

MILLVILLE CITY CODE
TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE
CHAPTER 9.28 - CONSUMER PROTECTION

[9.28.010: DEFINITIONS, GENERAL](#)

[9.28.020: USE OF PERSON'S NAME WITHOUT CONSENT FOR SOLICITING CONTRIBUTIONS PROHIBITED; EXCEPTION](#)

[9.28.030: USE OF NAME WITHOUT CONSENT ON STATIONERY OR AS ONE WHO CONTRIBUTED TO ORGANIZATION PROHIBITED](#)

[9.28.040: VIOLATIONS; CLASSIFICATION OF OFFENSE](#)

[9.28.050: DEFINITIONS](#)

[9.28.060: FRAUDULENT SIGNING OF SHARE SUBSCRIPTIONS](#)

[9.28.070: MISREPRESENTING PERSON AS OFFICER, AGENT, MEMBER OR PROMOTER](#)

[9.28.080: CONCURRENCE BY DIRECTOR IN DIVIDEND OR DIVISION OF CAPITAL IN VIOLATION OF LAW](#)

[9.28.090: FALSE REPORTS](#)

[9.28.100: REFUSING INSPECTION OF BOOKS](#)

[9.28.110: PRESUMPTION OF DIRECTOR'S KNOWLEDGE OF AFFAIRS](#)

[9.28.120: PRESUMPTION OF DIRECTOR'S CONCURRENCE IN ACTION IF PRESENT AT MEETING; WRITTEN DISSENT REQUIRED](#)

[9.28.130: FOREIGN CORPORATIONS SUBJECT TO ORDINANCES](#)

[9.28.140: "JUNK DEALER" DEFINED](#)

[9.28.150: FRAUDULENT PRACTICES TO AFFECT MARKET PRICE](#)

[9.28.160: RECORDS OF SALES AND PURCHASES; IDENTIFICATION REQUIRED](#)

[9.28.170: VIOLATION BY JUNK DEALER; CLASSIFICATION OF OFFENSE](#)

[9.28.180: JUNK DEALER TO OBTAIN STATEMENT FROM SELLERS](#)

[9.28.190: FALSIFICATION OF SELLER'S STATEMENT TO JUNK DEALER](#)

9.28.010: DEFINITIONS, GENERAL

As used in this chapter:

CHARITABLE ORGANIZATION: Any organization that is benevolent, philanthropic, patriotic, or eleemosynary or one purporting to be such.

CONTRIBUTION: The promise or grant of any money or property of any kind or value.

PERSON: Any individual, organization, group, association, partnership, corporation, or any combination of them.

PROFESSIONAL FUNDRAISER: Any person who for compensation or any other consideration plans, conducts, or manages the solicitation of contributions for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself or herself out to persons as independently engaged in the business of soliciting contributions for such purpose, but shall not include a bona fide officer or employee of a charitable organization.

PROFESSIONAL SOLICITOR: Any person who is employed or retained for compensation by a professional fundraiser to solicit contributions in this municipality for charitable purposes. (Prior code § 13-1061)

9.28.020: USE OF PERSON'S NAME WITHOUT CONSENT FOR SOLICITING CONTRIBUTIONS PROHIBITED; EXCEPTION

No charitable organization, professional fundraiser, or professional solicitor, seeking to raise funds for charitable purposes, shall use the name of any other person for the purpose of soliciting contributions without the written consent of the person; provided that this section shall not apply to religious corporations or organizations, charities, agencies, and organizations operated, supervised or controlled by or in connection with a religious corporation or organization. (Prior code § 13-1062)

9.28.030: USE OF NAME WITHOUT CONSENT ON STATIONERY OR AS ONE WHO CONTRIBUTED TO ORGANIZATION PROHIBITED

It is 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 or a charitable organization, or his or her name is listed or referred to as one who has contributed to, sponsored, or endorsed the charitable organization or its activities. (Prior code § 13-1063)

9.28.040: VIOLATIONS; CLASSIFICATION OF OFFENSE

Any person who violates the provisions of this chapter is guilty of a class B misdemeanor. (Prior code § 13-1064)

9.28.050: DEFINITIONS

As used in this chapter:

BONA FIDE SHAREHOLDER OF RECORD: A shareholder of record who has acquired shares in good faith and is acting for a proper purpose reasonably related to his or her interests as a shareholder.

DIRECTOR: 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. (Prior code § 13-1070-1)

9.28.060: FRAUDULENT SIGNING OF SHARE SUBSCRIPTIONS

Every person who signs the name of a fictitious person to any subscription for, or agreement to take, shares in any corporation existing or proposed, and every person who signs to any subscription or agreement the name of any person, knowing that the person has no means or does not intend in good faith to comply with all the terms thereof, or under any understanding or agreement that the terms of the subscription or agreement are not to be complied with or enforced, is guilty of a class B misdemeanor. (Prior code § 13-1070-2)

9.28.070: MISREPRESENTING PERSON AS OFFICER, AGENT, MEMBER OR PROMOTER

Every person who, without being authorized so to do, subscribes the name of another to, or inserts the name of another in, any prospectus, circular, or other advertisement or announcement of any corporation or joint stock association, existing or intended to be formed,

with intent to permit it to be published, and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, member or promoter of such corporation or association, is guilty of a class B misdemeanor. (Prior code § 13-1070-4)

9.28.080: CONCURRENCE BY DIRECTOR IN DIVIDEND OR DIVISION OF CAPITAL IN VIOLATION OF LAW

Every director or any corporation issuing shares, except savings and loan or building and loan associations, who concurs in any vote or act of the directors of the corporation or any of them, by which it is intended either:

- A. To make any dividend except as permitted by the Utah revised business corporations act; or
- B. To divide, withdraw, or in any manner pay to the shareholders, or any of them, any part of the stated capital of the corporation except as permitted by the Utah revised business corporations act is guilty of a class B misdemeanor. (2001 Code: prior code § 1070-5)

9.28.090: 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. (Prior code § 13-1070-7)

9.28.100: REFUSING INSPECTION OF BOOKS

Every officer or agent of any corporation having or keeping an office, who has in his or her custody or control the books of such corporation, and who refuses to give a bona fide shareholder of record or member of the corporation, lawfully demanding during office hours, the right to inspect or take a copy of it or of any part thereof, is guilty of a class B misdemeanor. (Prior code § 13-1070-8)

9.28.110: PRESUMPTION OF DIRECTOR'S KNOWLEDGE OF AFFAIRS

Every director of a corporation or joint stock association is deemed to possess a knowledge of the affairs of his or her corporation as to enable him or her to determine whether any act, proceeding, or omission of its directors is a violation of this chapter. (Prior code § 13-1070-9)

9.28.120: PRESUMPTION OF DIRECTOR'S CONCURRENCE IN ACTION IF PRESENT AT MEETING; WRITTEN DISSENT REQUIRED

Every director of a corporation or joint stock association who is present at a meeting of the directors at which any act, proceeding, or omission of the directors in violation of this chapter occurs is deemed to have concurred therein, unless he or she at the time causes, or in writing requires, his or her dissent therefrom to be entered in the minutes of the directors or forewords his or her dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. (Prior code § 13-1070-10)

9.28.130: FOREIGN CORPORATIONS SUBJECT TO ORDINANCES

It is no defense to a prosecution for any violation of any of the provisions of this chapter that the corporation was one created by the laws of another state, government, or country if it was one carrying on business or keeping an office therefor within this municipality. (Prior code § 13-1070-11)

9.28.140: "JUNK DEALER" DEFINED

For the purpose 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. (Prior code § 13-1090-1)

9.28.150: FRAUDULENT PRACTICES TO AFFECT MARKET PRICE

Every person who wilfully 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. (Prior code § 13-1090-2)

9.28.160: RECORDS OF SALES AND PURCHASES; IDENTIFICATION REQUIRED

- A. Every junk dealer and scrap metal processor shall keep a receipt book in which shall be recorded for each purchase and sale, in ink in the English language:
 - 1. A complete description of the property, including weight and metallic description if scrap metal;
 - 2. The full name and residence of the person or persons selling the junk or scrap metal;
 - 3. The vehicle type and license plate number, if applicable;
 - 4. The price per pound and the amount paid for each type of metal or junk purchased;
 - 5. The date and place of the purchase or sale; and
 - 6. The type and number of identifications provided in subsection B1 of this section.
- B. In addition, the seller shall be required by the junk dealer or scrap metal processor to provide:
 - 1. At least one form of picture identification to consummate the transaction; and
 - 2. His or her signature on a certificate stating that he or she has the legal right to sell the scrap metal or junk.
- C. No entry in the receipt book may be erased, mutilated, or changed.
- D. The receipt book and entries shall at all times be open to inspection by the following officials in the area in which the junk dealer or scrap metal processor does business:

1. The sheriff of the county or any of his or her deputies;
 2. Any member of the police force in the city or town; and
 3. Any constable or other state, municipal, or county official in the county in which the junk dealer or scrap metal processor does business.
- E. This section shall not apply to any sale or purchase if the value given is less than twenty dollars (\$20.00). (Ord. 2000-10 § 2)

9.28.170: VIOLATION BY JUNK DEALER; CLASSIFICATION OF OFFENSE

Any junk dealer who shall be found guilty of a violation of any of the provisions of this chapter shall be guilty of a class B misdemeanor provided that this chapter shall not be construed to in any way affect any tax, license or regulation otherwise imposed on any junk dealer. (Prior code § 13-1090-8)

9.28.180: JUNK DEALER TO OBTAIN STATEMENT FROM SELLERS

At the time of purchase by any junk dealer of any copper wire, pig, or pigs of metal or of any junk, as defined in this section, he or she 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 (5) years by the junk dealer and shall be subject to the provisions of section 9.28.160 of this chapter relating to erasure, mutilation, or change and also to inspection. (Prior code § 13-1090-9)

9.28.190: FALSIFICATION OF SELLER'S STATEMENT TO JUNK DEALER

Any seller who, in the making of his or her statement as required by this chapter in selling, offering, or trying to sell junk wilfully makes a false statement or gives untrue information, shall be guilty of a class B misdemeanor. (Prior code § 13-1090-10)