

TITLE 9

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Chapter 9.04

ADOPTION OF CRIMINAL CODE

Sections:

9.04.010 Adoption of Criminal Code.

Section 9.04.010 Adoption of Criminal Code.

1. The Utah Criminal Code, as contained in Title 76 of Utah Code Annotated, 1953, as amended and constituted in 2004, is hereby adopted as the criminal code for Lindon City and incorporated as part of the ordinances of Lindon City. Where a citation, information or complaint is issued under the Utah Criminal Code, as adopted by this section, it shall be sufficient to use the section number of the Utah Code to designate the section number of the City Code that has been violated. Those portions of the Utah Code, as adopted herein, referring to or dealing with felonies which are not subject to enforcement by Lindon City, are not part of the adopted Lindon City Code. Those portions of the Utah Code provisions that are hereby adopted and incorporated as part of the Ordinances of Lindon City referring to or dealing with Class "A" Misdemeanors, that are not subject to enforcement by Lindon City, are hereby specifically excepted, and are not part of the adopted Lindon City Code. (Ord. no. 2005-4, amended, 01/04/2005; Ord. no. 1-95, amended 2-7-95; Ord. no. 18-93 adopted 5-21-93.)
2. Title 77 of the Utah Code Annotated, 1953 as amended in 2004, titled the Utah Code of Criminal Procedure, and Sections 78-31-801, as amended and constituted in 2004, and 78-3a-802, as enacted and constituted in 2004, are hereby adopted and incorporated as part of the Lindon City Code. Where a citation, information, or complaint is issued under Title 77, Section 78-3a-801, or Section 78-3a-802 of the Utah Code Annotated, 1953, as amended, as adopted herein, it shall be

sufficient to use the section number of the Utah Code to designate the section number of the City Code that has been violated. Those portions of the above-referenced Utah Code, as adopted herein, referring to or dealing with felonies which are not subject to enforcement by Lindon City, or punishments associated with felonies which are not subject to enforcement by Lindon City, are not part of the adopted Lindon City Code. Those portions of the Utah Code provisions that are hereby adopted and incorporated as part of the Ordinances of Lindon City referring to or dealing with Class "A" Misdemeanors, that are not subject to enforcement by Lindon City, are hereby specifically excepted, and are not part of the adopted Lindon City Code.

(Ord. 2005-4, Amended, 01/04/2005; Ord. 2000-15, Amended, 12/11/2000; Ord. 99-1, Amended, 10/03/2000; Ord. 97-1, Amended, 08/16/2000)

Chapter 9.08

OFFENSES AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

9.08.010 Furnishing articles to prisoners.
9.08.020 Library materials. (Repealed)

Section 9.08.010 Furnishing articles to prisoners.

1. It is unlawful for any person to furnish or to attempt to furnish or to deliver or to attempt to deliver to any prisoner in the custody of any peace officer, any tool, intoxicating drink, drug, merchandise or food or other article without the consent of the officer in charge.
2. Any person found guilty of violating any provision of this section shall be guilty of a Class B misdemeanor. (prior code §12-45.)

(Ord. 97-1, Amended, 08/16/2000, Ord. 2011-9 Amended, 12/20/11)

Section 9.08.020 Library materials.
(Repealed Ord. No. 2002-2, 1/15/02)

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Chapter 9.12

OFFENSES AGAINST PROPERTY

Sections:

9.12.010	Defacing or destroying.
9.12.020	Taking vehicles without Permission.
9.12.030	Trespass.
9.12.040	Motor Vehicle Trespass on Private and Public Lands.

Section 9.12.010 Defacing or destroying.
It is unlawful for any person willfully 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 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. Violations of this section shall be a Class B misdemeanor. (prior code §12-11.)
(Ord. 97-1, Amended, 08/16/2000)

Section 9.12.020 Taking vehicles without Permission.
(Ord. 97-1 §16, repealed 1-97, effective date 1-7-97; Prior code §12-49.)
(Ord. 97-1, Amended, 08/16/2000)

Section 9.12.030 Trespass.
It is unlawful for any person to take down any fence, or to let down any bars or to open any gates 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. (Prior code §12-50.)

Additionally, Section 23-20-14 of the U.C.A., 1953 as amended and constituted in 2004, is hereby adopted and enacted. Where a citation,

information, or complaint is issued under U.C.A. Section 23-20-14, 1953 as amended, as adopted herein, it shall be sufficient to use the section number of the Utah Code to designate the section number of the City Code that has been violated. Those portions of the above-referenced Utah Code, as adopted herein, referring to or dealing with felonies which are not subject to enforcement by Lindon City, or punishments associated with felonies which are not subject to enforcement by Lindon City, are not part of the adopted Lindon City Code. Those portions of the Utah Code provisions that are hereby adopted and incorporated as part of the Ordinances of Lindon City referring to or dealing with Class "A" Misdemeanors, that are subject to enforcement by Lindon City, are hereby specifically excepted, and are not part of the adopted Lindon City Code.
(Ord. 2005-4, Amended, 01/04/2005; Ord. 2000-15, Amended, 12/11/2000)

Section 9.12.040 Motor Vehicle Trespass on Private and Public Lands.

1. Lindon City incorporates by reference the following sections of Chapter 41 Chapter.22 of the Utah Code ,1953 as amended and constituted in 2004 relating to the use of off-highway vehicles on public land;

Section 10.1. Vehicles operated on posted public land;

Section 10.5(4). Local ordinances - designating routes-supervision;

Section 10.7(1),(3) Vehicle equipment requirements-rulemaking-exceptions;

Section 10.8. Protective headgear requirements-owner duty-penalty for violation;

Section 12(2). Restrictions on use of public lands;

Section 12.5. Restrictions on use of privately-owned lands without permission-unlawful for person to tamper with signs or fencing on privately-owned

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- land;
 Section 13. Prohibited uses.
2. This section does not prohibit the use of such property by the following:
 - a. Emergency vehicles;
 - b. Vehicles of commerce in the course of normal business operations;
 - c. Vehicles being operated on property devoted to commercial or industrial purposes where such operation is in conjunction with commercial or industrial use and permission for such operation is implied or expressly given by the person in possession of the property;
 - d. Vehicles operated on property actually used for residential purposes, where such vehicles are there at the express or implied invitation of the owner or occupant;
 - e. Vehicles being operated on public or private parking lots, where permission to do so is implied or expressly given by the person in possession of the lot.
 3. Unless otherwise indicated, trespass violations as found in this section are a class C misdemeanor. Unless otherwise indicated, the minimum fine for an offense under this section shall be as follows:

First offense: \$200
 Second offense: \$750
 Third and all subsequent offenses: \$750 plus up to the state allowed 35% surcharge as determined appropriate by the court.
 4. The city believes that community service should be an integral part of the penalty for violations under this section, and encourages the court to assess up to one-half of the penalty as community service, at a rate of \$5 per hour.

(Ordinance 2005-4, amended 01/04/05, Ord. no. 2003-9, Adopted, 05/06/2003)

Chapter 9.16

OFFENSES AGAINST PUBLIC DECENCY

Sections:

- 9.16.010 Definitions.
- 9.16.020 Disorderly houses.
- 9.16.030 Unlawful sex acts.
- 9.16.040 Drinking intoxicating liquor in public.
- 9.16.050 Controlled substances, drug paraphernalia and imitation controlled substances.
- 9.16.060 Unlawful Intoxicating Chemical Compounds and Paraphernalia

Section 9.16.010 Definitions.

As used in this chapter, the following words have the following meanings, unless the context requires otherwise:

1. "Advertising purposes" means purposes of propagandizing in connection with the commercial sale of a product or type of product, the commercial offering of a service or the commercial exhibition of an entertainment.
2. "Display publicly" means the exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private an item in a manner that it may be readily seen and its contents or character distinguished by normal, unaided vision viewing it from a public thoroughfare, depot, building, or vehicle.
3. "Distribute" means to transfer possession of or permit to be viewed, heard, or examined, with or without consideration.
4. "Furnishes" means to sell, give, rent, loan, or otherwise provide.
5. "Nude" or "nudity" means uncovered, or less than opaquely covered buttocks, human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state or in a condition of sexual excitement. For purposes of this definition, a female breast is considered uncovered if the nipple and the areola only are covered.
6. "Obscene" means an act, depiction, representation, description, obscene performance, or any other item, material or conduct in this chapter described, whether

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- actual or simulated in form, which:
- a. Taken as a whole, the average person would find appeals to the prurient interest when applying contemporary community standards;
 - b. Is presented in a patently offensive way by going substantially beyond customary limits of candor in description or representation of the aforesaid matters in the community; and
 - c. Taken as a whole, lacks serious literary, artistic, political, or scientific value.
7. "Obscene performance" means an obscene play, motion picture, dance, show, or other presentation, whether pictured, animated, or live, performed before an audience.
 8. "Obscenities" means obscene slang words currently and generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct, or excretory functions or products, either that have no other meaning or that, in context, are clearly used for their bodily sexual or excretory meaning.
 9. "Pandering" means catering to the lust or gratification of another.
 10. "Person" includes individuals, public and private corporations, firms, joint-associations, partnerships, and the like. The word "person" applies to a natural person and applies equally to the male and female genders.
 11. "Prurient interest" means a shameful or morbid interest in nudity, sex, or excretion.
 12. "Public place" means any place to which the public or a substantial group of the public has access. It includes commercial establishments and any place to which admission is gained by payment or membership or admission fee, however designated, notwithstanding its being designated a private club.
 13. "Sado-masochistic abuse" means obscene flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained by one so clothed.
 14. "Sexual conduct" means human masturbation,

sexual intercourse, or any touching of the covered or uncovered genitals, human female breast, pubic areas or buttocks of the human male or female, whether alone or between members of the same or opposite sex or between humans and animals, in an act of apparent sexual stimulation or gratification, which term shall include, but not be limited to fellatio, cunnilingus, pederasty, and bestiality.

15. "Sexual excitement" means the condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experience of humans engaging in or witnessing sexual conduct or nudity.
16. "Willfully" means a purpose or willingness to commit the act or to omit an act referred to herein.

Section 9.16.020 Disorderly houses.

It is unlawful for any person to do, commit or suffer to be done or committed any or either of the things or acts in this section hereinafter enumerated, within the limits of the city;

1. To keep, maintain or permit to be kept or maintained upon or in any property owned, occupied or leased by or to such person, any building, place or structure resorted to or used in whole or in part by one or more females for lewdness or prostitution;
2. To resort to, or reside in any place mentioned in this section for the purpose of lewdness, prostitution, unlawful sexual intercourse or other immoral or illegal purpose;
3. To keep a house of ill-fame resorted to for the purpose of prostitution or lewdness, or to willfully reside in such house, or to resort thereto for lewdness;
4. To be the owner of any building or tenement, the whole or any part of which is used for any of the purposes mentioned in this section;
5. To have control of such building or tenement as agent, guardian or lessee of such owner, after written notice to such owner, agent, guardian or lessee that such building or tenement is being used for the purposes mentioned in this section;

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6. To let any building or tenement, knowing that the lessee intends using the same, or any part thereof, for the purpose mentioned in this section; to harbor or keep about his premises any person known to be guilty of following a lewd course of life; and
7. It is unlawful for any person knowingly to visit, frequent or resort to a disorderly house, except for a legitimate purpose.
8. All bawdy houses, houses of ill-fame, assignation houses, all houses or places frequented or resorted to for lewd, unchaste or immoral purposes, all public dance halls that are not licensed, and all houses, restaurants, hotels, soft drink parlors, pool halls and other places where intoxicating liquors are sold, kept, served or consumed, or where intoxicating liquor or vessels or bottles which have recently contained intoxicating liquors are found upon, under or near dance halls, and all houses, restaurants, hotels, soft drink parlors, pool halls and other places where intoxicating liquors are sold, kept, served or consumed, or where intoxicating liquor or vessels or bottles which have recently contained intoxicating liquors are found upon, under or near tables, or in rooms or booths' shall be deemed and held to be disorderly houses. (Prior code §12-18.)

Section 9.16.030 Unlawful sex acts.
(Ord. no. 13-95, repealed 12-95, effective date 12-7-95; Ord. no. 97-1, repealed 1-97, effective date 1-7-97; ord. no. 18-93, amended, effective date 10-21-93.)

Section 9.16.040 Drinking intoxicating liquor in public.
It is unlawful for any person to drink intoxicating liquor or to have in his possession any opened bottle or vessel containing intoxicating liquor, in or on any street, alley, motor vehicle, sidewalk, beer parlor or public place. The word "liquor" shall have the same definition as the same word is defined in Section 32-1-3, U.C.A., 1953. (Prior code §12-28.)

Section 9.16.050 Controlled substances, drug paraphernalia and imitation controlled substances.

1. The "Utah Controlled Substances Act" as contained in Chapter 37 of Title 58, U.C.A., 1953 as amended and constituted in 2004, the "Drug Paraphernalia Act" as contained in Chapter 37a of Title 58, U.C.A., 1953 as amended and constituted in 2004, and the "Imitation Controlled Substances Act" as contained in Chapter 37b of Title 58, U.C.A., 1953 as amended and constituted in 2004, are hereby adopted and incorporated as part of the Ordinances of Lindon City. Where a citation, information, or complaint is issued under U.C.A. Title 58 Chapter 37, 1953 as amended, as adopted herein, or under U.C.A. Title 58 Chapter 37a, 1953 as amended, as adopted herein, or under U.C.A. Title 58 Chapter 37b, 1953 as amended, as adopted herein, it shall be sufficient to use the section number of the Utah Code to designate the section number of the City Code that has been violated. Those portions of the above referenced Utah Code, as adopted herein, referring to or dealing with felonies which are not subject to enforcement by Lindon City, or punishments associated with felonies which are not subject to enforcement by Lindon City, are not part of the adopted Lindon City Code. Those portions of the Utah Code provisions that are hereby adopted and incorporated as part of the Ordinances of the Lindon City referring to or dealing with Class "A" Misdemeanors that are not subject to enforcement by Lindon City, are hereby specifically expected, and are not part of the adopted Code of Lindon City.

(Ord. 2005-4, Amended, 01/04/2005; Ord. 2000-15, Amended, 12/11/2000; Ord. 99-1, Amended, 10/03/2000)

Section 9.16.060 Unlawful Intoxicating chemical compounds and paraphernalia.

1. Intoxicating Chemical Compounds. It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, use, possess, purchase, attempt to purchase, sell, publicly

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display for sale, attempt to sell, give, trade or barter any one or more of the following chemical compounds and/or substances or their salts, isomers, homologues, and salts of their isomers and homologues:

- a. Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.
- b. (6aR, 10aR)-9-(hydroxymethyl)-6,6dimethyl-3(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other name: HU-210.
- c. Naphthalen-1-yl-(1-pentylindol-3-yl)methanone (also known as 1 Pentyl-3-(1-naphthoyl) indole, some trade or other name: JWH-018.
- d. Naphthalen-1-yl-(1-butylindol-3-yl)methanone (also known as 1-Butyl-3-(1-naphthoyl) indole, some trade or other name: JWH-073.
- e. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, some trade or other name: CP 47,497 and its C6, C7, C8, and C9 homologues.
- f. 1-(3-[trifluoromethylphenyl])piperazine, some trade or other name: TFMPP.
- g. (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, some trade or other name: WIN 55,2-212.
- h. 2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol, some trade or other name: CP 55,940.
- i. 6,6,9-trimethyl-3-(3-methyloctan-2-yl)-7,8,9,10-tetrahydrobenzo [c]chromen-1-ol, some trade or other name: Dimethylheptylpyran 1, 2-dimethylheptyl-

Δ3THC, or DMHP, or A-40824, or EA-1476.

- j. [(6S,6aR,9R,10aR)- 9-hydroxy- 6-methyl- 3-[(2R)-5-phenylpentan- 2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate, some trade or other name: Levonantradol, or CP 50,556-1.
- k. -1-(4-methylphenyl)-2-methylaminopropan-1-one, some trade or other name: Mephedrone, 4-methylmethcathinone, 4-MMC or 4-methylephedrone.
- l. Any similar structural analogs to the chemical compounds identified in Section 1(a) through 1(i).
- m. Or any other compounds containing cannabinoid receptor agonists that are designed, produced, manufactured, synthesized, grown, cultivated, harvested or otherwise prepared or used with the intent to produce or mimic the effects of tetrahydrocannabinol (THC).
- 2. Lawful Possession. It is not an offense under Subsection 1 of this section if the person was acting at the direction of an authorized agent of Lindon City to enforce or ensure compliance with this law prohibiting the sale of the aforementioned intoxicating chemical compound.
- 3. Confiscation of Contraband. If any of the aforementioned intoxicating chemical compounds or cannabinoid receptor agonists are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.
- 4. Medical Uses. Subsection 1 does not apply to any person who commits any act described in this section pursuant to the lawful direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This section likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose when inhaled under the direction of a licensed Physician or Dentist.
- 5. Paraphernalia. It is the intent of this Subsection 5 to discourage the use of any of the above mentioned substances by eliminating paraphernalia designed for

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processing, ingesting, or otherwise using the substances described under Subsection 1. As such it shall be unlawful for any person, including a corporation or other entity, to, use, or possess, any Paraphernalia as defined in this Subsection

a. Paraphernalia under this section shall be defined as follows: Any equipment, product, or material used, or intended for use, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test analyze, package, repackage, store, contain, conceal, inject, ingest, inhale, or to otherwise introduce chemicals or compounds prohibited in Section 1, and/or any other product prepared or used with the intent to produce or mimic the effects of tetrahydrocannabinol (THC) which includes, but is not limited to, the devices and products listed in Utah Code Ann. Title 58-37a-3.

b. It is not a offense under this Subsection if a person possesses or uses paraphernalia in conjunction with a lawful use of the identified chemical compounds as permitted in Subsections 2 and 4 of this Section..

6. Penalty. Any person found to be in violation of this Subsections 1 or 5 of this Section is guilty of a Class B misdemeanor and/or subject to a term of imprisonment not to exceed six months and a fine not to exceed \$1,000.00 and/or both. Each day during which violation of this Section occurs shall constitute a separate offense.

7. Injunctions. Lindon City shall have the authority to seek an injunction to compel compliance of any business which fails or refuses comply with this Section.

SECTION 2. Subsequent State Action: If the State of Utah Legislature adopts a statute which includes the provisions in this chapter and enacting criminal penalties for prohibitions set forth in this ordinance, then upon the effective date of such state statute, provisions of this ordinance that are covered by the state statute shall no longer be deemed effective. Any violations of this

ordinance which occur prior to said state statutes becoming effective will be prosecuted. If there are provisions of this ordinance that are not covered by the state statute, those provisions will remain in effect.

SECTION 3. Severability: If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable. SECTION 4. Effective date: This ordinance shall be effective immediately upon posting after final passage. (Ord. 2010-7, Amended, 10/09/2010)

Chapter 9.20

OFFENSES BY OR AGAINST MINORS

Sections:

- 9.20.010 Enticing from parents or guardians.
9.20.020 Curfew imposed. (Repealed)
9.20.030 Curfew--Exceptions.(Repealed)
9.20.040 Possession of alcoholic beverages.
9.20.050 Violation of Section 9.20.040--Penalty.
9.20.060 Runaways

Section 9.20.010 Enticing from parents or guardians.

It is unlawful for any person to use any influence or otherwise to entice or persuade any minor, male or female, under the age of 18 years, from his or her parents, guardians or other persons having charge or custody of such minor without the consent of such parents, guardians or custodians. (Prior code §12-29.)

Section 9.20.020 Curfew imposed. (Repealed)

(Ord. 132 §1, 1985.)(Repealed and replaced by §9.22.040)

Section 9.20.030 Curfew-- Exceptions.(Repealed)

(Ord. no. 132 §2, 1985.)(Repealed and replaced by §9.22.050)

Section 9.20.040 Possession of alcoholic beverages.

It is unlawful for any person under the age of 21

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years to have in his possession any alcoholic beverage within the city limits of the city. (Ord. no. 43 §1, 1978.)

Section 9.20.050 Violation of Section 9.20.040--Penalty.

Any person convicted of violating Section 9.20.040 may be punished by a fine not to exceed two hundred ninety-nine dollars and imprisoned in the Utah County jail for a term not to exceed six months or both such fine and imprisonment may be imposed. (Ord. no. 43 §4, 1978.)

Section 9.20.060 Runaways

Section 62A-4a-501 of the Utah Code, as contained in Title 62A of the Utah Code Annotated, 1953 as amended and enacted in 1996.

Chapter 9.22 CURFEW

Sections:

9.22.010	Purpose.
9.22.020	Definitions.
9.22.030	Encouragement - Abuse - Violation - Penalty
9.22.040	Curfew hours - under eighteen (18) years of age
9.22.050	Curfew - exceptions
9.22.060	Curfew - enforcement
9.22.070	Parental Liability
9.22.080	Severability - advisory options

Section 9.22.010 Purpose.

The governing body of Lindon City finds it beneficial to establish a curfew prohibiting juveniles from remaining idly and purposelessly on the public street late at night.

(Ord. 2000-4, Repealed and Replaced, 10/04/2000)

Section 9.22.020 Definitions.

For the purpose of this Chapter, terms "child" and "children" mean any person under the age of eighteen (18) years.

1. "Care and custody" means the legal authority of a parent or guardian to supervise or otherwise be responsible for a minor, or the express authority given from such parent or legal guardian of a minor to supervise or otherwise be responsible for the activities and care of the minor

is hereby adopted as the Runaway Code for Lindon City and incorporated as part of the Lindon City Ordinances. Where a citation, information, or complaint is issued under the Utah Code governing Runaways, as adopted by this section, it shall be sufficient to use the Utah Code section number to designate the Lindon City Code section that has been violated. Misdemeanors which are not subject to enforcement by Lindon City are hereby specifically excepted, and are not a part of the adopted Lindon City Code.

(Ord. 2005-4, Amended, 01/04/2005; Ord. 2000-15, Add, 12/11/2000)

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2. "Emergency errand" means any errand or travel undertaken to directly and immediately seek to prevent the consequences of an illness or injury, criminal, or potential criminal activity, or fire, or other accident and shall include the seeking of aid and assistance from medical or emergency response personnel or the purchase of medications.
3. "Juvenile" or "Minor" means any unmarried, unemancipated person who is not a member of the armed forces of the United States and who is under the age of eighteen (18) years.
4. "Public places" means any place open to the public, whether privately owned, including but not limited to parking lots and the interior and exterior of commercial establishments such as restaurants, stores, or places of entertainment. As a type of public place, a street is a way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. "Street" includes that legal right of way, including but not limited to traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way.
5. "Time of night" referred to herein is based upon the prevailing standard time, whether Mountain Standard Time or Mountain Daylight Savings Time, generally observed at that hour by the public in the City; prima facie, the time then observed in the city administrative offices and police station.
6. "Years of Age" continues from one birthday to the next, but does not include the day of the next birthday. For example, up to the birthday on which an individual turns eighteen (18) years of age means "under 18 years of age." (Ord. no. 4-94, amended 3-94, effective date 3-16-94; ord. no. 94-1, amended 1-94.)

(Ord. 2000-4, Repealed and Replaced, 10/04/2000)

Section 9.22.030 Encouragement - Abuse
- Violation - Penalty

1. Any person eighteen (18) years of age or over

who induces, aids or encourages a child to violate any federal, state or local law or municipal ordinance of the city, or tends to cause children to become or remain delinquent, or aids, contributes to, or becomes responsible for the neglect or delinquency of any child; and

2. Any person eighteen (18) years of age or over having a child in his legal custody or in his employment who willfully abuses or ill treats, neglects, or abandons such child in any manner likely to cause the child unnecessary suffering or serious injury to his health or morals; and
3. Any person eighteen (18) years of age or over who forcibly takes away a child from or encourages him to leave the legal or physical custody of any person, agency or institution in which the child has been legally placed for the purpose of care, support, education, or adoption, or any person who knowingly detains or harbors such child, or any person who commits any act described above is guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding six (6) months and by a fine not exceeding two hundred ninety-nine dollars (\$299.00), or by both.

(Ord. 2000-4, Repealed and Replaced, 10/04/2000)

Section 9.22.040 Curfew hours - under
eighteen (18) years of
age

It is unlawful for any person under the age of eighteen (18) years to be or remain in or upon any sidewalks, streets, alleys or public places or vacant lots within the city limits between the hours of 11:00 p.m. and 6:00 a.m. the following morning.

(Ord 2008-9, Amended 9.16.2008, Ord. 2000-4, Repealed and Replaced, 10/04/2000)

Section 9.22.050 Curfew - exceptions

The provision of this Chapter shall not apply to any circumstance in which the minor is:

1. Accompanied by a parent, guardian, or other responsible adult having care and custody of

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such minor.

2. Engaged in a legitimate trade, employment or occupation which requires the minor's presence in or on the sidewalks, streets, alley or public places while working at or traveling to or from such employment.
3. Engaged on an emergency errand, and/or an errand directed by the minor's parent, guardian or the responsible person having care and custody.
4. In a motor vehicle engaged in normal interstate travel beginning in, traveling to or ending in the city.
5. Attending or engaged in traveling between the minor's home or place of residence and a place where any religious, social, entertainment, sporting, political, library, or school function is occurring.
6. Within the boundaries of the minor's place of residence.
7. When authorized by special permit from the Chief of Police carried on the person of the juvenile, the juvenile is thus authorized as follows: when necessary night time activities of a juvenile may be inadequately provided for by other provisions of this Ordinance, then recourse may be had to the Chief of Police for a special permit as the circumstances warrant by a written application signed by the juvenile and by a parent of the juvenile, if feasible, stating (1) the name, age, and address of the juvenile (2) the name, address, and telephone number of parent thereof (3) the height, weight, sex, color of eyes and hair, and other physical characteristics of the juvenile (4) the necessity that requires the juvenile to remain upon a public place during the curfew hours otherwise applicable (5) the public place, and (6) the beginning and ending of the period of time involved by date and hour, then the Chief of Police may grant a permit in writing for the juvenile's use of a public place at such hours as in the opinion of the Chief of Police may reasonably be necessary and consistent with the purposes of this Ordinance. In an emergency this may be handled by telephone or other effective communication, with a

corresponding record being made contemporaneously to the Chief of Police or the person designated to act on behalf of the Chief of Police in an emergency, at the police station.

(Ord. 2000-4, Repealed and Replaced, 10/04/2000)

Section 9.22.060 Curfew - enforcement

1. Any minor who is in violation of the provisions of this chapter is subject to arrest and citation.
2. Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor.
3. It shall be unlawful for any parent, guardian, or other person charged with the care and custody of a minor, who is in violation of this chapter, to knowingly refuse to appear and take custody of said minor after being ordered to do so by a peace officer.
4. Any person who violates the provision of this chapter is guilty of a Class B misdemeanor.

(Ord. 2000-4, Repealed and Replaced, 10/04/2000)

Section 9.22.070 Parental Liability

It shall be unlawful for any parent, guardian, or other person having care and custody of any minor to knowingly allow or permit the minor to violate the provisions of this chapter.

(Ord. 2000-4, Repealed and Replaced, 10/04/2000)

Section 9.22.080 Severability - advisory options

1. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.
2. Advisory Opinions. The Chief Executive Officer of the City, after consulting with the City Attorney, is hereby authorized to give advisory opinions in writing, which shall be binding and shall be adhered to by the police department until the Ordinance is amended in such respect; interpreting terms, phrases, parts or any provision of the Ordinance. Normally, such advisory opinions shall be in response to good faith, signed letters addressed to the

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Chief Executive Officer or to a member of the City Council questioning the Curfew Ordinance for reasons such as: (1) ambiguity (2) having a potential chilling effect on the constitutional rights specifically invoked, or (3) otherwise invalid, in all three categories with respect to proposed conduct definitely described. This administrative remedy must be exhausted prior to presenting to any court a question in any of the three categories. The City Council does not intend a result through the enforcement of this Ordinance that is absurd, impossible execution, or unreasonable. The Council intends that the Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional under the Constitution of the State of Utah or the Constitution of the United States of America.

(Ord. 2000-4, Repealed and Replaced, 10/04/2000)

Chapter 9.24

WEAPONS

Sections:

9.24.010 Air guns--Discharge prohibited.
9.24.020 Firearms-Discharge prohibited.

Section 9.24.010 Air guns--Discharge prohibited.

It is unlawful for any person to discharge any air gun, sparrow gun flipper or other similar contrivance within the limits of the city. (Prior code §12-12.)

Section 9.24.020 Firearms-Discharge prohibited.

It is unlawful for any person to discharge firearms of any description within the limits of the city. (Prior code §12-13.)

Chapter 9.28

CONSUMER PROTECTION

Sections:

9.28.010 Drugs--Sale on street prohibited.
9.28.020 Drugs --Labeling required.

Section 9.28.010 Drugs--Sale on street prohibited.

(Ord. no. 97-1 §18, repealed 1-97, effective date, 1-7-97; prior code § 12-19.)

(Ord. 97-1, Amended, 08/16/2000)

Section 9.28.020 Drugs --Labeling required.

1. No person licensed by the State of Utah or authorized under the laws of the State of Utah to proscribe or dispense a controlled substance shall distribute a controlled substance unless it is packaged and labeled in compliance with the requirements of Section 305 of the Federal Comprehensive Drug Abuse Prevention and Control of 1970.
2. No person except a pharmacist for the purpose of filling a prescription shall alter, deface, or remove any label affixed by the manufacturer.
3. Wherever a pharmacist sells or dispenses any controlled substance on a prescription issued by a practitioner, he shall affix to the container in which the substance is sold or dispensed a label showing his own name, address, and registry number, or the name, address, and registry number of the pharmacist or pharmacy owner for whom he is lawfully acting; the prescription number, the name of the patient, or if the patient is an animal, the name of the owner of the animal and species of the animal, the name of the practitioner by whom the prescription was written; any directions stated on the prescription and any directions as required by state or federal rules and regulations. No person shall alter the face or remove any label so long as any of the original contents remain.
4. An individual to whom or for whose use any controlled substance has been prescribed, sold, or dispensed by a practitioner or pharmacist and the owner of any animal for

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which any substance has been prescribed, sold, or dispensed by a veterinarian may lawfully possess it only in the container in which it was delivered to him

by the person selling or dispensing it. (Prior code §12-20.)
(Ord. 97-1, Amended, 08/16/2000)

Chapter 9.29

OFFENSES IN PUBLIC SCHOOLS

Sections:

- 9.29.010 Schools--Alcoholic beverages.
- 9.29.020 School--Dangerous materials.
- 9.29.030 Dangerous materials--Exceptions.
- 9.29.040 School property--Criminal trespass.

than one thousand dollars, or by imprisonment for a period not longer than six months, or by both such fine and imprisonment, unless a higher penalty is prescribed in the Criminal Code, title 76 of the U.C.A.
(Ord. 97-1, Amended, 08/16/2000)

Section 9.29.010 Schools--Alcoholic beverages.

Section 9.29.030 Dangerous materials-- Exceptions.

It is unlawful for any person to possess or drink an alcoholic beverage inside or on the grounds of any building operated by a part of the public education system within the city or in those portions of any building, park or stadium within the city which are being used for an activity sponsored by or through any part of the public education system. Any person violating any provision of this section shall be guilty of a class B misdemeanor punishable by a fine of not more than \$1,000 or imprisonment for a period not to exceed six months, or by both such fine and imprisonment.
(Ord. 97-1, Amended, 08/16/2000)

Section 9.29.020 does not apply when:

1. Possession of the dangerous materials described therein is approved by the responsible school administrator or when the item or material is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or
2. The possession of a weapon is authorized by state law as provided for in U.C.A. § 76-10-505.5(4).
(Ord. 97-1, Amended, 08/16/2000 Ord. 2011-9 Amended, 12/20/11)

Section 9.29.020 School--Dangerous materials.

Section 9.29.040 School property-- Criminal trespass.

It is unlawful for any person to possess a weapon, explosive, flammable material, or other material dangerous to persons or property in a public or private elementary or secondary school, on the grounds of the school, or in those parts of a building, park, or stadium which are being used for an activity sponsored by or through the school. A violation of this section is a class B misdemeanor punishable by a fine of not more

A person is guilty of criminal trespass upon school property if the person enters or remains unlawfully upon school property and intends to cause annoyance or injury to a person or damage to property on the school property, or if the person intends to commit a crime, or is reckless as to whether the person's presence will cause fear for the safety of another. A person is also guilty of criminal trespass upon school property if the person enters or remains without authorization upon school property if notice against entry or remaining has been given by the posting of signs reasonably likely to come to the attention of trespassers, by fencing or other enclosure obviously designed to exclude trespassers, by a

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current order of suspension or expulsion, or by personal communication to the person by a school official or an individual with apparent authority to act for a school official. Any person violating this section is guilty of a class C misdemeanor. (Ord. 97-1, Amended, 08/16/2000)

Chapter 9.32

MISCELLANEOUS OFFENSES

Sections:

- 9.32.010 Cheating and swindling.
- 9.32.020 Expectoration.
- 9.32.030 Flooding streets and sidewalks.
- 9.32.040 Disorderly conduct.
- 9.32.050 Mischievous conduct.
- 9.32.060 Trade in motor vehicles with altered serial numbers.
- 9.32.070 Possession of mutilated tires.
- 9.32.080 Posting bills without permission.
- 9.32.090 Failure to remove election signs.
- 9.32.100 Failure to keep guest register.

Section 9.32.010 Cheating and swindling. It is unlawful for any person or persons to use or practice any game, trick or device with intent to defraud, cheat or swindle another or for any persons to conspire together to accomplish such purpose within the limits of the city. (Prior code §12-8.)

Section 9.32.020 Expectoration. It is unlawful for any person to expectorate or spit or throw cigar stumps, cigarette stumps or quids of tobacco on the floor of any street railway car or other public conveyance or public building or upon any paved sidewalk or paved crosswalk within the city. (Prior code §12-24.)

Section 9.32.030 Flooding streets and sidewalks. Every person who willfully, carelessly or negligently obstructs, injures or floods any street or sidewalk by the flow or seepage of water, or who willfully, 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 the city, is guilty of a misdemeanor. (Prior code §12-26.)

Section 9.32.040 Disorderly conduct. It is unlawful for any person to get on or catch hold of, or to race alongside of, or in front of, or attempt to get on, or catch hold of any street railway car, or any railroad car or locomotive, or any wagon, automobile or other vehicle while the same is in motion, except when required to do so by nature of his occupation. (Prior code §12-36.)

Section 9.32.050 Mischievous conduct. It is unlawful for any person to place upon any track or rail over which cars of any kind or description pass, or over which cars of any description are intended to pass, any cartridge, cap, torpedo or any explosive thing or substance or any obstruction or thing or substance whatsoever. (Prior code §12-37.)

Section 9.32.060 Trade in motor vehicles with altered serial numbers. (Ord. no. 97-1 §21, repealed 1-97, effective date 1-7-97; Prior code §12-38.) (Ord. 97-1, Amended, 08/16/2000)

Section 9.32.070 Possession of mutilated tires. It is unlawful for any person to buy, sell, receive, dispose of, conceal or have in his possession any motor vehicle tire or casing from which identification marks have been obliterated or removed, defaced or changed, covered or destroyed, whether in whole or in part. (Prior code §12-39.)

Section 9.32.080 Posting bills without permission. It is unlawful for any person, acting for himself or through an agent, or for such agent, to print, paint, write, or in any way post up any notice, card, advertisement or other device upon any tree, post or pole upon any street at any time or to post any such notice, card, advertisement or other device

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upon any wall, fence, tree, post, pole, building or other property without the permission of the owner or person in charge thereof. (Prior code §12-44)

Section 9.32.090 Failure to remove election signs.

1. Any person or persons erecting, posting or placing any election sign, banner, notice or handbill supporting any candidate or cause is required by the terms of this section to remove such poster, sign or handbill within five days following the election itself, regardless of whether such sign, banner, or handbill was placed on public or private property. Such person or persons shall remain individually responsible for the removal and proper disposal of such signs, banners, and/or handbills.
2. Any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine not to exceed two hundred ninety-nine dollars or imprisonment not to exceed six months, or by both such fine and imprisonment. (Ord. no. 61 §1, 1978.)

Section 9.32.100 Failure to keep guest register.

It is unlawful for the keeper of any hotel, boarding house, lodging house, rooming house or motel/trailer park or other public lodging place to fail to keep a register in which such keeper shall require each guest to write his or her name and place of residence before occupying any sleeping or other room; or to fail to enter on such register opposite the name of each guest the number, letter, or other designation of the room assigned to such guest or fail to keep such register open to public inspection at all times until one year after such register shall have been filled. Such register shall be a permanently bound blank book sufficient in size to contain all the information herein provided to be placed in the same. Any person, be he the owner, proprietor, clerk or any other person having regular or temporary charge of any hotel, boarding house, lodging house,

rooming house, motel, trailer park or other public lodging place, who shall violate any provisions of this section, shall be deemed guilty of a public offense. (Prior code §12-47.)

Chapter 9.36

INCRIMINATING TESTIMONY NOT AN EXCUSE

Sections:

9.36.010 Incriminating testimony not an excuse.

Section 9.36.010 Incriminating testimony not an excuse.

No person shall be excused from attending and testifying or from producing books, papers and documents before any court having jurisdiction of the offenses defined in this chapter, upon the ground, or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture on account of any prosecution, matter or thing concerning which he may produce evidence, documentary or otherwise, before any court as aforesaid. (Prior code §12-76.)