said property within five (5) days of a notice to abate. Violation of this section is an infraction.

No owner, property manager or occupant, as contemplated by this Ordinance, shall be guilty of a violation of this section when the required notice cannot be given by reason of the absence of the owner, property manager or occupant due to vacation, seasonal relocation to another residence or other reasonable event of unavailability. In the event reasonable attempts to give the said five (5) days' notice fail, the City may proceed to eradicate graffiti as provided in this Ordinance.

4. **Possession of Graffiti Implements.** It shall be unlawful for any person under the age of eighteen (18) to possess any graffiti implement in North Logan City limits except:
 - a. When the youth is possessing such implements for the purpose of school-sanctioned activities or legitimate projects.
 - b. When the youth is under the supervision of a parent or legal guardian.
 - c. When youth are involved in a church or community project.
 - d. Violation of this section is a Class B Misdemeanor.

15-903. Penalties.

1. In the case of a violation by a minor, the parents or legal guardians guilty of a violation of Section III Paragraph 2 of Prohibited Acts shall be jointly and severally liable with the minor for payment of all fines, costs and restitution.
2. Failure of the minor, parents or legal guardians to make payment of all fines, costs and restitution expenses, when so ordered, will result in enforcement of the judgment rendered by the filing of a lien on the parents' or legal guardians' property and the pursuit of all other remedies allowed by law to enforce full payment.
3. Upon an application and finding of indigence, the Court may decline to order fines against the minor, parents or guardians.

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4. An additional sum in the amount of Two Hundred Dollars (\$200.00) shall be added to the order of restitution and removal costs, and that amount will be deposited in North Logan City's Graffiti Removal Restitution Fund.
5. A person who, voluntarily and at his own expense, removes graffiti for which he is responsible, may be credited for the verified removal costs incurred against the restitution ordered by the Court.

15-904. Community Service.

In lieu of, or as part of, the penalties specified in this Ordinance, a violator may be required to perform community service as prescribed by the Court:

1. For a first offense, the minor or adult convicted may be ordered to perform at least seventy-five (75) hours of community service.
2. For a first offense by a parent or legal guardian, the convicted parent or legal guardian of the minor shall be ordered to be in attendance for a minimum of fifty percent (50%) of the period of assigned community service and assist in its completion.
3. The entire period of community service shall be performed under the supervision of a community service provider approved by the Chief of Police.
4. Reasonable effort shall be made to assign the minor or adult, and parent or legal guardian when applicable, to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, and parent or legal guardian when applicable, including community service that involves graffiti removal.

15-905. Removal Of Graffiti; Failure To Remove As Additional Violation.

1. **Removal by the Perpetrator.** Any person applying graffiti on public or private property shall have the duty to remove the graffiti within twenty-four (24) hours after notice by the City or private owner of the property involved. Such removal shall be done in a manner prescribed by the Chief of Police, the Director of the Department of Public Works, or any additional City Department Head, as authorized by the City Council.
2. Any person applying graffiti shall be responsible for its removal or for the payment of the costs of removal. Where graffiti is applied by a minor, the parents or legal guardians, guilty of a violation of this Ordinance, shall also be responsible for such removal or for payment of the costs of removal. Failure of any

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responsible person to remove graffiti or pay for the costs of removal, within said twenty-four (24) hour period, shall constitute an additional Class B misdemeanor violation of this Ordinance.

3. An owner, property manager, occupant or other party responsible for the defaced property, who removes the graffiti within the five (5) days specified by this Ordinance, may apply to the City of North Logan for reimbursement of the cost of removal.
4. **Right of City to Remove; Private Property Owner Obligations.**
 - a. **Use of Public Funds.** Whenever the City becomes aware of or is notified and determines that graffiti is located on publicly-owned property, the City shall be authorized to use public funds for the removal of the graffiti or for the painting or repairing of the defaced property.
 - b. When graffiti is located on private property and the required five (5) day notice has been given, but the graffiti is not removed within the five (5) days, the City may take action to have it removed.
 - c. **Right of Entry on Private Property.** Prior to entering upon private property or property owned by a public entity other than the City for the purpose of painting over or covering graffiti or for graffiti removal, the City shall attempt to secure the consent of the property owner or other responsible party. If the property owner or responsible party fails to remove or paint over or cover the offending graffiti within the time specified by this Ordinance, or if the City has requested consent to remove, cover or paint over the offending graffiti and the property owner or other responsible party has refused consent for entry on terms acceptable to the City and consistent with the terms of this Section, the City shall commence abatement and cost-recovery proceedings for the graffiti removal, paint over or other appropriate action.

15-906. Exceptions To Property Owner Responsibility.

The provisions of Section III Paragraph 2 of Prohibited Acts shall not apply if the property owner or other responsible party can demonstrate that:

1. The property owner or other responsible party lacks the financial ability to remove the defacing graffiti; or
2. The property owner or other responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain

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defaced with graffiti for a period of more than fifteen (15) days after the removal notice required by this Ordinance is given.

15-907. Graffiti Removal Restitution Fund.

The City Council hereby creates the City of North Logan Graffiti Removal Restitution Trust Fund. Municipal funds received by reason of fines, restitution and other amounts paid for violations of this Ordinance and general fund allocations approved by the City Council shall be placed in the Fund, together with any monetary donations received from persons wishing to contribute to the Fund. The City Council shall direct the expenditures of monies in the Fund. Such expenditures shall be limited to the payment for the cost of graffiti removal, paint over or similar actions, the payment, at the discretion of the City Administrator, of rewards for information leading to the conviction of persons guilty of violations of this Ordinance, the costs of administering the Ordinance, and such other public purposes as may be approved by the City Council by resolution.

(Ord. 09-01)