

MILLVILLE CITY CODE
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9.24.010: PUBLIC INTOXICATION PROHIBITED

- A. It is a class C misdemeanor for any person to be under the influence of an intoxicating liquor, a controlled substance or of any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or herself or another in a public place or in a private place where he or she unreasonably disturbs another person.
- B. A peace officer or magistrate may release from custody an individual arrested under this section if he or she believes imprisonment is unnecessary for the protection of the individual or another. (Prior code § 13-321)

9.24.020: ILLEGAL SALE, MANUFACTURING, STORAGE OF INTOXICATING LIQUOR

It is unlawful for any person, except as permitted by state law, and the ordinances of this municipality, to knowingly have in his or her possession any intoxicating liquor or to manufacture, keep, sell, or store for sale, offer or expose for sale, import, carry, transport, advertise, distribute, give away, dispense, or serve intoxicating liquor. (Prior code § 13-322)

9.24.030: POSSESSION OF LIQUOR

It is unlawful except as permitted by state law and the ordinances of this municipality for any person to have or keep for sale or possession any liquor which has not been purchased from the state liquor store or package agency. (Prior code § 13-323)

9.24.040: LIQUOR TO DRUNKEN PERSON

It is unlawful for any person to sell or supply any alcoholic beverage or to permit alcoholic beverages to be sold or supplied to any person who is apparently under the influence of liquor. (Prior code § 13-324)

9.24.050: ALCOHOLIC BEVERAGES AND MINORS

- A. It is unlawful for alcoholic beverages to be given, sold, or otherwise supplied to any person under the age of twenty one (21) years, but this shall not apply to supplying liquor to such person for medicinal purposes only by the parent or guardian of such person or to the administering of liquor to such person by a physician in accordance with the provisions of this chapter.
- B. It is unlawful for any person under the age of twenty one (21) years to have possession of beer or any intoxicating liquor. (Prior code § 13-325)

9.24.060: CANVASSING OR SOLICITING

It is unlawful for any person to canvass or solicit for alcoholic beverages by mail, telephone, or other manner, and the person is prohibited from engaging in such activities, except to the extent that such prohibition may be in conflict with the laws of the United States or the state of Utah. (Prior code § 13-326)

9.24.070: SOLICITATION OF DRINKS

No person shall frequent or loiter in any tavern, cabaret, or nightclub, with the purpose of soliciting the purchase of alcoholic drinks. No proprietor or operator or any such establishment shall allow the presence in such establishment of anyone who violates the provisions of this section. (Prior code § 13-327)

9.24.080: FIGHTING; THREATENING

It is a class C misdemeanor for any person to threaten physical force against another person or to challenge, invite or engage in a fight. (Prior code § 13-332)

9.24.090: THROWING OBJECTS PROHIBITED

Every person who wilfully or carelessly throws any stone, stick, snowball or other missile whereby any person is hit or any window broken or other property injured or destroyed, or in such manner as to render travel upon the public streets and places dangerous, or in such manner as to frighten or annoy any traveler, is guilty of an infraction. (Prior code § 13-335)

9.24.100: VULGAR LANGUAGE

It is a class C misdemeanor for any person to use vulgar, obscene, or indecent language on any public street or other public place or in any place of business open to public patronage.

- A. Definitions: As used in this chapter, the following terms shall have the meanings set forth in this section:

KNOWINGLY: 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.

OBSCENE: Whether to the average adult person, applying contemporary community standards, the dominant theme of the material or the conduct taken as a whole appeals to the prurient interest. The judge or the jury shall be the sole trier of that which is obscene. "Prurient interest" means a shameful or morbid interest in nudity, sex or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters and is a matter which is utterly without redeeming social importance.

PERSON: Shall not be limited to individuals only but includes public and private corporations, firms, joint associations, partnerships and the like. The word "person" as used in this chapter to apply to a natural person shall apply equally to the male and female genders.

WILFULLY: Simply a purpose or willingness to commit the act or to omit an act required in this chapter.

- B. Exemptions: This section shall not apply to persons who may possess and distribute obscene material or participate in the other conduct which is prescribed when such possession, distribution or participation occurs in the course of bona fide educational, artistic, scientific, medical or comparable research or study or in the course of law enforcement activities or in other like circumstances where the nature of the possession, distribution or participation is not related to the appeal to the prurient interest, in addition, nothing in this chapter shall apply to any recognized historical society or museum, the state law library, any county or city or town law library, the state library, the public library, and library of any college or university or to any archive or library under the supervision and control of the state, county, municipality or other political subdivision, or to any similar organization or institution of the same class.
- C. Obscene Acts; Preparation And Dissemination Of Obscene Materials: It is unlawful for any person to wilfully or knowingly either:
1. Associate in a lewd, lascivious or obscene manner with any person, whether married or unmarried, engage in open and gross lewdness, lascivious or obscene behavior, or make any open, public, indecent or obscene exposure of his or her person or of his or her private parts, of the person or private parts of another; or
 2. Procure, counsel or assist any person to act in a lewd or obscene manner or make any indecent or obscene exposure of his or her own or any other person's private parts; or

3. Import, write, compose, steno-type, print, design, copy, draw, paint or otherwise prepare, publish, sell, offer for sale, display, exhibit by machine or otherwise or distribute any writing, paper, book, picture, drawing, magazine, pamphlet, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument or other such article which is obscene or buy, procure, receive or have in her or his possession any such writing, paper, book, picture, drawing, magazine, pamphlet, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument or other article which is obscene, with the intent of selling, exhibiting, loaning or circulating or with the intent to introduce the same into a family, school or place of education, or any other place for the purpose of selling, exhibiting, loaning or circulating; or
4. Write, compose or publish any notice or advertisement of any such writing, paper, book, picture, drawing, magazine, pamphlet, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument or other article which is obscene, or any notice or advertisement of any article, prescription or preparation for producing or facilitating a miscarriage in a manner which appeals to the prurient interest; or
5. Sing or speak an obscene or lewd song, ballad or any other obscene or lewd words in any public place or in the presence of other persons; or
6. Sell or distribute or import, print or publish for the purpose of selling or distributing to a person under the age of eighteen (18) years, a book, pamphlet, ballad, printed paper, phonograph record, print, still or motion picture, figure, image or description or other article which manifestly tends to corrupt the morals of youths under the age of eighteen (18) years; or introduce into a family, school or place of education, or buy, procure, receive or have in his or her possession any such book, pamphlet, ballad, printed paper, phonograph record, print, still or motion picture, figure, image or other thing either for the purpose of sale exhibition, loan or circulation to a person under the age of eighteen (18) years or with intent to introduce the same into a family, school or place of education for such a purpose. In deciding whether the items tend to corrupt the morals of youth, the test shall be whether to the average youth under the age of eighteen (18) years, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest;
7. Require, as a condition to a sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise, that the purchaser or consignee receive any material which material is obscene or is believed by the purchaser or consignee to be obscene; or to deny or threaten to deny a franchise or license, or revoke or threaten to revoke or impose any

penalty, financial or otherwise, by reason of the failure or refusal of such purchaser or consignee to accept such material or to do such acts by reason of the return of such material;

8. To exhibit or perform any obscene play or other representation.
- D. Seizure Of Prohibited Materials; Delivery To City Judge: Every person who is authorized to arrest any person for a violation of subsection C of this section is equally authorized to seize any of the prohibited articles found in possession or under the control of the person so arrested and to deliver the same to the city judge before whom the person so arrested is required to be taken.
 - E. City Judge To Impound Prohibited Materials; Disposition After Trial Or Appeal: The city judge to whom any of the prohibited articles are delivered pursuant to subsection D of this section must upon the examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, determine the character of such article and if the city judge believes it to be obscene or tends to corrupt the morals of the youth, as the case may be, he or she must deliver one copy to the city attorney and must at once impound all the other copies until the defendant is acquitted, the prosecution abandoned, or the time for an appeal has elapsed, or in the case of an appeal, until the matter is finally adjudicated by the appropriate appellate court, and then the city judge shall cause them to be destroyed or returned to the accused, as the case may be. By allowing, requiring the city judge to make a predetermination as to the obscenity content of items seized, it may disqualify him or her from hearing the case.
 - F. Destruction Of Prohibited Materials After Final Conviction: Upon the final conviction of the accused, the city attorney must cause any writing, paper, book, picture, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument or other thing which is obscene, or which tends to corrupt the morals of the youth, in respect whereof the accused stands convicted and which remains in the possession or under the control of the city attorney to be destroyed.
 - G. Bathing; Swimming: It is unlawful for any person to bathe or swim in any of the canals, races, streams, ponds, waters or public or private swimming pools within the limits of the city unless attired in a bathing suit at such time as to prevent any indecent exposure of his or her person. (Ord. 2000-10 § 2)

9.24.110: LEWDNESS; PUBLIC URINATION

- A. A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, or an attempt to commit any of these offenses, performs any of the following acts under circumstances which the person should know will likely cause affront or alarm to, on, or in the presence of another who is fourteen (14) years of age or older:
1. An act of sexual intercourse or sodomy;
 2. Exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area;
 3. Masturbates;
 4. Engages in trespassory voyeurism.
- B. Lewdness is a class B misdemeanor.
- C. A person is guilty of public urination if the person urinates or defecates:
1. In a public place, other than a public restroom; and
 2. Under circumstances which the person should know will likely cause affront or alarm to another.
- D. Public urination is a class C misdemeanor.
- E. A woman breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute a lewd or grossly lewd act, irrespective of whether or not the breast is covered during or incidental to feeding. (Ord. 2000-10 § 3)

9.24.120: WINDOW PEEPING

It shall be a class C misdemeanor for any person to look, peer, or peep into or be found loitering around or within view of any window within a building occupied as the residence of another with the intent of watching or looking through the window to observe any person undressed, or in the act of dressing or undressing. (Prior code § 13-339)

9.24.130: LOOKOUTS FOR ILLEGAL ACTS

It is a class C misdemeanor for any person to act as a guard or lookout for any building, premises, or establishment used for gambling, for illegal sale or purchase of intoxicating liquors, or for any person soliciting, offering or engaging in prostitution, gambling or any other form of vice, or illegal act, or any prostitute, on any street or sidewalk. Nor shall any person give any signal intended to, or calculated to, warn or give warning of the approach of any peace officer to any person in or about such building or premises or place mentioned herein. (Prior code § 13-340)

9.24.140: UNLAWFUL USE OF RESTROOMS

No person over the age of six (6) years shall use the restroom and washrooms designated for the opposite sex. (Prior code § 13-341)

9.24.150: PUBLIC PROPERTY

For the purpose of this chapter, "public property" means any publicly owned property except the traveled portion of public streets, and includes any park, sidewalk, curb or any part of any public right of way devoted to any planting or park like use. (Prior code § 13-351)

9.24.160: UNLAWFUL ACTS

On any public property it is unlawful for any person to:

- A. Wilfully mark, deface, disfigure, injure, tamper with, displace or remove any building, railing, bench, paving, paving material, water line or any facilities or property and equipment of any public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, wall or rock border, or other structures or equipment, facilities or public property or appurtenances whatever, either real or personal;

- B. Soil or litter public restrooms and washrooms;

- C. Dig and remove any sand, soil, rock, stones, trees, shrubs, or plants, downed timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, unless permission is obtained;
- D. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly or windbreak, or run or string any rope, cord or wire into, upon or across any public property, except with special permit;
- E. Urinate or defecate, except in a public restroom in receptacles placed there for such purpose;
- F. Damage, cut, carve, burn, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. No person shall attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb, or in any other way injure or impair the natural beauty or usefulness of any park area. This subsection shall not apply to any person authorized to perform the act proscribed;
- G. Climb any tree or walk, stand or sit on monuments, fountains, railings, fences, planted areas or upon any other property not designed or customarily used for such purposes or to intentionally stand, sit or lie in or upon any street, sidewalk, stairway or crosswalk so as to prevent free passage of persons or vehicles passing over, along or across any street, sidewalk, stairway or crosswalk;
- H. Drop, throw, place, discard, dump, leave or otherwise deposit any bottles, broken glass, garbage, ashes, paper, boxes, cans, dirt, rubbish, waste, refuse or other trash on any public property except in waste containers provided therefor. No such refuse or trash shall be placed in any waters contiguous to any park or planted area or left anywhere on the grounds thereof;
- I. Sleep in any park, curbs, seats, benches, sidewalks or other municipal or public property between the hours of ten thirty o'clock (10:30) P.M. to six thirty o'clock (6:30) A.M.;
- J. Expose or offer for sale any article or thing or station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing, without first obtaining a license, except that the governing body may exempt designated areas from this subsection J by resolution on such terms and conditions as it may prescribe. (Ord. 2000-10 §§ 1, 2: prior code § 13-352)

9.24.170: THREAT AGAINST LIFE OR PROPERTY

- A. A person commits a threat against life or property if he or she threatens to commit any offense involving violence with intent:
 - 1. To cause action of any sort by an official or volunteer agency organized to deal with emergencies; or
 - 2. To place a person in fear of imminent serious bodily injury;
 - 3. To prevent or interrupt the occupation of a place of assembly; or aircraft, automobile or other form of conveyance, but shall not include a facility of public transportation operated by a common carrier.
- B. Threat against life or property is a class B misdemeanor.(2001 Code: prior code § 13-517)

9.24.180: UNLAWFUL SEXUAL INTERCOURSE

- A. Any person who shall voluntarily engage in sexual intercourse with another, not their legal spouse, is guilty of unlawful sexual intercourse.
- B. Unlawful sexual intercourse is a class B misdemeanor. (Ord. 2000-10 § 2)

9.24.190: RIOT

- A. A person is guilty of riot if:
 - 1. Simultaneously with two (2) or more other persons he or she engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm; or
 - 2. He or she assembles with two (2) or more other persons with the purpose of engaging, soon thereafter, in tumultuous or violent conduct, knowing that two (2) or more other persons in the assembly have the same purpose; or

3. He or she assembles with two (2) or more other persons with the purpose of committing an offense against a person or property of another who he or she supposes to be guilty of a violation of law, believing that two (2) or more in the assembly have the same purpose.
- B. Any person who refuses to comply with a lawful order to withdraw given to him or her immediately prior to, during, or immediately following a violation of subsection A of this section is guilty of riot. It is no defense to a prosecution under this subsection 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. Violation is a class B misdemeanor unless otherwise provided by law. (Ord. 2000-10 § 2: prior code § 13-911)

9.24.200: DISORDERLY CONDUCT

- A. A person is guilty of disorderly conduct if:
1. He or she 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 or she engages in fighting or in violent, tumultuous, or threatening behavior, or
 - b. He or she makes unreasonable noises in a public place, or
 - c. He or she makes unreasonable noises in a private place which can be heard in a public place, or
 - d. He or she engages in abusive or obscene language or makes obscene gestures in a public place, or
 - e. He or she 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. (Prior code § 13-912)

9.24.210: DISRUPTING A MEETING OR PROCESSIONS

- A. A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession or gathering, he or she 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. (Prior code § 13-913)

9.24.220: FAILURE TO DISPERSE

- A. A person is guilty of failure to disperse when he or she 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. (Prior code § 13-914)

9.24.230: GIVING A FALSE ALARM

- A. A person is guilty of giving a false alarm if he or she 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. (Prior code § 13-915)

9.24.240: TELEPHONE HARASSMENT

- A. A person is guilty of telephone harassment and subject to prosecution in the jurisdiction where the telephone call originated or was received if with intent to annoy, alarm another, intimidate, offend, abuse, threaten, harass, or frighten any person at the called number or recklessly creating a risk thereof, the person:

1. Makes a telephone call, whether or not a conversation ensues;
2. Makes repeated telephone calls, whether or not a conversation ensues, or after having been told not to call back, causes the telephone of another to ring repeatedly or continuously;
3. Makes a telephone call and insults, taunts, or challenges the recipient of the telephone call or any person at the called number in a manner likely to provoke a violent or disorderly response;
4. Makes a telephone call and uses any lewd or profane language or suggests any lewd or lascivious act; or
5. Makes a telephone call and threatens to inflict injury, physical harm, or damage to any person or the property of any person.

- B. Telephone harassment is a class B misdemeanor. (Ord. 2000-10 § 2)

9.24.250: EMERGENCY TELEPHONE ABUSE

- A. A person is guilty of emergency reporting abuse if he or she:

1. Intentionally refuses to yield or surrender the use of a party line or a public pay telephone to another person upon being informed that the telephone is needed to report a fire or summon police, medical, or other aid in case of emergency, unless the telephone is likewise being used for an emergency call;
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; or

3. Reports an emergency or causes an emergency to be reported to any public, private, or volunteer entity whose purpose is to respond to fire, police, or medical emergencies, when the actor knows the reported emergency does not exist.

B.

1. A violation of subsection A1 or A2 of this section is a class C misdemeanor.
2. A violation of subsection A3 of this section is a class B misdemeanor.

C. For the purposes of this section:

EMERGENCY: 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.

PARTY LINE: A subscriber's line, or telephone circuit consisting of two (2) or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. (Ord. 2000-10 § 2)

9.24.260: INHUMANE TREATMENT

The owner of any dog or other animal shall provide humane care and treatment for such dog or animal, and failure to so provide shall constitute an abandonment of such dog or animal sufficient to empower the municipality to impound such dog or other animal immediately, and after notice and hearing, to revoke such owner's permit, and to destroy or place the animal as appropriate. It is unlawful for any person to torture, starve, cruelly beat, ill treat, lame or otherwise inflict extreme cruelty upon any dog or other animal within the limits of the city, whether belonging to himself or herself or to another person. (Ord. 2000-10 § 2)

9.24.270: ANIMAL FIGHTS PROHIBITED

It is unlawful for any person to organize, promote, sponsor, allow or attend any fight between any dogs or other animals, within the limits of the city. (Ord. 2000-10 § 2)

9.24.280: VICIOUS ANIMALS RUNNING AT LARGE; CAPTURE AND DESTRUCTION OR QUARANTINE; VIOLATION; PENALTY

- A. It is unlawful for any person owning or having custody or control of any dog or other animal known by such person to be vicious or dangerous to permit or negligently allow it to run at large or in such a manner as to cause injury to any person, dog or other animal.
- B. Any vicious dog or other animal running at large or loose within the premises of the owner or person having custody or control of such dog or other animal where it is reasonably likely to endanger the life or limb of or cause injury to any person lawfully entering such premises shall immediately be captured by the animal control officer or any police officer and humanely destroyed or quarantined as provided in **title 6** of this code.
- C. If the capture of such dog or other animal cannot be accomplished without serious risk or harm to the animal control officer or police officers, such dog or other animal may be destroyed by any police officer where found by the safest and most appropriate means available. It shall be the duty of the owner or person having custody or control of any vicious dog or other animal, upon request, to assist in the capture of such dog or other animal. (Ord. 2000-10 § 2)

9.24.290: OFFICERS' AUTHORITY TO TAKE POSSESSION OF ANIMALS; LIEN FOR CARE

- A. Any peace officer of this municipality may take possession of any animal detained pursuant to this section and may provide shelter and care for such animal.
- B. Any peace officer caring for animals pursuant to subsection A of this section shall have a lien for the reasonable value of the care of such animals. (Prior code § 13-935)

9.24.300: DEFINITIONS; PRIVACY

For purposes of this chapter:

EAVESDROP: 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.

PRIVATE PLACE: A place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.

PUBLIC: Includes any professional or social group of which the victim of a defamation is a member. (Prior code § 13-941)

9.24.310: PRIVACY VIOLATION

- A. A person is guilty of privacy violation if, except as authorized by law, he or she:
1. Trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or
 2. Installs in any private place, without the consent of the person or persons entitled to privacy there, any device for observing photographic, recording, amplifying, or broadcasting sounds or events in the place or uses any such unauthorized installation; or
 3. Installs or uses outside of a private place any device for hearing, recording, amplifying, or broadcasting sounds originating in the place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy there.
- B. Privacy violation is a class B misdemeanor. (Prior code § 13-942)

9.24.320: COMMUNICATION ABUSE

- A. A person commits communication abuse if, except as authorized by law, he or she:
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 or she learned of the message in the course of employment with an agency engaged in transmitting it.

B. Communication abuse is a class B misdemeanor. (Prior code § 13-943)

9.24.330: CRIMINAL DEFAMATION

A. A person is guilty of criminal defamation if he or she knowingly communicates to any person orally or in writing any information which he or she 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. (Prior code § 13-944)

9.24.340: LIBEL AND SLANDER

A. Conveying False Or Libelous Material To Newspaper Or Broadcasting Stations:

1. False Or Libelous Statements: Any person who wilfully 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.
2. Libel Defined: For the purpose of this chapter "libel" means a malicious defamation, expressed either by printing or by signs or pictures or the like, tending to defame or darken the memory of one who is dead, or to impeach the honesty, integrity, virtue, or reputation, or publish the natural defects of one who is alive and thereby expose him or her to public hatred, contempt, or ridicule.
3. Libel; Elements; Classification Of Offense:
 - a. A person is guilty of libel if he or she intentionally and with a malicious intent to injure another publishes or procures to be published any libel.
 - b. Libel is a class B misdemeanor.

4. Presumption Of Malice; Reading Or Seeing By Another Not Necessary Liability Of Newspaper Or Serial Publication Personnel:
 - a. An injurious publication is presumed to have been malicious if no justifiable motive for making it is shown.
 - b. To sustain a charge of publishing a libel, it is not essential that the words or things complained of should have been read or seen by another. It is adequate that the accused knowingly parted with the immediate custody of the libel under circumstances which exposed it to be read or seen by any other person than himself or herself.
 - c. Each author, editor, and proprietor of any newspaper or serial publication is chargeable with the publication of any word contained in any part of a book or number or a newspaper or serial.
 5. Fair Reporting Privilege Of Newspaper Or Broadcasting Station Personnel As To Public Official Proceedings; Privilege As To Defamatory Matter Not Subject To Censorship: No reporter, editor, or proprietor of any newspaper, and no owner, licensee, or operator of a visual or sound radio broadcasting station, or network of stations, nor the agents or employees of a newspaper or broadcasting station, is liable to any prosecution for a fair and true report or broadcast of any judicial, legislative, or other public official proceedings, or of any statement, speech, argument, or debate in course of the same, except upon proof of malice in making the report, which shall not be implied from the mere fact of publication. In no event shall any owner, licensee, or operator of a visual or sound radio broadcasting station or network of stations, or the agents or employees thereof, be liable for prosecution for any defamatory matter or statement published or uttered in such radio or television broadcast where the publication cannot be censored by reason of the provisions of federal statute or the regulations of the federal communications commission.
 6. Libelous Matter Not Privileged: Libelous remarks or comments connected with matter privileged by the next preceding section receive no privilege by reason of their being so connected.
- B. Privilege As To Communications Between Interested Persons: A communication made to a person interested in the communication by one who is also interested, or who stands in a relation to the former as to afford a reasonable grounds for supposing his or her motive innocent, is not presumed to be malicious, and is a privileged communication.
- C. Slander; Imputing Unchastity To A Person:

1. A person is guilty of slander if he or she orally, falsely, and knowingly, imputes to any person, married or unmarried, a lack of chastity. Slander is a class B misdemeanor.
 2. In any prosecution under subsection C1 of this section, it is necessary for the municipality to show that the imputation was false, but the defendant may in justification show that he or she believed the false imputation.
- D. Conveying False Or Libelous Material To Newspaper Or Broadcasting Stations: Any person who wilfully 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. (Ord. 2000-10 § 2)

9.24.350: INTOXICATION; RELEASE OF ARRESTED PERSON OR PLACEMENT IN DETOXIFICATION CENTER

- A. A person is guilty of intoxication if he or she is under the influence of alcohol, a controlled substance or any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or herself or another, in a public place or in a private place where he or she unreasonably disturbs other persons.
- B. A peace officer or magistrate may release from custody an individual arrested under this section if he or she believes imprisonment is unnecessary for the protection of the individual or another; or a peace officer may take the arrested person to a detoxification center or other special facility as an alternative to incarceration or release from custody.
- C. When a person who is at least thirteen (13) years old, but younger than eighteen (18) years old, is found by the court to have violated this section, the provisions regarding suspension of the driver's license under Utah Code Annotated 78-3a-506, as amended, apply to the violation.
- D. When the court has issued an order suspending a person's driving privileges for a violation of this section, the person's driver's license shall be suspended under Utah Code Annotated 53-3-219, as amended.
- E. An offense under this section is a class C misdemeanor. (Ord. 2000-10 § 2)

9.24.360: CIGARETTES AND TOBACCO AND PSYCHOTOXIC CHEMICAL SOLVENTS

The city adopts the provisions of Utah Code Annotated 76-10-101 et seq., as amended. (Ord. 2000-10 § 3)

9.24.370: UTAH INDOOR CLEAN AIR ACT

The city adopts the Utah indoor clean air act Utah Code Annotated 26-38-1 et seq., as amended. (Ord. 2000-10 § 3)

9.24.380: WATERS; INTERFERENCE WITH CONTROL OF WATER COMMISSIONER

Every person who in any way interferes with or alters the flow of water in any stream, ditch, or lateral while under the control or management of the water commissioner or superintendent is guilty of a class B misdemeanor. (Prior code § 13-1021)

9.24.390: TAKING WATER OUT OF TURN OR EXCESS AMOUNT; INJURING FACILITIES

Every person who, in violation of any right of any other person, wilfully 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 wilfully uses any greater quantity of water than has been duly distributed to him or her, 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 wilfully 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. (Prior code § 13-1022)

9.24.400: OBSTRUCTION OF WATERGATES BY LOGS

Every person who rafts or floats logs, timber, or wood down any river or stream and allows the logs, timber, or wood to accumulate at or obstruct the watergates owned by any person or

irrigation company taking or diverting the water of the river or stream for irrigation or manufacturing purposes is guilty of a class B misdemeanor. (Prior code § 13-1023)

9.24.410: UNLAWFUL HANDLING OF EXPLOSIVES

- A. Every person who makes or keeps nitroglycerin or other high explosive substances of five (5) or more pounds of gunpowder within this municipality, or who carries it through the streets hereof, without first obtaining a permit therefor from the recorder, shall be guilty of a class B misdemeanor.
- B. The recorder may impose, as a condition of receiving and keeping a permit under this section, that the person comply with reasonable safety standards as the chief of police may require. (Prior code § 13-1031)

9.24.420: 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, phosphorous, 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. (Prior code § 13-1032)

9.24.430: POWDER HOUSES

Every person who builds, constructs, or uses within three hundred feet (300') of any residence or traveled county road any powder house, magazine, or building in which powder, dynamite, or other explosives are kept in quantities exceeding five hundred (500) pounds is guilty of a class B misdemeanor; provided that this section shall not apply to any magazine maintained at any mine or stone quarry. (Ord. 2000-10 § 2)

9.24.440: DIFFERENT DATES ON CONTAINERS OF EXPLOSIVES PROHIBITED; REUSE OF CONTAINERS PROHIBITED

It is a class B misdemeanor for any person or persons, partnership, or corporation to have two (2) or more different dates on any box or package containing giant, hercules, atlas, or venture, or any other high explosive containing nitroglycerin. It shall further be unlawful to use any box, package, or wrapper formerly used by any other person or persons, partnership, or corporation in the packing of such giant, hercules, atlas, venture, or other high explosive containing nitroglycerin, and the name and date on the box or package shall be the same as on the wrapper containing the giant, hercules, atlas, venture, or other explosive containing nitroglycerin. (Prior code § 13-1035)

9.24.450: 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 ($4\frac{1}{2}$ ') high. Any person violating the provisions of this section is guilty of a class B misdemeanor. (Prior code § 13-1041)

9.24.460: DEFINITIONS; GAMBLING

For the purpose of this chapter:

GAMBLING: 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:

- A. A lawful business transaction, or
- B. Playing an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

GAMBLING BET: Money, checks, credit, or any other representation of value.

GAMBLING DEVICE OR RECORD: Anything specifically designed for use in gambling or used primarily for gambling.

GAMBLING PROCEEDS: Anything of value used in gambling.

LOTTERY: 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.

VIDEO GAMING DEVICE: Any device that possesses all of the following characteristics:

- A. A video display and computer mechanism for playing a game;
- B. The length of play of any single game is not substantially affected by the skill, knowledge or dexterity of the player;
- C. A meter, tracking, or recording mechanism that records or tracks any money, tokens, games, or credits accumulated or remaining;
- D. A play option that permits a player to spend or risk varying amounts of money, tokens, or credits during a single game, in which the spending or risking of a greater amount of money, tokens, or credits:
 - 1. Does not significantly extend the length of play time of any single game; and
 - 2. Provides for a chance of greater return of credits, games, or money; and
- E. An operation mechanism that requires inserting money, tokens, or other valuable consideration in order to function. (Ord. 2000-10 § 2: prior code § 13-1111)

9.24.470: GAMBLING

- A. A person is guilty of gambling if he or she:
 - 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 unless otherwise provided by law. (Ord. 2000-10 § 2: prior code § 13-1112)

9.24.480: GAMBLING FRAUD

- A. A person is guilty of gambling fraud if he or she participates in gambling and wins or acquires to himself or herself or another any gambling proceeds when he or she knows he or she has a lesser risk of losing or greater chance of winning than one or more of the other participants, and the risk is not known to all participants.
- B. A person convicted of gambling fraud shall be punished as in the case of theft of property of like value, provided that the penalty shall not exceed a class B misdemeanor unless otherwise provided by law. (Ord. 2000-10 § 2: prior code § 13-1113)

9.24.490: GAMBLING PROMOTION

- A. A person is guilty of gambling promotion if he or she derives or intends to derive an economic benefit other than personal winnings from gambling and:
 - 1. He or she induces or aids another to engage in gambling; or
 - 2. He or she knowingly invests in, finances, owns, controls, supervises, manages, or participates in any gambling.
- B. Gambling promotion is a class B misdemeanor unless otherwise provided by law. (Ord. 2000-10 § 2: prior code § 13-1114)

9.24.500: POSSESSING A GAMBLING DEVICE OR RECORD

- A. A person is guilty of possessing a gambling device or record if he or she knowingly possesses it with intent to use it in gambling.
- B. Possession of a gambling device or record is a class B misdemeanor unless otherwise provided by law. (Ord. 2000-10 § 2: prior code § 13-1115)

9.24.510: SEIZURE AND SALE OF DEVICES OR EQUIPMENT USED FOR GAMBLING

- A. Whenever the justice of the peace shall determine that any devices or equipment are used or kept for the purpose of being used for gambling, he or she may notify the governing body and/or the chief of police and may authorize the chief of police to seize such devices and to hold them for sale at the best price obtainable pending a hearing before the justice of the peace. 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 municipality. The court may then order the devices sold for the best price obtainable. The sale shall be made to a person of good character and repute who is a bona fide resident of the state wherein it is lawful to use such equipment. The officials conducting the sale shall place the equipment on a public carrier, properly cosigned to the purchaser at his or her place of residence.
- B. The proceeds of any sale shall be paid to the municipal treasury.
- C. If no sale is consummated within ninety (90) days after authorization therefor, the devices or equipment shall be destroyed under the direction of the justice of the peace. (Prior code § 13-1117)

9.24.520: SEIZURE AND DISPOSITION OF GAMBLING DEBTS OR 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 of this chapter. Any sums not identifiable, or in the event the individual is found not guilty, the sums shall be returned to him or her.
- B. A commencement of prosecution shall occur upon arrest, or issuance of a complaint, or citation, whichever occurs first.
- C. All sums forfeited under this section shall be paid into the treasury of the municipality conducting the prosecution. (Prior code § 13-1118)

**9.24.530: CONFIDENCE GAME; PUNISHMENT AS FOR THEFT;
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.

- B. In every complaint or citation under this section, it shall be deemed and held a sufficient description of the offense to charge that the accused did, on(insert the date) unlawfully and knowingly obtain or attempt to obtain (as the case may be) from (insert name of the person or persons defrauded or attempted to be defrauded) his or her money or property (as the case may be) by means and by use of a confidence game. (Prior code § 13-1119)

9.24.540: DEFINITIONS; PROSTITUTION

For the purposes of this chapter:

HOUSE OF PROSTITUTION: 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.

INMATE: A person who engages in prostitution in or through the agency of a house of prostitution.

PUBLIC PLACE: Any place to which the public or any substantial group thereof has access.

SEXUAL ACTIVITY: 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. (Prior code § 13-1301)

9.24.550: PROSTITUTION

- A. A person is guilty of prostitution when:

1. He or she 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 unless otherwise provided by law. (Ord. 2000-10 § 2: prior code § 13-1302)

9.24.560: PATRONIZING A PROSTITUTE

- A. A person is guilty of patronizing a prostitute when:
1. He or she 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 or she 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. (Prior code § 13-1303)

9.24.570: AIDING PROSTITUTION

- A. A person is guilty of aiding prostitution if he or she:
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 A.

- B. Aiding prostitution is a class B misdemeanor unless otherwise provided by law. (Ord. 2000-10 § 2: prior code § 13-1304)

9.24.580: EXPLOITING PROSTITUTION

- A. A person is guilty of exploiting prostitution if he or she:
 - 1. Procures an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate; or
 - 2. Encourages, induces or otherwise purposely causes another to become or remain a prostitute; or
 - 3. Transports a person into or within this municipality with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose; or
 - 4. Not being a child or legal dependant of a prostitute, shares the proceeds of prostitution with a prostitute pursuant to their understanding that he or she is to share therein;
 - 5. Owns, controls, manages, supervises, or otherwise keeps alone or in association with another a house of prostitution or a prostitute business.
- B. Exploiting prostitution is a class B misdemeanor. (Prior code § 13-1305)

9.24.590: PROSTITUTION IN PUBLIC VEHICLES; VIOLATION

- A. No person shall knowingly transport, offer to transport, or knowingly aid or assist in transporting any person in, or over, or through the streets, alleys, boulevards, or public highways of the city by means of an automobile or other vehicle used by the public for hire, for the purpose of prostitution or for any other unlawful, immoral or lewd purpose.
- B. Any person violating any of the provisions of this section shall be deemed guilty of a class B misdemeanor and punished accordingly. (Ord. 2000-10 § 3: prior code § 13-1306)

9.24.600: PERVERSION

It is 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 of this section. (Prior code § 13-1307)

9.24.610: PROSTITUTION UNLAWFUL; VIOLATION

It is unlawful for any person to pursue or advertise in any manner their vocation as a prostitute or to be guilty of prostitution within the limits of the city. Also, it is unlawful for any person to engage in an act of prostitution within the city. Any person violating any of the provisions of this section shall be deemed guilty of a class B misdemeanor. (Ord. 2000-10 § 3: prior code § 13-1308)