

CHAPTER 3

CRIMES AND OFFENSES

SECTION:

- 5-3- 1: Criminal Code Adopted By Reference
- 5-3- 2: Assault
- 5-3- 3: Battery
- 5-3- 4: Defacing Or Destroying Property
- 5-3- 5: Drunkenness
- 5-3- 6: Flooding Streets And Sidewalks
- 5-3- 7: Petty Larceny
- 5-3- 8: Trespass
- 5-3- 9: Taking Vehicles Without Permission
- 5-3-10: Disorderly Conduct
- 5-3-11: Discharge Of Weapons

5-3-1: **CRIMINAL CODE ADOPTED BY REFERENCE:** Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, penalties, provisions and sections of the Utah criminal code, Utah Code Annotated title 76, as amended, with a corresponding penalty of infraction, class C misdemeanor or class B misdemeanor, are hereby adopted by the city. Any and all violations thereof shall be considered violations of this section and each such violation shall be subject to the penalties provided in section 1-4-1 of this code. (2006 Code)

5-3-2: **ASSAULT:** An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another. It shall be unlawful for any person to commit an assault within the limits of the city. (1953 Code § 8-2)

5-3-3: **BATTERY:** A battery is any wilful and unlawful use of force or violence upon the person of another. It shall be unlawful for any person to commit a battery within the limits of the city. (1953 Code § 8-3)

5-3-4: **DEFACING OR DESTROYING PROPERTY:** It shall be unlawful for any person wilfully to injure, deface or destroy property of another, either public or private, or to secrete any goods, chattels or personal property of another, or to prepare any deadfall, or to dig any pit, or to arrange any trap, to injure another's person or property, or to take down, injure or remove any monument, street sign, or any tree marked as a boundary of any tract of land or city lot, or to injure, destroy, deface or alter the marks of any monument or street sign, or to deface, injure or destroy any fence or fountain or any shade or fruit trees, or to deface, injure or destroy any kind of public or private property, or to deface sidewalks or trees located upon public property with painted or printed handbills, signs, posters or other advertisements. (1953 Code § 8-5)

5-3-5: **DRUNKENNESS:** Drunkenness in public is a class C misdemeanor and, upon conviction, the violator shall be subject to penalty as provided in section 1-4-1 of this code. (1953 Code § 8-6; amd. 2006 Code)

5-3-6: **FLOODING STREETS AND SIDEWALKS:** Every person who wilfully, carelessly or negligently obstructs, injures or floods any street or sidewalks by the flow or seepage of water, or who wilfully, carelessly or negligently permits water under his control to escape in any manner so as to obstruct, injure or flood any street or sidewalk within the limits of this city, is guilty of a class C misdemeanor and, upon conviction, shall be subject to penalty as provided in section 1-4-1 of this code. (1953 Code § 8-7; amd. 2006 Code)

5-3-7: **PETTY LARCENY:** Petty larceny is the stealing, taking, carrying, leading, or driving away of the personal property of another, when the personal property so taken is of a value not exceeding fifty dollars (\$50.00). It shall be unlawful for any person to commit the offense of petty larceny. (1953 Code § 8-8; amd. 2006 Code)

5-3-8: **TRESPASS:** It shall be unlawful for any person to take down any fence, or to let down any bars or to open any gate so as to expose any enclosure or to ride, drive, walk, lodge, camp or sleep upon the premises of another without the permission of the owner or occupant thereof. (1953 Code § 8-9)

5-3-9: **TAKING VEHICLES WITHOUT PERMISSION:** It shall be unlawful for any person to take, use, operate, attempt to operate, manipulate, tamper with, set in motion, attempt to set in motion, drive or ride in any motor vehicle in the city without permission of the owner or person in lawful possession thereof; provided, however, members of the city law enforcement agency may remove such vehicles parked in the streets upon the existence of such emergency as requires such action. (1953 Code § 8-10; amd. 2006 Code)

5-3-10: **DISORDERLY CONDUCT:**

A. Definitions: As used in this section:

ABUSIVE LANGUAGE, CONDUCT, SOUND OR GESTURE: Language, conduct, sound or gesture which is offensive and calculated to offend or insult another person.

INSULTING LANGUAGE, CONDUCT, SOUND OR GESTURE: Language, conduct, sound or gesture which brings indignity or humiliation to or affronts the self-respect of another person.

OBSCENE LANGUAGE, CONDUCT, SOUND OR GESTURES: Language, conduct, sound or gesture calculated to corrupt morals or excite libidinous thoughts, irrespective of whether the words themselves are impure.

PROFANE LANGUAGE, CONDUCT, SOUND OR GESTURE: Language, conduct, sound or gesture which calls for or implies divine vengeance or divine condemnation, with or without directly employing the name of deity.

PUBLIC PLACE: A place commonly open to the general public or such a place, the condition of which permits such language, conduct, sound or gesture to be exposed to the general public.

B. **Prohibited Conduct:** It shall be unlawful to be guilty of disorderly conduct within the incorporated area of the city. Every person who commits any of the following acts shall be guilty of disorderly conduct:

1. Does any act with intent to annoy another person or persons.
2. Transmits in any manner to the fire department false alarm of fire knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists.
3. Transmits in any manner to another a false alarm to the effect that a bomb or other explosive or devise which would endanger human life is in a particular place, knowing at the time of such transmission that there is no reasonable ground for believing that such a bomb or explosive is in such a place.
4. Solicits anyone to engage in, or engages in, lewd or dissolute conduct in any public place.
5. Loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by a peace officer to do so when the peace officer requesting the information has reason to believe that the public safety demands such identification.
6. In a public place engages in conduct which would tend to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, and refuses to move on at the command of a peace officer or municipal official.
7. In a public place engages in any abusive, profane, obscene or insulting language, conduct, sound or gesture, the tendency of which is to raise anger or bring a public disgrace upon another person whether the conduct, sound or gesture is directed against or toward another person or a peace officer.
8. Refuses to leave or loiters upon any public property after having been requested to leave such property by municipal or law enforcement officials. (Ord., 8-31-1970)

5-3-11: DISCHARGE OF WEAPONS:

- A. Gun Defined: The term "gun" shall include any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle, BB, or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.
- B. Discharge Of Guns Prohibited; Exceptions:
1. It shall be unlawful for any person to discharge any gun within the limits of the city, whether said gun be loaded with blank or live cartridges or projectiles of any kind. This section shall not apply to:
 - a. The discharge of guns on any target, trap or skeet range or shooting area after the erection in a proper place with a proper backstop or barrier for the protection of the persons and property of others, as determined by inspection and approval in writing by the county sheriff department, the sheriff or his duly authorized agent; or
 - b. The discharge of guns by any person in a private basement or cellar target range; or
 - c. The discharge of guns by any person where necessary to protect life or property or to kill any dangerous animal; or
 - d. Any duly authorized peace officer acting in the proper performance of his official duties; or
 - e. The discharge of blank cartridges in theatrical performances or of sporting events; or
 - f. The firing of salutes by firing squads at military funerals; or
 - g. The discharge of shotguns if the discharge is not within six hundred feet (600') of a building and is not in such direction and distance that is would endanger motorists, and as long as the shotguns are discharged during a legal hunting season for which shotguns are the acceptable weapon as determined and proclaimed by the state division of wildlife resources and the wildlife board. Said discharge of shotguns for upland game bird or waterfowl hunting must be in full compliance with the wildlife resources code of the state and any regulations of the division of wildlife resources and shall only be allowed in such areas as are designated annually by the city council, but shall not be allowed in any city park.

2. It is further provided that nothing contained in this section shall be construed to prohibit the use of play pistols or other similar children's toys which do not fire dangerous projectiles capable of inflicting bodily harm.

- C. Penalty: Any person violating any of the provisions of this section shall be deemed guilty of a class B misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord., 2-1-1983; amd. 2006 Code)