

MILLVILLE CITY CODE
TITLE 1 - GENERAL PROVISIONS
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1.16.010: SENTENCING IN ACCORDANCE WITH CHAPTER

A. A person adjudged guilty of an offense under this Code or the ordinances of this Municipality shall be sentenced in accordance with the provisions of this chapter.

B. Ordinances enacted after the effective date of this Code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided. (Prior code § 1-311)

1.16.020: DESIGNATION OF OFFENSES

Offenses are designated as misdemeanors or infractions. (Prior code § 1-312)

1.16.030: MISDEMEANORS CLASSIFIED

- A. Misdemeanors are classified into two (2) categories:
 - 1. Class B misdemeanors;
 - 2. Class C misdemeanors.

- B. Unless specifically designated as a Class C misdemeanor, an offense designated as a misdemeanor in any ordinance of this Municipality or in this Code is a Class B misdemeanor. (Ord. 2017-2, 2017: prior code § 1-313)

1.16.040: INFRACTIONS

- A. Infractions are not classified.

- B. In addition to those offenses which are expressly designated as infractions in any ordinance of this Municipality or in this Code, any offense which is not specifically designated as a misdemeanor or any offense for which no specification as to designation or penalty is made is an infraction. (Ord. 2017-2, 2017: prior code § 1-314)

1.16.050: CONTINUING VIOLATION

In all instances where the violation of these sections or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur. (Prior code § 1-315)

1.16.060: SENTENCES OR COMBINATION OF SENTENCES ALLOWED

Within the limits prescribed by any ordinance of this Municipality or this Code, a court may impose any one (1) of the following sentences or combination of such sentences upon an adjudication of guilty of an offense set forth in any ordinance of this Municipality or this Code:

- A. To pay a fine; or
- B. To probation; or
- C. To imprisonment. (Ord. 2017-2, 2017: prior code § 1-321)

1.16.070: MISDEMEANOR CONVICTION; TERM OF IMPRISONMENT

A person who has been convicted of an offense that is designated as a misdemeanor for which no specific penalty is set forth in any ordinance, resolution, or provision of this Code, may, in addition to any fine imposed, be sentenced to imprisonment for a term not exceeding six (6) months in the case of Class B misdemeanor and for a term not exceeding ninety (90) days in the case of a Class C misdemeanor. The City Council may from time to time by ordinance or resolution set limits on the term of imprisonment or provide for a specific term of imprisonment for violations of any ordinance or provision of this Code. (Ord. 2017-2, 2017: Ord. 2000-2 § 2: prior code § 1-322)

1.16.080: INFRACTION CONVICTION; NO TERM OF IMPRISONMENT

A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture or both. (Ord. 2017-2, 2017: prior code § 1-323)

1.16.090: FINES OF PERSONS

A person who has been convicted of an offense for which no specific fine is set forth in any ordinance, resolution, or provision of this Code, may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed one thousand dollars (\$1,000.00) plus an eighty five percent (85%) surcharge when the conviction is for a Class B misdemeanor, and seven hundred fifty dollars (\$750.00) plus an eighty five percent (85%) surcharge when the conviction is for a Class C misdemeanor or an infraction. The City Council may from time to time by ordinance or resolution set limits on the fine that may be imposed or prescribe a specific fine

amount to be imposed for a violation of any ordinance or provision of this Code. (Ord. 2017-2, 2017: Ord. 2000-2 § 2: prior code § 1-331)

1.16.100: FINES OF LEGAL ENTITIES

A corporation, association, partnership, limited liability company or other entity or governmental instrumentality which has been convicted of an offense for which no specific corporate fine is set forth in any ordinance, resolution, or provision of this Code, may be sentenced to pay an amount, fixed by the court, not exceeding five thousand dollars (\$5,000.00) plus an eighty five percent (85%) surcharge when the conviction is for a Class B misdemeanor or one thousand dollars (\$1,000.00) plus an eighty five percent (85%) surcharge when the conviction is for a Class C misdemeanor or an infraction. The City Council may from time to time by ordinance or resolution set limits on the fine that may be imposed or prescribe a specific fine amount to be imposed for a violation of any ordinance or provision of this Code by a corporation, association, partnership, limited liability company or other entity or governmental instrumentality. (Ord. 2017-2, 2017: Ord. 2000-2 § 2: prior code § 1-332)

1.16.110: INCORPORATION OF STATE CODE

The provisions of Utah Code Annotated 76-3-401 through 76-3-405 are adopted and incorporated herein by reference, as such limitations and special provisions on sentences apply to misdemeanors. (Prior code § 1-341)