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9.12.010: DEFINITIONS

For purposes of this chapter:

PARTY OFFICIAL: Any person holding any post in a political party whether by election, appointment, or otherwise.

PECUNIARY BENEFIT: Any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increase prosperity generally.

PUBLIC SERVANT: Any officer or employee of the municipality, including judges, consultants, jurors, and persons otherwise performing a government function. A person is considered a public servant upon his or her election, appointment, or other designation as such, although he or she may not yet officially occupy that position.

A person is a candidate for electoral office upon his or her filing or being nominated as a candidate for any municipal office. (Prior code § 13-811)

9.12.020: CAMPAIGN CONTRIBUTIONS NOT PROHIBITED

Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of any offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made. (Prior code § 13-812)

9.12.030: RECEIVING BRIBE OR BRIBERY FOR ENDORSEMENT OF PERSON AS PUBLIC SERVANT

A person is guilty of a class B misdemeanor if:

- A. He or she solicits, accepts, agrees to accept for himself or herself, another person, or a political party, money or any other pecuniary benefit as compensation for his or her

endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant; or

- B. He or she knowingly gives, offers, or promises any pecuniary benefit prohibited by subsection A of this section. (Prior code § 13-816)

9.12.040: ALTERATION OF PROPOSED ORDINANCE OR RESOLUTION

Every person who fraudulently alters the draft of any ordinance or resolution which has been presented to the governing body of any municipality to be passed or adopted, with intent to procure it being passed or adopted by the governing body or signed by the mayor in language different from that intended by the governing body, is guilty of a class B misdemeanor. (Prior code § 13-817)

9.12.050: ALTERATION OF ENGROSSED COPY OF ORDINANCE OR RESOLUTIONS

Every person who fraudulently alters any ordinance or resolution which has been passed or adopted by the governing body, with intent to have it printed or published as part of the ordinances or resolutions of this municipality in language different from that in which it was passed or adopted by the legislature, is guilty of a class B misdemeanor. (Prior code § 13-818)

9.12.060: FAILURE OF A MEMBER OF GOVERNING BODY TO DISCLOSE INTEREST IN ORDINANCE OR RESOLUTION

Every member of the governing body, and their immediate family members, 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. (Ord. 2000-10 § 2)

9.12.070: OFFICIAL MISCONDUCT; UNAUTHORIZED ACTS OR FAILURE OF DUTY

A public servant is guilty of a class B misdemeanor if, with an intent to benefit himself or herself or another or to harm another, he or she knowingly commits an unauthorized act which purports to be an act of his or her office, or knowingly refrains from performing a duty imposed on him or her by law or clearly inherent in the nature of his office. (Prior code § 13-821)

9.12.080: UNOFFICIAL MISCONDUCT

A. A person is guilty of unofficial misconduct if he or she exercises or attempts to exercise any of the functions of a public office when:

1. He or she has not taken and filed the required oath of office; or
2. He or she has failed to execute and file the required bond; or
3. He or she has not been elected or appointed to office; or
4. He or she exercises any of the functions of his or her office after his or her term has expired and the successor has been elected or appointed and has qualified, or after his or her office has been legally removed;
5. He or she knowingly withholds or retains from his or her successor in office or other person entitled to the official seal or any records, papers, documents, or other writings appertaining or belonging to his or her office or mutilates or destroys or takes away the same.

B. Unofficial misconduct is a class B misdemeanor. (Prior code § 13-823)

9.12.090: INTERFERENCE WITH PUBLIC SERVANT

A person is guilty of a class B misdemeanor if he or she 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. (Prior code § 13-830-1)

9.12.100: PICKETING OR PARADING IN OR NEAR COURT

A person is guilty of a class B misdemeanor if he or she pickets or parades in or near a building which houses a court of this municipality with intent to obstruct access to that court or to affect the outcome of a case pending before that court. (Prior code § 13-830-2)

9.12.110: DISTURBING GOVERNING BODY OR OFFICIAL MEETING

A person is guilty of a class B misdemeanor if:

- A. He or she intentionally disturbs the governing body while in session; or
- B. He or she intentionally commits any disorderly conduct in the immediate view and presence of the governing body of this municipality which tends to interrupt its proceedings or impair the respect of its authority; or
- C. Intentionally disturbs an official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting which tends to interrupt its proceedings.

"Official meeting", as used in this section, means any lawful meeting of municipal officials for the purposes of carrying on governmental functions. (Prior code § 13-830-4)

9.12.120: OBSTRUCTING JUSTICE

- A. A person is guilty of an offense if, with intent to hinder, prevent, or delay the discovery, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he or she:
 - 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.
- B. Unless otherwise provided by law, violations are a class B misdemeanor. (Ord. 2000-10 § 2: prior code § 13-830-6)

9.12.130: 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 or her as such, he or she unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person. (Prior code § 13-830-7)

9.12.140: BAIL JUMPING

- A. A person is guilty of an offense when having been released on bail or on his or her own recognizance by court order or by other lawful authority upon condition that he or she subsequently appears personally upon a charge of an offense, he or she fails without just cause to appear at the time and place which have been lawfully designated for his or her appearance.
- B. An offense under this section is considered a misdemeanor when the offense charged is a misdemeanor, and an infraction when the offense charged is an infraction. (Ord. 2000-10 § 2: prior code § 13-830-12)

9.12.150: PUBLIC MONIES DEFINED

As used in this chapter, "public monies" includes all bonds and evidences of indebtedness and all money belonging to the municipality and all money, bonds, and evidences of indebtedness received or held by municipal officials in their official capacity. (Prior code § 13-840-1)

9.12.160: 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. (Prior code § 13-840-5)

9.12.170: OBSTRUCTING COLLECTION OF REVENUE

Every person who wilfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the people of this municipality have an interest and which such officer is by law empowered to collect, is guilty of a class B misdemeanor. (Prior code § 13-840-6)

9.12.180: REFUSING TO GIVE 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 municipal assessor a list of his or her property subject to taxation, or to swear to such list, or who gives a false name, or fraudulently refuses to give his or her true name when demanded by the assessor in the discharge of his or her official duties, is guilty of a class B misdemeanor. (Prior code § 13-840-7)

9.12.190: GIVING FALSE TAX RECEIPT OR FAILING TO GIVE RECEIPT

Every person who uses or gives any receipt, except that prescribed by the ordinances, resolutions or rules of this municipality, as evidence of the payment for the tax or license of any kind, or who receives payment for the tax or license without delivering the receipt prescribed, is guilty of a class B misdemeanor. (Prior code § 13-840-8)

9.12.200: REFUSING TO GIVE TAX ASSESSOR OR TAX OR LICENSE COLLECTOR LIST OF, OR DENYING ACCESS TO EMPLOYEES

Every person who, when requested by the assessor or collector of taxes or license fees, refuses to give to any assessor or collector the name and residence of each person in his or her

employ, or to give the assessor or collector access to the building or place where such people are employed, is guilty of a class B misdemeanor. (Prior code § 13-840-9)

9.12.210: DOING BUSINESS WITHOUT LICENSE

Every person who commences or carries on any business, trade, profession, or calling, for the transaction or carrying on of which a license is required by any ordinance of this municipality, without taking out the license required is guilty of a class B misdemeanor. (Prior code § 13-840-10)

9.12.220: TRAFFICKING IN WARRANTS

No officer of this municipality shall, either directly or indirectly, contract for or purchase any warrant or order issued by this municipality at any discount whatever upon the sum due on the warrant or order, and, if any officer of this municipality shall so contract for or purchase and such order or warrant on a discount, he or she is guilty of a class B misdemeanor. (Prior code § 13-840-11)

9.12.230: INJURING OR REMOVING MONUMENTS OF OFFICIAL SURVEYS

Every person who wilfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected or used by persons engaged in the United States or state survey or survey of this municipality is guilty of a class B misdemeanor. (Prior code § 13-840-15)

9.12.240: TAKING TOLL OR MAINTAINING ROAD, BRIDGE, OR FERRY WITHOUT AUTHORITY; REFUSAL TO PAY LAWFUL TOLL

Any person who demands or receives compensation for the use of any bridge or ferry, or who sets up or keeps any road, bridge, or ferry, or constructed ford, for the purpose of receiving remuneration for its use without authority of law; and any person who refuses to pay on demand the compensation or fee authorized to be collected for use of a licensed toll road, bridge, ferry, or constructed ford after having used it is guilty of a class B misdemeanor. (Prior code § 13-840-16)

9.12.250: 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 state of Utah, or this municipality, or any proclamation, advertisement, notice, resolution or ordinance, set up at any place in this municipality by authority of any law of the United States or of the state of Utah or of this municipality, or by order of any court or of any public officer, before the expiration of the time for which the same was to remain, is guilty of an infraction. (Prior code § 13-840-17)

9.12.260: REMOVING OR INJURING ROAD SIGNS

Every person who maliciously removes or injures any milepost, milestone or guidepost or any inscription on them, erected upon any highway, street, road or alley is guilty of a class B misdemeanor. (Prior code § 13-840-20)

9.12.270: FALSIFICATION IN OFFICIAL MATTERS; DEFINITIONS

For the purposes of this part:

OFFICIAL PROCEEDING: Any proceeding before the governing body, court or administrative body of this municipality authorized by any state or ordinance of the governing body to take evidence under oath or affirmation, including a notary or other person taking evidence in connection with any of these proceedings. (Ord. 2000-10 § 1: prior code § 13-850-1)

9.12.280: FALSE OR INCONSISTENT STATEMENTS

In any proceeding conducted by this municipality or pursuant to its ordinances a person is guilty of a class B misdemeanor if:

- A. He or she makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and he or she 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 or her 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 or she makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him or her to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false by 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 or she retracts the falsification before it becomes manifest that the falsification was or would be exposed. (Prior code § 13-850-3)

9.12.290: WRITTEN FALSE STATEMENT

A person is guilty of a class B misdemeanor if:

- A. He or she makes a written false statement which he or she 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 or her official function, he or she:
1. Makes any written false statement which he or she 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 or she knows to be lacking in authenticity, or
 4. Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.
- C. No person shall be guilty under this section if he or she retracts the falsification before it becomes manifest that the falsification was or would be exposed. (Prior code § 13-850-4)

9.12.300: PERJURY OR FALSE SWEARING; PROOF OF FALSITY OF STATEMENTS; DENIAL OF CRIMINAL GUILTY

- A. On any prosecution for perjury or false swearing 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 or her denial of guilty in a previous criminal trial. (Prior code § 13-850-5)

9.12.310: FALSE REPORTS OF OFFENSES TO LAW ENFORCEMENT OFFICER

A person is guilty of a class B misdemeanor if he or she:

- A. Knowingly gives or causes to be given false information to any law enforcement officer with a purpose or inducing the officer to believe that another has committed an offense; or
- B. Knowingly gives or causes to be given to any peace officer, any state or local government agency or personnel, or to any person licensed in this state to practice social work, psychology, or marriage and family therapy, information concerning the commission of an offense, knowing that the offense did not occur or knowing that he or she has no information relating to the offense or danger. (Ord. 2000-10 § 2: prior code § 13-850-6)

9.12.320: 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 or her identity, he or she knowingly gives false name, birth date, or address to a law enforcement officer in the lawful discharge of his or her official duties. (Ord. 2000-10 § 2)

9.12.330: FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD

A person is guilty of a class B misdemeanor if he or she:

- A. Knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by this municipality for information or record, or required by law to be kept for information of this municipality; or
- B. Presents or uses anything knowing it to be false and with a purpose that it be taken as a genuine part of information or records referred to in subsection A of this section; or
- C. Intentionally and unlawfully destroys, conceals or otherwise impairs the verity or availability of any such thing. (Prior code § 13-850-11)

9.12.340: IMPERSONATION OF OFFICER

A person is guilty of a class B misdemeanor who:

- A. Impersonates a public servant or a peace officer in this municipality with intent to deceive another or with intent to induce another to submit to his or her pretended official authority or to rely upon his or her pretended official act;
- B. Falsely states he or she is a public servant or a peace officer with intent to deceive another or to induce another to submit to his or her pretended official authority or to rely upon his or her pretended official act; or
- C. Displays or possesses without authority any badge, identification card, other form of identification, any restraint device, or the uniform of any state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another or with the intent to induce another to submit to his or her pretended official authority or to rely upon his or her pretended official act. (Ord. 2000-10 § 2)

9.12.350: FALSE JUDICIAL OR OFFICIAL NOTICE

A person is guilty of a class B misdemeanor who, with a purpose to procure the compliance of another with a request made by the person, knowingly sends, mails, or delivers to the person a notice or other writing which has no judicial or other sanction but which in its format or appearance simulates a summons, complaint, court order, or process, or an insignia, seal, or

printed form of any official of this municipality, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction. (Prior code § 13-850-13)

9.12.360: WRONGFUL COMMENCEMENT OF ACTION IN JUSTICES' COURT

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 proceeding in the court of this municipality, in Utah Code Annotated 78-5-103 and 78-5-104 as amended, is guilty of a class B misdemeanor. (2001 Code: prior code § 13-861)

9.12.370: ASSUMING LIABILITY FOR CONFERRING JURISDICTION UPON JUSTICE

Any person who binds himself or herself, or voluntarily becomes liable jointly or jointly and severally with any other person, for the purpose of conferring jurisdiction of any cause upon the court of this municipality which otherwise would be without jurisdiction except for the liability of the joint obligor, and any person who induces a person to assume the liability for the purpose of conferring jurisdiction upon the court, is guilty of a class B misdemeanor. (Prior code § 13-862)

9.12.380: WRONGFUL ATTACHMENT BY JUSTICE; LIABILITY

It is unlawful for the justice of the peace of this municipality 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. (Prior code § 13-863)

9.12.390: SABOTAGE PREVENTION; DEFINITIONS

For the purpose of this chapter:

HIGHWAY: Means and includes any private or public street, way or other place used for travel to or from property within this municipality.

PUBLIC UTILITY: Means and includes any pipeline, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation communication or other system by whomsoever owned or operated for public use. (Prior code § 13-881)

9.12.400: POSTING OF SIGNS AT WAR OR DEFENSE FACILITIES; ENTERING POSTED PREMISES WITHOUT PERMISSION

- A. Any individual, partnership, association, corporation or political subdivision of the state of Utah engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons, or things is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or her or its property at each gate, entrance, dock, or railway entrance and every one hundred feet (100') of waterfront a sign reading "No Entry Without Permission". The sign shall also designate a point of entrance or place where application may be made for permission to enter, and permission shall not be denied to any loyal citizen who has a valid right to enter.

- B. Any person wilfully entering property enumerated in subsection A of this section without permission of the owner shall be guilty of a class C misdemeanor. (Prior code § 13-882)

9.12.410: CLOSING OR RESTRICTING USE OF HIGHWAYS ABUTTING DEFENSE OR WAR FACILITIES; POSTING OF NOTICES

- A. Any individual partnership, association, corporation, or any political subdivision of the state engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any natural or artificial persons operating any public utility who has property so used which he or she or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which the property abuts, may petition the governing body of this municipality to close one or more of the highways

or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of the highways or parts thereof.

Upon receipt of the petition, the governing body shall by resolution set a date for hearing and give notice thereof by publication in a newspaper having general circulation in this municipality, which publication shall be made at least seven (7) days prior to the date set for hearing. If, after hearing, the governing body determines that the public safety and the safety of the property of the petitioner so require, they shall by suitable order close to public use and travel or reasonably restrict the use of and travel upon one or more of the highways or parts thereof; provided the governing body may issue written permits to travel over the highway so closed or restricted to responsible and reputable persons for a term, under conditions and in a form as the governing body may prescribe. Appropriate notices in letters at least three inches (3") high shall be posted conspicuously at each end of any highway so closed or restricted by an order. The governing body may at any time revoke or modify any order so made.

- B. Any person who violates any order made under this section shall be guilty of a class C misdemeanor. (Prior code § 13-883)

9.12.420: BARGAINING RIGHTS OF EMPLOYEES NOT IMPAIRED BY SABOTAGE PREVENTION LAWS

Nothing in this chapter shall be construed to impair, curtail, or destroy the rights of employees and their representatives to self-organize, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection as provided by state or federal laws. (Prior code § 13-884)