

TITLE 16.
CRIMINAL OFFENSES

16-001. Advertisements - Posting Without Permission. It shall be unlawful for any person within the City limits of Tremonton City to print, paint, write, mark, or in any way post any notice, card, advertisement, or other device upon any wall, fence, tree, post, building, bridge, sidewalk, street, utility pole, or other property, whether public or private, or cause the same to be done without the permission of the owner or agent thereof, if on private property, or the Mayor and City Council, if upon public property or the streets or sidewalks of Tremonton City.

16-002. Advertisements - Tearing down or Defacing. It shall be unlawful for any person, without lawful authority, to tear down, or deface any ordinance, bill, advertisement, or other paper of a business or legitimate character lawfully posted in accordance with this chapter within the City limits of Tremonton City, at any time before the object of such notice has been accomplished.

16-003. Advertisements - in and over Street and Sidewalk. REPEALED. (See Title 1 Zoning Ordinance Chapter 1.27 Sign Permit of the Land Use Code) Repealed by Ordinance No. 13-07

16-004. Air Guns, Slingshots, Etc. It shall be unlawful for any person to discharge any air gun, airsoft gun, paintball gun, slingshot, bow and arrow, or other similar device within the City limits of Tremonton City.

16-005. Bathing. REPEALED. (Ord. No. 15-08)

16-006. Beer - Hours of Sale.

(1) It shall be unlawful for an on-sale retail licensee, State Liquor Store, private club, licensee or employee thereof to sell, dispose of, deliver, give away or allow a person to consume beer or other alcoholic beverage on the premises between the hours of one o'clock a.m. and ten o'clock a.m. of each day. Failure to pick up all drinks and beverages containing alcohol which have not been fully consumed at the closing hours set forth herein shall be considered permission to consume after the said closing hour and shall be a violation of this section. (Ord 06-10)

(2) It shall be unlawful for an off-sale retail licensee or an employee of such licensee to sell, dispose of, deliver or give beer to a person between

the hours of one o'clock a.m. and five o'clock a.m. of each day. (Ord. 07-01)

16-007. Beer - Prohibited Sales. It shall be unlawful for any person not holding a valid beer license to sell beer, serve beer or permit beer to be consumed in his place of business at any time.

16-008. Cheats and Swindlers. REPEALED. (Ord. No. 15-08)

16-009. Curfew.

(1) It shall be unlawful for any person under the age of eighteen (18) years to be or remain in or upon any of the streets, alleys or public places or vacant lots within the City limits of Tremonton City between the hours of ten o'clock p.m. and five o'clock a.m. the day following, unless such person is accompanied by a parent, guardian or other person having legal custody of such person or unless such minor's employment or lawful business makes it necessary to be upon the streets, alleys or public places between the hours specified herein. On Friday and Saturday nights of each week the hours shall be twelve o'clock midnight to five o'clock a.m. the day following, providing adequate time for such minor persons to attend school, church or civic functions provided for such minor persons.

(2) It is hereby unlawful for any parent, guardian or other person having legal charge or custody of any person under the age of eighteen (18) years to allow or permit such minor person to be in violation of Subsection A within the City limits of Tremonton City.

(3) Any person violating the provisions of this section shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

16-009A. Truancy for Compulsory School Age Minors. Truancy for compulsory school age minors, is hereby adopted and made a part of the Revised Ordinances of Tremonton City Corporation.

(1) Definitions. In this section:

(a) Assigned school location means the location where a student would be assigned, registered, or released to attend during compulsory school time when the class or activity is in session, and the student is under the control or supervision of school authorities or other recognized supervision. Further defined as the authorized presence, for a reasonable time or direct authorized

passage to and from an area where the student would be involved in dealing with school or personal business.

(b) Authorization means a permission slip given by a school authority to excuse a student from being in the usual assigned school location in accordance with school policy, or a note from the parent or guardian giving permission for the student to be absent from class. The permission slip must be in the immediate possession of the student whenever not at the expected school location.

(c) Compulsory school age minor means a person between six and eighteen years of age that is not exempted and must be attending a public or regularly established private school during the school year of the district in which the minor resides pursuant to Utah Compulsory Education Requirements, Utah Code Ann. 53A-11-101 to -106

(d) Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious injury or loss of life.

(e) Establishment means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

(f) Guardian means:

(i) person who, under court order, is the guardian of the Person of a minor; or

(ii) a public or private agency with whom a minor has been placed by a court.

(g) Minor means any person under 18 years of age.

(h) Open Campus means when a compulsory school age minor is allowed by school officials to leave school for lunch purposes.

(i) Operator means any individual, firm, association, partnership, or corporation, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(j) Parent means a person who is:

(i) a natural parent, adoptive parent, or step-parent of another person; or

(ii) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(k) Public Place 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, the common areas of schools, hospitals, office and commercial buildings, public transit buses and property, and apartment houses.

(l) Remain means to:

(i) linger or stay; or

(ii) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

(m) Serious bodily injury means bodily injury that creates a substantial risk of death that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(n) Truancy hours means those hours in which a compulsory school age youth should be attending school in the district or jurisdiction in which the student attends school.

(2) Offenses:

(a) A compulsory school age minor commits an offense if he or she remains in any public place, is not in his assigned location at school or is on the premises of any establishment within the city limits during truancy hours.

(b) A parent or guardian of a minor commits an offense if he or she knowingly permits, aides, encourages or allows a compulsory school age minor, or minor, to remain in any public place or on the premises of any establishment within the city during truancy hours, or if a parent or guardian of a minor fails within 14 days to comply with the instructions to contact school authorities upon receipt of notification by certified letter from the city, that his or her child has received a truancy citation.

(c) Any person commits an offense if he or she engages in any conduct for the purpose of, or resulting in inducing any compulsory school age minor to leave or be absent from said compulsory school age minor's assigned

school location during truancy hours.

(3) Defenses:

(a) It is a defense to prosecution under Subsection (1) that the compulsory school age minor was:

(i) accompanied by the minor's parent or guardian;

(ii) involved in an emergency;

(iii) following school policy regarding open campus for lunch, off campus school-approved classes and activities, or any other legitimate school sanctioned off-campus function, and has on his/her person legal authorization of permission by the school or his/her parent or guardian; or

(iv) married or had been married or had disabilities of minority removed in accordance with state law.

(b) It is a defense to prosecution under Subsection (B-3) that the parent or guardian of a compulsory school age minor has met in cooperation with the proper school authorities within 14 days of notification in response to each certified letter from the city notifying them the their child has received a truancy citation.

(c) It is a defense to prosecution under Subsection (B-4) that the owner, operator, or employee of an establishment, or owner of a private residence, promptly notified the police department that a compulsory school age minor was present on their premises during truancy hours and refused to leave.

(4) Enforcement. Before taking any enforcement action under this section, an identified police officer shall ask the apparent offender's age and reason for being in the public place. The city will notify the parent or guardian of a compulsory school age minor by certified letter when a truancy citation is issued to said minor. The letter will request that the parent and truant student meet in cooperation with school officials to address their shared truancy concerns. Copies of the letter will be given to the school principal and the school resource officer.

(5) Penalties. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted and shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

16-010. Discharge of Firearms Within Tremonton City. It shall be unlawful for any person to discharge any firearm within the City limits of Tremonton City, except in necessary self-defense or after having obtained prior approval from the Tremonton City Council.

16-011. Disturbing the Peace. It shall be unlawful for any person within the City limits of Tremonton City to disturb the peace and quiet of any neighborhood, family, or person by loud or unusual noise or by tumultuous or offensive conduct or by threatening, quarreling, challenging to fight or fighting.

16-012. Drinking in Public.

(1) It shall be unlawful for any person to appear in any public place while such person is drinking or has in his possession an open container which contains any alcoholic beverage.

(2) "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, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(3) For the purposes of this section, "Public Place" shall not include a bar or cabaret or any other place where alcoholic beverages are lawfully sold and consumed.

16-013. Freezers, Refrigerators, Etc. - Abandoned or Discarded. It shall be unlawful for any person to leave outside of any building or any dwelling or in any other place accessible to children, any abandoned, unattached or discarded freezer, refrigerator, or any other container of any kind which has an airtight door or lock which cannot be released from the inside or which has an airtight snap lock or other device thereon without first removing the locking device or removing the door from such freezer, refrigerator or container.

16-014. Register to Be Kept by Hotels, Motels, Etc. REPEALED (Ord. No. 15-08)

16-015 Alcohol – Possession by Minors. REPEALED. (Ord. No. 15-08)

16-016. Schedules of Controlled Substances. The provisions of Section 58-37-4 of the Utah Code (as amended), of the Utah Controlled Substances Act are adopted in their entirety as though set forth herein as constituting "controlled substances" within the

meaning of this Chapter and any subsequent addition, deletion, change, or alteration to such schedule of controlled substances as may hereafter be made by the Attorney General of the State of Utah or the Utah State Legislature shall be deemed adopted by this Chapter without further action.

16-017. Protective Orders Restraining Abuse of Another Violation. REPEALED. (Ord. No. 15-08)

16-018 to 16-113. Reserved.

16-114. Domestic Violence. Law Enforcement Officers' Duties and Powers – Reports – Records – Definitions. REPEALED. (Ord. No. 15-08)

16-115. Court's Powers and Duties in Domestic Violence Actions – Order Restraining Defendant – Penalty for Violation. REPEALED. (Ord. No. 15-08)

16-116. Appearance of Defendant Required - Determinations by Court.

(1) A defendant who has been arrested for an offense involving domestic violence shall appear in person before a magistrate within one judicial day after the arrest; or

(2) A defendant who has been charged by citation, complaint, or information with an offense involving domestic violence but has not been arrested, shall appear before the court in person for arraignment as soon as practicable, but no later than 14 days after the next day on which the court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of an appearance under subsections A and B above, the court shall determine the necessity of imposing a protective order or other conditions of pretrial release, and shall state its findings and determination in writing.

(4) Appearances required by this section are mandatory and may not be waived. (77-36-4)

16-117. Sentencing - Restricting Contact with Victim - Counseling - Costs Assessed Against Defendant.

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's contact with the victim, the condition shall be included in a written order and the prosecutor shall provide a certified copy of that order to the victim.

(2) In determining its sentence the court, in addition to penalties otherwise provided by law, may require the defendant to participate in treatment of therapy under the direction of an organization or

individual experienced in domestic violence counseling. The court may also require the defendant to pay all or part of the costs of counseling incurred by the victim, as well as the costs for the defendant's own counseling. The court shall assess any costs for services or treatment provided to the abused spouse by the Division of Family Services under section 62A-4-108, *Utah Code Annotated 1953*. The court shall order those costs to be paid directly to the division.

16-118. Prosecutor to Notify Victim of Decision as to Prosecution.

(1) The prosecutor responsible for making the decision whether or not to prosecute shall advise the victim, upon request, of the status of the victim's case and shall notify the victim of a decision within five days after it has been made.

(2) Notification to the victim that charges will not be filed shall include a description of the procedures available to the victim in that jurisdiction to initiate a criminal or other protective proceeding.

16-119. Peace Officer's Immunity from Liability.

A peace officer may not be held liable in any civil action brought by a party to an incident of domestic violence for making an arrest based on probable cause, for enforcing in good faith an order of the court, or for acting or omitting to act in any other way in good faith under sections 16-114 through 16-119 inclusive, in situations arising from an alleged incident of domestic violence.

16-120. Separability Clause. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

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