

MILLVILLE CITY CODE
TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE
CHAPTER 9.04 - GENERAL PROVISIONS

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9.04.010: APPLICATION OF CODE; OFFENSE PRIOR TO EFFECTIVE DATE

- A. The provisions of this code shall govern the construction of, the punishment for, and the defense 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 municipality 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 this code 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 to the effective date. (Prior code § 1-111)

9.04.020: PURPOSES AND PRINCIPLES OF CONSTRUCTION

The provisions of this code shall be construed in accordance with these general purposes to:

- A. Forbid and prevent the commission of offenses;
- B. Define adequately the conduct and mental state which constitute each offense and safeguard conduct that which without fault from condemnation as criminal;
- C. Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders;
- D. Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses. (Prior code § 1-112)

9.04.030: CRIMES ABOLISHED

No conduct is a crime or an offense unless made so by this code, or other ordinances or other applicable statute. (Prior code § 1-113)

9.04.040: STRICT CONSTRUCTION RULE NOT APPLICABLE

The rule that a penal ordinance is to be strictly construed shall not apply to this code, or any of its provisions, or other ordinances of this municipality. All provisions of this code and offenses defined by it 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 9.04.020 of this chapter. (Prior code § 1-114)

9.04.050: PROCEDURE; GOVERNED BY STATE AND CONSTITUTIONAL PROVISIONS; 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 code, but shall be in conformity with the laws of Utah and the constitution of the United States.
- B. This code does not bar, suspend, or otherwise affect any rights to or liability for damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be covered 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 code. (Prior code § 1-115)

9.04.060: JURISDICTION OF OFFENSES

- A. A person is subject to prosecution in this municipality for an offense which he or she commits, while either within or outside the municipality, by his or her own conduct or that of another for which he or she is legally accountable, if:
 - 1. The offense is committed either wholly or partly within the municipality; or
 - 2. The conduct outside this municipality constitutes an attempt within this municipality; or
 - 3. The conduct outside this municipality constitutes a conspiracy to commit an offense within this municipality and an act in furtherance of the conspiracy occurs in this municipality; or

4. The conduct within the municipality 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 municipality if either the conduct which is an element of the offense, or the result which is such an element, occurs within this municipality.
 - C. An offense which is based on an omission to perform a duty imposed by this code is committed within this municipality regardless of the location of the offender at the time of the omission. (Prior code § 1-121)

9.04.070: MISDEMEANOR, ANY INFRACTION; COMMENCEMENT OF PROSECUTION

- A. Except as otherwise provided in this chapter, prosecutions for other offenses are subject to the following periods of limitation:
 1. A prosecution for a misdemeanor must be commenced within two (2) years after it is committed.
 2. A prosecution for any infraction must be commenced within one year after it is committed.
- B. The prosecution is commenced on the filing of a complaint or information. (Prior code § 1-132)

9.04.080: FRAUD OR BREACH OF FIDUCIARY OBLIGATION; MISCONDUCT BY PUBLIC OFFICER OR EMPLOYEE

If the period prescribed in subsection 9.04.070A of this chapter has expired, a prosecution may nevertheless be commenced for:

- A. Any 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 or

herself not a party to the offense, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three (3) years; and

- B. Any offense based on misconduct in office by a public officer or employee at any time during the term of the defendant's public office or the period of his or her public employment or within two (2) years thereafter, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three (3) years. (Prior code § 1-133)

9.04.090: DEFENDANT OUT OF STATE

The period of limitation does not run against any defendant during any period of time he or she is out of the state following the commission of an offense. (Prior code § 1-134)

9.04.100: LESSER INCLUDED OFFENSE FOR WHICH PERIOD OF LIMITATIONS 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. (Prior code § 1-135)

9.04.110: SINGLE CRIMINAL EPISODE DEFINED

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 chapter shall be construed to limit or modify the joinder of offenses and defendants in criminal proceedings. (Prior code § 1-141)

9.04.120: INCORPORATION BY REFERENCE OF PROVISIONS OF STATE CRIMINAL CODE

The provisions of Utah Code Annotated 76-1-402 through 76-1-405 are adopted as part of this code and incorporated herein by reference. (Prior code § 1-142)

9.04.130: JOINDER OF OFFENSES AND DEFENDANTS

- A. Two (2) or more offenses under this code or the ordinances of this municipality may be charged in the same citation or complaint in a separate count for each offense if the offenses charged are of the same or similar character or are based on the same act or transgression or on two (2) or more acts or transactions connected together or constituting parts of a common scheme or plan.
- B. Two (2) or more defendants may be charged in the same citation or complaint if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count. (Prior code § 1-143)

9.04.140: BURDEN OF PROOF; INCORPORATION OF STATE CODE

The provisions of Utah Code Annotated 76-1-501 through 76-1-504 are adopted and incorporated therein by reference. (Prior code § 1-151)

9.04.150: DEFINITIONS; INCORPORATION OF STATE CODE

The provisions of Utah Code Annotated 76-1-601 are adopted and incorporated herein by reference. (Prior code § 1-161)

9.04.160: CULPABILITY GENERALLY; INCORPORATION OF STATE CODE

The provisions of Utah Code Annotated 76-2-101 through 76-2-104 are adopted and incorporated herein by reference. (Prior code § 1-211)

**9.04.170: CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER;
INCORPORATION OF STATE CODE**

The provisions of Utah Code Annotated 76-2-201 through 76-2-205 are adopted as part of this code and incorporated herein by reference. (Prior code § 1-221)

**9.04.180: DEFENSES TO CRIMINAL RESPONSIBILITY;
INCORPORATION OF STATE CODE**

The provisions of Utah Code Annotated 76-2-301 through 76-2-308 are adopted as part of the code and incorporated herein by reference. (Prior code § 1-231)

**9.04.190: JUSTIFICATION EXCLUDING CRIMINAL RESPONSIBILITY;
INCORPORATION OF STATE CODE**

The provisions of Utah Code Annotated 76-2-401 through 76-2-406 are adopted and incorporated herein by reference. (Prior code § 1-241)