



**NOTICE OF A MEETING OF THE
CITY OF HOLLADAY CITY COUNCIL
THURSDAY, NOVEMBER 21, 2024**

- 5:00 p.m.** **Council Dinner** – *Council members will be eating dinner. No city business will be discussed.*
- 5:30 p.m.** **Briefing Session** - *The Council will review and discuss the agenda items; NO decisions will be made*

PUBLIC NOTICE IS HEREBY GIVEN that the Holladay City Council will hold a Council meeting on **Thursday, November 21, 2024, at 6:00 pm**. Members of the Council may participate by electronic means if needed. The Council Chambers shall serve as the anchor location.

** Agenda items may be moved in order, sequence and time to meet the needs of the Council*

All documents available to the City Council are accessible on the City's website or in this agenda. Interested parties are encouraged to watch the **live video stream** of the meeting - [agendas/https://holladayut.gov/government/agendas_and_minutes.php](https://holladayut.gov/government/agendas_and_minutes.php)

To provide a public comment or make a comment during any public hearing, may do so in the following ways:

1. **In-person attendance:** at Holladay City Hall
2. **Email** your comments by 5:00 pm on the date of the meeting to scarlson@holladayut.gov

AGENDA

- I. **Welcome** – *Mayor Dahle*
- II. **Pledge of Allegiance**
- III. **Public Comments**
Any person wishing to comment on any item not otherwise on the agenda may provide their comment via email to the Council before 5:00 p.m. on the day of the meeting to scarlson@holladayut.gov with the subject line: Public Comment. Comments are subject to the Public Comment Policy set forth below
- IV. **Public Hearing on Proposed Rezone Located at 2091 E. Murray Holladay Rd from R-M (Residential Multi-family) to PO (Professional Office).** *(The proposed rezone would change the allowed land uses by expanding the types of allowed uses. This rezone will also address existing non-compliant uses in the current RM zone.)*
- V. **Public Hearing on Proposed Amendments to the 2024-2025 Fiscal Year Budget**
- VI. **Consideration of Ordinance 2024 –19 Amending the Zoning Map for Property Located at 5428 S Highland Dr from R-1-21 (Residential Single Family) to R-2-10 (Residential Two-family)**

- VII. ***Consideration of Ordinance 2024-20 Amending Various Sections of Title 13 Relating to Historical Preservation***
- VIII. ***Consent Agenda***
a. Approval of Minutes - Sept. 19, 2024
- IX. ***City Manager Report – Gina***
- X. ***Council Reports & District Issues***
- XI. ***Recess City Council in a Work Meeting:***
a. Discussion on Previous Public Hearings

b. Historic Experience Update - Holly

c. NIMS Mini Training - Allison

d. Discussion on Proposed Amendments to Title 10 - Gina & Todd

e. Calendar –

Tree Lighting – Dec. 2, 5:30-7 pm
Council Mtgs – Dec. 12, Jan. 9 & 23
- XII. ***Closed Session pursuant to Utah Code Section 52-4-204 & 205 to Discuss the Physical or Mental Health or Professional Competence of an Individual, Potential Litigation, Property Acquisition and Disposition***
- XIII. ***Adjourn***

Public Comment Policy & Procedure: During each regular Council Meeting there will be a Public Comment Time. The purpose of the Public Comment Time is to allow citizen's access to the Council. Citizens requesting to address the Council will be asked to complete a written request form and present it to the City Recorder. In general, the Chairman will allow an individual three minutes to address the Council. A spokesman, recognized as representing a group in attendance, may be allowed up to five minutes. Comments which cannot be made within these time limits should be submitted in writing to the City Recorder prior to noon the day before the meeting so they can be copied and distributed to the Council. At the conclusion of the Citizen Comment time, the Chairman may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all Public Hearings.

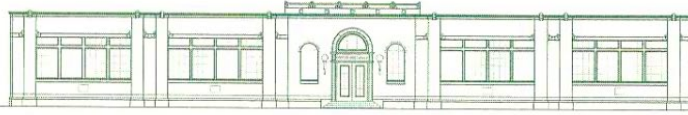
CERTIFICATE OF POSTING

I, Stephanie N. Carlson, the City Recorder of the City of Holladay, certify that the above agenda notice was posted at City Hall, the City website www.holladayut.gov, the Utah Public Notice website www.utah.gov/pmn, and was emailed to the Salt Lake Tribune and Desert News and others who have indicated interest.

DATE POSTED: Monday, November 18, 2024 at 10:00 am

*Stephanie N. Carlson MMC,
City Recorder City of Holladay*

Reasonable accommodation for individuals with disabilities or those needing language interpretation services can be provided upon request. For assistance, please call the City Recorder's office at 272-9450 at least three days in advance. TTY/TDD number is (801)270-2425 or call Relay Utah at #7-1-1



City of Holladay
HOLLADAY CITY COUNCIL

COUNCIL STAFF REPORT

MEETING DATE: November 21st, 2024
SUBJECT: Rezoning of 2091 E. Murray Holladay Rd.
SUBMITTED BY: Carrie Marsh, Planning Staff

ACTION:

Legislative. Zone Map amendments are to be reviewed and considered during a public hearing prior to a motion of final decision/action.

- *Review a request to amend the zone map of .56 acres of land (24,394 sq. ft) at 2091 E. Murray Holladay Road from Residential Multi-family (R-M) to Professional Office (PO).*
- *Hold required public hearing, and*
- *Review recommendation from the Planning Commission to be made on November 19th, 2024. *Recommendation from Planning Commission to be amended to this packet after the public hearing on November 19th, 2024**

RECOMMENDATION:

Staff recommends the Council to hold the public comment period and move to discuss this request at a later date.

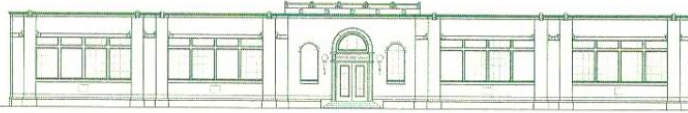
SUMMARY:

The applicant, Bob Neslen, seeks to rezone an existing property currently and historically used for office use within the RM (Residential Multi-family) Zone to the PO (Professional Office) zone in accordance with the General Plan and the intent and purpose of the PO zone.

BACKGROUND:

Located on Murray Holladay Road, at the lighted intersection of Viewmont Street, this .56 acres (24,394 sq. ft) property in the RM zone is currently improved with a 2-level office building. The property is one of multiple office uses along Murray Holladay Road.

The RM zone was originally established by Salt Lake County (later adopted by Holladay) as a mixed-use zone, allowing both multi-family residential and professional office uses. The Professional Office Zone was created in 2018 to expand the allowed office uses beyond what previously existed in the RM zone.



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Upon the removal of all office uses from the RM zone when the PO zone was created, properties that were being used for offices space became legal, non-conforming – no new tenants offering services that did not previously exist in the building can be added.

Properties that had historically been used as office buildings within the RM zone could apply for a rezone to the PO zone to utilize the expanded allowed uses (medical, dental, personal services (salon, massage, etc.), charter schools, fraternal/professional organizations etc.) at a point when they sought to expand their available office uses. The expectation was that rezone applications submitted by a property owner would receive expedited review and viewed favorable as an expected and anticipated application. Accordingly, this PO rezone application is expected by the City Council as an appropriate land use action intended to continually support the longevity of existing office buildings.

The property owner of 2091 E Murray Holladay Road is seeking to rezone the property in order to utilize the expanded land uses within the Professional Office zone and be able to accommodate and attract a wider range of tenants. No re-development is proposed and any future redevelopment would go through a separate approval process.

GENERAL PLAN REVIEW:

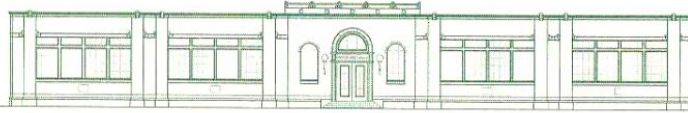
Implementing zone regulations to accommodate land uses and anticipated growth needs/goals is a particularly important land use decision. As a legislative action, this decision is guided by the community standards generalized in the City of Holladay General Plan (GP). In this case, the property is located within an area known as the “Holladay Half-Mile”. The, *Mixed Use – No Retail (MU-NR)* district is interpreted as the applicable General Plan District.

“Mixed Use-No Retail (MU-NR) - Suggested zones: RM, PO

This district includes the area known as the "Holladay Half-mile", that area along Murray Holladay Road between the Holladay Hills redevelopment area and the Holladay Village. Future development of this area should be guided by a "Small Area Master Plan", yet to be developed. Zoning in this district should allow for the integration of residential and non-residential uses mixed across the district but should not encourage further development of retail uses along this corridor.”

The MU-NR district is part of Principle 2 of the General Plan (pg 17). The plan is to ensure that areas develop in a manner that matches both the future vision and the established patterns. To accomplish this The City envisions that, the Holladay Hills project should be linked with the Holladay Village, along the short strip of Murray-Holladay Road that separating these two destinations, both visually and perceptually.

Known as the "Holladay Half-mile", this roadway and adjacent properties are envisioned to be transformed into a pedestrian-oriented corridor with a mix of pedestrian-friendly, multi-family



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residential, and office uses. The transformation of the street may include design features, such as themed street lighting, outdoor furnishings, and coordinated landscape areas. Additionally, consistent gateway features and wayfinding elements that build upon the established stone monuments and historic walls found in other parts of the City will give this corridor a unique ambiance.

THE PROFESSIONAL OFFICE ZONE (PO):

Over the past 19 years the RM zone has been a common concern by the this and of Councils past. In 2018 the Council encouraged the city to separate the non-residential uses from residential uses allowed in the RM zone. Doing so would create a new zone designation; the Professional Office Zone (PO) accomplishing the intent of Principle 2 of the General Plan.

The Planning Commission was tasked to work on the draft text with staff. The focus of the study was to;

- 1) Amend the RM zone by removing, all non-residential uses - without altering any other elements of the zone, ie density, height, setbacks etc.
- 2) Creation of a new Professional Office land use zone which will maintain or expand the needs of current office building owners/tenants operate from building in the RM zone
- 3) Create a map of current office buildings located in the RM zone. This map will later be used as a guide to the public indicating which properties could be rezoned, upon adoption of the ordinance

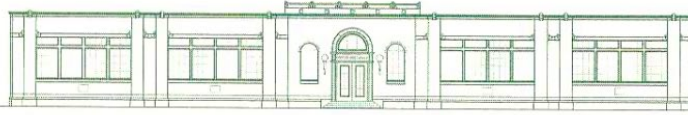
The Commission conducted ongoing work sessions culminating with required public hearings. The City Council approved the commission's recommendation in 2019. A summary of this new zone includes:

LOT AREA:	10,000 SF MIN
LAND USES:	A focus on professional and non-professional services within an office or clinical setting.
LOT WIDTH:	65 FT
SETBACKS:	Front:10 FT-minimum, Maximum no greater than the abutting buildings Side: Same as abutting properties, graduated height applies Corner side: 20 FT Rear: 20 FT, or 30 FT if abutting residential
HEIGHT:	40 FT
COVERAGE:	70% maximum with impervious surface provisions
LANDSCAPING:	Same as C-2 zone requirements; buffering against residential uses
SIGNAGE:	Same as previously required by the RM zone, monument and crown signs only
APPROVALS:	Standard approval procedures using the three-step method adopted in Chapter 3
LIGHTING,	Same as O-R-D zone standards
PARKING,	" "
WALKWAYS,	" "
SCREENING,	" "
NUISANCE,	" "
OUTSIDE STORAGE:	" "

STAFF ANALYSIS:

The following measures are intended to guide analysis of this proposal as an existing office building

- Allow new zoning that fosters the grouping of compatible businesses in order to enhance economic synergy in and near commercial areas;



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- Allow existing businesses to upgrade building architecture, landscaping and other site related improvements
- Improve access, infrastructure, easy pedestrian movement and other business promoting factors
- Adopt zoning regulations that will invite more commerce and economic activity within current commercial areas, increasing economic vitality

Streamline entitlement processes and permitting / fee structures in order to support development where appropriate;

RECOMMENDATION:

Recommendation from the Planning Commission will be forwarded as an addendum to this packet following the public hearing held at Planning Commission on November 19th, 2024.

STANDARDS for CONSIDERATION, FOR or AGAINST:

13.07.030G: Approval Standards:

1. A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the city council. The city council, after reviewing the planning commission recommendation, may:
 - a. Adopt the amendment as recommended by the planning commission;
 - b. Make any revisions to the proposed amendment that it considers appropriate;
 - c. Remand the proposed amendment back to the planning commission for further consideration; or
 - d. Reject the proposed amendment.
2. In reviewing a text or map amendment, the following factors should be considered:
 - a. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;
 - b. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
 - c. The extent to which the proposed amendment may adversely affect abutting properties; and
 - d. The adequacy of facilities and services intended to serve the subject property, such as, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, environmental hazard mitigation measures, water supply, and wastewater and refuse collection.

ATTACHMENTS:

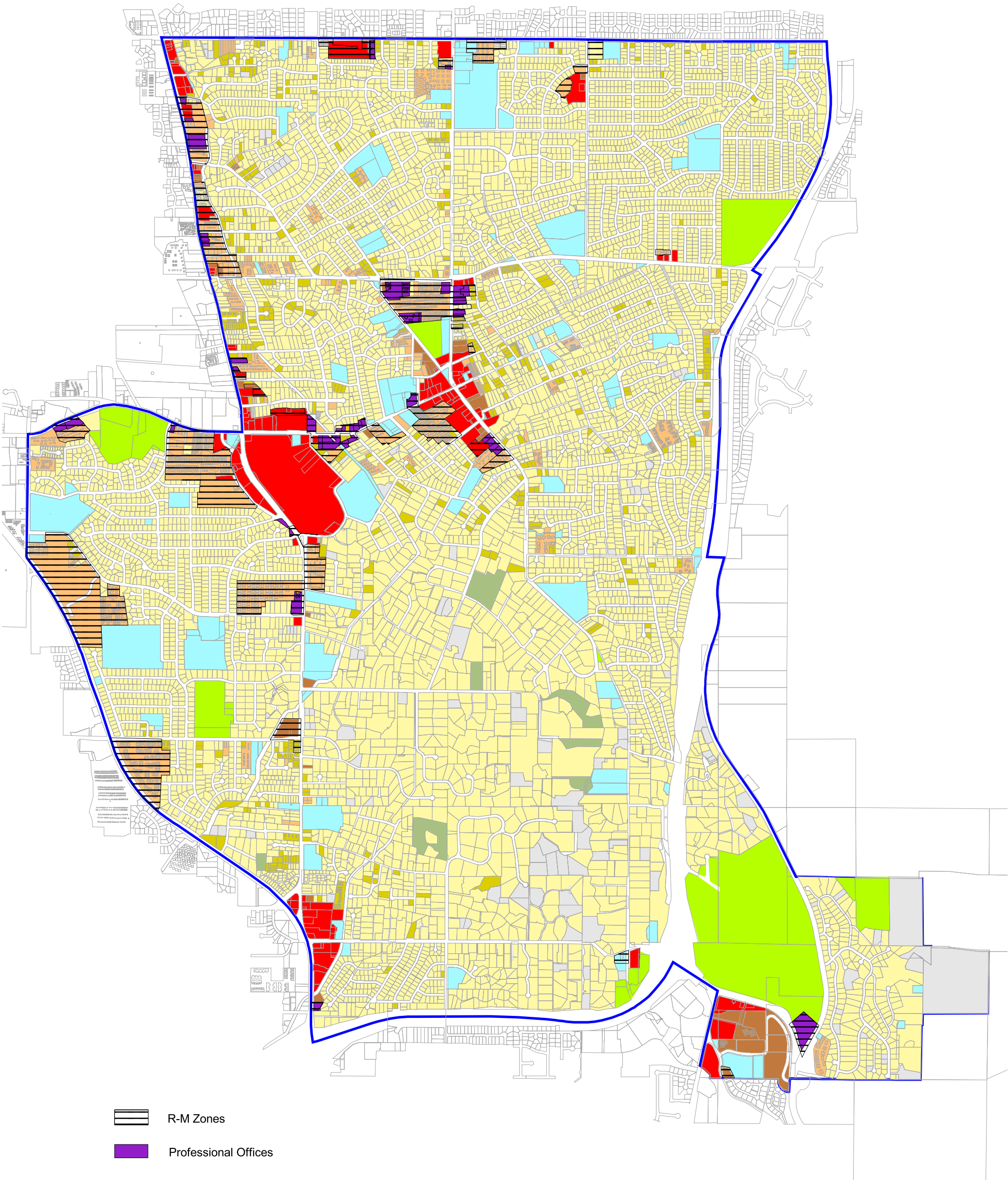
Public comment, Applicant Narrative, Mapping, 2018 identified office properties zoned as RM.

FISCAL IMPACT:

Possible increased tax revenue due to expanded business uses

SUGGESTED MOTION:

Continue to Work session



LAND USES

- Single Family Residential
- Duplex/Twin Home
- Multi-Family
- Commercial-Retail
- Commercial-Office
- Agriculture
- Vacant-Residential
- Vacant-Commercial
- Public/Quasi Public
- Open Space
- Holladay Parcels
- Holladay Boundary



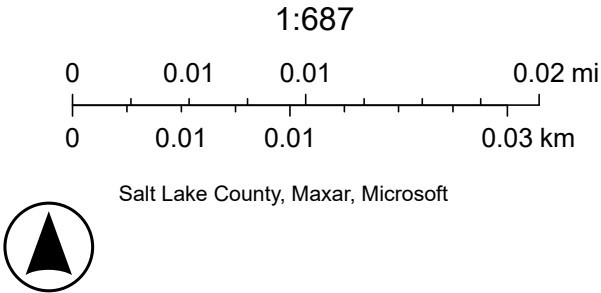
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Professional Offices in the R-M Zones

2091 E Murray Holladay Road Property



11/14/2024

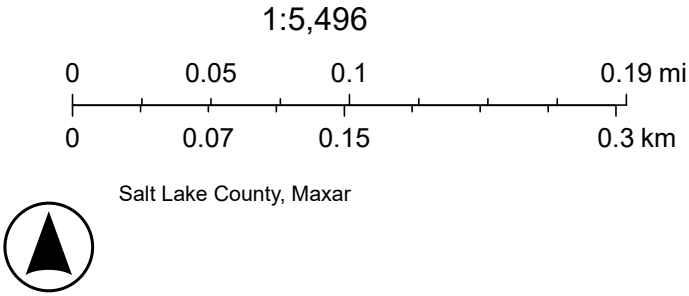


2091 E Murray Holladay Road Property



2091 E MURRAY HOLLADAY RD

11/14/2024





City of Holladay Proposed Budget Amendment				
		FY25 Proposed Amended Budget		
General Ledger Account Description	FY25 Original Budget	Proposed Change		Description
General Fund				
Revenues				
Franchise Tax Dominion Gas	(700,000)	(200,000)	(900,000)	Increase to align with prior year actuals
Appropriated Fund Balance	-	(1,084,153)	(1,084,153)	Use of fund balance
TOTAL RECOMMENDED REVENUE BUDGET ADJUSTMENTS - GENERAL FUND	\$ (700,000)	\$ (1,284,153)	\$ (1,984,153)	
Expenditures				
Payment to Sequoia Development	27,500	18,100	45,600	Prior year distribution plus 2% increase
Animal Control	308,500	43,112	351,612	FY 2025 animal control contract
Credit Card Processing Fees	22,000	5,500	27,500	Prior year actual with a 2% increase
Transaction Fees	8,500	2,200	10,700	Prior year actual with a 2% increase
Building & Grounds Supp & Main	40,000	12,000	52,000	Significant repairs to City Park sprinkler system
Vehicle Maintenance	10,000	9,000	19,000	Repairs to Cat 420 E
Transfer to CP	1,100,000	100,000	1,200,000	Correction to interfund transfer
Newsletter	30,000	4,000	34,000	Half year cost improve Holladay Journal timeliness
Recycling Event Utah Recyling Alliance	-	1,500	1,500.00	Community event hazardous waste disposal
Spring Lane Park Project / City Hall Improvements(ARPA)	-	1,794,492	1,794,492	Appropriation of ARPA for Spring Lane/ City Hall Project
Contribution to Grants Fund 4500 So. Sidewalk	-	33,333	33,333.00	City match UDOT 4500 So. Sidewalk improvement
Increase in Fund Balance	739,084	(739,084)	-	Reduction in contribution to fund balance
TOTAL RECOMMENDED EXPENDITURE BUDGET ADJUSTMENTS - GENERAL FUND	\$ 2,285,584	\$ 1,284,153	\$ 3,569,737	
Grants Fund				
Revenues				
4500 So. UDOT Grant	-	(100,000)	(100,000)	UDOT 4500 So. Sidewalk improvement grant
Cont from CP 4500 So. Sidewalk	-	(33,333)	(33,333)	City match UDOT 4500 So. Sidewalk improvement
Cont from CP Bridge	(480,000)	(670)	(480,670)	Correction to match transfer from CP
State Home Land Security Program Grant	-	(7,500)	(7,500)	Security camera for City campus
Slco Grant Wasatch Blvd Bike Lane Improvements	-	(600,000)	(600,000)	Slco Wasatch Blvd Bike Lane Grant
Appropriated Fund Balance	-	(44,330)	(44,330)	Use of fund balance
TOTAL RECOMMENDED REVENUE BUDGET ADJUSTMENTS - GRANTS FUND	\$ (480,000)	\$ (785,833)	\$ (1,265,833)	
Expenditures				
Olympus Hills Sidewalk Exten	-	133,333	133,333	UDOT 4500 So. Sidewalk improvement grant
State Home Land Security Program	-	7,500	7,500	Security camera for City campus
Highland Drive Intersection Improvement	-	45,000	45,000	Grant overage
Wasatch Blvd Bike Lane Improvements	-	600,000	600,000	Slco Wasatch Blvd Bike Lane Grant
TOTAL RECOMMENDED EXPENDITURE BUDGET ADJUSTMENTS - GRANTS FUND	\$ -	\$ 785,833	\$ 785,833	
Capital Projects Fund				
Revenues				
Approp Fund Balance	(2,585,985)	(57,255)	(2,643,240)	Yearly fire hydrant contract
TOTAL RECOMMENDED REVENUE BUDGET ADJUSTMENTS - CAPITAL PROJECTS FUND	\$ (2,585,985)	\$ (57,255)	\$ (2,643,240)	
Expenses				
Fire Hydrant Maintenance	17,500	57,255	74,755	Yearly fire hydrant contract
TOTAL RECOMMENDED EXPENSE BUDGET ADJUSTMENTS - CAPITAL PROJECTS FUND	\$ 17,500	\$ 57,255	\$ 74,755	
Storm Water Fund				
Revenues				
Approp Fund Balance	(8,524,493)	(2,325)	(8,526,818)	Increase transfer to debt service to match schedule
TOTAL RECOMMENDED REVENUE BUDGET ADJUSTMENTS - STORM WATER FUND	\$ (8,524,493)	\$ (2,325)	\$ (8,526,818)	
Expenses				
Debt Service	666,500	2,325	668,825	Increase transfer to debt service to match schedule
TOTAL RECOMMENDED EXPENSE BUDGET ADJUSTMENTS - STORM WATER FUND	\$ 666,500	\$ 2,325	\$ 668,825	

CITY OF HOLLADAY

ORDINANCE NO. 2024-20

**AN ORDINANCE OF THE CITY OF HOLLADAY REZONING CERTAIN PROPERTY
LOCATED AT 5428 S. HIGHLAND DRIVE FROM ITS CURRENT ZONING DESIGNATION
OF RESIDENTIAL SINGLE-FAMILY (R-1-21) TO THE RESIDENTIAL TWO-FAMILY (R-
2-10) ZONE**

WHEREAS, the City has received a petition from the owner of property located at 5428 S. Highland Drive, requesting that the City change the zoning of the property from Residential Single-Family (R-1-21) to Residential Two-Family (R-2-10); and

WHEREAS, the Planning Commission has held a public hearing and forwarded a positive recommendation relating to the rezoning of the property to R-2-10; and

WHEREAS, the City Council has held a public hearing on the proposal and now desires to rezone the property as requested;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah as follows:

Section 1. Rezone. That certain property located at 5428 S. Highland Drive, and more particularly show on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from its current zoning designation to Residential Two-Family (R-2-10).

Section 2. Zoning Map Amendment. The Zoning Map of the City of Holladay is hereby amended to reflect the rezoning referenced in Paragraph 1, above.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this ___ day of November, 2024.

HOLLADAY CITY COUNCIL

By: _____
Robert Dahle, Mayor

CITY OF HOLLADAY

ORDINANCE NO. 2024-21

**AN ORDINANCE OF THE CITY OF HOLLADAY AMENDING SECTIONS OF CITY CODE
RELATING TO HISTORICAL PRESERVATION**

WHEREAS, as previously directed by the City Council, City staff has prepared policy updates and amendments to sections of City Code relating to Historical Preservation, specifically, Sections 13.07.050, 13.86 and 13.102; and

WHEREAS, the Planning Commission has held a public hearing on the proposed ordinance revisions and recommended the revisions be adopted;

WHEREAS, the City Council has provided the opportunity for public input and now desires to adopt the revisions;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah as follows:

Section 1. Amendment. Section 13.07.050: Historic Site Designation of the City of Holladay Municipal Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Amendment. Chapter 13.86: Historic Preservation of the City of Holladay Municipal Code is hereby amended to read in its entirety as set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 3. Amendment. Section 13.102.010: Appendix C – Noticing of the City of Holladay Municipal Code is hereby amended to read in its entirety as set forth in Exhibit C, attached hereto and incorporated herein by reference.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this ___ day of November, 2024.

HOLLADAY CITY COUNCIL

By: _____
Robert Dahle, Mayor

CHAPTER 13.07

DEVELOPMENT REVIEW AND APPROVAL FOR LEGISLATIVE PROCEDURES

SECTION:13.07.050:

Historic Site Designation

13.07.050: HISTORIC SITE DESIGNATION:

A. Purpose: As a means of providing recognition and encouraging historic preservation, this section sets forth the procedure for historic site designation for a district, building, structure, object or property within the city.

B. Authority: The city council shall act as the Land Use Authority and may designate historic properties in the city to the "City of Holladay Historic Site Register" according to the provisions in 13.86 of this title.

C. Initiation: Proposal for historic designation shall be made by a property owner, or the property owner's authorized agent. An agent of a property owner shall provide an affidavit of authorization from the owner.

D. Submission Requirements: Submission for Historic Site Register designation shall be as provided in section 13.03.020 of this title

E. Noticing Requirements: The city shall provide mailed notice as per public noticing provisions provided in Appendix C: "Noticing" of this Title.

F. Criteria: Any district, building, structure, object or site listed by the National Register of Historic Places may be designated to the city's historic site register. Alternatively, any district building, object or site may be designated if the council finds it meets all the criteria outlined below:

1. It is located within the city.
2. It is at least 50 years old.
3. Historic integrity:
 - a. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the structure when viewed from the public way.
4. If the structure does not meet the integrity requirements outlined in subsection 3(a) of this section, it may still qualify for designation if it meets one of the following requirements for exceptional significance:
 - a. It is directly associated with events of historic significance in the community.
 - b. It is closely associated with the lives of persons who were of historic importance to the community.
 - c. It exhibits significant methods of construction or materials that were used within the historic period.

CHAPTER 13.86 HISTORIC PRESERVATION

SECTION:

- 13.86.010: Purpose
- 13.86.020: Historic Sites Register
- 13.86.030: Historic Site Modification Permit Conditional Use Permit Required
- 13.86.040: Noncomplying Conditional Uses
- 13.86.045: Protective Maintenance Required
- 13.86.050: Site Modification
- 13.86.060: Additional Uses For Historic Sites
- 13.86.065: Modification Defined
- 13.86.070: Interpretation Of Chapter

13.86.010: PURPOSE:

For the purpose of this chapter the term preservation shall refer to the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property.

This chapter is enacted to establish a Historic Site Register and to provide a sustainable means by which a property owner may maintain a historic site designated by the city council. Provisions within this chapter intend to preserve sites, structures, landmarks or buildings with special historical, architectural or aesthetic value which are unique and irreplaceable assets. To accomplish this purpose, planning commission may approve conditional permits for additional land uses approval is required and all modifications to historical sites.

13.86.020: HISTORIC SITES REGISTER:

A. Existing Sites: Each of the following structures and sites in the city is designated a historic site and are subject to the provisions and standards of this chapter:

1. David Branson Brinton home, 1981 East Murray-Holladay Road, Holladay.
2. Santa Anna Casto home, 2731 Casto Lane, Holladay (relocated to City Hall Park, 2009).
3. William J. Bowthorpe home, 4910 Holladay Boulevard, Holladay.
4. George Boyes home, 4766 Holladay Boulevard, Holladay.

B. Amendments: The city council may amend the above list of historic sites and structures, including removing or designating of additional historic sites, subject to the amendment procedures in chapter 13.07.050 of this code.

13.86.030: HISTORIC SITE MODIFICATION REQUIREMENTS CONDITIONAL USE PERMIT REQUIRED:

A. Modifications: A conditional use permit is required for any modifications to a historic site or structure, including modifications to the landscaping, fencing or appearance of any lot, construction, alteration, relocation, improvement or conversion of a historic site.

B. Demolitions: A site listed on the Historic Site Register proposed to be demolished or extensively altered is subject to the following

1. Upon verification of a complete permit, the city will delay issuing the modification permit for a maximum of 30 days to document the property. The property owner shall work with the city staff in the collaboration with other entities, where needed, in providing access to the site for documentation process.
2. Documentation shall include, at minimum, exterior photographs of all elevations of the structure. When possible, both exterior and interior measurements of the structure will be made in order to provide an accurate floor-plan drawing of the structure.
3. The demolition permit will be issued after 30 days of the initial application whether or not the city has completed documenting the building. The permit may be issued earlier if documentation is completed before the 30-day deadline.
4. The documentation will be kept on file with the Community and Economic Development Department, which shall be open to the public.

B. Application: Applications for a conditional use permit on a historic site shall be made by the property owner in the manner and subject to the procedures and requirements set forth in section 13.08.040 of this title. To the extent that the requirements of this chapter and section 13.08.040 of this title are inconsistent, the requirements of this chapter shall prevail.

13.86.040: NONCOMPLYING CONDITIONAL USES:

The planning commission shall not approve a conditional use for a historic site which would be contrary to the purposes of this chapter by adversely affecting the architectural significance, the historical appearance, or the educational and historical value of the site unless all the following conditions have been met:

A. Conditional Use Permit Requirements: The application meets the requirements for a conditional use permit set forth in section 13.08.040 of this title;

B. Zone Requirements: The application meets all the requirements of the base zone in which the property is located;

C. Length Of Term Before Planning Commission: The application has been pending before the planning commission for a period of at least one year.

13.86.045: PROTECTIVE MAINTENANCE REQUIRED:

A. Maintenance Required: In addition to the requirements of the applicable building code, the owner of any historic site shall maintain and repair the historic site in accordance with this section. A historic site shall not be destroyed by neglect of any structure that has or is incurring permanent damage, by weather, or by vandalism.

B. Extent Of Maintenance: The owner shall maintain and repair the historic site to the extent that in the opinion of the city is sufficient to prevent damage to the structural components or the exterior of the structure, or to prevent the collapse of the structure, or to prevent the structure from becoming so deteriorated as to render impossible its repair and preservation.

C. Investigation: The city can investigate the condition of any historic site. Upon finding that the historic site is dilapidated or deteriorating, the city shall notify the property owner by certified letter of the failure of meeting city codes and standards. The city shall identify specific repairs and any work necessary to comply with the conditions and requirements approved by the city. The owner shall have one hundred twenty (120) days from written notification to complete necessary repairs and improvements that were approved by the city. All effort to work with the property owner will be expended before written notification is mailed to the property owner. Failure to complete the necessary repairs and work within one hundred twenty (120) days shall constitute a violation of this chapter

13.86.050: SITE MODIFICATION:

Upon application by the property owner and according to the procedures and requirements set forth in section 13.08.040 of this title, the planning commission may modify all yard, parking, landscaping, height and other requirements of the zone in which the historic site is located, as necessary to fulfill the purposes of this chapter. In so doing, the nature and character of adjacent properties shall be considered to ensure that the health, safety, convenience and general welfare will not be impaired. The planning commission may establish development criteria to control impacts associated with the heaviest permitted use in the base zone, including, but not limited to, noise, Dark Sky compliant lighting, dust or odor.

13.86.060: ADDITIONAL USES FOR HISTORIC SITES:

A. Residential And Forestry Zones: The planning commission may approve any of the following uses for a historic site in addition to the permitted and conditional uses allowed in the forestry or residential zone in which the site is located:

- Antique shop.
- Art shop.
- Boarding house.
- Child nursery.
- Dental office or clinic.
- Dwelling, single-, two-, three-, four- or multiple- family (in addition to a maximum of 16 units per acre).
- Nursing home.
- Office.
- Private educational institution.
- Reception centers.
- Restaurant.
- Other uses of similar intensity to the above.

B. Commercial Zone: The planning commission may approve any use listed in a commercial zone of this title for a historic site located in a commercial zone including residential dwellings, ancillary to the primary commercial use.

13.86.065: MODIFICATION DEFINED:

For purposes of this chapter, "modification" means demolition or construction where a demolition or building permit is required. "Modification" also includes substantial changes to landscape, fencing or appearance of a historic site. "Modification" does not include minor changes to landscape, fencing or appearance of a historic site such as painting the historic site substantially the same color, changes to flowerbeds or trimming.

13.86.070: INTERPRETATION OF CHAPTER:

This chapter does not guarantee the right of any person, firm or corporation to any provision of this chapter.

13.102.010: NOTICING:

APPENDIX C – NOTICING

ACTION:	POSTED (ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY:	DIRECT MAILING:	PUBLISHED (UTAH PUBLIC NOTICE WEBSITE)* <i>Previously General Circulation:</i>
Agenda, Posting of; City Council, Planning Commission, Design Review Board, Tree Board.	Minimum 24 hours in advance of meeting. In Accordance with Utah State Code, as amended.		Minimum 24 hours in advance of meeting. In Accordance with Utah State Code, as amended.
Zone Map Amendments	10 days prior to the first hearing before Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing. On the subject property .	Required mailing 10 days prior to the first hearing to each Affected Entity and to each Property Owner whose property is at least partially within the area to be zoned or rezoned.	10 days prior to the first hearing before the Planning Commission and City Council.
General Plan Amendments	10 days prior to the first hearing before the Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.	Required mailing 10 days prior to the first hearing to each Affected Entity, Wasatch Front Regional Council.	10 days prior to the first hearing. Any subsequent hearings shall be so published at least 24 hours prior to hearing.
Ordinance Amendments	10 days prior to the first hearing before the Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.		10 days prior to the first hearing. Any subsequent hearings shall be so published at least 24 hours prior to hearing.
Historic Designations	10 days prior to the first hearing before City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.	Required mailing 10 days prior to the first hearing to the affected property and to each property owner within 500 ft.	10 days prior to the first hearing. Any subsequent hearings shall be so published at least 24 hours prior to hearing.
Appeals of a; Administrative Decision, Planning Commission Decisions	10 days prior to the date set for the appeal, reconsideration, or call-up hearing.	Courtesy mailing 10 days prior to the appeal, reconsideration, or call-up hearing, to all parties who received mailed notice for the action being appealed.	10 days prior to the date set for the appeal, reconsideration, or call-up hearing.
Conditional Use Permit	10 days prior to the first hearing before the Planning Commission. On the subject property.	Courtesy mailing 10 days prior to the first hearing before the Planning Commission, to Property Owners within 500 ft.	10 days prior to the first hearing before the Planning Commission.
Administrative Conditional Use Permit	10 days prior to Final Action.	Courtesy mailing 10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications	10 days prior to the first hearing before the Appeal Officer.	Courtesy mailing 10 days prior to the first hearing before the Appeal Officer, to owners within 500 ft.	10 days prior to the first hearing before the Appeal Officer.
Annexations	In accordance with current State law. Consult with the City of Holladay Recorder's Office.		
Subdivision & Condominium Plat Applications	10 days prior to the first hearing. On the subject property.	Courtesy mailing 10 days prior to the first hearing to Property Owners within 500 ft.	10 days prior to the first hearing before the Planning Commission and City Council.
Subdivision & Condominium Plat Amendments	10 days prior to the first hearing.	Courtesy mailing 10 days prior to the first hearing to Property Owners within 500 ft.	10 days prior to the first hearing before the Planning Commission and City Council.
Implementing an Amendment to Adopted Specifications for Public Improvements that Apply to a Subdivision or Development		The City shall give a thirty (30) day mailed notice and an opportunity to comment to anyone who has requested the notice in writing.	
Vacating or Changing a Public Street, Right-of-Way, or Easement	10 days prior to each hearing before the City Council on or near the Street, Right-of-Way, or easement in a manner that is calculated to alert the public.	Required mailing to each Property Owner of record of each Parcel or Lot that is accessed by the Public Street, Right-of-Way or easement at least 10 days prior to the hearing before the City Council.	10 days prior to the hearing before the City Council.
1) For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application. 2) All notices, unless otherwise specified in this Code or by State law, must state the general nature of the proposed action; describe the land affected; and state the time, place and date of the hearing. Once opened, the hearing may be continued, if necessary, without re-publication of notice until the hearing is closed. 3) A copy of each Staff report regarding the Applicant, or the pending Application, shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting. 4) If notice provided per this Section is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper. 5) All days listed are the minimum number of days required.			



1

TODAY'S GOAL

To gather preliminary feedback from
a user perspective on the *Rooted Together*
design concept's three elements.

2

PROJECT BACKGROUND

Rooted Together, beyond the Walls of a Traditional Museum with low maintenance, low overhead, and big impact!

- The State of Utah Division of Arts & Museums provided a **\$25,000 grant** for Holladay to conduct a Historic Museum/Exhibit Study - the proposed project is the recommended outcome.
- Salt Lake County awarded **\$600,000** from the Tourism, Recreation, Cultural and Convention program (TRCC) program for project implementation.
- City of Holladay **local match** through the general fund, donations, and considering a community engagement campaign. **Holladay Historical Commission** project champion.

ANTICIPATED TIMELINE



3

WHAT TO EXPECT

- **Please put on your user hat!**
 - *We are looking for comments from a user perspective on the design concept as presented. The details will be handled by the Steering Committee and consultant.*
- **Preliminary visual walkthrough** followed by three questions to share your feedback.
 - The images you will see are **placeholders** to showcase the features in concept, but not representative of the final graphics or details.
- **Have a new idea?** We will gather those at the end of the presentation for future consideration.

DESIGN CONCEPT

- 1 History Walk
- 2 History Placemakers
- 3 History Gallery



4

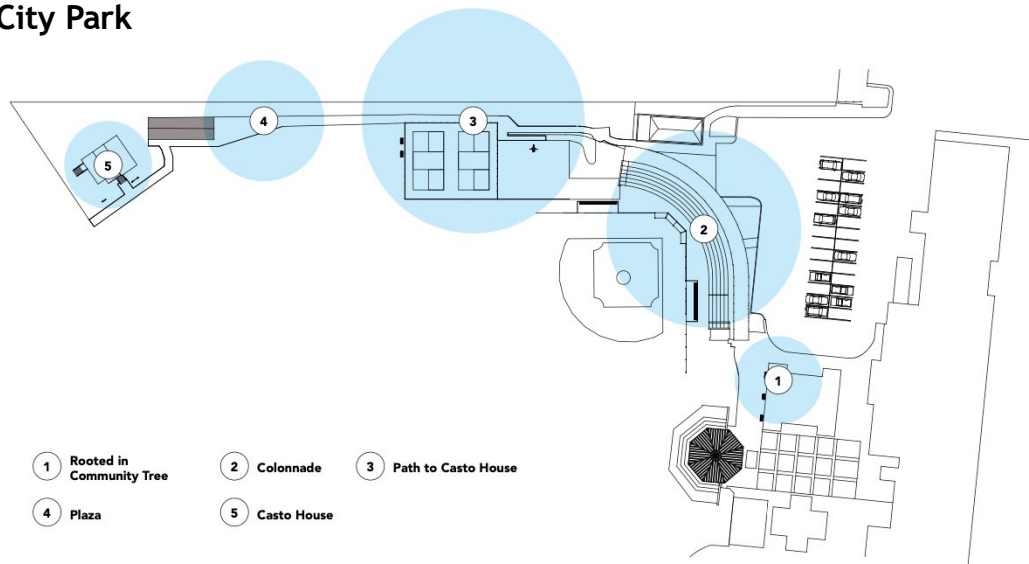
1

ROOTED TOGETHER: HISTORY WALK

5

History Walk

Holladay City Park

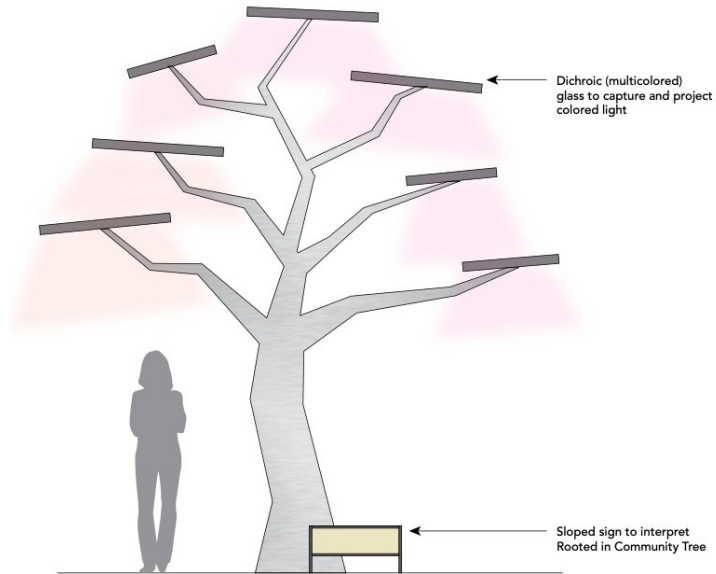


1 SITE PLAN
SCALE: NTS

6

History Walk

Holladay City Park



Dichroic glass or film for leaf panels



More organic, even abstract shape for tree



7

History Walk

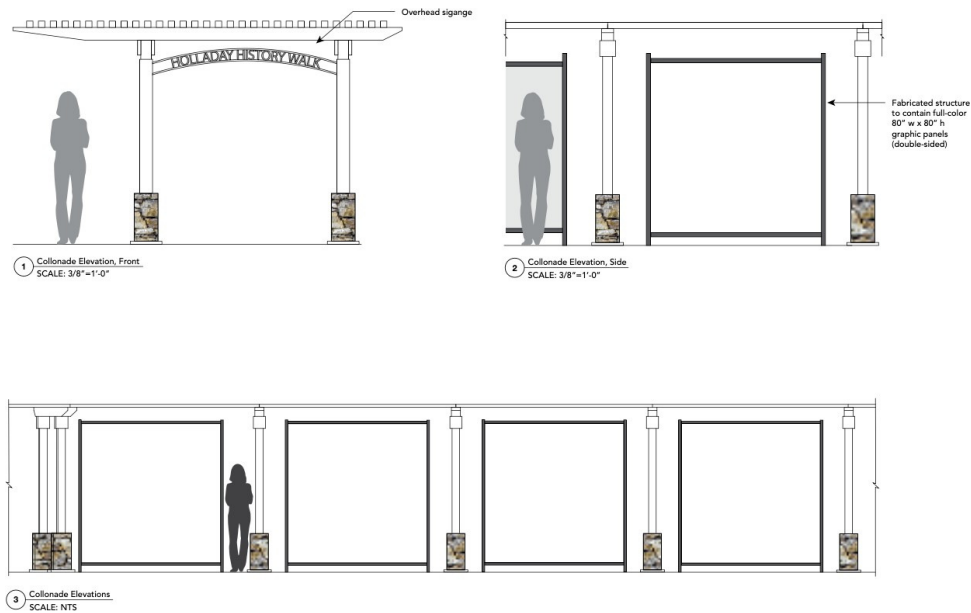
Holladay City Park



8

History Walk

Holladay City Park

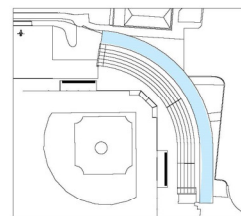
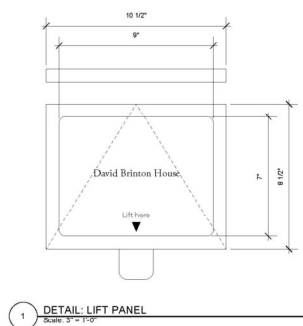


9

History Walk

Holladay City Park

COLONNADE - TACTILE EXPERIENCE



10

History Walk

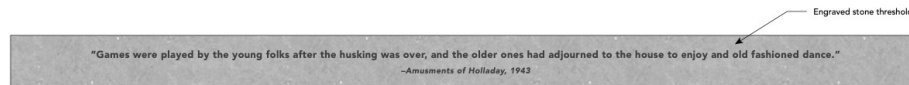
Holladay City Park



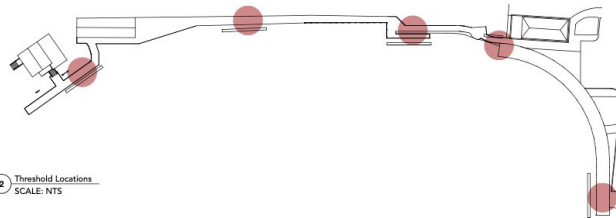
Precedent Images



Photo Rendering



1 Walkway Threshold, Plan View
SCALE: NTS



2 Threshold Locations
SCALE: NTS

11

History Walk

Holladay City Park



12

History Walk

Holladay City Park

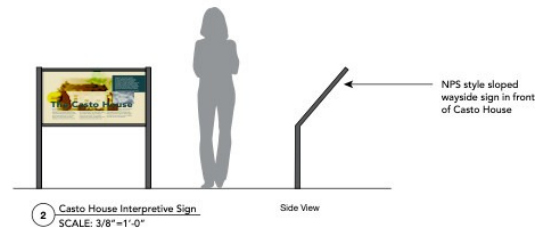
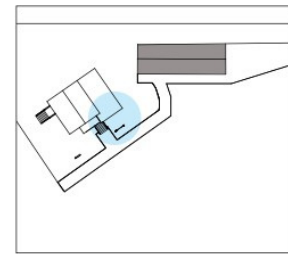
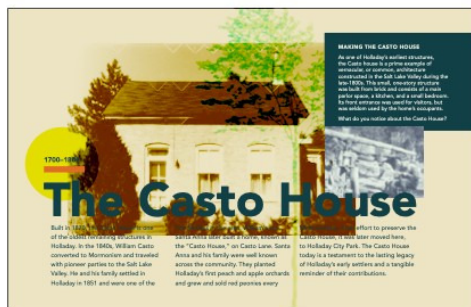


13

History Walk

Holladay City Park

CASTO HOUSE



14

ROOTED TOGETHER: HISTORY WALK

1. What is your favorite feature?
2. What is your least favorite feature?
3. What would you improve?

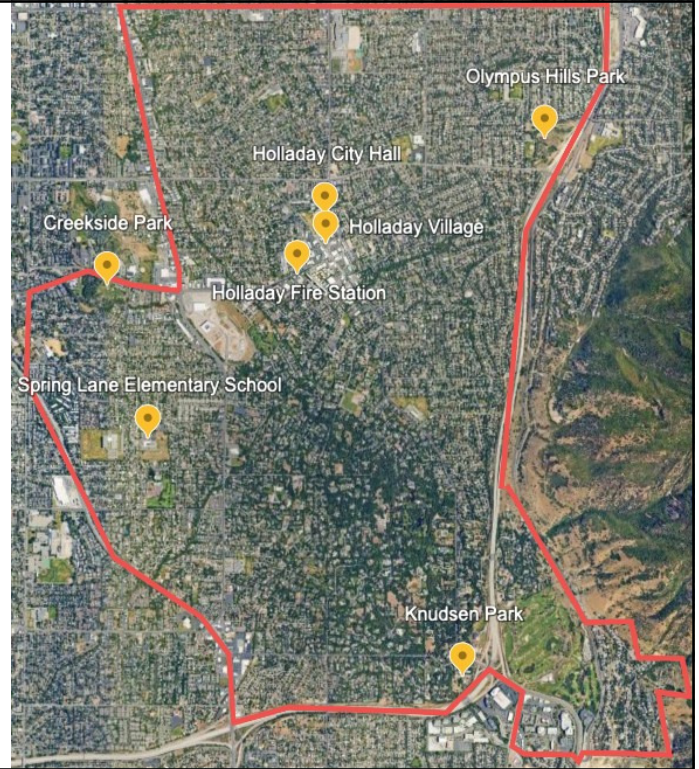
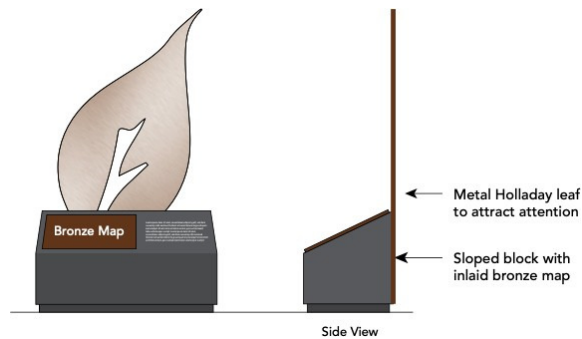
15

2

ROOTED TOGETHER: HISTORY PLACEMAKERS

16

Placemakers Throughout Holladay



17

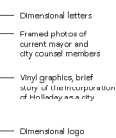
ROOTED TOGETHER: HISTORY PLACEMAKERS

1. What is your favorite feature?
2. What is your least favorite feature?
3. What would you improve?

18

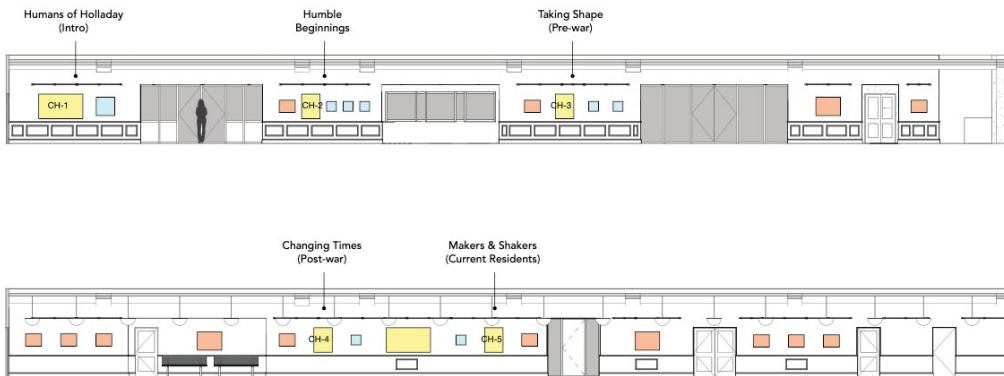
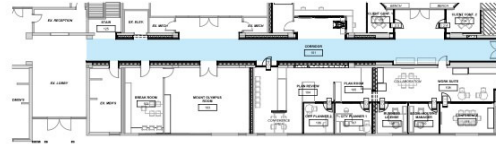
ROOTED TOGETHER: HISTORY GALLERY

GROUND FLOOR VESTIBULE



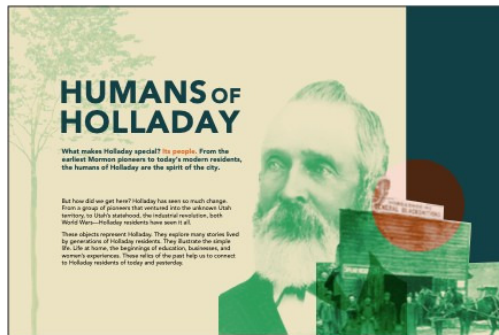
History Gallery

- Framed Art
- Artifact Case
- Graphic Panel



21

History Gallery



22

History Gallery

ARTIFACT DETAILS

Humans of Holladay (Intro)

Case 1 – Peterson Waterpump, ca. 1800s

Humble Beginnings

Case 2 – Christina Peterson Sewing Hooks, ca. 1800s

Case 3 – Heath Family Yeast Starter Pot, ca. late-1800s

Case 4 – Walker Beaded Purse, ca. 1800s;
Walker Brush with engraved metal, ca. 1800s

Taking Shape

Case 5 – Meadows Farm Shears, ca. late-1800s–early 1900s

Case 6 – Dykenen Family Glass Lamp, ca. early-1900s

Changing with the Times

Case 7 – The Favorite Rodges of Salt Lake Hostesses, 1929

Faulkner Family Radio, ca. 1950s

Mary Faulkner's School Bell, ca. mid-1900s

Today's Makers & Shakers

Case 8 – Judy Dykenen Blackboard, ca. 2000s

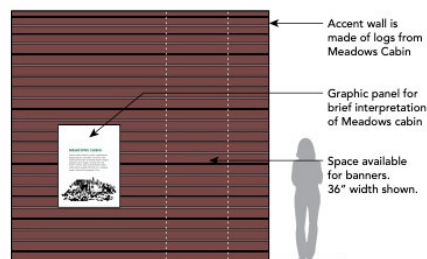
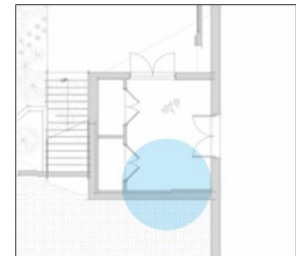
Lionel Stillman Gavel, 1999



23

History Gallery

BASEMENT VESTIBULE



24

ROOTED TOGETHER: HISTORY GALLERY

1. What is your favorite feature?
2. What is your least favorite feature?
3. What would you improve?

25

ROOTED TOGETHER

1. What are your overall impressions of the *Rooted Together* design concept?
2. Do you have ideas for future phases?

26



TRAINING PLAN

- 01 National Incident Management System
- 02 Incident Command System
- 03 Emergency Coordination Center & Roles
- 04 Coordination Tabletop



City of Holladay



NIMS

NATIONAL INCIDENT MANAGEMENT SYSTEM

November 2024

NIMS OVERVIEW

WHAT

Scalable, flexible, standardized approach to managing incidents
Provides shared vocabulary and operational systems/processes

WHY

Integrates best practices and allows everyone to work together more effectively

WHEN

All incidents - regardless of size, location, complexity, planned or unplanned

WHO

All levels of Government
Private Sector
Non-governmental Organizations

NIMS GUIDING PRINCIPLES

FLEXIBILITY

NIMS components are adaptable to any type of event or incident.

All Hazards, geography, climate, and demographics

Used for planned, forecast, and no-notice events

STANDARDIZATION

Supports interoperability among multiple organizations in a response.

Standard Organizational Structures

Best Practices

Common Terminology

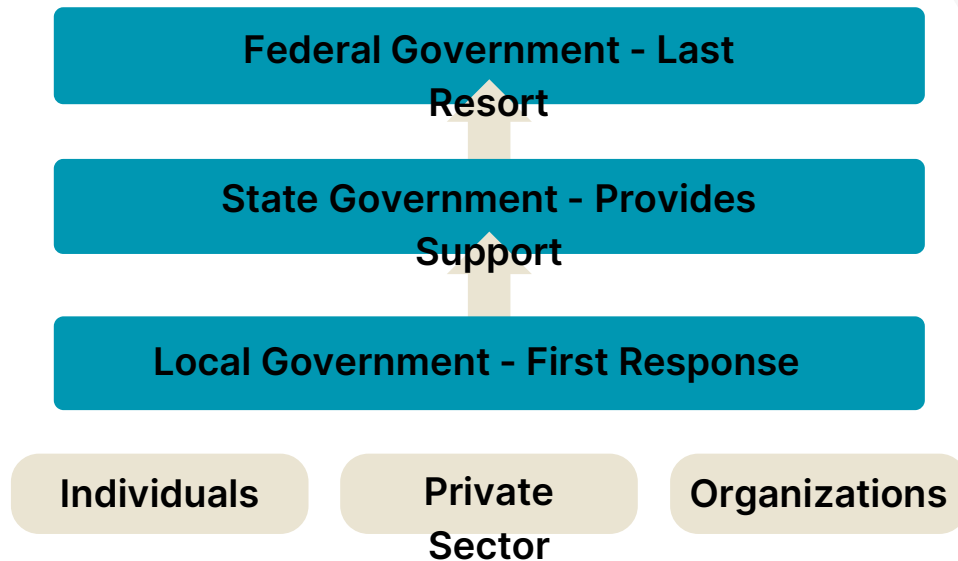
UNITY OF EFFORT

Coordinates activities among organizational representatives to achieve common objectives.

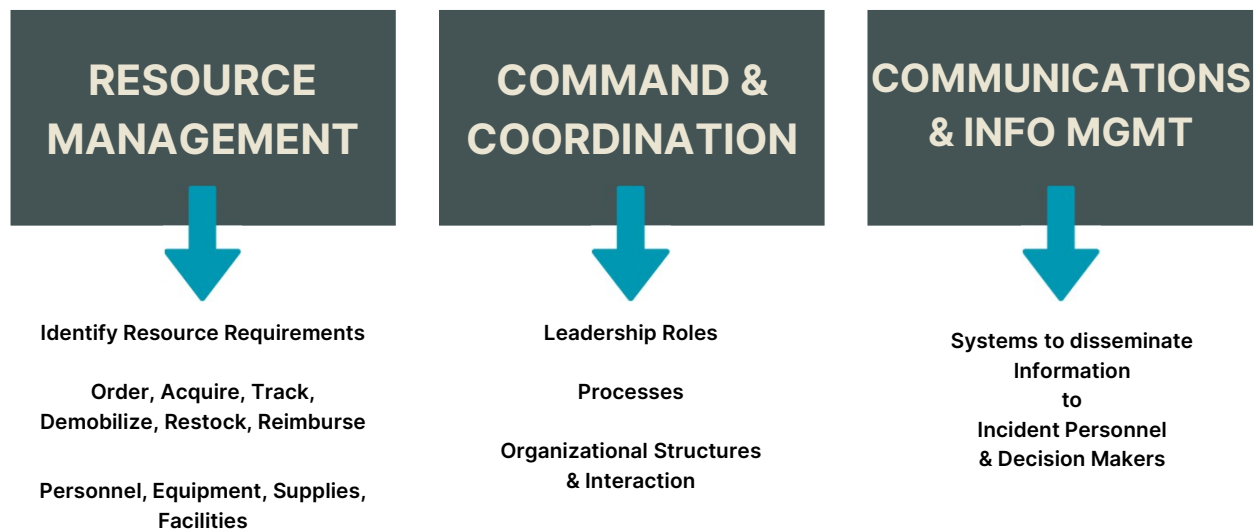
Maintains authority and accountability

Unified Command

NATIONAL RESPONSE FRAMEWORK



NIMS COMPONENTS



NIMS STRUCTURES & CONNECTIVITY

Incident Command System (ICS)



On-scene management of incidents.

Emergency Coordination Center (ECC)



Offsite Emergency Coordination Centers support on-scene ICS operations.

Multi-Agency Coordination Group (MAC Group)



Offsite support through policy guidance and scarce resource allocation.

Joint Information System (JIS)

Integrates incident information and public affairs across ICS, EOCs, and MAC Groups

COMMAND

AUTHORITY

In NIMS, command is delegated to the on-scene Incident Commander (IC) by the **Executive/Senior Official**.

EXAMPLES OF COMMAND ACTIVITIES

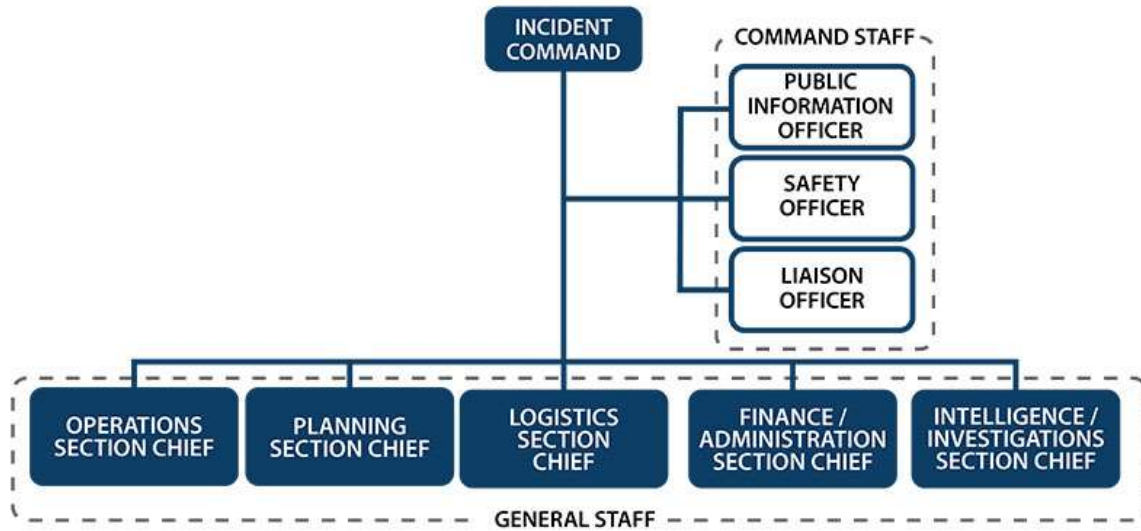
- Determining Incident Priorities
- Establishing Operational Periods
- Assigning and supervising field resources

TYPES OF COMMAND

- Single Incident Command
- Unified Command
- Area Command

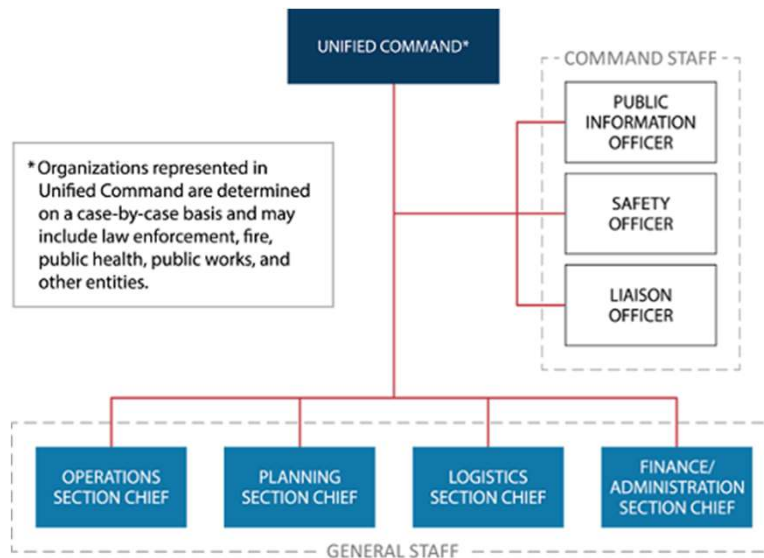
TYPES OF COMMAND

SINGLE INCIDENT COMMAND



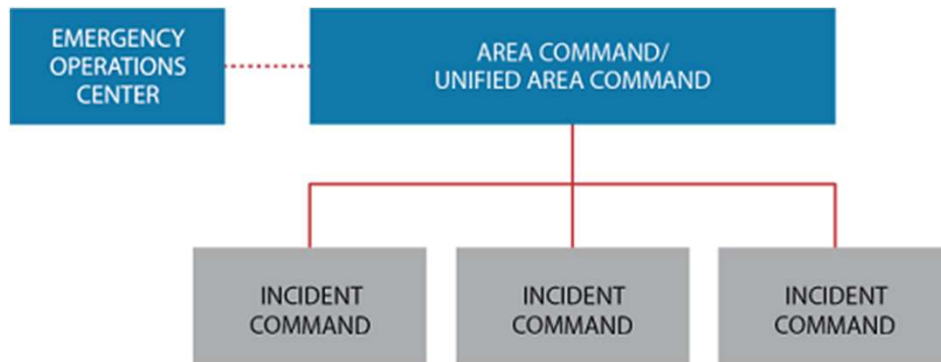
TYPES OF COMMAND

UNIFIED COMMAND



TYPES OF COMMAND

AREA COMMAND



COORDINATION

Allows all levels of government and disciplines to work together more efficiently and effectively.

EXAMPLES OF COORDINATION ACTIVITIES

- Adjusting agency budgets, policies, priorities to make funds and resources available
- Facilitating Intra-agency decision making
- Coordinating public information
- Dispatching additional resources

NIMS STRUCTURES & CONNECTIVITY

Incident Command System (ICS)



On-scene management of incidents.

Emergency Coordination Center (ECC)



Offsite Emergency Coordination Centers support on-scene ICS operations.

Multi-Agency Coordination Group (MAC Group)



Offsite support through policy guidance and scarce resource allocation.

Joint Information System (JIS)

Integrates incident information and public affairs across ICS, EOCs, and MAC Groups

ECC ORGANIZATION

WHAT

Physical or virtual locations where staff, stakeholders, and partners provide support for an incident.

ACTIVITIES

- Collect, share, disseminate information
- Support resource needs and requests
- Coordinate plans and determine current and future requirements
- Liaise with partners
- Support public communications

***In some cases ECCs may provide on-scene coordination or manage some operations such as sheltering or points of distribution.

MAC GROUPS

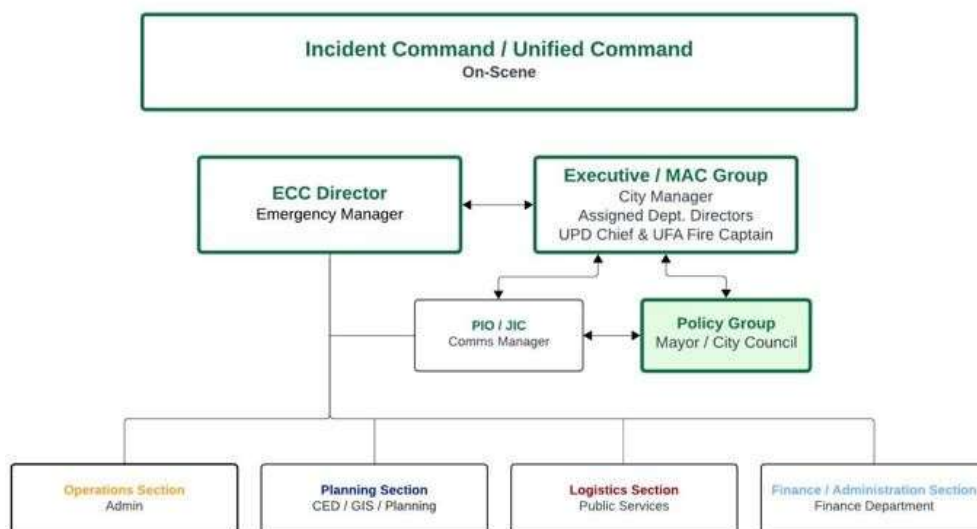
Includes agency administrators, executives, or their designees from stakeholder agencies or organizations impacted by and with resources committed to the incident. In larger incidents this may include multiple stakeholder agencies as well as representatives from non-governmental organizations.

ROLES & ACTIVITIES

- Assist in identifying incident priorities at a high strategic level
- Provide policy support
- Support resource allocation and prioritization
- Make cooperative multi-agency decisions

Who is our MAC Group?

OUR COMMAND & COORDINATION



SENIOR OFFICIAL ROLE

The senior official has the authority to make decisions, commit resources, obligate funds, and command the resources necessary to protect the population.

The senior official does not assume a command role on-scene.

ACTIVITIES

- Provides policy guidance on priorities and objectives based on situational needs and the CEMP.
- Oversees resource coordination and support to on-scene command.
- Provides delegation of authority to the IC or Unified Command to manage on-scene tactical operations.

Who is our Senior Official?

CITY COUNCIL ROLES

- Ensure continuity of local government
- Support response and recovery
- Establish financial directives and spending parameters, including the authorization of emergency projects or exigent spending
- Participate in emergency policy decision-making such as the adjudication of scarce resources or changes to city policy
- Coordinate with neighboring senior officials and governmental partners
- Support the PIO by interfacing with citizens and media to circulate a clear, calm, unified message.
- Visit impacted areas and shelters as appropriate.

TITLE 10
PUBLIC WELFARE

General Provisions 10.01

Interference with Public Officers 10.02

Gambling 10.03

Sex Offenses 10.04

Disorderly Conduct 10.05

Property Damage and Trespass 10.06

Psychoactive Drugs 10.07

Curfew 10.08

Failure to Supervise a Minor 10.09

Weapons 10.10

Deference to State Code 10.11

TITLE 10
PUBLIC PEACE, MORALS AND WELFARE

CHAPTER 10.01
GENERAL PROVISIONS

SECTION

10.01.010: Definitions

10.01.020: Severability

10.01.030: Misdemeanor

10.01.040: Minors; Unlawful Procurement

10.01.010: DEFINITIONS

ADULT TOY: Any object or device primarily used to facilitate sexual pleasure.

ALCOHOLIC PRODUCT: Defined in Utah Code § 32B-1-102.

CODE BLUE ALERT: Defined in Utah Code § 35A-16-701.

CUSTODIAN: The parent, guardian, caretaker, or other custodian legally tasked with the care, supervision, and responsibility of a minor.

DELINQUENT ACT: An act which would constitute an infraction, misdemeanor, or felony if committed by an adult.

EDUCATIONAL INSTITUTION: Any institution which provides educational services, including schools, colleges, and universities.

EMERGENCY ERRAND: Any errand or travel taken to prevent or mitigate an emergency. Examples include obtaining medications for illness and seeking assistance from emergency responders for injury, disaster, or criminal activity.

FURNISH: Defined in Utah Code § 32B-1-102.

GAMBLING PLACE: Any real or personal property where gambling is played, conducted, or dealt upon.

GRAFFITI: Defined in Utah Code § 76-6-101.

GRAFFITI INSTRUMENT: Any tool, substance, or other article designed or commonly used to create or place illustrations, inscriptions, or other markings.

LOITERING: Idling, wandering, lingering, or otherwise remaining in a location without clear purpose for an extended time.

MINOR: Any unemancipated person who is not a member of the armed forces of the United States and who is under the age of 18 unless (1) otherwise specified; or (2) modified by statute.

PORNOGRAPHIC MATERIAL: Defined in Utah Code § 76-10-1203.

PROOF OF AGE: Defined in Utah Code § 32B-1-102.

PUBLIC GROUNDS: Any real property owned—in whole or in part—by the U.S. or state of Utah, upon which camping or sleeping has not been authorized.

PUBLIC PLACE: Any place open to the public—whether publicly or privately owned—such as streets, sidewalks, and commercial establishments.

10.01.020: SEVERABILITY

If any provision of this title is deemed invalid, the remaining provisions shall remain in full effect.

10.01.030: MISDEMEANOR

Unless otherwise specified, a “misdemeanor” denotes a Class-B misdemeanor.
[waiting for prosecutor input]

10.01.040 MINORS; UNLAWFUL PROCUREMENT

For any provision of this code that restricts a minor’s access to items or services, it is a misdemeanor for (1) a minor to solicit the help of an adult to procure these restricted items or services; or (2) an adult to procure these restricted items or services for a minor.

CHAPTER 10.02 INTERFERENCE WITH PUBLIC OFFICERS

CHAPTER 10.04 INTERFERENCE WITH PUBLIC OFFICERS

SECTION

10.02.010: Obstructing a Legal Process

SECTION:

10.04.010: Resisting Or Obstructing A Peace Officer

10.04.020: Giving False Information To Law Enforcement Officers

10.04.030: Obstructing Service Of Process

10.04.040: Refusing To Aid An Officer

10.04.050: Impersonating A Public Officer

10.04.060: Reserved

10.04.070: Severability

10.04.080: Application Of Gender; Based Pronouns

10.04.010: RESISTING OR OBSTRUCTING A PEACE OFFICER:

Any person who knowingly resists or obstructs the performance, by one known to the person to be a law enforcement officer, of any authorized act within the officer's capacity, shall be guilty of a misdemeanor. (1999 Code)

10.04.020: GIVING FALSE INFORMATION TO LAW ENFORCEMENT OFFICERS:

~~Any person who, with the intent to mislead a law enforcement officer as to his identity, knowingly gives a false name, age, date of birth or address to a law enforcement officer in the lawful discharge of his official duties shall be guilty of a misdemeanor. (1999 Code)~~

10.02.010: OBSTRUCTING A LEGAL PROCESS

~~In addition to obstruction of justice in a criminal proceeding per Utah Code § 76-8-306, it is a misdemeanor to knowingly resist or obstruct (1) the authorized service or execution of any civil or criminal process; or (2) any court order.~~

10.04.030: OBSTRUCTING SERVICE OF PROCESS:

~~Any person who knowingly resists or obstructs the authorized service or execution of any civil or criminal process or order of any court shall be guilty of a misdemeanor. (1999 Code)~~

10.04.040: REFUSING TO AID AN OFFICER:

~~Any person who refuses or knowingly fails, when commanded, to give reasonable aid to a person whom he knows to be a law enforcement officer in the process of apprehending a person, shall be guilty of a misdemeanor. (1999 Code)~~

10.04.050: IMPERSONATING A PUBLIC OFFICER:

~~Any person who falsely represents himself to be a public officer, sheriff, deputy sheriff, justice of the peace, coroner or notary public, or other law enforcement officer of any character whatsoever, and in such assumed character arrests or detains or attempts or threatens to arrest or detain, or otherwise intimidates or searches the person, building or other property of any person, or obtains money, property or anything of value, shall be guilty of a misdemeanor. (1999 Code)~~

10.04.060: RESERVED:

10.04.070: SEVERABILITY:

~~In the event that any provision of this title is deemed invalid for any reason, the remaining provisions shall remain in full force and effect. (1999 Code)~~

10.04.080: APPLICATION OF GENDER; BASED PRONOUNS:

Any gender based pronoun, including, but not limited to, he, she, his, hers, him or her, used in this title, shall, for the purposes of this title, apply equally to both males and females. (1999 Code)

CHAPTER 10.08 BODILY HARM

SECTION:

10.08.010: Assault

10.08.020: Battery

10.08.030: Telephone Harassment

10.08.040: Place Of Commission Of Offense Involving Use Of Telephone

10.08.050: Definitions; Crime Of Stalking; Designated

10.08.060: Profane And Abusive Language

10.08.010: ASSAULT:

An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another. Any person committing an assault shall be guilty of a misdemeanor. (1999 Code)

10.08.020: BATTERY:

A battery is any wilful and unlawful use of force or violence upon the person of another. Any person committing battery shall be guilty of a misdemeanor. (1999 Code)

10.08.030: TELEPHONE HARASSMENT:

~~—A. A person is guilty of telephone harassment if, with intent to annoy or alarm another, such person:~~

~~—1. Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication, including, but not limited to, making a call or calls and then terminating the call before conversation ensues; or~~

~~—2. Makes repeated, unwanted telephone calls; or~~

~~—3. Insults, taunts or challenges another by use of telephone communication in a manner likely to provoke a violent or disorderly response; or~~

~~—4. Telephones another and knowingly makes any false statement concerning injury, death, disfigurement, indecent conduct or criminal conduct of the person telephoned or any member of his family, or uses obscene, profane or threatening language with intent to cause fear, intimidate, harass or annoy. The making of a false statement as herein set out shall be prima facie evidence of intent to cause fear, intimidate, harass or annoy.~~

~~—5. Any person who, with the intent described in subsections A3 and A4 of this section, knowingly sends, or causes to be sent, by use of telephone transmission facilities, any electronic text or graphic message or image, shall be guilty of a misdemeanor.~~

~~—B. Any person committing telephone harassment shall be guilty of a misdemeanor. (1999 Code)~~

~~10.08.040: PLACE OF COMMISSION OF OFFENSE INVOLVING USE OF TELEPHONE:~~

~~Any offense committed by use of a telephone or telephone transmission facilities, as set out in section 10.08.030 of this chapter, or any successors, may be deemed to have been committed at either the place at which the telephone call or calls were made, or at the place where the telephone call or calls were received. (1999 Code)~~

~~10.08.050: DEFINITIONS; CRIME OF STALKING; DESIGNATED:~~

~~—A. Definitions:~~

~~—COURSE OF CONDUCT: A pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose but serving no legitimate purpose.~~

~~—1. The course of conduct must cause a reasonable person to suffer severe emotional distress.~~

~~—2. Constitutionally protected activity is not included within the meaning of "course of conduct".~~

~~—HARASSES: Knowing and wilful course of conduct directed at a specific person with the intent to seriously alarm, annoy or disturb the person.~~

~~—SERIES OF ACTS: Two (2) more acts.~~

~~—B. Offense: A person is guilty of stalking who repeatedly follows or harasses another person or repeatedly follows a course of conduct against that person with the intent of placing that person in reasonable fear of bodily injury, harm to that person's family members, or damage to property of that person or another.~~

~~—C. Penalty: Any person committing any stalking shall be guilty of a misdemeanor. (1999 Code)~~

~~10.08.060: PROFANE AND ABUSIVE LANGUAGE:~~

~~It is unlawful for any person to use profane, obscene or indecent language in any public place where other persons might reasonably hear such language, or the use of language constituting fighting words. Any person using such language shall be guilty of a misdemeanor. (1999 Code)~~

~~CHAPTER 10.16~~

~~CHEMICAL INHALATION OR INGESTION~~

~~SECTION:~~

~~10.16.010: Definition~~

~~10.16.020: Ingestion And Inhalation Of Substances Prohibited When~~

~~10.16.030: Use Or Possession Of Substances Prohibited When~~

~~10.16.040: Sale Of Substances Prohibited When~~

~~10.16.010: DEFINITION:~~

~~As used in this chapter, the phrase "chemical substance containing a solvent or chemical compound having the property of releasing toxic vapors or fumes" means and includes any glue, cement, cleaning fluid, paint thinner, lacquer or lacquer thinner, or other adhesive or solvent containing one or more of the following compounds: acetone, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluene, trichloroethylene, or amyl acetate. (1999 Code)~~

~~10.16.020: INGESTION AND INHALATION OF SUBSTANCES PROHIBITED WHEN:~~

~~Any person who causes a condition of intoxication, inebriation, excitement, stupefaction or the dulling of his brain or nervous system by intentionally smelling, ingesting or inhaling the fumes from any chemical substance or chemical compound having the property of releasing toxic vapors or fumes; provided, however, that nothing in this section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes. Any person committing any such act shall be guilty of a misdemeanor. (1999 Code)~~

~~10.16.030: USE OR POSSESSION OF SUBSTANCES PROHIBITED WHEN:~~

~~Any person who, for the purpose of violating section 10.16.020 of this chapter, uses or possesses for the purpose of so using any chemical substance containing a solvent or chemical compound having the property of relating toxic vapors or fumes shall be guilty of a misdemeanor. (1999 Code)~~

~~10.16.040: SALE OF SUBSTANCES PROHIBITED WHEN:~~

~~Any person who sells, offers to sell, or gives away to any other person, or obtains for any other person, any chemical substance containing a chemical compound having the property of releasing toxic vapors or fumes if he has reasonable cause to suspect that the product sold, offered for sale or obtained will be used for the purposes set forth in section 10.16.020 of this chapter shall be guilty of a misdemeanor. (1999 Code)~~

CHAPTER 10.03
GAMBLING

CHAPTER 10.20
GAMBLING

SECTION

10.03.010: Gambling Places

10.03.020: Seizure and Sale of Property

~~SECTION:~~

~~10.20.010: Definitions~~

~~10.20.020: Acts Constituting Gambling; Penalty~~

~~10.20.030: Keeping A Gambling Place Prohibited~~

~~10.20.040: Seizure Of Gambling Devices~~

~~10.20.050: Seizure Of Gambling Funds~~

~~10.20.010: DEFINITIONS:~~

~~As used in this chapter:~~

~~GAMBLING DEVICE: Any clock, tape machine, slot machine, or other machine or device for the reception of money or other thing of value on chance or skill, or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, equipment or other device designed primarily for use in a gambling place. A gambling device does not include:~~

~~—A. A coin in the slot operated mechanical device played for amusement that rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player no coins, tokens or merchandise; or~~

~~—B. Vending machines by which full and adequate return is made for the money invested and in which there is not an element of chance.~~

~~LOTTERY: Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name.~~

~~POLICY GAME: Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall, in the event of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property, evidence of debt, or other thing of value. (1999 Code)~~

10.20.020: ACTS CONSTITUTING GAMBLING; PENALTY:

~~—A. A person commits gambling when he does any one or more of the following:~~

~~—1. Plays a game of chance or skill for money or other thing of value.~~

~~—2. Makes a wager upon the result of any game, contest, or any political nomination, appointment or election.~~

~~—3. Uses or keeps any book, instrument or apparatus for the purpose of recording or registering bets or wagers, or holds any funds that have been bet or wagered.~~

~~—4. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election.~~

~~—5. Sets up or promotes any lottery, or sells, offers to sell or transfers any ticket or share for any lottery.~~

~~—6. Sets up or promotes any policy game, or sells, offers to sell or knowingly possesses or transfers any policy ticket or other similar device.~~

~~—7. Knowingly advertises any lottery or policy game, or drafts, prints or publishes any lottery ticket or share, or any policy ticket or similar device, or any advertisement of any lottery or policy game.~~

~~—8. Knowingly transmits information as to wagers, betting odds or changes in betting odds by telephone, telegraph, radio, computer, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information.~~

~~—B. Any person violating any provision of this chapter shall be guilty of a misdemeanor. (1999 Code)~~

10.03.010: GAMBLING PLACES

A. Knowingly allowing one's property to be used as a gambling place is a misdemeanor.

B. **Revocation of Certificates:** If property is determined to be a gambling place, all licenses, permits, or other certificates related to the business of the property shall be void. No voided certificate shall be reissued (1) to the property within 60 days of the voidance; or (2) to any person convicted of keeping a gambling place within one year of their conviction.

C. **Public Nuisance:** A gambling place is a public nuisance per Utah Code § 78B-6-1107(1)(b) and may be proceeded against accordingly.

10.20.030: KEEPING A GAMBLING PLACE PROHIBITED:

~~—A. A "gambling place" means any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling house shall be guilty of a misdemeanor.~~

~~—B. When any premises are determined by a court having jurisdiction to be a gambling place:~~

~~—1. Such premises are a public nuisance and may be proceeded against as such; and~~

~~—2. All licenses, permits or certificates issued by the city authorizing the playing of cards or the serving of food or liquor on such premises shall be void; and no license, permit or certificate so canceled shall be reissued for such premises for a period of sixty (60) days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction; and~~

~~—3. Any owner of the premises who knowingly permits thereon a violation of any section of this title shall be held liable, and the premises may be sold to pay any unsatisfied judgment recovered and any unsatisfied fine levied under any section of this title. (1999 Code)~~

10.03.020: SEIZURE AND SALE OF PROPERTY

A. **Seizure of Property:** Per Utah Code § 76-10-1112, the city may seize gambling debts, funds, proceeds, or devices obtained or provided in violation of the Utah Code or this chapter.

B. **Sale of Real Property:** Per Utah Code § 77-11b-202, the court may order seized property pending to a forfeiture proceeding to be sold, leased, or rented to cover any unsatisfied judgment or fine levied under this chapter.

10.20.040: SEIZURE OF GAMBLING DEVICES:

Every gambling device shall be subject to seizure, confiscation, destruction or sale, pursuant to the laws of the state. (1999 Code)

~~10.20.050: SEIZURE OF GAMBLING FUNDS:~~

~~Any funds used for purposes of gambling and seized in any gambling place, or found in or on any gambling device, shall vest in the general fund of the city. (1999 Code)~~

CHAPTER 10.04
SEX OFFENSES

CHAPTER 10.28
SEX OFFENSES

SECTION

10.04.010: Sex Paraphernalia; Distribution, Display, and Promotion to Minors

10.04.020: Production and Distribution of Pornography

SECTION:

~~10.28.010: Public Indecency~~

~~10.28.020: Prostitution~~

~~10.28.030: Procuring Services Of Others Prohibited~~

~~10.28.040: Contributing To The Sexual Delinquency Of A Child~~

~~10.28.050: Sex Paraphernalia; Distribution, Display Or Promotion To Minors Prohibited~~

~~10.28.060: Showing Of Material Harmful To Minors At Outdoor Theaters~~

~~10.28.070: Possession Of Harmful Materials By Minors~~

~~10.28.080: Procuring Certain Articles For Minors Prohibited~~

~~10.28.090: Exposing Minors To Harmful Materials~~

~~10.28.100: Obscene Acts And Materials~~

~~10.28.010: PUBLIC INDECENCY:~~

~~—A. Acts Constituting Public Indecency: Any person who performs any of the following acts in a public place commits a public indecency:~~

~~—1. An act of sexual intercourse; or~~

~~—2. An act of deviate sexual conduct; or~~

~~—3. A lewd exposure of the body, done with the intent to arouse or to satisfy the sexual desire of the person; or~~

- ~~—4. A lewd fondling or caress of the body of another person; or~~
- ~~—5. An exposure of the body for the purpose of urinating in any place other than a restroom facility.~~
- ~~—B. Public Place Defined: "Public place", for the purpose of this section, means any place where the conduct may reasonably be expected to be viewed by others.~~
- ~~—C. Penalty: A person convicted of public indecency shall be guilty of a misdemeanor. (1999 Code)~~

~~10.28.020: PROSTITUTION:~~

- ~~—A. Acts Constituting Prostitution: Any person who performs, solicits, offers or agrees to perform any of the following acts for money or other consideration commits an act of prostitution:~~
- ~~—1. Any act of sexual intercourse; or~~
- ~~—2. Any act of deviate sexual conduct.~~
- ~~—B. Deviate Sexual Conduct Defined: "Deviate sexual conduct", for the purpose of this section, means:~~
- ~~—1. Any act of sexual gratification involving the sex organs of one person and the mouth or anus of another.~~
- ~~—2. Any lewd fondling or touching of either the female person or male person with the intent to arouse or satisfy the sexual desires of any person.~~
- ~~—C. Penalty: Any person involved in any act of prostitution shall be guilty of a misdemeanor. (1999 Code)~~

~~10.28.030: PROCURING SERVICES OF OTHERS PROHIBITED:~~

~~It is unlawful for any person under a disability by reason of age to engage or utilize the services of any other person, whether for remuneration or not, to procure for such person under such disability any article or material that the said person is forbidden by law to purchase or have in his possession or control. Any person who commits any such act shall be guilty of a misdemeanor. (1999 Code)~~

~~10.28.040: CONTRIBUTING TO THE SEXUAL DELINQUENCY OF A CHILD:~~

- ~~—A. Acts Constituting Contributing: Any person of the age of fourteen (14) years and upward who performs or submits to any of the following acts with any person under the age of sixteen (16) contributes to the sexual delinquency of a child:~~

~~—1. Any act of deviate sexual conduct. "Deviate sexual conduct", for the purpose of this chapter, means any act of sexual gratification involving the sex organs of one person and the mouth or anus of another;~~

~~—2. Any lewd fondling or touching of either the child or the person done or submitted to with the intent to arouse or satisfy the sexual desires of either the person or the child, or both; or~~

~~—3. Any lewd act done in the presence of the child with the intent to arouse or to satisfy the sexual desires of either the person or the child, or both;~~

~~—4. Any act of sexual intercourse.~~

~~—B. Belief Of Proper Age Not Defense: It shall not be a defense to contributing to the sexual delinquency of a child that the accused reasonably believed the child to be of the age of sixteen (16) or upwards.~~

~~—C. Penalty: A person found guilty of contributing to the sexual delinquency of a child shall be guilty of a misdemeanor. (1999 Code)~~

10.04.010: ADULT TOYS; DISPLAY AND PROMOTION TO MINORS

A. Advertising or otherwise promoting adult toys to minors is a misdemeanor for each day of violation.

B. Exceptions

1. Placing an adult toy on its designating shelving does not violate this section if the toy is not visible from outside the establishment.

2. This section does not apply to the custodian of the minors involved.

3. This section is not designed to restrict minors' access to over-the-counter contraceptives.

10.28.050: SEX PARAPHERNALIA; DISTRIBUTION, DISPLAY OR PROMOTION TO MINORS PROHIBITED:

~~—A. Definitions:~~

~~—DISPLAY PUBLICLY: The exposing, placing, posting, exhibiting, whether public or private, an item in a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a public thoroughfare, place or vehicle.~~

~~—DISTRIBUTE: To transfer the possession of, with or without consideration.~~

~~—KNOWINGLY: To have actual or constructive knowledge of the contents of the subject matter. A person has constructive knowledge if a reasonable inspection under the circumstances would have disclosed the nature of the subject matter or if the failure to inspect is for the purpose of avoiding such disclosure.~~

~~—MINOR: Any unmarried person less than eighteen (18) years of age.~~

~~—PERSON: Shall not be limited to individuals only, but means and includes public and private corporations, firms, joint associations, partnerships and the like. The word "person", as used herein, shall apply to a natural person and shall apply equally to the male and female genders.~~

~~—PROMOTE: To manufacture, issue, transmit, publish, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.~~

~~—SEX PARAPHERNALIA: Any inedible lubricant which is manufactured, promoted or designed to be used primarily for sexual stimulation, sexual arousal, or the enhancing or prolonging of sexual activity.~~

~~—SEXUAL DEVICE: Any item, device or product, including, but not limited to, a dildo, vibrator, artificial vagina, spanish fly, ben wa balls, pillow or other product shaped or made to resemble male or female genitals, buttocks, or developed female breasts, edible underwear, flavored or unflavored edible body lotion or other substance designed for internal consumption, sadomasochistic device, or any other item, device or product manufactured, promoted or designed to be used primarily for sexual stimulation, sexual arousal, or the enhancing or prolonging of sexual activity. "Sexual device" shall not mean "sex paraphernalia", as defined in this section, and shall not mean any device, appliance or pill designed to be used primarily for contraception purposes, and shall not mean movies, books, magazines or other communicative material protected by the first amendment of the United States Constitution.~~

~~—WILFULLY: A purpose or willingness to commit the act or to omit an act required herein.~~

~~—B. Distribution Unlawful: It is unlawful for any person to knowingly and wilfully distribute or furnish any sex paraphernalia to any minor. Each distribution to a minor shall constitute a separate offense, and any such offense shall be a misdemeanor.~~

~~—C. Promote, Distribute Or Furnish Unlawful: It is unlawful for any person to knowingly and wilfully promote, display publicly, distribute or furnish any sexual device to any minor. Each promotion or distribution or each day during which any sexual device is displayed publicly to a minor shall constitute a separate offense, and any such offense shall be a misdemeanor.~~

~~—D. Exception: This section does not prohibit any parent or legal guardian from distributing, promoting or displaying sex paraphernalia or sexual device to his minor child or ward. (1999 Code)~~

10.28.060: SHOWING OF MATERIAL HARMFUL TO MINORS AT OUTDOOR THEATERS:

~~—A. Showing Unlawful: It is unlawful for any person to wilfully or knowingly show at or in an outdoor theater any motion picture that is harmful to minors if such motion picture, or any part or portion thereof, can be seen or viewed by a minor from a place or position~~

outside the theater premises, or viewing area associated therewith, whether or not such premises or viewing area is enclosed by fence or wall.

—B. Definitions: Whenever used in this section, the following words and phrases shall be defined as follows:

—MINOR, HARMFUL TO MINORS, NUDITY, SEXUAL CONDUCT, SEXUAL EXCITEMENT AND SADOMASOCHISTIC ABUSE: Shall have the same meanings as those set forth for such words and phrases in section 10.28.090 of this chapter.

—MOTION PICTURE: Means and includes movie, slide or still projection, photograph, or negative thereof, videotape, drawing, sketch, engraving, print, painting, picture, image, recording, reproduction, physical object, or any visual representation of any kind or nature however made or displayed, including the voice or sound associated therewith.

—OUTDOOR THEATER: Means and includes drive in, amphitheater, arena, stadium, field, park, or any place or area where an audience may assemble that is not completely enclosed by floor, walls and ceiling or roof, with building or construction materials.

—PERSON: Shall not be limited to individuals only, but means and includes public and private corporations, firms, joint associations, partnerships, and educational, scientific and religious institutions, organizations and associations. The word "person" shall also apply to the plural as well as the singular and when being applied to a natural person shall include both male and female.

—SHOW: Means and includes the words exhibit, publish, advertise, depict, portray, represent, describe, recite, or any other manner or method of visual or aural representation.

—WILFULLY AND KNOWINGLY: Shall have the same meanings as those set forth in section 10.28.050 of this chapter.

—C. Penalty: Any person committing any such act shall be guilty of a misdemeanor for each day of violation hereof. (1999 Code)

10.28.070: POSSESSION OF HARMFUL MATERIALS BY MINORS:

It is unlawful for any person under the age of eighteen (18) years to knowingly have in his possession or control any article or material of whatever nature that is determined to be "obscene", or that is "harmful" to minors as defined in sections 10.28.090 and 10.28.100 of this chapter. Any person committing any such act shall be guilty of a misdemeanor for each day of violation hereof. (1999 Code)

10.28.080: PROCURING CERTAIN ARTICLES FOR MINORS PROHIBITED:

It is unlawful for any person to procure for any other person under disability by reason of age any article or material that such person under such disability is forbidden by law to

purchase or have in his possession or control. Any person committing any such act shall be guilty of a misdemeanor for each day of violation hereof. (1999 Code)

10.28.090: EXPOSING MINORS TO HARMFUL MATERIALS:

—A. Definitions: As used in this section:

—HARMFUL TO MINORS: That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, when it:

- 1. Predominantly appeals to the prurient interest of minors; and
- 2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- 3. Is without serious literary, artistic, political or scientific value.

—KNOWINGLY: Having general knowledge of, or reason to know, or a belief or ground for belief that warrants further inspection or inquiry, or both, as to:

- 1. The character and content of any material described herein that is reasonably susceptible of examination by the defendant; and
- 2. The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable, bona fide attempt to ascertain the true age of such minor.

—MINOR: Any person under the age of eighteen (18) years.

—NUDITY: The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

—SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person for the purpose of erotic pleasure.

—SEXUAL CONDUCT: The acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.

—SEXUAL EXCITEMENT: The condition of the human male or female genitals when in a state of sexual stimulation or arousal.

—B. Distribution: It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to knowingly sell, loan or give to a minor:

- 1. Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body that depicts nudity,

~~sexual conduct, sexual excitement or sadomasochistic abuse, and that is harmful to minors;
or~~

~~—2. Any book, pamphlet, magazine, printed matter (however reproduced), or sound recording that contains any matter enumerated in subsection B1 of this section, or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.~~

~~—C. Exhibition: It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to knowingly exhibit to a minor, or knowingly sell to a minor an admission ticket or pass, or knowingly to admit a minor to premises whereon there is exhibited a motion picture, show or other presentation that, in whole or in part, depicts nudity, sexual conduct, sexual excitement or sadomasochistic abuse, and that is harmful to minors.~~

~~—D. Motion Picture Ratings: Any motion picture rated NC-17 by the motion picture association, or any motion picture carrying an "X" rating shall be deemed to be harmful to minors under this section.~~

~~—E. Penalty: A violation of any provision of this section shall constitute a misdemeanor. (1999 Code)~~

10.04.020: PRODUCTION AND DISTRIBUTION OF PORNOGRAPHY

Willfully producing, contributing to the production of, distributing, or contributing to the distribution of any pornographic material is a misdemeanor for each day of violation.

10.28.100: OBSCENE ACTS AND MATERIALS:

~~—A. Prohibited Acts: It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to wilfully or knowingly act in, pose for, model for, print, draw, design or otherwise prepare, sell, offer for sale, give away, exhibit, publish or offer to publish, or have in his possession or under his control with the intent to sell, offer for sale or otherwise distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, image, cast, slide, figure, instrument, statue, drawing or presentation, or other article of material that is obscene.~~

~~—B. Definitions: As used in this chapter:~~

~~—KNOWINGLY: To have actual or constructive knowledge of the contents of the subject matter. A person has constructive knowledge if a reasonable inspection under the circumstances would have disclosed the nature of the subject matter, and if the failure to inspect is for the purpose of avoiding such disclosure.~~

~~—OBSCENE: To the average adult person applying contemporary community standards, means the dominant theme of the material or conduct, taken as a whole, appeals to the prurient interest and is without serious literary, artistic, political or scientific value. A "prurient interest" is a lewd, shameful or morbid interest in nudity, sex, or excretion.~~

~~—WILFULLY: A purpose or willingness to commit the act or to omit an act as required herein. (1999 Code)~~

CHAPTER 10.34

TARGETED RESIDENTIAL PICKETING

SECTION:

10.34.010: Findings And Scope

10.34.020: Purpose

10.34.030: Definitions

10.34.040: Prohibition

10.34.050: Penalties

10.34.010: FINDINGS AND SCOPE:

The municipal council of the city of Holladay finds and determines:

~~—A. That residents of Salt Lake Valley have experienced residential picketing targeted at specific residences.~~

~~—B. Such targeted residential picketing infringes on the residents' right to tranquility and privacy in their homes, and freedom from being a captive audience to unwanted messages while in their homes, and adversely affects other governmental interests.~~

~~—C. In *Frisby v. Shultz*, 487 U.S. 474 (1988), the United States supreme court upheld a municipal ordinance that banned picketing in front of a particular residence to protect residential privacy and to protect the inhabitants from hearing or seeing unwanted messages.~~

~~—D. The council finds that prohibiting targeted residential picketing within one hundred feet (100') of the property line of a particular residence properly balances two (2) competing interests:~~

~~—1. The right of residents to residential privacy and to be free from being a captive audience to unwanted speech in their homes; and~~

~~—2. The constitutional right of the picketers to have reasonable access to their intended audience.~~

—E. The council finds that it is in the best interest of the city of Holladay residents to protect the public peace, health, safety, tranquility, privacy and welfare.

—F. This chapter is intended to be a content neutral time, place, and manner of regulation on speech in public forums. (Ord. 08-16, 7-17-2008)

10.34.020: PURPOSE:

The protection of the home is of the highest importance. The public health and welfare and the good order of the community require that citizens enjoy in their homes and neighborhoods a feeling of well being, tranquility, and privacy, and enjoy freedom from being a captive audience to unwanted speech in their homes. The practice of targeted residential picketing causes emotional disturbance and distress to residents, and has the potential to incite breaches of the peace and disrupt the well being and tranquility of the home. Full opportunity exists for individuals to exercise their rights of free speech without resorting to targeted residential picketing. The provisions of this section are enacted for the purpose of protecting the significant public interests stated above and not to suppress free speech rights of any particular viewpoint. (Ord. 08-16, 7-17-2008)

10.34.030: DEFINITIONS:

PICKETING: The stationing or posting of one or more persons to apprise the public, vocally or by standing or marching with signs, banners, sound amplification devices, or other means, of an opinion or a message.

RESIDENCE: Any single-family, duplex, or multi-family dwelling where the targeted occupant resides and is not used as a targeted occupant's sole place of business or as a place of public meeting.

TARGETED RESIDENTIAL PICKETING: Picketing that:

—A. Is specifically directed or focused toward a residence, or one or more occupants of a residence, and

—B. Takes place within one hundred feet (100') of the property line of that residence. (Ord. 08-16, 7-17-2008)

10.34.040: PROHIBITION:

It shall be unlawful for any person, acting alone or in concert with others, to engage in targeted residential picketing in the incorporated limits of the city of Holladay. (Ord. 08-16, 7-17-2008)

~~10.34.050: PENALTIES:~~

~~Any violation of this chapter is a class-B misdemeanor. (Ord. 08-16, 7-17-2008)~~

CHAPTER 10.05
DISORDERLY CONDUCT

~~CHAPTER 10.36~~
~~DISORDERLY CONDUCT~~

SECTION

10.05.010: Educational Institutions; Unlawful Acts

10.05.020: Consumption or Possession of Open Alcoholic Products in a Public Place

10.05.030: Loitering

10.05.040: Camping or Sleeping on Public Grounds

10.05.050: Fighting

~~SECTION:~~

~~10.36.010: Riot~~

~~10.36.020: Disturbing The Peace~~

~~10.36.030: Disrupting A Meeting Or Procession~~

~~10.36.040: Unlawful Acts In Or About Schools, Colleges Or Universities~~

~~10.36.050: Failure To Disburse~~

~~10.36.060: Drinking And Drunkenness In Public Places~~

~~10.36.065: Unlawfully Opening, Possessing Or Consuming An Alcoholic Beverage In A Public Place~~

~~10.36.070: Loitering~~

~~10.36.080: Camping And Sleeping On Public Grounds~~

~~10.36.100: Solicitation Of Person With Intent To Have Another Commit An Offense Specified In Utah Code Annotated Section 58-37-8~~

~~10.36.120: Fighting~~

~~10.36.010: RIOT:~~

~~—A. Acts Constituting Riot: A person is guilty of riot if:~~

~~—1. Simultaneously with two (2) or more other persons, such person engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm; or~~

~~—2. Such person assembles with two (2) or more other persons with the purpose of engaging, soon thereafter, in tumultuous or violent conduct, knowing that two (2) or more other persons in the assembly have the same purpose; or~~

~~—3. Such person assembles with two (2) or more other persons with the purpose of committing an offense against a person or property of another who such person supposes to be guilty of a violation of law, believing that two (2) or more other persons in the assembly have the same purpose.~~

~~—B. Refusal To Comply: Any person who refuses to comply with a lawful order to withdraw given to him immediately prior to, during or immediately following a violation of subsection A1 of this section, or its successor, is guilty of riot.~~

~~—C. Withdrawal Over Private Property No Defense: It is no defense to a prosecution under this section that withdrawal must take place over private property; provided, however, that no persons so withdrawing shall incur criminal or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal.~~

~~—D. Penalty: Any person found guilty of riot shall be guilty of a misdemeanor. (1999 Code)~~

10.36.020: DISTURBING THE PEACE:

~~—A. Unlawful Acts: A person is guilty of disturbing the peace if such person:~~

~~—1. Refuses to comply with the lawful order of a law enforcement officer to move from a public place;~~

~~—2. Knowingly creates a hazardous condition;~~

~~—3. Intending to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof;~~

~~—a. Engages in fighting, violent, tumultuous or threatening behavior;~~

~~—b. Uses words that are intended to cause acts of violence by the person to whom the words are addressed;~~

~~—c. Makes unreasonable noises in a private place which could be heard in a public place;~~

~~—d. Maliciously or wilfully disturbs the peace or quiet of another or of any public place by making an unreasonably loud noise or by discharging firearms;~~

~~—e. Obstructs vehicular or pedestrian traffic, except as allowed pursuant to the provisions of title 11 of this code; or~~

~~—f. Transmits in any manner to another a false alarm to the effect that a bomb or other explosive would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such a bomb or explosive is concealed in such a place.~~

~~—B. Public Place Defined: "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, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.~~

~~—C. Penalty: Any person found guilty of disturbing the peace shall be guilty of a misdemeanor if the offense continues after a request by a person to desist. Otherwise, it is an infraction. (1999 Code)~~

~~10.36.030: DISRUPTING A MEETING OR PROCESSION:~~

~~—A. Unlawful: A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession or gathering, he obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance, or any other means under circumstances which could cause a breach of peace.~~

~~—B. Penalty: Any person found guilty of disrupting a meeting or procession shall be guilty of a misdemeanor. (1999 Code)~~

10.05.010: EDUCATIONAL INSTITUTIONS; UNLAWFUL ACTS

The following acts each constitute a misdemeanor:

A. **Preventing Orderly Conduct:** Preventing or attempting to prevent the orderly conduct of the activities, administration, or classes of any educational institution.

B. **Disturbing Students or Employees:** Annoying, assaulting, molesting, or otherwise disturbing the students or employees of any educational institution on the grounds thereof.

C. **Loitering:** Loitering in or about the grounds of any educational institution—either on foot or in a vehicle—without lawful business in connection with the institution, such as taking lawful custody of a student or having written permission from anyone authorized to grant such.

D. **Obscene Conduct:** Conducting lewd, wanton, lascivious, or otherwise obscene speech or behavior in or about any educational institution.

E. **Vehicle Conduct:** Positioning a vehicle in the immediate vicinity or on the grounds of any educational institution for the purpose of (1) disturbing the

students as described in paragraph B; or (2) inducing or soliciting students or employees to enter the vehicle for unlawful purposes.

10.36.040: UNLAWFUL ACTS IN OR ABOUT SCHOOLS, COLLEGES OR UNIVERSITIES:

~~—A. Preventing Orderly Conduct: It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to annoy, disturb or otherwise prevent or attempt to prevent the orderly conduct of the activities, administration, or classes of any school, college or university.~~

~~—B. Disturbing Student Or Employee: It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to annoy, disturb, assault or molest any student or employee of any school, college or university while in or at such school, college or university building or on the grounds thereof.~~

~~—C. Loitering: It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to loiter, idle, wander, stroll, or play in, about or on any school, college or university grounds or building, either on foot or on any vehicle, without having some lawful business therein or thereabouts, or in connection with such school, college or university or the employees thereof.~~

~~—D. Obscene Conduct: It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to conduct himself in an obscene, lewd, wanton or lascivious manner in speech or behavior in, about or on any school, college or university buildings or grounds.~~

~~—E. Conduct From Vehicle: It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to park or move a vehicle in the immediate vicinity of, or on the grounds of any school, college or university for the purpose of annoying or molesting the students or employees thereof, or to induce, entice or invite students or employees into or on the vehicle for any unlawful purpose. (1999 Code)~~

10.36.050: FAILURE TO DISBURSE:

~~—A. Unlawful: A person is guilty of failure to disburse when such person remains at the scene of a riot, disorderly conduct or an unlawful assembly after having been ordered to disburse by a law enforcement officer.~~

~~—B. Exception: This section shall not apply to a person who reasonably attempted to but was unable to leave the scene of a riot or unlawful assembly.~~

~~—C. Penalty: Any person who fails to disburse shall be guilty of a misdemeanor. (1999 Code)~~

10.36.060: DRINKING AND DRUNKENNESS IN PUBLIC PLACES:

~~—A. Unlawful: It is unlawful to:~~

- ~~—1. Drink liquor in a public building, park or stadium unless authorized by a special permit; or~~
- ~~—2. Be under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors to a degree that the person may endanger himself or another, if such person is in a public place or in a private place where he unreasonably disturbs other persons.~~
- ~~—B. Conditions For Release From Custody: A law enforcement officer may release from custody an individual arrested under this section, if he believes imprisonment is unnecessary for the protection of the individual or another; or a law enforcement officer may take a person arrested under this section to a detoxification center or other special facility designated by the courts of the State or by State law, as an alternative to jail incarceration for such offenses.~~
- ~~—C. Penalty: An offense under this section is an infraction. (Ord. 2017-11, 5-18-2017)~~

10.05.020: CONSUMPTION OR POSSESSION OF OPEN ALCOHOLIC PRODUCTS IN A PUBLIC PLACE

Consumption or possession of an open alcoholic product in a public place not authorized by statute or permit is an infraction.

10.36.065: UNLAWFULLY OPENING, POSSESSING OR CONSUMING AN ALCOHOLIC BEVERAGE IN A PUBLIC PLACE:

- ~~—A. Unlawful To Have Open Containers Of Alcohol In Designated Areas: No person shall open, possess, or consume from an open bottle, can or other receptacle containing an alcoholic beverage in an unpermitted place.~~
- ~~—B. Definitions: As used in this section:~~
 - ~~—ALCOHOLIC BEVERAGES: "Beer" and "liquor" as defined in Utah Code Annotated section 32A-1-105. (32AB-1-105 effective July 1, 2011.)~~
 - ~~—OPEN BOTTLE, CAN OR OTHER RECEPTACLE: A container having within it an alcoholic beverage, which container has been opened, its seal broken or the contents of which have been partially consumed.~~
 - ~~—UNPERMITTED PUBLIC PLACE: Shall not mean or include a premises or area identified in a license or special permit or other authorization issued by the City as authorizing the possession or consumption of alcohol, when there is conformance with the applicable license or permit restrictions; businesses specifically permitted under title 5 of this Code; businesses licensed as "home occupation" as defined by section 13.04.040 of this Code; or apartment houses or "apartments" as defined in this Code.~~
- ~~—1. Any street, right of way, sidewalk, alley, publicly owned property or State or County road located within the City limits and which abuts upon: a) any County or City owned real~~

property; or b) any business required to have a City business license pursuant to title 5, chapter 5.04 of this Code;

—2. Boarded or abandoned buildings;

—3. Vacant lots; or

—4. Any publicly owned building or publicly owned real property.

—C. ~~Penalty: An offense under this section shall be an infraction. (Ord. 2010-28, 12-9-2010)~~

10.05.030: LOITERING

A. Prohibited Acts: In addition to the unlawful acts provided in Utah Code §§ 76-9-702.8 and 76-9-903, the following acts of loitering are prohibited:

1. Loitering under circumstances that warrant alarm for the safety of persons or property in the vicinity.

2. Loitering in or about a school, college, or university as described in 10.05.010.

3. Loitering in any public or private place—on foot or in a vehicle—under circumstances which suggest a crime is imminent or taking place.

4. Loitering in any public place for the purpose of begging.

B. Police Inquiry and Request to Vacate: Upon reasonable suspicion of unlawful loitering, a police officer shall inquire as to the apparent loiterer's purpose. This person must present the police officer with an explanation of their lawful business. If not reasonably sufficient, the apparent loiterer must vacate the premises at the request of the police officer. An explanation is not reasonably sufficient if the person's activity:

1. Causes a breach of the peace;

2. Causes an obstruction to vehicular or pedestrian traffic; or

3. Is reasonably consistent with or suggestive of any prohibited act of loitering in paragraph A.

C. Penalty: Each prohibited act of loitering is a misdemeanor if the apparent loiterer fails to comply with the police officer's request to vacate the area.

D. Exception: No person shall be convicted under this section if (1) the person's explanation of their lawful business to the police officer was true; and (2) such explanation would have dispelled the alarm if believed by the police officer.

10.36.070: LOITERING:

~~—A. Acts Constituting Loitering: A person is guilty of loitering if such person:~~

~~—1. Appears at a place or at a time under circumstances that warrant alarm for the safety of persons or property in the vicinity, and upon inquiry by a law enforcement official, such person fails to give a reasonably credible account of his identity, conduct, or purposes; or~~

~~—2. Loiters, remains, wanders, or lingers idly in or about a school, either by walking, sitting, standing, or by sitting in or upon a vehicle or conveyance, not having any reason or relationship involving custody of or responsibility for a pupil or student or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same, and upon inquiry of a law enforcement official, such person fails to give a reasonably credible account of his identity, conduct or purposes; or~~

~~—3. Loiters, remains, wanders or lingers idly in or about a building, lot, street, sidewalk or any other public or private place, either by walking, sitting, standing, or by sitting in or upon a vehicle or conveyance, without apparent reason and under circumstances which justify suspicion that he may be engaged in or about to engage in a crime, and upon inquiry of a law enforcement official, such person fails to give a reasonably credible account of his identity, conduct or purposes; or~~

~~—4. Is on or in any "public area" as hereafter defined, and which person:~~

~~—a. Remains, wanders idly or prowls:~~

~~——(1) In a manner or at a time not usual for law abiding citizens; or~~

~~——(2) Under circumstances that warrant a reasonable alarm or immediate concern for the safety of persons or property in the vicinity; or~~

~~——(3) Accosts other persons in any public place or in any place open to the public for the purpose of begging; and~~

~~—b. Refuses to obey the lawful command of a law enforcement officer to move on, or provide to said police officer a lawful reason for remaining on or in said public area as hereafter defined;~~

~~—c. The law enforcement officer's command shall be lawfully given when the alleged loitering by such person creates or causes to be created:~~

~~——(1) A breach of the peace; or~~

~~——(2) The actual or attempted obstruction, molestation or interference of any other person lawfully on or in any "public area", as hereafter defined, in such a manner as to cause such other person to reasonably fear for his safety; or~~

~~——(3) The obstruction or attempted obstruction of the free normal flow of vehicular traffic, or the normal passage of pedestrian traffic in said public areas; or~~

~~——(4) The unreasonable disturbance of any person acting lawfully on or in any said public place;~~

~~—d. For the purposes of this subsection A4, "public area" means any place open to the public, including, but not limited to, any common public area of any shopping mall, public way, street, highway, alley or park.~~

~~—B. Exception: No person shall be convicted under this section if the explanation such person gave of his conduct and purposes was true and, if believed by the law enforcement official at the time, would have dispelled the alarm.~~

~~—C. Penalty: Loitering is a misdemeanor. (1999 Code)~~

10.05.040: CAMPING OR SLEEPING ON PUBLIC GROUNDS

A. Placing or utilizing any sort of shelter or camping equipment—including tents, sleeping bags, cookware, fires, or other camping equipment—or sleeping on public grounds is prohibited. Any violator of this section must remove the equipment and/or cease sleeping on the premises at the request of a police officer.

B. **Penalty:** A violation of this section is a misdemeanor if the violator fails to comply with the officer's request within five minutes of issuance.

C. **Exception:** Per Utah Code § 35A-16-703, when enforcing this ordinance during a code blue alert, law enforcement may not seize any item used for survival in cold weather—including clothing, blankets, tents, and sleeping bags—from homeless individuals.

10.36.080: CAMPING AND SLEEPING ON PUBLIC GROUNDS:

~~—A. Unlawful; Penalty: It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to camp, lodge, cook, make a fire or pitch a tent, fly, lean to, tarpaulin, umbrella or any other type of ground cover or shelter, or place sleeping bags, bedding or any other type of camping or sleeping equipment on any public grounds, as defined in subsection B of this section, and it is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to use or benefit from the use of any of the foregoing items of shelter or camping or sleeping equipment to fail to remove the same from such public grounds more than five (5) minutes after being requested to do so by any law enforcement officer or citizen.~~

~~—B. Public Grounds Defined: For the purpose of this section, the term "public grounds" means any real property owned in whole or in part by the United States Of America and its agencies, or the state of Utah or any of its political subdivisions, upon which no camping or sleeping has been authorized by the owner. (1999 Code)~~

10.36.100: SOLICITATION OF PERSON WITH INTENT TO HAVE ANOTHER COMMIT AN OFFENSE SPECIFIED IN UTAH CODE ANNOTATED SECTION 59-37-8:

~~—A. Unlawful: It is unlawful for any person to request, or solicit a controlled substance, or controlled substance precursor from another person, except as permitted by applicable federal and state laws.~~

~~—B. Definitions:~~

~~—CONTROLLED SUBSTANCE: A drug, substance or immediate precursor as defined by Utah Code Annotated section 58-37-2, or its successor.~~

~~—CONTROLLED SUBSTANCE PRECURSOR: Any material defined as a controlled substance precursor by Utah Code Annotated section 58-37c-3(2), or its successor.~~

~~—C. Penalty: Violation of this section is a misdemeanor. (1999 Code)~~

10.05.050: FIGHTING

A. It is unlawful for two or more persons to engage in physical combat.

B. Penalty: A violation of this ordinance is a Class C misdemeanor.

C. Exception: Per Utah Code § 76-2-402, an individual engaged in such physical combat is not guilty of violating this ordinance if done so in self-defense.

10.36.120: FIGHTING:

~~—A. It is unlawful for two (2) or more persons to engage in physical combat that results in physical injury and/or results in damage to real or personal property.~~

~~—B. A violation of this section is a class C misdemeanor. (Ord. 2010-26, 12-2-2010)~~

CHAPTER 10.06

PROPERTY DAMAGE AND TRESPASS

CHAPTER 10.40

PROPERTY DAMAGE AND TRESPASS

SECTION

10.06.010: Property Destruction; Offensive-Smelling Compounds

10.06.020: Graffiti; Removal Process and Presumptive Evidence

10.06.030: Trespass on City Property

10.06.040: Trespass from a Public Recreational Trail

10.06.050: Placing Printed Matters on Vehicles

SECTION:

~~10.40.010: Criminal Damage To Property~~

~~10.40.020: Criminal Trespass To Vehicles~~

~~10.40.030: Criminal Trespass To Land~~

~~10.40.040: Trespass On City Property~~

~~10.40.050: Trespass From A Public Recreational Trail~~

~~10.40.060: Placing Printed Matter On Vehicles~~

10.06.010: PROPERTY DESTRUCTION; OFFENSIVE-SMELLING COMPOUNDS

In addition to the unlawful acts provided in Utah Code Title 76, Chapter 6, Part 1, the knowing deposition of any offensive-smelling compound—such as skunk spray, stink bombs, or deterrent sprays—on property without the permission of the owner constitutes property destruction, a misdemeanor.

10.06.020: GRAFFITI; REMOVAL PROCESS AND PRESUMPTIVE EVIDENCE

A. Removal Process: Graffiti shall be removed according to the following provisions:

- 1. Notice:** The owner of graffitied property must remove such graffiti. Per Utah Code § 76-6-107, if the owner fails to remove the graffiti within five days, the city shall issue the owner a notice detailing (1) the presence of the graffiti; (2) the requirements of removal provided by this section; (3) resources available to assist the owner with removal; and (4) that the graffiti will be removed by the city at the expense of the owner if the owner fails to remove the graffiti within seven days of the date of this notice. The notice shall be issued in person or by certified mail to the owner's last known address.
- 2. Appeal:** The owner may object to the required graffiti cleanup by filing an appeal with the city manager or their designee within five days of the date of the notice.
 - a.** Per Utah Code § 76-6-107, if the property owner is unable to remove the graffiti due to physical or financial hardship, the city (1) may not issue a citation or assess a fee to the property owner for failing to remove the graffiti; and (2) shall provide the assistance necessary to remove the graffiti.
- 3. Owner Liability:** If the time for appeal has lapsed and the city has removed the graffiti, the owner shall pay the city for the removal within 20 days of the billing date.

a. If the owner fails to pay, the city may sue for the costs of removal and suit, including interest, attorney fees, and court fees.

4. **Volunteer Services:** The city may seek cleanup supplies and volunteer labor to provide graffiti cleanup services under this chapter.

B. **Presumptive Evidence:** Possessing any graffiti instrument—such as a spray paint can—under circumstances reasonably suggesting an intent to use such instrument to graffiti another’s property—such as possession in a public building, alley, or park—constitutes presumptive evidence of such an intent.

10.40.010: CRIMINAL DAMAGE TO PROPERTY:

~~—A. Acts Constituting Criminal Damage: Whoever commits any of the following acts shall be deemed guilty of a misdemeanor:~~

- ~~—1. Knowingly damages any property without the owner's express permission.~~
- ~~—2. Recklessly, by means of fire or explosive, damages property of another.~~
- ~~—3. Knowingly starts a fire on the land of another without the express permission of the owner.~~
- ~~—4. Knowingly injures a domestic animal without the express permission of the owner.~~
- ~~—5. Knowingly deposits on land or in any building, without the express permission of the owner, any stink bomb or any offensive smelling compound, and thereby intends to interfere with the use of another of the land or building.~~
- ~~—6. Knowingly writes on or defaces any property, by graffiti or other means, without the express permission of the owner.~~
- ~~—7. Knowingly possesses any graffiti instrument under circumstances evincing an intent to use the same in order to graffiti the property of another. Possession of a spray paint can in a public building, park, facility, or alley shall be presumptive evidence of intent to use the same in order to damage such property.~~

~~—B. Graffiti Defined: "Graffiti" means inscriptions, drawings, paintings or other visual defacing of buildings, structures, roadways or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted pursuant to this chapter.~~

~~—C. Graffiti Instrument Defined: "Graffiti instrument" means any tool, instrument, article, substance, solution, or other compound designed or commonly used to paint, write, spray, scratch, affix, inscribe, or otherwise place a mark upon a piece of property.~~

~~—D. Graffiti Removal:~~

- ~~—1. Owners of property, structures, buildings or natural features upon which graffiti has been placed shall promptly remove such graffiti. If the owner of such property fails to remove such graffiti within five (5) calendar days, the owner shall be given written notice~~

in person or by certified mail to his last known address. The notice shall inform the property owner that there is graffiti on the property, that there is a requirement to remove the graffiti, and that if the graffiti is not removed within five (5) days of the date of the notice, the graffiti may be removed by the city at the expense of the owner.

—2. The owner may object to the required graffiti cleanup by filing an appeal with the mayor or his designee within five (5) days of the date of the notice. If the mayor or his designee finds that the property owner has reasonably responded to cleaning graffiti from the property on past occasions and has failed to clean the graffiti in the matter at hand primarily due to the cost of repeated cleaning, the property may be cleaned by the city at a reduced charge or no charge.

—3. After the time for appeal has expired and the property is cleaned by the city, if the owner fails to make payment to the city treasurer within twenty (20) days of the date of billing from the city, the city may cause suit to be brought in an appropriate court of law.

—4. In the event collection of expenses of removal are pursued through the court, the city shall sue for and receive judgment for all expenses of removal, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.

—5. The city may, at its discretion, seek paint, other cleanup supplies, and volunteer labor to provide graffiti cleanup services under this chapter. Persons convicted of crimes and sentenced to community volunteer services as a condition of probation shall, where available, be used for graffiti cleanup at no charge to property owners unless otherwise provided in this chapter. (1999 Code)

10.40.020: CRIMINAL TRESPASS TO VEHICLES:

Whoever knowingly and without authority enters any vehicle, aircraft or watercraft, or any part thereof of another, without his consent, shall be guilty of a misdemeanor. (1999 Code)

10.40.030: CRIMINAL TRESPASS TO LAND:

—A. Unlawful: Whoever enters upon the land or any part thereof of another, after receiving immediately prior to such entry notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, shall be deemed guilty of a misdemeanor.

—B. Notice: A person will be deemed to have received notice from the owner or occupant within the meaning of subsection A of this section if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof. (1999 Code)

10.06.030: TRESPASS ON CITY PROPERTY

Entering or remaining on city property after being ordered to keep off or vacate by a police officer is a misdemeanor.

10.40.040: TRESPASS ON CITY PROPERTY:

~~It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to drive or operate any self-propelled motor vehicle in, on or about any property belonging to the city, or under the control of the city, except on public highways, streets and roads, unless such property is specifically designated and posted for such use. (1999 Code)~~

10.06.040: TRESPASS FROM A PUBLIC RECREATIONAL TRAIL

Willfully leaving the boundaries of a public recreational trail and travelling across private property which has been clearly marked as such with signage is a misdemeanor for each day of violation.

10.40.050: TRESPASS FROM A PUBLIC RECREATIONAL TRAIL:

~~It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, for the purpose of biking, hiking, or any other activity to wilfully leave the boundaries of any public recreational trail across privately owned lands without the express consent of the landowner whenever notice against leaving the trail has been given by posting of a sign or signs reasonably likely to notify trail users. (1999 Code)~~

10.06.050: PLACING PRINTED MATTERS ON VEHICLES

A. Directly or indirectly distributing any printed matter—including pamphlets, handbills, cards, booklets, or placards—in or on any vehicle is a misdemeanor for each day of violation.

B. **Exception:** This ordinance does not apply to notices of parking violations or the distribution of any matter the vehicle owner has consented to.

10.40.060: PLACING PRINTED MATTER ON VEHICLES:

~~—A. Unlawful: It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to distribute, deposit, place, throw, scatter or cast, or cause to be distributed, deposited, placed, thrown, scattered or cast, any handbill, circular, card, booklet, placard or other printed or written matter of any type, except notice of parking violations in or upon any automobile or other vehicle.~~

~~—B.— Exception: The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any noncommercial printed or written matter to the owner or other occupant of any automobile or other vehicle who is willing to accept the same. (1999 Code)~~

CHAPTER 10.44

THEFT AND RELATED OFFENSES

SECTION:

10.44.010: Definitions

10.44.020: Acts Constituting Theft Designated; Penalty

10.44.030: Presumptions And Prima Facie Evidence

10.44.010: DEFINITIONS:

For the purposes of this chapter:

~~DEALER: A person in the business of buying or selling goods.~~

~~DECEPTION: Means and occurs when a person intentionally does any of the following:~~

~~—A.— Creates or confirms by words or conduct an impression of law or fact that is false and that the actor does not believe to be true, and that is likely to affect the judgment of another in the transactions.~~

~~—B.— Fails to correct a false impression of law or fact that the actor previously created or confirmed by words or other conduct that is likely to affect the judgment of another and that the actor does not now believe to be true.~~

~~—C.— Prevents another from acquiring information likely to affect his judgment in the transaction.~~

~~—D.— Sells or otherwise transfers or encumbers property without disclosing a lien, security interest, adverse claim, or other legal impediment to the enjoyment of the property, or whether the lien, security interest, claim or impediment is or is not valid or is or is not a matter of official record.~~

~~—E.— Promises performance that is likely to affect the judgment of another in the transaction, which performance the actor does not intend to perform or knows will not be performed; provided, however, that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.~~

~~OBTAIN: In relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another; in relation to~~

labor or services, to secure performance thereof; and in relation to a trade secret, to make any facsimile, replica, photograph or other reproduction.

OBTAIN OR EXERCISE UNAUTHORIZED CONTROL: Means, but is not necessarily limited to, conduct heretofore defined or known as common law larceny by trespass, larceny by conversion, larceny by bailee, and embezzlement.

PROPERTY: Anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments or other writings representing or embodying rights concerning real or personal property, labor services, commodities of a public utility nature such as telecommunications, gas, electricity, steam or water, and trade secrets, meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula or invention which the owner thereof intends to be available only to persons selected by him.

PURPOSE TO DEPRIVE: To have a conscious objective:

- A. To withhold property permanently or for so extended a period, or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost.
- B. To restore the property only upon payment of a reward or other compensation.
- C. To dispose of the property under circumstances that make it unlikely that the owner will recover it.

RECEIVES: Acquiring possession, control or title, or lending on the security of the property.

SERVICES: Means and includes, but is not necessarily limited to, labor, professional services, public utility and transportation services, restaurant, hotel, motel, tourist cabin, rooming house and like accommodations, the supplying of equipment, tools, vehicles or trailers for temporary use, telephone or telegraph services, gas, electricity, water or steam and the like, and admission to entertainment, exhibitions, sporting events, or other events for which a charge is made. (1999 Code)

10.44.020: ACTS CONSTITUTING THEFT DESIGNATED; PENALTY:

—A. Acts Constituting Theft: A person commits theft when he knowingly does any of the following:

- 1. Obtains or exercises unauthorized control over the property of another, having a value of three hundred dollars (\$300.00) or less, with the purpose to deprive the owner thereof.
- 2. Obtains or exercises control over the property of another having a value of three hundred dollars (\$300.00) or less, by deception, and with the purpose to deprive the owner thereof.

~~—3. Obtains or exercises control over the property of another, having a value of three hundred dollars (\$300.00) or less, by extortion, as defined by the laws of the state, and with the purpose to deprive the owner thereof.~~

~~—4. Receives, retains or disposes of the property of another, having a value of three hundred dollars (\$300.00) or less, knowing that such property had been stolen, or believing that it probably had been stolen, or who conceals, sells, withholds, or aids in concealing, selling or withholding any such property from the owner, knowing the property to be stolen, with a purpose to deprive the owner thereof.~~

~~—5. Obtains property of another, having a value of three hundred dollars (\$300.00) or less, which he knows or reasonably should have known to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient, or as to the nature or amount of the property, without taking reasonable measures to return it to the owner, and with the purpose to deprive the owner of the property when he obtains the property, or at any time prior to taking the measures designated above.~~

~~—6. Obtains services, having a value of three hundred dollars (\$300.00) or less, which he knows are available only for compensation, by deception, threat, force, or any other means designed to avoid the due payment therefor.~~

~~—7. Diverts the services of another, over which he has control and to which he knows he is not entitled, having a value of three hundred dollars (\$300.00) or less, to his own benefit or to the benefit of another who he knows is not entitled thereto.~~

~~—B. Penalty: A person convicted of theft, as herein enumerated, shall be deemed guilty of a misdemeanor. (1999 Code)~~

10.44.030: PRESUMPTIONS AND PRIMA FACIE EVIDENCE:

The following presumptions shall be applicable to this chapter:

~~—A. Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed prima facie evidence that the person in possession stole the property.~~

~~—B. The knowledge or belief required for subsection 10.44.020A4 of this chapter is presumed, in a case of an actor who:~~

~~—1. Is found in possession or control of other property stolen on a separate occasion.~~

~~—2. Has received other stolen property within the year preceding the receiving offense charged.~~

~~—3. Being a dealer in property of the sort received, retained or disposed, acquires it for a consideration which he knows is far below its reasonable value. (1999 Code)~~

CHAPTER 10.07
PSYCHOACTIVE DRUGS

~~CHAPTER 10.56~~
~~ALCOHOLIC BEVERAGES AND TOBACCO~~

SECTION

10.07.010: Proof of Age; Refusing Service

~~SECTION:~~

~~10.56.010: Alcoholic Beverages; Sale To Minors Prohibited~~

~~10.56.020: Proof Of Age; Refusing Service Authorized When~~

~~10.56.030: Proof Of Age; Evidence; Defense For Transactions~~

~~10.56.040: False Evidence Of Age; Prohibited~~

~~10.56.050: False Evidence Of Age; Presenting Or Possessing~~

~~10.56.060: Alcoholic Beverages; Possession By Persons Under Twenty One~~

~~10.56.070: Employment Of Persons Under Twenty One Prohibited~~

~~10.56.080: Minors On Premises Where Alcoholic Beverages Are Sold; Work Permits~~

~~10.56.090: Tobacco; Sale To Persons Under Twenty One Prohibited~~

~~10.56.100: Tobacco; Purchase Or Possession Prohibited When~~

~~10.56.010: ALCOHOLIC BEVERAGES; SALE TO MINORS PROHIBITED:~~

~~—A. Sales, Furnishes, Etc.: Every person who sells, procures, furnishes, gives or causes to be sold, furnished or given away any alcoholic beverage to any person under the age of twenty one (21) years is guilty of a misdemeanor.~~

~~—B. Possession, Consumption: Any person under the age of twenty one (21) years who purchases any alcoholic beverage, or any person under the age of twenty one (21) years who consumes any alcoholic beverage in any place licensed to sell or serve beer or alcoholic beverages, is guilty of a misdemeanor.~~

~~—C. Licensee Permitting Consumption: Any licensee of a place licensed to sell beer or alcoholic beverages who permits a person under the age of twenty one (21) years to consume any alcoholic beverage in the premises without requiring identification as provided for in section 10.56.030 of this chapter is guilty of a misdemeanor.~~

~~—D. Alcohol Beverage Defined: "Alcoholic beverage" or "alcoholic beverages", as used in this chapter, shall mean "beer" and "liquor" as defined in Utah Code Annotated section 32A-1-105, or its successor. (1999 Code)~~

10.07.010: PROOF OF AGE; REFUSING SERVICE

A. To avoid violating the Alcoholic Beverage Control Act (Utah Code Title 32B), any establishment licensed to furnish alcoholic products may refuse to sell such products to any individual who is (1) unable to produce valid proof of age; (2) actually or apparently intoxicated; (3) a known habitual drunkard; or (4) a known interdicted person.

B. To avoid violating Utah Code Title 76, Chapter 10, Part 1, any establishment licensed to furnish cigarette, tobacco, or nicotine products may refuse to sell such products to any individual who fails to produce valid proof of age.

10.56.020: PROOF OF AGE; REFUSING SERVICE AUTHORIZED WHEN:

~~For the purpose of preventing the violation of section 10.56.010 of this chapter, any licensee, or his agent or employee, may refuse to sell any alcoholic beverage to any person who is unable to produce adequate written evidence that he is at least twenty one (21) years of age. (1999 Code)~~

10.56.030: PROOF OF AGE; EVIDENCE; DEFENSE FOR TRANSACTIONS:

~~—A. Evidence: Bona fide evidence of majority and identity of the person is a document containing a photograph of such person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license or an identification card issued to members of the armed forces.~~

~~—B. Defenses: Proof that the defendant licensee, or his employee or agent, demanded, was shown and acted in reasonable reliance upon such bona fide evidence in any transaction, employment, use or permission forbidden by this chapter shall be a defense to any criminal prosecution therefor, or to any proceedings for the suspension or revocation of any licenses based thereon. (1999 Code)~~

10.56.040: FALSE EVIDENCE OF AGE; PROHIBITED:

~~Any person who sells, gives or furnishes to any person under the age of twenty one (21) years any false or fraudulent written, printed or photostatic evidence of the majority and identity of such person is guilty of a misdemeanor. (1999 Code)~~

10.56.050: FALSE EVIDENCE OF AGE; PRESENTING OR POSSESSING:

Any person under the age of twenty one (21) years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his own, for the purpose of ordering, purchasing, attempting to purchase or otherwise attempting to procure any alcoholic beverage, or who has in his possession any false or fraudulent written, printed or photostatic evidence of age and identity, is guilty of a misdemeanor. (1999 Code)

10.56.060: ALCOHOLIC BEVERAGES; POSSESSION BY PERSONS UNDER TWENTY ONE:

Any person under the age of twenty one (21) years who has any alcoholic beverage in his possession on any street or highway, or in any public place, or in any place open to the public is guilty of a misdemeanor. This section does not apply to possession by a person under the age of twenty one (21) years making a delivery of any beer or alcoholic beverage in pursuance of the order of a parent or in the course of his employment. (1999 Code)

10.56.070: EMPLOYMENT OF PERSONS UNDER TWENTY ONE PROHIBITED:

Every person who knowingly employs or uses the services of any person under the age of twenty one (21) years in or on that portion of any premises, during business hours, which are primarily designed, intended and used for the sale and serving of alcoholic beverages for consumption on the premises is guilty of a misdemeanor. (1999 Code)

10.56.080: MINORS ON PREMISES WHERE ALCOHOLIC BEVERAGES ARE SOLD; WORK PERMITS:

—A. Any licensee, or his agent or employee, of a place licensed to sell or serve alcoholic beverages who knowingly permits a person under the age of twenty one (21) years to enter and remain on the licensed premises without lawful business is guilty of a misdemeanor. Any person under the age of twenty one (21) years who enters and remains on the licensed public premises without lawful business therein is guilty of a misdemeanor.

—B. This section shall not be construed to prohibit minors from eating meals in a restaurant when the primary business of the restaurant is the serving of meals, nor to prohibit minors from eating meals in a licensed private club on that portion of the premises which is primarily intended for the serving of meals, provided that such minor is a guest of a club member.

—C. Any portion of a licensed private club which is primarily intended for the serving of meals and which shall admit persons under twenty one (21) years of age as patrons shall have the dining area clearly designated by signs and by physical barriers or walls which separate persons in the dining area from that portion of the premises intended primarily for the consumption and sale of alcoholic beverages. Should persons under twenty one (21) years of age be admitted, entrance to and exit from the dining areas shall be by route other

than through that portion of the premises primarily intended for the consumption and sale of alcoholic beverages.

—D. Persons under twenty one (21) years of age may be employed by a club licensee as entertainers, kitchen staff, bus boys, waiters, waitresses and maintenance personnel, provided such minor employees do not enter on that portion of the premises primarily intended for the sale and consumption of alcoholic beverages and perform all their employment duties on the portion of the premises primarily intended for dining. The physical structure of the premises shall be such that no employee under twenty one (21) years of age need enter the portion of the premises primarily intended for the sale and consumption of alcoholic beverages in the performance of employment duties, and such entry by a minor employee is prohibited.

—E. Any employee under twenty one (21) years of age of a club licensee shall obtain a work permit. The work permit shall be carried on the person while working on the premises and displayed upon request of law enforcement officers. The work permit shall be granted or denied in accordance with the business license ordinance, upon application to the Salt Lake County sheriff or any other entity then providing law enforcement services to the city.

—F. This section shall not be construed to allow any person under the age of twenty one (21) years on that portion of the premises of a lounge, bar, tavern or club intended primarily for the sale and consumption of alcoholic beverages for any reason whatsoever. (1999 Code)

10.56.090: TOBACCO; SALE TO PERSONS UNDER TWENTY ONE PROHIBITED:

Any person who sells, gives or furnishes any cigar, cigarette or tobacco, in any form, to any person under the age of twenty one (21) is guilty of a misdemeanor. (1999 Code; amd. Ord. 2021-06, 3-4-2021)

10.56.100: TOBACCO; PURCHASE OR POSSESSION PROHIBITED WHEN:

Any person under the age of twenty one (21) years who buys, accepts or has in his possession any cigar, cigarette or tobacco, in any form, is guilty of a misdemeanor. (1999 Code; amd. Ord. 2021-06, 3-4-2021)

CHAPTER 10.08

CURFEW

CHAPTER 10.60 CURFEW

SECTION

10.08.010: Curfew for Minors

10.08.020: Curfew for Minors Under 16

10.08.030: Custodial Liability

10.08.040: Business Liability

10.08.050: Exceptions

10.08.060: Enforcement

SECTION:

10.60.010: Definitions

10.60.020: Sixteen Year Old Curfew

10.60.030: Eighteen Year Old Curfew

10.60.040: Parental Liability

10.60.050: Business Liability

10.60.060: Exceptions

10.60.070: Enforcement

10.60.010: DEFINITIONS:

~~CARE AND CUSTODY: 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 a responsible adult to supervise or otherwise be responsible for the activities and care of the minor.~~

~~EMERGENCY ERRAND: Any errand or travel undertaken to directly and immediately seek to prevent or reduce the consequences of an illness or injury, criminal or potentially 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.~~

~~MINOR: Any unmarried, unemancipated person who is not a member of the armed forces of the United States and who is under the age of sixteen (16) years for the purposes of section 10.60.020 of this chapter or who is under the age of eighteen (18) years for the purposes of section 10.60.030 of this chapter.~~

~~PUBLIC PLACES: Any place open to the public, whether publicly or privately owned, including but not limited to, parking lots and the interiors and exteriors of commercial establishments such as restaurants, stores or places of entertainment. (1999 Code)~~

10.08.010: CURFEW FOR MINORS

A minor shall not remain or loiter in any public place between the hours of 1:00 A.M. and 5:00 A.M.

10.08.020: CURFEW FOR MINORS UNDER 16

A minor under the age of 16 shall not remain or loiter in any public place between the hours of 11:00 P.M. and 5:00 A.M.

10.60.020: SIXTEEN YEAR OLD CURFEW:

~~It is unlawful for any minor under the age of sixteen (16) years to remain or loiter upon any of the sidewalks, streets, alleys or public places in the city, between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. the following morning. (1999 Code)~~

10.60.030: EIGHTEEN YEAR OLD CURFEW:

~~It is unlawful for any minor under the age of eighteen (18) years to remain or loiter upon any of the sidewalks, streets, alleys or public places in the city, between the hours of one o'clock (1:00) A.M. and five o'clock (5:00) A.M. (1999 Code)~~

10.08.030: CUSTODIAL LIABILITY

The custodian of any minor shall not allow the minor to violate the provisions of this chapter.

10.60.040: PARENTAL LIABILITY:

~~It is unlawful for any parent, guardian or other person having care and custody of any minor to allow or permit the minor to violate the provisions of this chapter. Violation is a misdemeanor. (1999 Code)~~

10.08.040: BUSINESS LIABILITY

A business owner shall not allow a minor to remain on the premises in violation of the minor's applicable curfew unless the minor is an employee.

10.60.050: BUSINESS LIABILITY:

~~No person owning or operating a "business", as defined by this code, shall knowingly permit any minor to remain on the premises of such business in violation of the provisions of this section. Any such violation shall be a misdemeanor. This section, however, shall not apply to any minor who is lawfully employed on the premises. (1999 Code)~~

10.08.050: EXCEPTIONS

The provisions of this chapter shall not apply to any circumstances wherein the minor is:

- A. Accompanied by a custodian.
- B. Working in an occupation which requires the minor's presence in public places for work or travel.
- C. Conducting an emergency errand directed by the minor's custodian.
- D. Travelling on an interstate.
- E. Travelling between the minor's residence and a place where any religious, municipal, social, entertainment, sporting, political, library, or school function is occurring.
- F. Within the immediate vicinity of the minor's residence.

10.60.060: EXCEPTIONS:

The provisions of this chapter shall not apply to any circumstances in which the minor is:

- A. Accompanied by a parent, guardian or other responsible adult having care and custody of such minor;
- B. Engaged in legitimate trade, employment or occupation which requires the minor's presence in or on the sidewalks, streets, alleys or public places while working at or traveling to or from such employment;
- C. Engaged in an emergency errand directed by the minor's parent, guardian or other responsible person having care and custody;
- D. In a motor vehicle engaged in a normal interstate travel beginning in, traveling through, or ending in the city;
- E. Attending or engaged in traveling between the minor's home or place of residence and a place where any religious, municipal, social, entertainment, sporting, political, library or school function is occurring; or
- F. Within the immediate vicinity of the minor's place of residence. (1999 Code)

10.08.060: ENFORCEMENT

Arrest and Citation Of Minor: Any minor who violates the provisions of this chapter is subject to arrest and citation.

Return to Custody Of Parent: Following arrest and citation (if issued), the minor shall be returned to the custodian.

Refusal to Take Custody: If a minor violates this chapter and is arrested by a police officer in accordance with this section, it is unlawful for the minor's custodian to refuse to take custody of the minor within a reasonable time of the police officer's request to do so.

Penalty: Unless otherwise specified, any violation of this chapter is a misdemeanor for the specified parties.

10.60.070: ENFORCEMENT:

~~—A. Arrest And Citation Of Minor: Any minor who is in violation of the provisions of this chapter is subject to arrest and citation.~~

~~—B. Return To Custody Of Parent: 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.~~

~~—C. Parent, Guardian Refusal To Take Custody: It is 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 refuse to appear and take custody of the minor within a reasonable time after being ordered to do so by a peace officer.~~

~~—D. Penalty: Any violation of this chapter is a misdemeanor. (1999 Code)~~

CHAPTER 10.09

FAILURE TO SUPERVISE A MINOR

CHAPTER 10.61

FAILURE TO SUPERVISE A CHILD

SECTION

10.09.010: Intent and Purpose

10.09.020: Failure to Supervise a Minor

10.09.030: Affirmative Defenses

10.09.040: Minor's Conviction Not Required

10.09.050: Penalty; Counseling

SECTION:

10.61.010: Intent And Purpose

10.61.020: Failure To Supervise A Child

~~10.61.030: Affirmative Defenses~~

~~10.61.040: Child's Conviction Not Required~~

~~10.61.050: Definitions~~

~~10.61.060: Penalty; Counseling~~

10.09.010: INTENT AND PURPOSE

The increasing number of criminal episodes committed by children demonstrates a threat to family stability and a breakdown of meaningful parental supervision. Guardians who fail to effectively guide, teach, and control their children should be held accountable. Those who need assistance and training in fulfilling their parental duties should be aided, and those who neglect their duties should be criminally sanctioned. This chapter should be construed to achieve these remedial objectives.

10.61.010: INTENT AND PURPOSE:

~~The increasing number of criminal episodes committed by children is a negative reflection of our society's attention to family stability, and demonstrates the breakdown of meaningful parental supervision of children. Those who bring children into the world or assume a parenting role, but fail to effectively train, guide, teach and control them, should be accountable at law. Those who need assistance and training should be aided. Those who neglect their parenting duties should be encouraged to be more diligent through criminal sanctions, if necessary. This chapter should be construed to achieve these remedial objectives. (1999 Code)~~

10.09.020: FAILURE TO SUPERVISE A MINOR

A custodian commits failure to supervise a minor if the custodian:

A. Fails to provide reasonable supervision of the minor or aids, contributes, or becomes responsible for the neglect, abuse, or delinquent acts of the minor. This failure occurs if:

1. Within a two-year period, the minor commits three or more delinquent acts;
2. The custodian fails to fulfill counseling requirements ordered by a court;
3. The custodian fails to take reasonable disciplinary or remedial action in response to the minor's delinquent acts; or

4. The custodian's acts or failures to act demonstrate a willful lack of commitment to prevent the minor's future commission of delinquent acts.

B. Contributes to the delinquency of the minor per Utah Code § 76-4-206.

C. Aids, contributes to, or becomes legally responsible for the neglect, abuse, or delinquent acts of the minor.

D. Abuses, neglects, or abandons the minor in any manner likely to cause the minor unnecessary suffering or serious injury to health or morals.

10.61.020: FAILURE TO SUPERVISE A CHILD:

A person commits the offense of failing to supervise a child or tending to cause the delinquency of a child, if the person:

—A. Is the parent, lawful guardian, or other person over the age of eighteen (18) years who is lawfully charged with the care or custody of a child, which adult person resides within the corporate limits of the city; and

—B. Fails to provide appropriate and reasonable supervision of the child; or who aids, contributes or becomes responsible for the neglect, abuse or delinquency of the child. For purposes of this section, a person is responsible for the delinquency of a child or has failed to provide appropriate and reasonable supervision when:

—1. The child has committed three (3) or more delinquent acts within a two (2)-calendar year period, which events have been referred to the juvenile court; or

—2. The person fails to undertake counseling requirements ordered by a juvenile court having jurisdiction over the child; or

—3. The person fails to take meaningful and reasonable disciplinary or remedial action in response to prior delinquency acts of the child; or

—4. The act or failure to act by the person demonstrates a wilful lack of commitment to prevent future delinquent acts by the child;

—C. Solicits, requests, commands, encourages or intentionally aids or acts with the child in violation of any federal, state or local law; or

—D. Aids, contributes to, or becomes legally responsible for the neglect, abuse or delinquency of the child; or

—E. Wilfully abuses, neglects or abandons the child in any manner likely to cause the child unnecessary suffering or serious injury to his health or morals; or

—F. Provides, encourages or permits the child to possess or consume an alcoholic beverage or a controlled substance. (1999 Code)

10.09.030: AFFIRMATIVE DEFENSES

The following are affirmative defenses against violations of this chapter:

- A. The custodian was a victim of the minor's delinquent act.
- B. The custodian reported the minor's delinquent act to an appropriate governmental authority at or near the time of the act.
- C. The custodian provided reasonable supervision of the minor given the totality of the circumstances. When assessing the reasonableness of supervision, the court shall consider:
 - 1. The severity of the minor's delinquent act(s);
 - 2. The amount of prior delinquent acts committed by the minor;
 - 3. The custodian's knowledge of the minor's delinquent act(s);
 - 4. The discipline, counseling, or other remedial measures taken by the custodian after obtaining knowledge of the minor's delinquent acts; and
 - 5. Any other action by the custodian which demonstrates a reasonable effort to prevent the minor from committing future delinquent acts.

10.61.030: AFFIRMATIVE DEFENSES:

In a prosecution under this chapter, it shall be an affirmative defense that the person charged:

- A. Victim: Is a direct victim of that act or conduct which resulted in the child being subject to the jurisdiction of the juvenile court; or
- B. Reporting Act: Reported the act or event to appropriate governmental authorities at or near the time the child committed the wrongful or delinquent act or conduct; or
- C. Supervision: Provided reasonable and appropriate supervision to the child, under the totality of the circumstances. In assessing the reasonableness or appropriateness of the person's supervisory actions, the court will consider:
 - 1. The severity of the offense committed by the child;
 - 2. The number of prior offenses committed by the child;
 - 3. The person's knowledge of the child's wrongful conduct or behavior;
 - 4. The discipline, counseling or other remedial measures taken by the person, after obtaining knowledge of the wrongful behavior of the child; and

~~—5. Any other action by the person which demonstrates a reasonable commitment and effort to prevent future delinquent or wrongful conduct, behavior or acts by the child. (1999 Code)~~

10.09.040: MINOR'S CONVICTION NOT REQUIRED

A conviction for the minor's delinquent act(s) is not required to convict a custodian for a violation of this chapter.

10.61.040: CHILD'S CONVICTION NOT REQUIRED:

~~It shall not be necessary to obtain an adjudication of delinquency, a conviction or otherwise establish that the child became a delinquent or committed delinquent acts, in order to obtain the conviction of a person under this chapter. (1999 Code)~~

10.61.050: DEFINITIONS:

~~For purposes of this chapter, the following words or phrases have the following meanings:~~

~~CHILD: An unemancipated minor, under the age of eighteen (18) years.~~

~~DELINQUENT ACT: An act or criminal episode which, if committed by an adult, would be an infraction, a misdemeanor or a felony; however, it does not include minor traffic offenses or other misdemeanors not involving moral turpitude.~~

~~PERSON: A natural parent; adoptive parent; legal guardian, by virtue of a judicial order; or other person over eighteen (18) years of age who has assumed the parenting role over a child by marriage or custom and practice. (1999 Code)~~

10.09.050: PENALTY; COUNSELING

A violation of this chapter is a misdemeanor, and convicted custodians shall be punished accordingly:

A. **Counseling:** Upon first conviction, the court shall require the custodian to complete an appropriate counseling program.

B. **Community Service; Counseling:** Upon subsequent conviction, the court **may** require the custodian to perform community service and complete an appropriate counseling program.

10.61.060: PENALTY; COUNSELING:

Violation of this chapter is a misdemeanor. To fulfill the primary objective and purpose of this chapter, it is the legislative intent that:

—A. Counseling: Upon a first conviction under this chapter, the court sentence the defendant to complete a program of appropriate counseling;

—B. Community Service; Counseling: Upon subsequent convictions under this chapter, the court sentence the defendant to perform not less than one hundred (100) hours of community service, and to complete a program of appropriate counseling. (1999 Code)

CHAPTER 10.10

WEAPONS

CHAPTER 10.64

FIREARMS AND WEAPONS

SECTION

10.10.010: Minors; Liability Of Custodian

10.10.020: Discharge Prohibited Within City Limits; Exceptions

SECTION:

10.64.010: Adoption And Incorporation Of State Code Provisions Relating To Weapons

10.64.020: Minors; Liability Of Parent Or Guardian

10.64.030: Discharge Prohibited Within City Limits; Exceptions

10.64.010: ADOPTION AND INCORPORATION OF STATE CODE PROVISIONS RELATING TO WEAPONS:

The provisions of part 5 of chapter 10 of the Utah criminal code (section 76-10-501 et seq.), and its successors, are hereby adopted and incorporated by this reference as violations of city ordinances. (1999 Code)

10.10.010: MINORS; LIABILITY OF CUSTODIAN

In addition to the penalties provided in Utah Code §§ 76-10-509.5, 76-10-509.6, and 76-10-509.7, any custodian or person with control of any minor who allows the minor to possess a dangerous weapon in violation of Utah Code § 76-10-509.4 is liable for any damages caused by the minor's use of the dangerous weapon.

10.64.020: MINORS; LIABILITY OF PARENT OR GUARDIAN:

Any parent, guardian or person having charge or control of any minor who grants consent to such minor to possess and use "dangerous weapons", as defined in Utah Code Annotated

~~section 76-10-501(5)(A) shall thereby become liable for any damages caused by such minor's use of the dangerous weapon. (1999 Code)~~

10.10.020: DISCHARGE PROHIBITED WITHIN CITY LIMITS; EXCEPTIONS

~~In addition to the restrictions of Utah Code §§ 76-10-508 and 76-10-508.1, it is a misdemeanor to discharge any firearm within city limits unless done by (1) an individual in self-defense, defense of property, or at a licensed shooting range; or (2) a police officer in the performance of their duty.~~
10.64.030: DISCHARGE PROHIBITED WITHIN CITY LIMITS; EXCEPTIONS:

~~It is unlawful to discharge any firearm within the city limits of the city, except in self defense, or defense of property, or in the case of any peace officer, in the performance of his duty, or at a duly licensed shooting gallery or range. (1999 Code)~~

CHAPTER 10.11
DEFERENCE TO STATE CODE

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