

# TITLE XII

## CRIMINAL CODE

### CHAPTER 1

#### GENERAL PROVISIONS

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- 12-1-1: **SHORT TITLE.** This Title shall be known and may be cited as the "Syracuse City Criminal Code."(1979)

- 12-1-2: APPLICATION OF CODE - OFFENSE PRIOR TO EFFECTIVE DATE.**
- (A) The provisions of this Code shall govern the construction of, the punishment for, and defenses against any offense defined in this Code or, except where otherwise specifically provided or the context otherwise requires, any offense defined outside this Code; provided such offense was committed after the effective date of this Code.
  - (B) Any offense committed prior to the effective date of this Code shall be governed by the Ordinances of this City existing at the time of commission thereof, except that a defense or limitation on punishment available under this Code shall be available to any defendant tried or retried after the effective date. An offense under the laws of this City shall be deemed to have been committed prior to the effective date of this Code if any of the elements of the offense occurred prior thereto. (1979)
- 12-1-3: PURPOSES AND PRINCIPLES OF CONSTRUCTION.** The provisions of this Code shall be construed in accordance with these general purposes:
- (A) Forbid and prevent the commission of offenses.
  - (B) Define adequately the conduct and mental state which constitute each offense and safeguard conduct that is without fault from condemnation as criminal.
  - (C) Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition or differences in rehabilitation possibilities among individual offenders.
  - (D) Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses. (1979)
- 12-1-4: CRIMES UNDER CODE.** No conduct is an offense or a crime unless made so by this Code or other City Ordinance or by other applicable statute. (1979)
- 12-1-5: STRICT CONSTRUCTION RULE NOT APPLICABLE.** The rule that a penal Ordinance is to be strictly construed shall not apply to this Code, any of its provisions, or any offense defined by the Ordinances of this City. All provisions of this Code and offenses defined by the laws of this City shall be construed according to the fair import of their terms to promote justice and to effect the objects of the law and general purposes of Section 12-1-3. (1979)
- 12-1-6: SEPARABILITY CLAUSE.** If any provision of this Code, or the application of any provision to any person or circumstance, is held invalid, the remainder of this Code shall not be affected thereby. (1979)
- 12-1-7: JURISDICTION OF OFFENSES.**
- (A) A person is subject to prosecution in this City for an offense which he commits, while either within or outside the City, by his own conduct or that of another for which he is legally accountable, if:
    - (1) The offense is committed either wholly or partly within the City; or
    - (2) The conduct outside the City constitutes an attempt to commit an offense within the City; or

- (3) The conduct outside the City constitutes a conspiracy to commit an offense within the City and an act in furtherance of the conspiracy occurs in this City; or
  - (4) The conduct within the City constitutes an attempt, solicitation, or conspiracy to commit in another jurisdiction an offense under this Code and such other jurisdiction.
- (B) An offense is committed partly within this City if either the conduct which is an element of the offense, or the result which is such an element, occurs within this City
- (C) An offense which is based on an omission to perform a duty imposed by this Code or by other Ordinances of the City is committed within the City regardless of the location of the offender at the time of the omission. (1979)

**12-1-8:**

**LIMITATIONS OF ACTIONS - MISDEMEANOR - ANY INFRACTION - COMMENCEMENT OF PROSECUTION.** Except as otherwise provided in this Code, prosecutions for offenses are subject to the following periods of limitation:

- (A) A prosecution for embezzlement of public money or the falsification of public records may be commenced at any time.
- (B) A prosecution for a misdemeanor must be commenced within two years after it is committed.
- (C) A prosecution for any infraction must be commenced within one year after it is committed.
- (D) A prosecution is commenced upon the finding and filing of a complaint or information. (1979)

**12-1-9:**

**LIMITATIONS OF ACTIONS - FRAUD OR BREACH OF FIDUCIARY OBLIGATION - MISCONDUCT BY PUBLIC OFFICER OR EMPLOYEE.** If the period prescribed in Subsections 12-1-8 (A or B) has expired, a prosecution may nevertheless be commenced for:

- (A) An offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; and
- (B) Any offense based upon misconduct in office by a public officer or employee at any time during the term of defendant's public office or the period of his public employment or within two years thereafter, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years. (1979)

**12-1-10:**

**LIMITATIONS OF ACTIONS - DEFENDANT OUT OF STATE.** The period of limitation does not run against any defendant during any period of time he is out of the State following the commission of an offense. (1979)

**12-1-11:**

**LIMITATIONS OF ACTIONS - LESSER INCLUDED OFFENSE FOR WHICH PERIOD OF LIMITATION HAS RUN.** Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should

be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense. (1979)

**12-1-12: MULTIPLE PROSECUTIONS - SINGLE CRIMINAL EPISODE.** In this Code unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective.

Nothing in this Code shall be construed to limit or modify the joinder of offenses and defendants in criminal proceedings. (1979)

**12-1-13: MULTIPLE PROSECUTIONS - SEPARATE OFFENSES IN SINGLE CRIMINAL EPISODE - INCLUDED OFFENSES DOUBLE JEOPARDY.** The provisions of Sections 76-1-402, Utah Code Annotated, relating to separate offenses arising out of a single criminal episode, 76-1-403, relating to former prosecution barring subsequent prosecution for offense out of same episode, and 76-1-405, providing when subsequent prosecution is not barred are hereby adopted as part of this Code and incorporated by reference as though fully set forth herein. (1979)

**12-1-14: BURDEN OF PROOF - PRESUMPTION OF INNOCENCE.**

(A) A defendant in a criminal proceeding is presumed to be innocent until each element of the offense charged against him is proved beyond a reasonable doubt. In absence of such proof, the defendant shall be acquitted.

(B) As used in this Code, the words "element of the offense" mean:

- (1) The conduct, attendant circumstances or results of conduct proscribed, prohibited, or forbidden in the definition of the offense;
- (2) The culpable mental state required;
- (3) The existence of jurisdiction and venue are not elements of the offense but shall be established by a preponderance of the evidence. (1979)

**12-1-15: NEGATING DEFENSE - PRESUMPTION OF FACT - AFFIRMATIVE DEFENSE.** The provisions of Sections 76-1-502, Utah Code Annotated, relating to negating defense by allegation or proof, 76-1-503, relating to presumption of fact, and 76-1-504, relating to affirmative defense presented by defendant are hereby adopted as part of this Code and incorporated by reference as though fully set forth herein. (1979)

**12-1-16: DEFINITION OF TERMS.** The provisions of Section 76-1-601, Utah Code Annotated, relating to general definitions are hereby adopted as part of this Code and incorporated by reference as though fully set forth herein. (1979)

**12-1-17: PROCEDURE APPLICABLE - ENFORCEMENT OF COURT ORDERS, AND LIABILITY FOR CIVIL DAMAGES NOT AFFECTED.**

(A) Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this Title but shall conform to the Utah Code of Criminal Procedure, or other applicable State Statutes, and to the Constitutions of the State of Utah and the United States.

- (B) This Title does not affect any power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.
- (C) This Title does not bar, suspend, or otherwise affect any right or liability to damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be recovered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this Title. (1979)

## CHAPTER 2

### PRINCIPLES OF CRIMINAL RESPONSIBILITY

**12-2-1: Culpability Generally**

**12-2-1: CULPABILITY GENERALLY.** The following provisions of Utah Code Annotated are hereby adopted as part of this Code and incorporated by reference as though fully set forth herein:

- (A) Section 76-2-101, relating to requirements of criminal conduct and criminal responsibility.
- (B) Section 76-2-102, relating to culpable mental state required.
- (C) Section 76-2-103, defining "intentionally", "knowingly", "recklessly", and other terms.
- (D) Section 76-2-104, relating to conduct and when same is defined as an offense.
- (E) Section 76-2-201, relating to criminal responsibility for conduct of another - definitions.
- (F) Section 76-2-202, relating to criminal responsibility for conduct of another.
- (G) Section 76-2-203, setting forth defenses unavailable in prosecution based on conduct of another.
- (H) Section 76-2-204, relating to criminal responsibility of corporation or association.
- (I) Section 76-2-205, relating to criminal responsibility of person for conduct in name of corporation or association.
- (J) Section 76-2-301, relating to defenses to criminal responsibility - persons under 14.
- (K) Section 76-2-302, relating to defense of (L) Section 76-2-303, relating to defense of compulsion.
- (L) Section 76-2-303, relating to defense of entrapment
- (M) Section 76-2-304, relating to defense of ignorance or mistake of fact or law.
- (N) Section 76-2-305, relating to defense of mental disease or defect.
- (O) Section 76-2-306, relating to defense of voluntary intoxication.
- (P) Section 76-2-307, relating to defense of voluntary termination of efforts prior to offense.
- (Q) Section 76-2-401, relating to justification as defense.
- (R) Section 76-2-402, relating to force in defense of person.

- (S) Section 76-2-403, relating to force in arrest.
- (T) Section 76-2-404, relating to deadly force by peace officer.
- (U) Section 76-2-405, relating to force in defense of habitation.
- (V) Section 76-2-406, relating to force in defense of property. (1979)

**CHAPTER 3**  
**PUNISHMENTS**

- 12-3-1: Sentencing**
- 12-3-2: Designation of Offenses**
- 12-3-3: Misdemeanors Classified**
- 12-3-4: Infractions**
- 12-3-5: Continuing Violations**
- 12-3-6: Sentences or Combination Allowed**
- 12-3-7: Misdemeanor Conviction**
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- 12-3-9: Imprisonment**
- 12-3-10: Fines of Persons**
- 12-3-11: Fines of Corporations, Associations, Partner-ships, or Governmental Instrumentalities**
- 12-3-12: Limitations and Special Provisions on Sentences**

**12-3-1: SENTENCING.**

- (A) A person adjudged guilty of an offense under this Code or Ordinances of the City shall be sentenced in accordance with the provisions of this Code.
- (B) Ordinances enacted after the effective date of this Code which involve an offense under the Ordinances of the City shall be classified for sentencing purposes in accordance with this Chapter unless otherwise expressly provided. (1979)

**12-3-2: DESIGNATION OF OFFENSES.** Offenses are designated as misdemeanors or infractions.(1979)

**12-3-3: MISDEMEANORS CLASSIFIED.**

- (A) Misdemeanors are classified into two categories:
  - (1) Class B misdemeanors.
  - (2) Class C misdemeanors.
- (B) An offense designated as a misdemeanor, either in this Code or in any Ordinance of the City, without specification as to punishment or category, is a Class B misdemeanor. (1979)

**12-3-4:           INFRACTIONS.**

- (A) Infractions are not classified.
- (B) Any offense which is made an infraction in this Code or other Ordinance of the City, or which is expressly designated an infraction, and any offense designated by this Code or other Ordinance of the City which is not designated as a misdemeanor and for which no penalty is specified, is an infraction. (1979)

**12-3-5:           CONTINUING VIOLATIONS.** Unless otherwise specified, where a violation of any provision of this Code or of any Ordinance of the City is a continuing violation, a separate offense shall be deemed committed on each day, or part thereof, that the violation occurs or continues to occur. (1979)

**12-3-6:           SENTENCES OR COMBINATION ALLOWED.**

- (A) Within the limits prescribed by this Code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or combination of such sentences:
  - (1 ) To pay a fine; or
  - (2) To probation; or
  - (3) To imprisonment.
- (B) This Chapter shall not deprive a court of authority conferred by law to cite for contempt, or impose any other civil penalty. A civil penalty may be included in a sentence. (1979)

**12-3-7:           MISDEMEANOR CONVICTION.** A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- (A) In the case of a Class B misdemeanor, for a term not exceeding six months.
- (B) In the case of a Class C misdemeanor, for a term not exceeding ninety days. (1979)

**12-3-8:           INFRACTION CONVICTION.**

- (A) A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture, and disqualification, or any combination.
- (B) Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a Class C misdemeanor. (1979)

**12-3-9:           IMPRISONMENT.**

- (A) Persons sentenced to imprisonment shall be committed to the following custodial authorities:
  - (1) Misdemeanor commitments shall be to the Davis County Jail, or other facility designated by the City or the court where the defendant was convicted.

(B) Custodial authorities may place a prisoner in a facility other than the one to which he was committed when:

(1) It does not have space to accommodate him; or

(2) The security of the institution or inmate requires it. (1979)

**12-3-10:** **FINES OF PERSONS.** A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not over \$299.00 when the conviction is of a Class B or C misdemeanor or infraction. (1979)

**12-3-11:** **FINES OF CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS, OR GOVERNMENTAL INSTRUMENTALITIES.** The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this Code, or the Ordinances of the City, or for an offense defined outside this Code over which the City has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the court, not exceeding \$500.00 when the conviction is of a Class B or C misdemeanor or an infraction. (1979)

**12-3-12:** **LIMITATIONS AND SPECIAL PROVISIONS ON SENTENCES.** The following provisions of Utah Code Annotated are hereby adopted as part of this Code and incorporated by reference as though fully set forth herein, insofar as such limitations and special provisions on sentences apply to misdemeanors:

(A) Section 76-3-401, relating to concurrent and consecutive sentences.

(B) Section 76-3-402, relating to conviction of lower category of offense.

(C) Section 76-3-403, relating to credit for good behavior.

(D) Section 76-3-404, relating to pre-sentence investigation.

(E) Section 76-3-405, relating to limitation on sentence where conviction or prior sentence set aside. (1979)

## CHAPTER 4

### INCHOATE OFFENSES

- 12-4-1: Attempt - Elements of Offense**
- 12-4-2: Classification of Offenses**
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- 12-4-5: Specific Attempt or Conspiracy Offense Prevails**
- 12-4-6: Conviction of Principal Offense and Attempt or Conspiracy Prohibited**
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- 12-4-1: ATTEMPT - ELEMENTS OF OFFENSE.**
- (A) For purposes of this Chapter a person is guilty of an attempt to commit an offense made punishable under this Code or any Ordinance of the City 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 Chapter, 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 the offense attempted was actually committed; or
- (2) Due to the factual or legal impossibility if the offense could have been committed had the attendant circumstances been as the actor believed them to be. (1979)
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- 12-4-2: CLASSIFICATION OF OFFENSES.** Criminal attempt to commit:
- (A) A Class B misdemeanor is a Class C misdemeanor.
- (B) A Class C misdemeanor is punishable by a penalty not exceeding one-half the penalty for a Class C misdemeanor, or as an infraction, as the court shall determine.
- (C) An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction. (1979)
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- 12-4-3: CRIMINAL CONSPIRACY - ELEMENTS OF OFFENSE.** For purposes of this Chapter a person is guilty of conspiracy when he, intending that conduct constituting an offense under this Code or City Ordinance be performed, 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, burglary, or robbery, the overt act is not required for the commission of conspiracy. (1979)

- 12-4-4: CONSPIRACY - CLASSIFICATION OF OFFENSES.** Conspiracy to commit:
- (A) A Class B misdemeanor is a Class C misdemeanor.
  - (B) A Class C misdemeanor is punishable by a penalty not exceeding one-half the penalty for a Class C misdemeanor, or as an infraction, as the court may determine.
  - (C) An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction. (1979)
- 12-4-5: 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 Chapter, the specific offense shall prevail over the provisions of this Chapter. (1979)
- 12-4-6: CONVICTION OF PRINCIPAL OFFENSE AND ATTEMPT OR CONSPIRACY PROHIBITED.** No person shall be convicted of both an inchoate and principal offense or of both an attempt to commit an offense and a conspiracy to commit the same offense. (1979)

## CHAPTER 5

### OFFENSES AGAINST THE PERSON

- 12-5-1: **Assault**
- 12-5-2: **Harassment**
- 12-5-3: **Terroristic Threat**
- 12-5-4: **Custodial Interference**
- 12-5-5: **Unlawful Detention**
- 12-5-6: **Unlawful Sexual Intercourse**
- 12-5-7: **Sodomy**
- 12-5-8: **Married Persons Conduct Exempt - Limitations of Actions - "Penetration" or "Touching"**
- 12-5-9: **Child Abuse - Failure to Report**

**12-5-1: 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. (1979)

**12-5-2: 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. (1979)

**12-5-3: 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; or

- (3) To prevent or interrupt the occupation of a place of assembly, or aircraft, automobile, or other form of conveyance, not including, however, a facility of public transportation operated by a common carrier.

(B) Terroristic threat is a Class B misdemeanor. (1979)

**12-5-4: CUSTODIAL INTERFERENCE.**

(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) Custodial interference is a Class B misdemeanor. (1979)

**12-5-5: UNLAWFUL DETENTION.**

(A) A person commits unlawful detention if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

(B) Unlawful detention is a Class B misdemeanor. (1979)

**12-5-6: UNLAWFUL SEXUAL INTERCOURSE.**

(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 no 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. (1979)

**12-5-7: 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. (1979)

**12-5-8: MARRIED PERSONS CONDUCT EXEMPT - LIMITATIONS OF ACTIONS - "PENETRATION" OR "TOUCHING" SUFFICIENT.**

- (A) The provisions of this Chapter shall not apply to conduct between persons married to each other; provided, however, that for purposes of this Chapter, persons living apart pursuant to a lawful order of a court of competent jurisdiction shall not be deemed to be married.
- (B) No prosecution may be instituted or maintained under this Chapter unless the alleged 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 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. (1979)

**12-5-9: CHILD ABUSE - FAILURE TO REPORT.** Any person having cause to believe a minor has had physical injury as a result of unusual or unreasonable physical abuse or neglect shall report or cause reports to be made in accordance with the provisions of Chapter 16, Title 55, Utah Code Annotated, 1953, and immunities provided in said Chapter will be available to such person. Anyone knowingly and willfully violating the provisions of this Section shall be guilty of a Class B misdemeanor. (1979)

**CHAPTER 6**  
**OFFENSES AGAINST PROPERTY**

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**12-6-28: Shoplifting Definitions**

**12-6-29: Shoplifting Liability**

**12-6-30: Shoplifting - Authority to Search and Detain, Damages**

**12-6-1: PROPERTY DESTRUCTION - 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 persons 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. (1979)

**12-6-2: ARSON.**

- (A) A person is guilty of arson if by means of fire or explosives, such person unlawfully and intentionally damages the property of another.
- (B) Arson as defined herein is a Class B misdemeanor if the damage caused exceeds \$250.00 but is not more than \$1,000.00, and is a Class C misdemeanor if the damage is \$250.00 or less. (1979)

**12-6-3: RECKLESS BURNING.**

- (A) A person is guilty of reckless burning if he damages the property of another by reckless use of fire or causing an explosion.
- (B) Reckless burning as defined herein is a Class C misdemeanor if the damage to property exceeds \$50.00 value Any other violation under this Section shall constitute an infraction. (1979)

**12-6-4: 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,
- (B) Criminal mischief as defined herein is 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 \$250.00 or less. (1979)

**12-6-5: MANUFACTURE OR POSSESSION OF INSTRUMENT FOR BURGLARY OR THEFT.** Any person who manufactures or possesses any instrument, tool, 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. (1979)

**12-6-6: CRIMINAL TRESPASS.**

- (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)(1) 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 (B)(2) 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 (1979)

**12-6-7: 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 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 use 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; or
  - (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 trespassery 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 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
  - (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 records; or

- (5) Promises performance that is likely to affect the judgment of another in the transaction, which performance the actor does not intend to perform or knows will not be performed; provided, however, that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed. (1979)

**12-6-8:**           **PRESUMPTIONS AND DEFENSES.** The following presumptions shall be applicable to this Chapter:

- (A) Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed prima facie evidence that the person in possession stole the property,
- (B) It is no defense under this Chapter 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 Chapter 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. (1979)

**12-6-9:**           **THEFT - EVIDENCE TO SUPPORT ACCUSATION.** Conduct denominated theft in this Chapter constitutes a single offense embracing the separate offenses such as those heretofore known as larceny, larceny by trick, larceny by bailees, embezzlement, false pretense, extortion, blackmail, receiving stolen property. An accusation of theft may be supported by evidence that it was committed in any manner specified in Sections 12-6-10 through 12-6-16, 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. (1979)

**12-6-10:**          **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. (1979)

**12-6-11:**          **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. (1979)

**12-6-12: 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 Section, 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 other person to physical confinement or restraint; or a crime;
  - (3) Engage in other conduct constituting 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
  - (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. (1979)

**12-6-13: THEFT OF LOST, MISLAID, OR MISTAKENLY DELIVERED PROPERTY. A person commits theft when:**

- (A) 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 measures designated in Paragraph (A). (1979)

**12-6-14: 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 believing that it probably 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, acquires 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 secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who buys, receives or obtains property shall require the seller or person delivering the property to certify, in writing, that he has the legal right to sell the property. 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.
    - (a) Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who fails to comply with the requirements of Subsection (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.
    - (b) When in a prosecution under this Section it appears from the evidence that the defendant was a pawnbroker 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 Subsection (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,
- (C) As used in this Section:
- (1) "Receives" means acquiring possession, control, or title or lending on the security of the property,
  - (2) "Dealer" means a person in the business of buying or selling goods.  
(1979)

**12-6-15: 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,
- (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. (1979)

**12-6-16: THEFT BY PERSON HAVING CUSTODY OF PROPERTY PURSUANT TO REPAIR OR RENTAL AGREEMENT.**

- (A) A person is guilty of theft if:
  - (1) 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
  - (2) 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.

**12-6-17: THEFT - CLASSIFICATION OF OFFENSES.** Theft of property and services as provided in this Chapter shall be punishable as a Class B misdemeanor if the value of the property stolen was \$100,00 or less. (1979)

**12-6-18: TAMPERING WITH RECORDS.**

- (A) Any person who, having no privilege to do so, knowingly falsifies, destroys, removes, or conceals any writing, other than the writings enumerated in Section 76-6-503, Utah Code Annotated, 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. (1979)

**12-6-19: FRAUDULENT USE OF 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, cash advance or services with intent to defraud and with knowledge that:
  - (1) The card is stolen or forged;
  - (2) The card has expired, has been revoked, or has been cancelled; or

- (3) For any other reason his use of the card or other device is unauthorized either by the issuer of the card or by the person to whom it 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 constitute a Class B misdemeanor, if the aggregate value of property or services obtained by such fraudulent use within a six-month period in violation of this Chapter amounts to a sum of not more than \$100.00. (1979)

**12-6-20: DECEPTIVE BUSINESS PRACTICES - DEFINITIONS - DEFENSE.**

- (A) A person is guilty of a Class B misdemeanor if, in the course of business, he:
  - (1) Uses or possesses for use 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 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 providing criminal penalties for such variance, or set by established commercial usage; or
  - (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.
- (B) It is an affirmative defense to prosecution under this Section that the defendant's conduct was not knowing or reckless. (1979)

**12-6-21:**

**BRIBERY WHERE PERSON IN 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 fiduciary in relating to his employer's 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. (1979)

**12-6-22:**

**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 an 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. (1979)

**12-6-23:**

**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. (1979)

**12-6-24: 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 if the value defrauded or intended to be defrauded is less than \$100.00. (1979)

**12-6-25: 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. (1979)

**12-6-26: BAD CHECKS.**

- (A) Any person who issues or passes a check 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 drawee and payment is refused by the drawee, is guilty of issuing a bad check.
- (B) For purposes of this Section, a person who issues a check for which payment is refused by the drawee is presumed to know the check would not be paid if he had no account with the drawee at the time of issue.
- (C) An offense of issuing a bad check shall be punished as a Class B misdemeanor. (1979)

**12-6-27: SHOPLIFTING.** It shall be unlawful for any person to take merchandise of a value not to exceed \$100.00 that has not been purchased from a merchant's

premises, without the permission of the merchant or one of his employees, servants, or agents, and such taking shall constitute a wrongful taking of merchandise as defined herein. (1979)

**12-6-28: SHOPLIFTING DEFINITIONS.** As used in this Chapter:

**MERCHANDISE:** Any personal property displayed, held or offered for sale by a merchant.

**MERCHANT:** An owner or operator of premises in which merchandise is displayed, held or offered for sale, and includes his employees, servants and agents.

**PREMISES:** A store or establishment wherein merchandise is displayed, held or offered for sale.

**WRONGFUL TAKING OF MERCHANDISE:** The taking of merchandise that has not been purchased from a merchant's premises, without the permission of the merchant or one of his employees, servants, or agents. (1979)

**12-6-29: SHOPLIFTING LIABILITY.** Any adult who wrongfully takes merchandise from a merchant's premises is civilly liable for the retail value of the merchandise plus court costs and reasonable attorney's fees. (1979)

**12-6-30: SHOPLIFTING - AUTHORITY TO SEARCH AND DETAIN, DAMAGES.** Nothing contained in this Chapter shall limit or otherwise qualify the application of Sections 78 ~ 16 through 78 ~ 19, Utah Code Annotated, 1953, as amended, to shoplifting offenses and procedures arising within the limits of this City, and such Section shall continue to apply to shoplifting cases occurring within the City and to procedures for processing shoplifting suspects therein. (1979)

## CHAPTER 7

### OFFENSES AGAINST THE FAMILY

**12-7-1: Fornication**

**12-7-1: FORNICATION.**

(A) Any unmarried person who shall voluntarily engage in sexual intercourse with another is guilty of fornication.

(B) Fornication is a Class B misdemeanor. (1979)

## CHAPTER 8

### OFFENSES AGAINST GOVERNMENT

- 12-8-1: Corrupt Practices - Definitions
- 12-8-2: Campaign Contributions Not Prohibited
- 12-8-3: Bribery or Threats to Influence Official Actions - Receiving Bribes
- 12-8-4: Alteration of Proposed Ordinance or Resolution, or Embossed Copy Thereof
- 12-8-5: Failure of Member of Governing Body to Disclose Interest in Ordinance or Resolution
- 12-8-6: Official Misconduct - Unauthorized Acts
- 12-8-7: Unofficial Misconduct
- 12-8-8: Interference with Public Servant
- 12-8-9: Prevention of Governing Body or Public Servants from Meeting or Organizing
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- 12-8-11: Failure to Aid Peace Officer
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- 12-8-47: **Obstructing Justice**
- 12-8-48: **Resisting a Law Enforcement Official**
- 12-8-49: **Escape**
- 12-8-50: **Aiding Escape**
  
- 12-8-1: **CORRUPT PRACTICES - DEFINITIONS.** For purposes of this Chapter:
  - (A) "Public Servant" means any officer or employee of the City, including judges, consultants, jurors, and persons otherwise performing a governmental

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 increased prosperity generally.
- (D) A person is a candidate for electoral office upon his filing as a candidate for office under the Ordinances of the City. (1979)

**12-8-2: 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 an 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. (1979)

**12-8-3: BRIBERY OR THREATS TO INFLUENCE OFFICIAL ACTIONS - RECEIVING BRIBES.** 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.
- (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's purposes to be as described in Paragraph (A) of this Section.
- (C) He threatens any harm to a public servant, party official, or voter with a purpose of influencing his action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion. "Harm", as used herein, means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.
- (D) 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.
- (E) He promises, offers, or gives any pecuniary benefit, acceptance of which would be a violation of Paragraph (D) of this Section.
- (F) 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.

(G) He knowingly gives, offers, or promises any pecuniary benefit prohibited by Paragraph (F) of this Section. (1979)

**12-8-4: ALTERATION OF PROPOSED ORDINANCE OR RESOLUTION, OR EMBOSSED COPY THEREOF.** A person is guilty of a Class B misdemeanor if:

(A) He fraudulently alters the draft of any ordinance or resolution which has been presented to the City Council of this City to be passed or adopted, with intent to procure its being passed or adopted by the City Council, or signed by the Mayor, in language different from that intended by such governing body.

(B) He fraudulently alters the draft of any ordinance or resolution which has been passed or adopted by the City Council, with intent to procure it to be approved by the Mayor or to have it printed or published as part of the ordinances or resolutions of this City, in language different from that in which it was passed or adopted by the City Council. (1979)

**12-8-5: 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. (1979)

**12-8-6: OFFICIAL MISCONDUCT - UNAUTHORIZED ACTS.** A public servant is guilty of a Class B misdemeanor if:

(A) 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.

(B) 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:

(1) Acquires or divests himself of a pecuniary interest in any property, transaction, or enterprise which may be affected by such action or information; or

(2) Speculates or wagers on the basis of such action or information; or

(3) Knowingly aids another to do any of the foregoing. (1979)

**12-8-7: UNOFFICIAL MISCONDUCT.**

(A) A person is guilty of unofficial misconduct if he exercises or attempts to exercise any of the functions of a public office 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 other writings appertaining or belonging to his office or mutilates or destroys or takes away the same.

(B) Unofficial misconduct is a Class B misdemeanor. (1979)

**12-8-8: 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. (1979)

**12-8-9: PREVENTION OF GOVERNING BODY OR PUBLIC SERVANTS 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 City, 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. (1979)

**12-8-10: DISTURBING GOVERNING BODY OR OFFICIAL MEETING.**

(A) A person is guilty of a Class B misdemeanor if:

- (1) He intentionally disturbs the governing body of the City while in session; or
- (2) He intentionally commits any disorderly conduct in the immediate view and presence of the governing body, tending 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, tending to interrupt its proceedings .

(B) "Official meeting", as used in this Section, means any lawful meeting of public servants for the purposes of carrying on governmental functions. (1979)

**12-8-11: 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. (1979)

**12-8-12: ACCEPTANCE OF BRIBE OR BRIBERY TO PREVENT CRIMINAL PROSECUTION.**

(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. (1979)

**12-8-13: PICKETING OR PARADING NEAR COURT.**

- (A) No person shall picket or parade in or near a building which houses a court of this City with intent to obstruct access to that court or to affect the outcome of a case pending before that court.
- (B) Any person violating the provisions of this Section shall be guilty of a Class B misdemeanor. (1979)

**12-8-14: BAIL-JUMPING.** A person is guilty of a Class B misdemeanor 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. (1979)

**12-8-15: OFFENSES AGAINST PUBLIC PROPERTY - DEFINITIONS.** As used in this Chapter, "public moneys" includes all bonds and evidences of indebtedness and all money belonging to the City, and all money, bonds, and evidences of indebtedness received or held by City officers in their official capacity. (1979)

**12-8-16: MISUSING PUBLIC MONEYS.**

- (A) Every officer of this City, and every other person charged with the receipt, safekeeping, transfer or disbursement of moneys of this City or other public moneys 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
  - (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. (1979)

**12-8-17: FAILURE TO KEEP AND PAY OVER PUBLIC MONEYS.** Every officer charged with the receipt, safekeeping, or disbursement of public moneys who neglects or fails to keep and pay over the money, in the manner prescribed by law, is guilty of a Class B misdemeanor. (1979)

**12-8-18: MISUSING PUBLIC MONEYS, MAKING PROFIT THEREFROM.** Any public officer who shall make a profit out of public moneys, or shall use the same for a purpose not authorized by law, is guilty of a Class B misdemeanor. (1979)

**12-8-19: 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. (1979)

**12-8-20: 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 City are interested, and which such officer is by law empowered to collect, is guilty of a Class B misdemeanor. (1979)

**12-8-21: REFUSING TAX ASSESSMENT INFORMATION OR GIVING FALSE INFORMATION.** Every person who unlawfully refuses, upon demand, to give to any County assessor or deputy County assessor, or the City assessor, a list of his property subject to taxation, or to swear to such list, or who gives a false name, or fraudulently refuses to give his true name when demanded by the assessor in the discharge of his official duties, is guilty of a Class B misdemeanor. (1979)

**12-8-22: 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 City as evidence of the payment for any 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. (1979)

**12-8-23: REFUSING TO GIVE TAX OFFICIAL EMPLOYEE INFORMATION.** Every person who, when requested by the assessor or collector of taxes or license fees, refuses to give to the assessor or collector the name and residence of each person in his employ, or to give the assessor or collector access to the building or place where such persons are employed, is guilty of a Class B misdemeanor. (1979)

**12-8-24: 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 City, without taking out the license required is guilty of a Class B misdemeanor. (1979)

**12-8-25: TRAFFICKING IN WARRANTS.** No officer of this City shall, either directly or indirectly, contract for or purchase any warrant or order issued by this City at any

discount whatever upon the sum due on the warrant or order, and, if any officer of this City shall so contract for or purchase any such order or warrant on a discount, he is guilty of a Class B misdemeanor. (1979)

**12-8-26: STEALING, DESTROYING, OR MUTILATING PUBLIC RECORDS.**

(A) Every officer having the custody of any record, map, or book, or of 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 to do so, is guilty of a Class B misdemeanor.

(B) Every person, not an officer such as is referred to in Paragraph (A) of this Section, who is guilty of any of the acts specified therein is guilty of a Class B misdemeanor. (1979)

**12-8-27: 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 City, which instrument, if genuine, might be filed or registered or recorded under any Ordinance of this City or law of the State of Utah or of the United States, is guilty of a Class B misdemeanor. (1979)

**12-8-28: 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 City, is guilty of a Class B misdemeanor. (1979)

**12-8-29: TAMPERING WITH OFFICIAL NOTICE OR PROCLAMATION.** Every person who intentionally defaces, obliterates, tears down, or destroys any copy or transcript or extract from or of any law of the United States or of the State of Utah, or this City, or any proclamation, advertisement, notice, Ordinance or Resolution set up at any place in this City by authority of any law of the United States or the State of Utah, or this City, or by order of any court or of any public officer, before the expiration of the time for which the same was to remain set up, is guilty of an infraction. (1979)

**12-8-30: INJURING HIGHWAYS, BRIDGES OR ROAD SIGNS.** A person is guilty of a Class B misdemeanor if:

(A) He maliciously digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway, or any private way laid out by authority of law, or any bridge upon such highway or private way.

(B) He maliciously removes or injures any milepost or milestone or guidepost or any inscription on them, erected upon any highway. (1979)

**12-8-31: FALSIFICATION IN OFFICIAL MATTERS - DEFINITIONS.** For the purposes of this Chapter:

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

(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 affected the proceeding. Whether a statement is material is a question of law to be determined by the court. (1979)

**12-8-32:** **FALSE OR INCONSISTENT MATERIAL STATEMENTS.** A person is guilty of a Class B misdemeanor if in any official proceeding or any proceeding conducted by this City 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. (1979)

**12-8-33:** **FALSE OR INCONSISTENT STATEMENTS.** A person is guilty of a Class B misdemeanor if in any proceeding conducted by this City or pursuant to its Ordinances:

- (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 statements 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. (1979)

**12-8-34:** **WRITTEN FALSE STATEMENT.** A person is guilty of a Class B misdemeanor if:

- (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.

**12-8-35: PERJURY - PROOF OF FALSITY - DENIAL OF CRIMINAL GUILT.**

- (A) On any prosecution for perjury or false swearing, except a prosecution upon inconsistent statements, pursuant to Section 12-8-32(B), 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 Chapter when the substance of the defendant's false statement is his denial of guilt in a previous criminal trial.  
(1979)

**12-8-36: 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. (1979)

**12-8-37: FALSE NAME OR ADDRESS TO LAW ENFORCEMENT OFFICER.** A person commits a Class C misdemeanor if, with intent of misleading a law enforcement officer as to his identity, he knowingly gives a false name or address to a law enforcement officer in the lawful discharge of his official duties. (1979)

**12-8-38: TAMPERING WITH WITNESS - RETALIATION - BRIBERY.** A person is guilty of a Class B misdemeanor if:

- (A) Believing that an official proceeding or investigation is pending or about to be instituted, he attempts to induce or otherwise cause a person to:
  - (1) Testify or inform falsely; or
  - (2) Withhold any testimony, information, document, or thing; or
  - (3) Elude legal process summoning him to provide evidence; or
  - (4) Absent himself from any proceeding or investigation to which he has been summoned; or

- (B) He commits any unlawful act in retaliation for anything done by another in his capacity as a witness or informant; or
- (C) He solicits, accepts, or agrees to accept any benefit in consideration of his doing any of the things specified in Paragraph (A). (1979)

**12-8-39: EXTORTION OR BRIBERY TO DISMISS CRIMINAL PROCEEDING.**

- (A) A person is guilty of a Class B misdemeanor if by the use of force or by any threat which would constitute a means of committing the crime of theft by extortion under this Code, if the threat were employed to obtain property, or by promise of any reward or pecuniary benefits, he attempts to induce an alleged victim of a crime to secure the dismissal of or to prevent the filing of a criminal complaint, indictment, or information.
- (B) "Victim", as used in this Section, includes a child or other person under the care or custody of a parent or guardian. (1979)

**12-8-40: TAMPERING WITH EVIDENCE.** A person commits a Class B misdemeanor if, believing that an official proceeding or investigation is pending or about to be instituted by this City, he:

- (A) Alters, destroys, conceals, or removes anything with a purpose to impair its verity or availability in the proceeding or investigation; or
- (B) Makes, presents, or uses anything which he knows to be false with a purpose to deceive a public servant who is or may be engaged in a proceeding or investigation. (1979)

**12-8-41: FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD.** A person is guilty of a Class B misdemeanor if:

- (A) He knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by this City for information or record, or required by law to be kept for information of this City; or
- (B) He 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 Paragraph (A); or
- (C) He intentionally and unlawfully destroys, conceals, or otherwise impairs the verity or availability of any such thing. (1979)

**12-8-42: IMPERSONATION OF OFFICER.** A person is guilty of a Class B misdemeanor if he impersonates a public servant or a peace officer of this City 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. (1979)

**12-8-43: 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 this City or any official of this City, or is

otherwise calculated to induce a belief that it does have a judicial or other official sanction. (1979)

**12-8-44: ABUSE OF PROCESS - WRONGFUL COURT ACTION.** Any party to any suit or proceeding, and any attorney or agent for the party, who knowingly commences, prosecutes, or maintains any action, suit, or proceedings in the Justice Court of this City, other than as provided by Section 78-5-8, Utah Code Annotated, is guilty of a Class B misdemeanor. (1979)

**12-8-45: 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 City or upon any Justice of the Peace of such Court that would be without jurisdiction except for the liability of the joint obliger, and any person who induces a person to assume the liability for the purpose of conferring jurisdiction upon the Justice of the Peace, is guilty of a Class B misdemeanor. (1979)

**12-8-46: WRONGFUL ATTACHMENT BY JUSTICE - LIABILITY.** It is unlawful for any Justice of the Peace of this City to issue any writ of attachment, and for any party, agent or attorney of the party, to advise, induce, or procure the issuance thereof, in any action, suit, or proceeding before the affidavit therefor is filed, or where the affidavit filed therefor 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. (1979)

**12-8-47: OBSTRUCTING JUSTICE.**

(A) A person is guilty of a Class B misdemeanor if, with intent to hinder, prevent, or delay the discovery, apprehension, prosecution, conviction, or punishment of another for the commission of a crime, he:

- (1) Knowing an offense has been committed, conceals it from a magistrate;  
or
- (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. (1979)

**12-8-48: RESISTING A LAW ENFORCEMENT OFFICIAL.** It shall be unlawful for any person to willfully:

(A) Resist, obstruct or prevent a person recognized to be a law enforcement official from performing any authorized act or duty, or effecting a lawful arrest or detention of such person or another; or

(B) Fail or refuse to comply with any lawful order of a person recognized to be a law enforcement official.

(C) Violation of this Section is a Class B misdemeanor. (1979)

**12-8-49: ESCAPE.**

(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 pursuant to an order of the City Justice Court or any other court exercising jurisdiction for a violation of the Ordinances of this City. For purposes of this Section a person is deemed to be confined in the municipal jail if he has been sentenced and committed 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. (1979)

**12-8-50: AIDING ESCAPE.**

(A) A person is guilty of a Class B misdemeanor if:

(1) He aids another person to escape from official custody; or

(2) He knowingly provides a person in official custody with anything which may facilitate such person's escape; or

(3) Being a person in official custody, he knowingly procures, makes, or possesses anything which may facilitate escape. (1979)

## **CHAPTER 9**

### **OFFENSES AGAINST PUBLIC ORDER AND DECENCY**

- 12-9-1: Disturbing the Peace**
- 12-9-2: Riot**
- 12-9-3: Disorderly Conduct**
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- 12-9-22: Loitering**
- 12-9-23: Abuse of a Corpse**
- 12-9-24: Animals, Trespassing**

**12-9-1: DISTURBING THE PEACE.**

(A) A person is guilty of disturbing the peace if he maliciously or willfully disturbs the peace or quiet of another or of any neighborhood or family, by loud or unusual noise or by discharging firearms of any description, or by tumultuous, lascivious or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or by the use of profane or blasphemous language.

(B) Disturbing the peace is a Class B misdemeanor. (1979)

**12-9-2: 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 other persons in the assembly have the same purpose.

(B) Any person who refuses to comply with a lawful order to withdraw given to him immediately prior to, during, or immediately following a violation of 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.

(C) Riot is a Class B misdemeanor. (1979)

**12-9-3: 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:
  - (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. (1979)

**12-9-4:           DISRUPTING A MEETING OR PROCESSION.**

(A) A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.

(B) Disrupting a meeting or procession is a Class B misdemeanor. (1979)

**12-9-5:           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. (1979)

**12-9-6:           GIVING A FALSE ALARM.**

(A) A person is guilty of giving a false alarm if he initiates or circulates a report or 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. (1979)

**12-9-7:           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. (1979)

**12-9-8: 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 said telephone is needed to report a fire or summon police, medical, or other aid in case of emergency, unless said 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 therewith, each station with a distinctive ring or telephone number.
- (2) "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. (1979)

**12-9-9: CRUELTY TO ANIMALS.**

(A) A person commits cruelty to animals if he intentionally or knowingly:

- (1) Tortures or seriously overworks an animal; or
- (2) Fails to provide necessary food, care, shelter for an animal in his custody; or
- (3) Abandons an animal in his custody; or
- (4) Transports or confines an animal in a cruel manner; or
- (5) Kills, injures, or administers poison to an animal without legal privilege; or
- (6) Causes one animal to fight with another.

(B) It is a defense to the prosecution under this Section that the conduct of the actor towards the animal was by a licensed veterinarian using accepted veterinary practice or directly related to a bona fide experimentation for scientific research provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

(C) Cruelty to animals is a Class B misdemeanor. (1979)

**12-9-10: SPECTATOR AT ORGANIZED ANIMAL FIGHT.**

- (A) It is unlawful for any person to be a spectator at an organized animal fight.
- (B) For the purpose of this Section only, an organized animal fight means a fight between animals for the benefit of spectators. There is no requirement that an admission fee be charged.
- (C) A violation of this Section is a Class C misdemeanor. (1979)

**12-9-11: ALLOWING VICIOUS ANIMAL TO GO AT LARGE.** Any owner of a vicious animal, knowing its propensities, who willfully allows it to go at large or who keeps it without ordinary care, and any animal, while at large, or while not kept with ordinary care, causes injury to another animal or to any human being who has taken reasonable precaution which the circumstances permitted, is guilty of a Class B misdemeanor. (1979)

**12-9-12: OFFICER'S AUTHORITY TO TAKE POSSESSION OF ANIMALS - LIEN FOR CARE.**

- (A) Any peace officer of this City may take possession of any animals being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for them or upon permission from the owner may destroy them.
- (B) Officers caring for animals pursuant to this Section have a lien for the reasonable value of the care and/or destruction. Any court upon proof that the owner has been notified of the lien and amount due, at least five days prior, shall order the animal sold at public auction or destroyed.
- (C) Any peace officer of this City may humanely destroy any animal found suffering past recovery for any useful purpose. Before destroying the animal the officer shall obtain the judgment to the effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal. (1979)

**12-9-13: OFFENSES AGAINST PRIVACY - DEFINITIONS.**

- (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. (1979)

**12-9-14: 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, photographing, 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. (1979)

**12-9-15: 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:

- (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. (1979)

**12-9-16: 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. (1979)

**12-9-17: 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 City, the official title of any public officer of this City, 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. (1979)

**12-9-18: LIBEL - CONVEYING FALSE OR LIBELOUS MATERIAL TO NEWSPAPER OR BROADCASTING STATION.** 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. (1979)

**12-9-19: ABUSE OF A FLAG.**

(A) A person is guilty of abuse of a flag if he:

- (1) Intentionally places any unauthorized inscription or other thing 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. (1979)

**12-9-20: INTOXICATION - RELEASE OF ARRESTED PERSON.**

(A) A person is guilty of intoxication if he is under the influence of intoxicating liquor, a controlled substance, or 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 other persons.

(B) A peace officer or a 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) An offense under this Section is a Class C misdemeanor. (1979)

**12-9-21: LEWDNESS.**

(A) A person is guilty of lewdness if he fornicates, exposes his genitals or private parts, or performs any other act of gross lewdness under circumstances which he should know will likely cause affront or alarm or does any such act in a public place.

(B) Lewdness is a Class B misdemeanor. (1979)

**12-9-22: 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. 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.

- (B) No person shall loiter, prowl or wander about any City-owned property or facility which is open to the general public or on the sidewalks, grounds, or plaza in the immediate vicinity thereof, without having any lawful business therein.
- (C) No person shall loiter, prowl, or wander about any school building, school yard, restaurant, soda fountain, or other public place located in the vicinity of a school and frequented by school children.
- (D) Loitering is a Class C misdemeanor. (1979)

**12-9-23: ABUSE OF A CORPSE.**

- (A) A person is guilty of abuse of a corpse if he intentionally and unlawfully:
  - (1) Removes, conceals, dissects, or destroys a corpse or any part thereof;  
or
  - (2) Disinters a corpse that has been buried or otherwise interred.
- (B) An offense under this Section is a Class B misdemeanor. (1979)

**12-9-24: ANIMALS, TRESPASSING.** Every person who permits or allows any animal, dog, or fowl to run at large within the City, or to trespass on the property of another within the limits of the City is guilty of a Class B misdemeanor. (1979)

## CHAPTER 10

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- 12-10-1: CIGARETTES, TOBACCO, PSYCHOTOXIC SOLVENTS AND INTOXICATING LIQUORS - DEFINITIONS.** For purposes of this Chapter:
- (A) "Public place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, hospitals, medical or dental clinics, public conveyances, retail stores, offices and other commercial establishments, nursing homes, auditoriums, theaters, arenas, meeting rooms and commercial kitchens, and buildings constructed, maintained, or otherwise supported by tax revenues in whole or in part. In addition, enclosed indoor areas where the proprietor posts conspicuous signs such as "No Smoking" or "Thank you for not smoking", shall be considered public places.
- (B) "Public meeting" includes all meetings open to the public at large.
- (C) "Smoking" includes, but is not limited to, carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.
- (D) "Place of business" means any and all such places as shops, stores, factories, public garages, offices, theaters, recreation and dance halls, poolrooms, cafes, cafeterias, cabarets, restaurants, hotels, lodging houses, streetcars, buses, interurban and railway passenger coaches and waiting rooms. (1979)
- 12-10-2: CIGARETTES AND TOBACCO - ADVERTISING RESTRICTIONS.** It is a 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 City. (1979)

**12-10-3: 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. (1979)

**12-10-4: FURNISHING TOBACCO TO MINORS.** Any person who sells, gives, or furnishes any cigar, cigarette, or tobacco in any form to any person under nineteen years of age is guilty of a Class C misdemeanor. (1979)

**12-10-5: BUYING OR POSSESSING TOBACCO BY MINORS.** Any person under the age of nineteen years who buys, accepts, or has in his possession any cigar, cigarette or tobacco in any form is guilty of a Class C misdemeanor, or may be classified as a delinquent child. (1979)

**12-10-6: SMOKING IN PUBLIC PEACE ON AT PUBLIC MEETING - EXCEPTION.** No person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. This prohibition shall apply also to offices, shops, warehouses, factories, mines, and similar places of employment not usually frequented by the general public; for such places the Davis County Board of Health shall establish rules to restrict or prohibit smoking in those places of work where the proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health or comfort of nonsmoking employees. Violation of this Section is an infraction. (1979)

**12-10-7: ABUSE OF PSYCHOTOXIC CHEMICAL SOLVENTS.**

(A) It shall be unlawful to abuse a psychotoxic chemical solvent if:

- (1) For the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system, a person 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 Subsections (1-a) and (1-b) hereinabove, 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, ethyl-alcohol, ethylene dichloride, isopropyl 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 Chapter 37, Title 58, Utah Code Annotated 1953, as amended.

**12-10-8: DESIGNATION OF SMOKING AREAS.** Appropriate smoking areas may be designated by proprietors or other persons in charge of public places within this City, such as, but not limited to, private enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers, but excepting places in which smoking is prohibited by the Fire Chief or by other law, ordinance or regulation.

Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to prevent the toxic effects of smoke in adjacent nonsmoking areas. In the case of public places consisting of a single room, the provisions of this Section shall be considered met if one side of the room is reserved and posted as a nonsmoking area and the ventilation of the room is sufficient to prevent the smoke pollution from becoming either a health hazard or a discomfort to nonsmokers. No public place other than a bar shall be designated as a smoking area in its entirety. (1979)

**12-10-9: DUTIES OF PROPRIETOR OF PUBLIC PLACE.** The proprietor or other person in charge of a public place shall make reasonable efforts to prevent violation of this Section in the public place by:

- (A) Conspicuously posting appropriate signs;
- (B) Arranging seating and ventilation to provide a smoke-free area.
- (C) Violation of this Section is a Class C misdemeanor. (1979)

**12-10-10: INTOXICATING LIQUORS.**

- (A) **Illegal Sale, Manufacturing, Storage, etc. of Intoxicating Liquor.** It shall be unlawful for any person, except as provided by the State Statutes, to knowingly have in his possession any intoxicating liquor or to manufacture, sell, or store for sale, offer or expose for sale, import, carry, transport, advertise, distribute, give away, dispense or serve intoxicating liquor.
- (B) **Possession of Liquor.** Except as provided by State Statutes, it shall be unlawful for any person to have or keep for sale or possession any liquor which has not been purchased from the State Liquor Store or package agency.
- (C) **Taking Liquor Unlawfully.** Except as provided by State Statutes, it shall be unlawful for any person, by himself, his clerk, employee or agent to attempt to purchase, or directly or indirectly or upon any pretense or upon any device, purchase or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, take or accept any alcoholic beverage from any other person.
- (D) **Drinking and Drunkenness in Public Places.** It shall be unlawful for any person to drink liquor in a public building, park or stadium, or be in an intoxicated condition.
- (E) **Possession of Liquor without Permit.** Except as provided by the State Statutes, it shall be unlawful for any person, not holding a permit for the

purchase of liquor as required by the laws of the State of Utah, to have any liquor in his possession within this City.

- (F) Adulterated Alcoholic Beverage. It shall be unlawful for any person for any purpose whatsoever to mix or permit or cause to be mixed with any alcoholic beverage offered for sale, sold or supplied by him as a beverage, any drug or any form of methylic alcohol or any crude uncertified or impure form of ethylic alcohol or any other deleterious substance or liquid.
- (G) Sale of 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 under or apparently under the influence of liquor.
- (H) Supplying Alcoholic Beverages to Minors. It shall be unlawful for any person to give, sell or otherwise supply to any person under the age of 21 years any alcoholic beverage, but this shall not apply to the supplying of liquor to such person for medicinal purposes only by the parent or guardian of such person, or the administering of liquor to such person by a physician in accordance with law.
- (I) Suspended or Cancelled Permit. Except in the case of liquor administered by a physician or dentist, or sold upon a prescription in accordance with State Statutes, it shall be unlawful for any person to procure or supply or assist, directly or indirectly, in procuring or supplying liquor for or to any person whose permit is suspended or has been cancelled.
- (J) Supply of Liquor to Persons Prohibited. Except in the case of liquor supplied upon the prescription of a physician, or administered by a physician or dentist, or hospital in accordance with State Statutes, it shall be unlawful for any person to procure for or sell, or give to any insane or interdicted person any liquor or to assist, directly or indirectly, in procuring or supplying liquor for or to any such person.
- (K) Permits and Interdicted Persons. It shall be unlawful to issue a permit to purchase liquor to any interdicted person. It shall be unlawful for any interdicted person to make application for a permit or to enter or be found upon the premises of any State liquor store.
- (L) Possession of False or Fictitious Permit. Except as provided by State Statutes, it shall be unlawful for any person to have in his possession a false or fictitious permit purporting to authorize the purchase of liquor or a permit of which he is not the holder.
- (M) Permitting Drunkenness. It shall be unlawful for any person to:
  - (1) Permit drunkenness to take place in any house or on any premises of which he is the owner, tenant or occupant.
  - (2) Permit or suffer any person apparently under the influence of liquor to consume any liquor in any house or on any premises of which the first named person is owner, tenant or occupant.
  - (3) Give any liquor to any person apparently under the influence of liquor.
- (N) Canvassing and Soliciting Prohibited. It shall be unlawful for any person to solicit order for alcoholic beverages by mail, telephone or any other manner,

except as may be permitted under the laws of the United States or the State of Utah.

- (O) Unlawful Importations and Transportation. It shall be unlawful for any person to order or purchase or to ship or transport or cause to be transported into this City or from one place to another within said City any alcoholic beverages, or to sell or furnish any alcoholic beverages to any person within said City when such alcoholic beverages or any of them are intended by any person interested therein to be received, possessed, sold or in any manner used, in the original package or otherwise in violation of law.
- (P) Aiding and Abetting. Any person who shall aid, abet, counsel or procure any unlawful sale, unlawful purchase, unlawful gift or other unlawful disposition of alcoholic beverages, or shall act as agent or representative of the seller in procuring or effecting the unlawful sale or purchase of any alcoholic beverages, is guilty of a misdemeanor. Nothing in this Section shall be construed as prohibiting any person from purchasing alcoholic beverages contrary to the provisions of this Section when acting as the agent of the authorities charged with the enforcement of this Section in the detection and conviction of violations thereof.
- (Q) Purchase or Possession by Minors. It shall be unlawful for any person under the age of 21 years to purchase, accept, consume or possess any alcoholic beverage.
- (R) A violation of this Section is a Class B misdemeanor, or the violator, if a minor, may be termed a delinquent child. (1979)

**12-10-11: WATERS - INTERFERENCE WITH CONTROL OF WATER.** 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 Superintendent or any water commissioner is guilty of a Class B misdemeanor. (1979)

**12-10-12: 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 the 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. (1979)

**12-10-13: EXPLOSIVES.** Every person who makes or keeps gun powder, nitroglycerin, or other highly explosive substance within this City, or who carries it or causes it to be conveyed through the streets hereof without first obtaining a permit therefor from the City Recorder, is guilty of a Class B misdemeanor. (1979)

**12-10-14: 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, sulphuric, nitric, carbolic, muriatic, or other dangerous acid, chemical or

compound, to be handled, stored, 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. (1979)

**12-10-15: "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. (1979)

**12-10-16: 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. (1979)

**12-10-17: 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. (1979)

**12-10-18: WEAPONS - DEFINITIONS.** For the purpose of this Chapter:

(A) "Dangerous weapon" means any 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 pistols, revolvers, sawed-off shotguns, or sawed-off rifles, and/or any device that could be used as a weapon from which is expelled a projectile by any force,

(C) "Sawed-off shotgun" 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 manslaughter, 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, arson 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. (1979)

**12-10-19: WHEN WEAPON DEEMED LOADED.** For the purpose of this Section, any pistol, revolver, shotgun, rifle, or other weapon described in this Chapter 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. (1979)

**12-10-20: POSSESSION OF DANGEROUS WEAPON - PERSONS NOT PERMITTED TO HAVE.:** Any person who is not a citizen of the United States, or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other State, government, or Country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this Chapter. Any person who violates this Section is guilty of a Class B misdemeanor. (1979)

**12-10-21: CARRYING CONCEALED DANGEROUS WEAPON.** Any person, except those persons described in Section 12-10-20, carrying a concealed dangerous weapon as defined in this Chapter is guilty of a Class B misdemeanor. (1979)

**12-10-22: CARRYING LOADED FIREARM IN VEHICLE OR ON STREET.** Every person who carries a loaded firearm in a vehicle or on any public street in this City or in a prohibited area herein is guilty of a Class B misdemeanor. (1979)

**12-10-23: THREATENING WITH OR USING DANGEROUS WEAPON.:** Every person, except those persons described in Section 12-10-20, 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. (1979)

**12-10-24: DISCHARGE OF FIREARM FROM VEHICLE OR NEAR HIGHWAY.** It shall be unlawful 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. A person violating any provision of this Section is guilty of a Class B misdemeanor. (1979)

**12-10-25: HUNTING OR ENTRY ON PRIVATE LAND AND POSTING.** It shall be a Class B misdemeanor:

- (A) For any person to enter upon the privately owned land of any other person, firm or corporation which is properly posted in accordance with the provisions of Section 23-20-14, Utah Code Annotated, 1953, without permission from the owner or person in charge.
- (B) For any person, upon request of the owner or person in charge of private land, to refuse to immediately leave such private land, whether posted or not.
- (C) For any person, without the owner's permission, to obstruct any entrance or exit to private property.

Any land owner desiring enforcement of this Section by the State Division of Wildlife Resources must notify the Division in accordance with the provisions of Section 23-20-14, Utah Code Annotated, 1953, as amended. (1979)

**12-10-26: 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. A violation of this Section is a Class C misdemeanor, or said child may be classified as a delinquent child and referred to the Juvenile Court. (1979)

**12-10-27: POSSESSION OF WEAPON AUTHORIZED - PERMIT OR LICENSE NOT REQUIRED.** Nothing in this Chapter shall be construed to prohibit a citizen of the United States over the age of eighteen years who resides or is temporarily within this City and who is not within the excepted classes as prescribed by Section 12-10-20 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 or weapon at his place of residence, or place of business, or any vehicle under his control, shall be required of him. (1979)

**12-10-28: POSSESSION OF LOADED WEAPON AT RESIDENCE AUTHORIZED.** Nothing in this Chapter shall prevent any person, except persons described in Section 12-10-20, from having a loaded weapon at his place of residence, including any temporary residence or camp. (1979)

**12-10-29: EXCEPTIONS FROM PROHIBITIONS - TARGET CONCESSIONS, TRAP FIELDS, AND SHOOTING RANGES.** The provisions of Sections 12-10-20 and 12-10-26 shall not apply to any of the following:

(A) Patrons firing at lawfully operated target concessions at amusement parks, piers, and similar locations provided that the firearms to be used are firmly chained or affixed to the counters.

(B) Patrons of commercial trap or skeet fields or shooting ranges during regular business hours. (1979)

**12-10-30: LICENSE TO CARRY CONCEALED WEAPONS - REQUIREMENTS FOR ISSUANCE.** The Chief of Police, City Marshal, or other head of the Police Department of this City, upon proof that the person applying is of good character, and upon a 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. (1979)

**12-10-31: LICENSE - APPLICATION FORM.** The application for license must be in substantially the following form:  
State of Utah  
County of   Davis   City of   Syracuse    
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 \_\_\_\_\_  
Are you addicted to any narcotics or other habit-forming drugs?   Yes       No  
Have you ever been declared mentally incompetent?

If the answer to the above question is yes, please state where and when

Reason or reasons for issuance of license

Dated this day of \_\_\_\_\_, 19\_\_\_\_\_

Subscribed and sworn to this \_\_\_\_\_ day of 19\_\_\_\_.

My commission expires:

Notary Public residing in \_\_\_\_\_ County

- 12-10-32: LICENSE FEE - DISPOSITION.** Each applicant for a license shall pay a fee of \$3.00 at the time of filing his application, The officer receiving the application and the fee shall transmit one-half of the fee, together with the fingerprints of the applicant, to the State Bureau of Criminal Identification. The remaining one-half of the fee shall be retained by the licensing authority, who, shall transmit the money to the City Treasury. (1979)
- 12-10-33: LICENSE - RECORDS - COPIES TO BUREAU.** When any license is issued, a record shall be maintained in the Office of the City Recorder which shall be open to public inspection. Copies of each license issued shall be filed immediately by the issuing officer or authority with the State Bureau of Criminal Identification. (1979)
- 12-10-34: 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 State Bureau of Criminal Identification 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. (1979)
- 12-10-35: ALTERATION OF NUMBER OR MARK ON PISTOL OR REVOLVER.** Any person who changes, alters, removes, or obliterates the name of the maker, the model, manufacturer's number, or other mark 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. (1979)
- 12-10-36: PERSONS EXEMPT FROM WEAPONS LAWS.** The provisions of this Chapter 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,
  - (D) Common carriers while engaged in the regular and ordinary transport of firearms as merchandise.
  - (E) Nonresidents traveling in or through this City, 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. (1979)

**12-10-37: DISPOSITION OF WEAPONS AFTER USE FOR COURT PURPOSES.** The Police Department 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 it shall revert to that Department for its use and/or disposal as the Chief of Police shall determine. (1979)

**12-10-38: CHARITY DRIVES - DEFINITIONS.** As used in this Chapter:

- (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 in this City 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 in this City 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.
- (C) "Professional solicitor" means any person who is employed or retained for compensation by a professional fund raiser to solicit contributions in this City 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. (1979)

**12-10-39: USE OF NAME WITHOUT CONSENT FOR SOLICITATION.** 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 in this City 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. A violation of this Section is a Class B misdemeanor. (1979)

**12-10-40: USE OF NAME WITHOUT CONSENT ON STATIONERY OR AS CONTRIBUTOR.** It shall be deemed to be a violation of this Chapter 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 of 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. A violation of this Section is a Class B misdemeanor. (1979)

**12-10-41: CORPORATION FRAUDS - DEFINITIONS.** As used in this Chapter:

(A) "Bona fide stockholder of record" means a stockholder of record who has acquired stock in good faith and is acting for a proper purpose reasonably related to his interests as a stockholder.

(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. (1979)

**12-10-42: UNLAWFUL ACTS BY DIRECTOR, OFFICER OR AGENT.** Every director, officer, or agent of any corporation or association who knowingly receives or possesses himself of any property of such corporation or association, otherwise than in payment of a just demand, and who, with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry thereof in the books or accounts of the corporation or association; and every director, officer, agent, or member of any corporation or association who embezzles, abstracts, or willfully misapplies any of the money, funds, or credits of the corporation or association; or who, without authority from the directors, issues or puts in circulation any of the notes of the corporation or association; or who, without the authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of the corporation or association; or who issues any fraudulent, fictitious, or illegal stock in any such corporation or association, with intent in either case to injure or defraud the corporation or association, or any other company, body politic, or corporate, or any individual person, or to deceive any officer of the corporation or association, or any agent appointed to examine the affairs of any such corporation or association; and every person who, with like intent, aids or abets any officer, clerk, or agent in any violation of this Section is guilty of a Class B misdemeanor. (1979)

**12-10-43: 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. (1979)

**12-10-44: REFUSING INSPECTION OF BOOKS.** Every officer or agent of any corporation having or keeping an office within this City, who has in his custody or control the books of such corporation, and who refuses to give to a bona fide stockholder 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. (1979)

**12-10-45: NUISANCES - DEFINITIONS - 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. (1979)

**12-10-46: 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) By any means befouls the water in any spring, stream, well, or water source supplying water for domestic purposes.

**12-10-47:**

**PUBLIC NUISANCE DEFINED.**

(A) A public nuisance is a crime against the order and economy of the City 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
- (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 the Section is still a nuisance regardless of the extent of annoyance or damage inflicted on individuals is unequal. (1979)

**12-10-48:**

**MAINTAINING, FAILING TO REMOVE PUBLIC NUISANCE.** 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. (1979)

**12-10-49:**

**CARCASS OR OFFAL - PROHIBITIONS RELATING TO DISPOSAL.** 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 City is guilty of a Class B misdemeanor. (1979)

**12-10-50:**

**ACTION FOR ABATEMENT OF PUBLIC NUISANCES.** The City Attorney is empowered to institute an action in the name of this City to abate a public nuisance. (1979)

**12-10-51:**

**OTHER PROVISIONS REVISED ORDINANCES NOT AFFECTED.** Nothing contained in Sections 12-10-45 through 12-10-50 of these Revised Ordinances shall affect any other provisions of this City's Ordinances, rules, or regulations which regulate, prohibit or effect nuisances or public nuisances. (1979)

**12-10-52:**

**ATTRACTIVE NUISANCE, GENERALLY.**

(A) Any vacant lot or open area of ground within which any of the following conditions occur and to which the public, and particularly children, have access is termed an attractive nuisance:

- (1) Ponding or impounding of water;
- (2) Open pits, shafts, caves, ditches or dilapidated non-occupied buildings;
- (3) Noxious weeds or vegetation;
- (4) Trash, debris or machinery. (1979)

**12-10-53: PROCEDURE FOR ABATEMENT OF ATTRACTIVE NUISANCES.**

- (A) When such an attractive nuisance as described in Section 12-10-52 exists, it shall be the duty of the City County Health Department to notify, in writing, the owner of such premises to abolish and abate such nuisance and, if necessary, to remove said matter.
- (B) Such notice shall provide a specified time in which such nuisance must be abated or removed, which shall not be less than ten days from the date of service of such notice.
- (C) Before complying with requirements of the notice, the owner may request a hearing before the Board of Health at a time and place fixed by the City-County Health Department within seven days of the request for the hearing. However, such request must be made within the time limit specified in the notice of abatement.
- (D) The City-County Health Department shall predetermine whether or not a nuisance, as described in Section 12-10-52 exists and whether or not the owner shall abate the nuisance and prevent its recurrence and shall specify a time within which the work shall be completed.
- (E) In the event the nuisance is not abated within the time specified in the notice and/or at the hearing, the City may abate such nuisance and the person whose duty it was to abolish or abate such nuisance as requested by the City-County Health Department, in addition to incurring penalties as provided in this Chapter, shall become indebted to the City for the damages, costs and charges incurred by the City by reason of the existence of said nuisance or removal of said matter. This cost may become a lien upon the property on which the nuisance existed. (1979)

**12-10-54: OPENINGS IN SIDEWALKS, STREETS OR PUBLIC PLACES REGULATED.**

It shall be unlawful for any person to allow an open cellar door, trap door, or other opening in any sidewalk or street or public place without taking proper precautions to prevent injury to persons or property. (1979)

**12-10-55: TENANTS VACATING BUILDINGS TO LEAVE PREMISES CLEAN AND**

**SANITARY.** It shall be unlawful for any person leasing, renting or occupying any house, flat, tenement, apartment, or other building to leave such building or the premises used in connection therewith in an unclean or unsanitary condition, or to leave any rubbish or waste material of any kind in such house, flat, tenement, apartment or other building, or on the premises used in connection therewith, upon the termination of such tenancy or occupancy. (1979)

**12-10-56: TRADE AND COMMERCE - "JUNK DEALER" DEFINED.** For the purposes of this Chapter, "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. (1979)

**12-10-57: 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. (1979)

- 12-10-58: JUNK DEALER'S RECORDS 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 in this City, and any constable or other State, municipal, or County officials in the County, in which the junk dealer does business; provided this Chapter shall not apply to any sale of less than twenty pounds. (1979)
- 12-10-59: VIOLATION BY JUNK DEALER - LOCAL REGULATION NOT IMPAIRED.** Any junk dealer who shall be found guilty of a violation of any of the provisions of this Chapter shall be guilty of a Class B misdemeanor; provided that this Chapter shall not be construed to in any way impair the power of any County or incorporated municipalities in this State to license, tax, and regulate any junk dealer. (1979)
- 12-10-60: 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 Chapter, 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 12-10-58 relating to erasure, mutilation, or change and also to inspection. (1979)
- 12-10-61: FALSIFICATION OF SELLER'S STATEMENT TO JUNK DEALER.** Any seller who, in making his statement as contemplated by this Chapter 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. (1979)
- 12-10-62: TRADEMARKS, TRADE NAMES AND DEVICES - DEFINITIONS.**
- (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 Chapter, 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 Chapter, includes every trademark register able with the Secretary of State. (1979)
- 12-10-63: 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 in the office of the Secretary of State, intending to represent the goods as the genuine goods of another, knowing it to be counterfeited, is guilty of a Class B misdemeanor. (1979)
- 12-10-64: USING ARTICLES WITH REGISTERED TRADEMARK OR SERVICE MARK TO DEPRIVE OWNER OF USE.** Every person who, without the consent of the owner of an article bearing the owner's validly 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 the article is guilty of a Class B

misdemeanor; provided, however, that nothing contained in this Chapter shall be construed to apply to or restrict the transfer or use of wooden boxes or the re-use 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 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. (1979)

**12-10-65: 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. (1979)

**12-10-66: 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. (1979)

**12-10-67: GAMBLING - DEFINITIONS.** For the purpose of this Chapter:

(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. (1979)

**12-10-68: GAMBLING.**

(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. (1979)

**12-10-69: 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 violation shall not exceed a Class B misdemeanor. (1979)

**12-10-70: 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. (1979)

**12-10-71: 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. (1979)

**12-10-72: FAILURE OF PROSECUTING ATTORNEY OR POLICE OFFICER TO PROSECUTE OFFENSES.** Any prosecuting attorney or police officer who has reasonable cause to believe that any person has violated any provisions of this Chapter and shall thereafter fail or refuse to diligently prosecute such persons is guilty of a Class B misdemeanor. (1979)

**12-10-73: SEIZURE AND SALE OF GAMBLING DEVICES.**

(A) Whenever the City Justice of the Peace or any magistrate 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 of this City and may authorize the governing body, in conjunction with the Chief of Police, to seize the devices and hold them pending a hearing before the City Justice of the Peace, or such other magistrate. After the hearing has been properly scheduled and all parties having an interest in the devices have been notified of the hearing, the Justice of the Peace may order the devices seized and declare them to be the property of this City. The court may then order the devices sold for the best price obtainable. The sale must be made to a person of good character and repute who is a bona fide resident of a State where it is lawful to use the equipment. The officials conducting the sale shall

place the equipment on a public carrier, properly consigned to the purchaser at the place of his residence.

- (B) The proceeds of any sale shall be paid into the City treasury.
- (C) If no sale is consummated within ninety days of the authorization therefor, the devices or equipment shall be destroyed under the direction of the Justice of the Peace. (1979)

**12-10-74: SEIZURE AND DISPOSITION OF GAMBLING PROCEEDS.**

- (A) At the commencement of any prosecution for a violation of this Chapter, any gambling bets or gambling proceeds which are reasonably identifiable as having been used or obtained in violation of this Chapter 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 Chapter shall forfeit any sums held by the court which were acquired or being used in violation hereof. 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, issuance of a complaint, or indictment, whichever first occurs.
- (C) All sums forfeited under this Section shall be paid into the City treasury. (1979)

**12-10-75: CONFIDENCE GAME - PUNISHMENT - DESCRIPTION IN CHARGE.**

- (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; provided that the violation shall not exceed a Class B misdemeanor.
- (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 the 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. (1979)

**12-10-76: PROSTITUTION - DEFINITIONS.** For purposes of this Chapter:

- (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. (1979)

**12-10-77: 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 the purpose of being hired to engage in sexual activity.
- (B) Prostitution is a Class B misdemeanor. (1979)

**12-10-78: 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. (1979)

**12-10-79: 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.

**12-10-80: 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.
- (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. (1979)

**12-10-81:**

**LEWDNESS, PROFANITY, NUDITY, OBSCENITY AND PORNOGRAPHY, UNLAWFUL ACTS.** The following acts are hereby declared to be unlawful if done in any public place:

- (A) Willful participation by any person in any patently offensive act, representation or description of ultimate sexual acts, whether normal or perverted, actual or simulated.
- (B) To knowingly or willfully appear in the nude in public in an obscene or sexually oriented manner.
- (C) To willfully participate in or allow patently offensive acts, representations or descriptions of excretory functions and/or obscene exhibition of the genitals.
- (D) To expose one's private parts or go nude or bottomless in any public place in an obscene or sexually oriented manner, or to procure, counsel, or assist any other persons to so expose themselves.
- (E) To urinate or stool in any public place (except public rest rooms) or in any place exposed to public view or to procure, counsel, or aid any other persons to do so .
- (F) To possess, import, write, compose, stereotype, print, design, copy, draw, paint, or otherwise prepare, publish, offer for sale, display, exhibit by machine or otherwise or distribute or furnish any writing, paper, book, picture, photograph, or negative thereof, photocopy, engraving, sound or video recording, card, instrument or other such article which depicts or represents or describes any obscene sexual conduct, or obscene performance or obscene item, with the intent to distribute or exhibit the same or use the same for advertising purposes, or to exhibit the same in any public place.
- (G) To buy, procure, receive or have in one's possession any writing, paper, book, picture, drawing, magazine, pamphlet, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound or video recording, card instrument or other article which depicts or represents or describes obscene sexual conduct or obscene performance with the intent to distribute or exhibit the same in any public place, or use the same for advertising purposes.
- (H) To distribute or exhibit any materials as obscene materials, whether or not the same are actually obscene, or to advertise as obscene any publications,

film, picture or writing when the act of so doing shall amount to pandering or advertising of obscene materials.

- (I) For any distributor or wholesaler to require as a condition to a sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical, publication, film, or other merchandise that the purchaser, consignee, or distributor receive any other material, which is obscene or is believed by the purchaser or consignee to be obscene or is advertised by the distributor to be obscene, or to deny or threaten to deny any franchise, license, distributorship or contract or revoke or threaten to revoke or impose any penalties, financially or otherwise, by reason of a failure or refusal of such purchaser or consignee, to accept such materials or to do such acts by reason of the return of said materials. (1979)

**12-10-82: PRODUCTION, PUBLICATION, SALE, POSSESSION, ETC. OF OBSCENE ITEMS.** It is unlawful for a person knowingly to:

- (A) Prepare any obscene item for the purpose of sale or distribution; or
- (B) Print, copy, manufacture, produce or reproduce any obscene item for the purpose of sale or distribution; or
- (C) Publish, sell, rent, lend, transport in intra-city commerce, distribute, or exhibit any obscene item or explicit sexual material, or to offer to do any of these things; or
- (D) Have in his possession with intent to sell, rent, lend, transport, or distribute any obscene item. (1979)

**12-10-83: OBSCENE EXHIBITIONS AND PERFORMANCES.** It is unlawful for a person knowingly to:

- (A) Produce, promote, prepare, present, manage, erect, carry on or participate in any obscene exhibition or performance including the exhibition or the performance of any obscene motion picture, play, drama, show, entertainment, exposition, tableau or scene; or
- (B) Own, lease, or manage any theater, garden, building, structure, room or place for the purpose of presenting an obscene exhibition or performance. (1979)

**12-10-84: DISPLAYING OF OBSCENE MATERIALS GENERALLY.** It is unlawful for a person knowingly to permit or authorize a public display of any obscene items, obscene explicit sexual material or obscene material depicting nudity, sexual conduct, or sexual excitement. (1979)

**12-10-85: PORNOGRAPHY, OBSCENE, ETC. - DEFINITIONS.** As used in Sections 12-10-81 through 12-10-86, the following words will have the following meanings, unless the context requires otherwise:

- (A) "Willfully" means a purpose or willingness to commit the act or to omit an act referred to herein.
- (B) "Knowingly" means to have actual or constructive knowledge of the contents of the subject matter.

A person has constructive knowledge if a reasonable inspection under the circumstances would have disclosed the nature of the subject matter and if the failure to inspect is for the purpose of avoiding such disclosure. Knowledge of the obscene nature of material shall be presumed when a person fails to inspect materials after receiving a complaint as to the obscene nature thereof.

- (C) "Advertising purposes" means purposes of propagandizing in connection with the commercial sale of a product or type of product, the commercial offering of a service or the commercial exhibition of an entertainment.
- (D) "Display publicly" means the exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a public thoroughfare, depot or vehicle.
- (E) "Person" shall not be limited to individuals only, but shall include public and private corporations, firms, joint associations, partnerships and the like. The word "person" as used herein shall apply to a natural person and shall apply equally to the male and female genders.
- (F) "Explicit Sexual Material" means:
  - (1) Any picture, drawing, photograph, motion picture, or other pictorial representation, which depicts actual or simulated acts of human sexual intercourse, sodomy, bestiality, oral copulation, masturbation, excretory functions, torture in the context of a sexual relationship, or exhibition of the genitals.
  - (2) Any artificial human penis or vagina or device primarily designed physically to stimulate genitals, or any description, advertisement or offer to sell or distribute such an artificial organ or device where such description or advertisement presents either a pictorial representation or a detailed verbal description of such organ or device or its manner of use.
  - (3) Any book, magazine, newspaper or other printed or written material, which is made up in whole or in dominant part of depictions or descriptions of human sexual intercourse, oral copulation, bestiality, sodomy, masturbation or torture in the context of a sexual relationship.
- (G) "Furnishes" means to sell, give, rent, loan or otherwise provide.
- (H) "Nude" or "nudity" means uncovered, or less than opaquely covered buttocks, human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state or in a condition of sexual excitement. For purposes of this definition, a female breast is considered uncovered if the nipple and the areola only are covered.
- (I) "Obscene item" means:
  - (1) Any obscene book; or
  - (2) Any obscene leaflet, pamphlet, magazine, book, picture, painting or drawing, photograph, film, negative, slide, motion picture; or

- (3) Any obscene figure, object, article, instrument, novelty, device, or recording or transcription used or intended to be used in disseminating any obscene song, ballad, words, or sounds.
- (J) "Obscene live conduct" is:
- (1) The actual or simulated performance of acts of human sexual intercourse, masturbation, sodomy, bestiality, oral copulation or excretory functions; or
  - (2) The actual or simulated displaying of the pubic hairs, anus, vulva, genitals, or nipples of the female breast, and which production, performance, or exhibition, when, taken as a whole, lacks serious literary, theatrical or artistic value.
- (K) "Obscene Performance" is a play, motion picture, dance, show or other presentation, whether pictured, animated or live, performed before an audience and which in whole or in part depicts or reveals nudity as part of explicit sexual conduct or is obscene.
- (L) "Sexual conduct" means human masturbation, sexual intercourse, oral copulation, sodomy and bestiality, whether alone or between members of the same or opposite sex or between humans and animals, in an act of apparent sexual stimulation or gratification, which term shall include, but not be limited to, fellation, cunnilingus, pederasty, and bestiality.
- (M) "Obscene" means an act, depiction, representation, description, obscene performance, or any other item, material or conduct in this Chapter described, whether actual or simulated in form, which:
- (1) Then as a whole, the average person would find appeals to the prurient interest when applying contemporary community standards; and
  - (2) Is presented in a patently offensive way by going substantially beyond customary limits of candor in description or representation of the aforesaid matters in the community; and
  - (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (N) "Prurient Interest" is a shameful or morbid interest in nudity, sex, or excretion.
- (O) "Public place" is a place attended by the public for business, entertainment or similar reasons; any place which is openly and notoriously public, or where a fee or charge is made for entrance or membership; or any public street, sidewalk, park, or other place to which the public is invited or is allowed to congregate or has unrestrained access.
- (P) "Pandering" is catering to the lust or gratification of lust of another. (1979)

**12-10-86: EXEMPTIONS TO THE APPLICATION OF THIS PART.** Nothing contained in this Chapter shall be construed to apply to:

- (A) The purchase, distribution, exhibition, or loan of any material by any library, school, or institution of higher learning supported by public appropriations.

- (B) The purchase, distribution, exhibition, or loan of any work of art by any museum of fine arts, school or institution of higher learning supported by public appropriations. (1979)

**12-10-87: SAVING CLAUSE.** In the event any word, sentence, or paragraph of Sections 12-10-81 through 12-10-86 of this Chapter shall be found to be unconstitutional, it shall not affect the constitutionality or enforceability of the remainder of said Sections not specifically found unconstitutional. (1979)

**12-10-88: UNLAWFUL ACTS IN OR ABOUT SCHOOLS, COLLEGES OR UNIVERSITIES.** It shall be a Class B misdemeanor for any person to:

- (A) Annoy, disturb, or otherwise prevent the orderly conduct of the activities, administration, or classes of any school, college, or university.
- (B) Annoy, disturb, assault, or molest any student or employee of any school, college or university while in or on such school, college, or university building, or on the grounds thereof.
- (C) Loiter, idle, wander, stroll, or play in, about or on any school, college or university grounds, or building, either on foot, or in, or on, any vehicle, without having some lawful business therein, or thereabouts, or in connection with such school, college or university or the employees thereof.
- (D) Conduct himself, or herself, in a lewd, wanton, or lascivious manner in speech or behavior in, about or on any school, college, or university building or grounds.
- (E) Park or move a vehicle in the immediate vicinity of, or on the grounds of any school, college, or university for the purpose of annoying or molesting the students or employees thereof; or in an effort to induce, entice, or invite students or employees into or on the vehicle for immoral purposes. (1979)

**12-10-89:**

**CONTROLLED SUBSTANCES.** It shall be unlawful:

- (A) For any person knowingly and intentionally to possess or use a controlled substance enumerated in Section 58-37-4, Utah Code Annotated 1953, unless it was obtained pursuant to a valid prescription or order or directly from a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this Section.
- (B) For any owner, tenant, licensee, or person in control of any building, room, tenement, vehicle, boat, aircraft, or other place, knowingly and intentionally to permit the same to be occupied by persons unlawfully possessing, using, or distributing controlled substances therein.
- (C) For any person knowingly and intentionally to be present where controlled substances are being used or possessed in violation of this Title and the use or possession is open, obvious, apparent, and not concealed from those present. No person shall be convicted under this Subsection if the evidence shows that he did not use the substance himself, or advise, encourage, or assist anyone else to do so; provided, any incidence of prior unlawful use of controlled substances by the defendant may be admitted to rebut this defense.
- (D) For any person knowingly and intentionally to possess an altered or forged prescription or written order for a controlled substance.
- (E) For a practitioner licensed in accordance with this Title knowingly and intentionally to prescribe, administer or dispense a controlled substance to a juvenile without first obtaining the consent of a parent or guardian of the juvenile except in cases of an emergency. For purposes of this Subsection, a juvenile is a "child" as defined in Section 78-3a-2(3), Utah Code Annotated 1953, and "emergency" shall mean any physical condition requiring the administration of a controlled substance for immediate relief of pain or suffering.
- (F) For a practitioner licensed in accordance with this Title knowingly and intentionally to prescribe or administer dosages of a controlled substance in excess of medically recognized quantities necessary to treat the ailment, malady, or condition of the ultimate user.
- (G) For any person to prescribe, administer or dispense any controlled substance to another person knowing that the other person is using a false name, address, or other personal information for the purpose of securing the same.
- (H) A violation of this Section is a Class B misdemeanor. (1979)

**12-10-90:**

**CURFEW.** It shall be unlawful for minor persons under 16 years of age to be in or on any of the sidewalks, streets, alleys, or public places in the City between 11:00 o'clock P.M. and 5:00 o'clock A.M. immediately following, or for minors under 18 years of age, but over 16 years of age, to be in or about any of said places between 12:00 o'clock midnight and 5:00 o'clock A.M. immediately following.

It shall be unlawful for any parent, guardian or other person having legal care and custody of any minor under 18 years of age to allow or permit such minor to go or be in or upon any of the sidewalks, streets, alleys or public places in said City during the applicable times provided in the above paragraph.

The provisions of the first paragraph of this Section shall not apply where the minors are accompanied by parent, guardian, or other adult person having the care and custody of said minor, or where the presence of such minor in or upon any sidewalk, street, alley or public place is connected with and required by some legitimate pursuit in which said minor is engaged.

No adult shall aid, abet, permit or encourage any minor to violate the foregoing provisions. (1987)

**12-10-91**

**CURFEW, DAYTIME.**

- A. Minors Subject to Compulsory or Alternative Compulsory Education; Daytime. It is unlawful for any minor subject to compulsory or Alternative compulsory education to loiter or remain in any public place, any restricted dwelling, or any unsupervised place within Syracuse City limits during the normal school hours for the school said minor is required to attend.
- B. Parents, Guardians, and Teachers; Daytime. It is unlawful for any parent, guardian, teacher, or other person having legal care and custody of any minor subject to Section 12-10-91A to permit or allow, whether willfully or by exercise of insufficient control, any such minor to remain or loiter in any public place or in any other restricted place, except as provided in Section 12-10-91C.
- C. Defenses. It shall be a defense to a violation of Section 12-10-91A that at the time the minor was stopped by a peace officer, the minor was:
1. A minor fourteen (14) years or older, emancipated by marriage.
  2. Accompanied by the minor's parent, guardian, or other adult person having care, custody, or supervision of said minor.
  3. In a motor vehicle involved in interstate travel.
  4. On an errand at the direction of the minor's parent or guardian, without detour or stop.
  5. Acting in response to an emergency.
  6. Going to, or returning from, a medical or dental appointment.
  7. Permitted to leave the school campus for lunch or any school-approved activity.
  8. Attending, or without any detour or stop, was going to, or returning from, a school approved, recreational, or educational activity, supervised by adults, and sponsored by the local school district, another school district, or any civic religious, or other government organization.
  9. Going to, or returning directly from, a compulsory alternative education program.
  10. Going to, or returning directly from, the minor's place of school approved employment.
  11. Granted an exemption for "home schooling" as prescribed by the local board of education.
  12. Otherwise granted an exemption to compulsory education by the local board of education, under Section 53A-11-102, Utah Code, as amended or any successor provision.
- D. Enforcement Procedures. Before taking any enforcement action under the provisions of this Section, a peace officer shall ask said minor's age and reason for being in the public place or other restricted place. The peace officer shall not take enforcement action under this Section if the peace

officer has reasonable cause to believe that any defense under subsection C applies.

1. Upon any violation the peace officer may take the minor into temporary custody and/or issue a citation to the minor. If the peace officer takes the minor into temporary custody, the peace officer, without unreasonable delay shall:
  - (a) Transport the minor to the school from which the minor is absent, releasing the minor to the principal or other designated school official; or
  - (b) Release the minor to any individual who has been designated by the local school board to receive and return the minor to school, or
  - (c) Transport and release the minor to a receiving center established and designated by the local school board.
2. If the minor refuses to return to school or go to the receiving center, or the peace officer is unable to otherwise release the minor to the appropriate school official or designated receiving center, the peace officer may release the minor to the minor's parent or guardian, and shall notify the appropriate school officials of the violation. If a parent or guardian cannot be reached or is unable to accept custody, the minor shall be referred to the Division of Child and Family Services, in the manner required under State law.
3. If cited, the minor shall appear, along with a parent or guardian, in the applicable Youth Court or in Juvenile Court as directed in the citation.
4. A parent or guardian shall not be cited for a violation unless the minor in question was previously cited for a violation of this Section and the parent or guardian was warned or advised by a peace officer, school official, receiving center, or court official of such violation.

E. Penalty. A violation of this section shall be a Class C Misdemeanor. In Juvenile or District Court, a person adjudicated in violation of this Section shall receive a minimum fine of fifty dollars (\$50.00) for an initial violation. A person adjudicated in subsequent violations of this Section shall receive a minimum fine of one hundred dollars (\$100.00). The minimum fine is not intended to be a limitation of any other penalty, probation, community service requirement, or other fine, which may be imposed by the applicable court. (Ord 05-06)

**12-10-92: MINORS NOT ALLOWED IN BILLIARD OR POOL HALLS.** It shall be unlawful for any person to operate any pool or billiard hall in the City where games of cards are played or permitted, or beer is kept, sold or consumed, without first making a regulation and enforcing the same and keeping posted in a conspicuous place terms of such regulation which shall read: "No person under 21 years of age permitted in these premises.

It shall be unlawful for any person in charge of or employed in such pool hall or billiard hall to permit any person under the age of 21 years to enter upon or remain in said premises for any purpose except to make deliveries or carry messages to the proprietor thereof and depart therefrom immediately.

Pool and billiard halls may be kept open to persons over the age of 18 years and under 21 years where no beer is kept or consumed, or card playing is permitted, or devices of any character which may be used for gambling are kept. In all of such places regulations shall be maintained and enforced which shall read: "No

person under the age of 18 years allowed in these premises", and notice thereof posted in a conspicuous place at all times. (Ord 05-06)

## CHAPTER 12

### USE OF CITATIONS IN MISDEMEANOR CASES.

**12-12-1: Citation for Misdemeanor**

**12-12-2: Persons Receiving Citation--Court Appearance--Time--Failure to Appear**

**12-12-3: Citation Contents**

**12-12-4: Citation in Lieu of Complaint--Exceptions**

**12-12-5: Willfully Failing to Appear--Misdemeanor**

**12-12-1: CITATION FOR MISDEMEANOR.** The City Police or any peace officer in lieu of taking a person into custody, or any public official charged with the enforcement of the laws of this City, may issue and deliver a citation requiring any person subject to arrest or prosecution on a misdemeanor charge to appear at the court of the magistrate before whom the person could be taken pursuant to law if the person had been arrested. (1979)

**12-12-2: PERSONS RECEIVING CITATION--COURT APPEARANCE-TIME--FAILURE TO APPEAR.**

- (A) Persons receiving misdemeanor citations shall appear before the magistrate designated in the citation on or before the time and date specified in the citation.
- (B) No citation shall require a person to appear sooner than five days nor later than fourteen days following its issuance.
- (C) Any person who receives a citation and who fails to appear on or before the time and date and at the court specified shall be subject to arrest. The magistrate may issue a warrant of arrest. (1979)

**12-12-3: CITATION CONTENTS.**

- (A) If a citation is issued pursuant to Section 12-12-1, the peace officer or public official shall issue one copy to the person cited and shall within five days file a duplicate copy with the court specified in the citation.
- (B) Each copy of the citation issued under authority of this Chapter shall contain:
  - (1) The name of the court before which the person is to appear.
  - (2) The name of the person cited.
  - (3) A brief description of the offense charged.
  - (4) The date, time and place at which the offense is alleged to have occurred.
  - (5) The date on which the citation was issued.

- (6) The name of the peace officer or public official who issued the citation, and the name of the arresting person if an arrest was made by a private party and the citation was issued in lieu of taking the arrested person before a magistrate as provided in Section 77-13-77, Utah Code Annotated, 1953, as amended, or in these Revised Ordinances.
- (7) The time and date on or before and after which the person is to appear.
- (8) The address of the court in which the person is to appear.
- (9) A notice containing substantially the following language:

This citation is not a complaint and will not be used as a complaint without your consent. If a complaint is filed you will be provided a copy by the court. You MUST appear in court on or before the time set in this citation. IF YOU FAIL TO APPEAR A COMPLAINT WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST. (1979)

**12-12-4: CITATION IN LIEU OF COMPLAINT--EXCEPTIONS.**

- (A) Whenever a citation is issued pursuant to the provisions of Section 12-12-1, the copy of the citation filed with the magistrate may be used in lieu of a complaint to which the person cited may plead guilty or on which bail may be posted and forfeited.
- (B) If the person cited willfully fails to appear before a magistrate pursuant to a citation issued under Section 12-12-1, or pleads not guilty to the offense charged, or does not deposit bail on or before the date set for his appearance, a complaint shall be filed and proceedings held in accordance with the Rules of Criminal Procedure and all other applicable provisions of the Utah State Code or these Revised Ordinances, which complaint shall be deemed an original pleading; provided, however, that the person cited may by written agreement waive the filing of the complaint and thereafter the prosecution may proceed on the citation notwithstanding any provisions to the contrary. (1979)

**12-12-5: WILLFULLY FAILING TO APPEAR--MISDEMEANOR.** Any person who willfully fails to appear before a court pursuant to a citation issued under the provisions of Section 12-12-1 is guilty of a Class B misdemeanor, regardless of the disposition of the charge upon which he was originally cited. (1979)