

Title 10 - PUBLIC PEACE, MORALS AND WELFARE (adopt by reference)

Article I. - Offenses by or against Public Officers and Government

Chapter 10.04 - INTERFERENCE WITH PUBLIC OFFICERS

10.04.010 - Resisting or obstructing a peace officer.

A person who knowingly resists or obstructs the performance, by one known to the person to be a peace officer, of any authorized act within his official capacity, shall be punished as a Class B misdemeanor.

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 deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as a Class B misdemeanor.

10.04.030 - Obstructing service of process.

Whoever knowingly resists or obstructs the authorized service or execution of any civil or criminal process or order of any court shall punished as a Class B misdemeanor.

10.04.040 - Refusing to aid an officer.

Whoever refuses or knowingly fails, when commanded, to give reasonable aid to a person whom he knows to be a peace officer apprehending a person, shall be punished as a Class B misdemeanor. Whoever refuses or knowingly fails, when commanded, to give reasonable aid to a person whom he knows to be a peace officer preventing the commission of any offense by another, shall be punished as a Class B misdemeanor.

10.04.050 - Impersonating a public officer.

Any person who falsely personates a public officer, sheriff, deputy sheriff, justice of the peace, coroner or notary public, or other peace 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 other thing of value, shall be deemed guilty of a Class B misdemeanor.

10.04.060 - Answering or interfering with county radio calls.

It is unlawful for the operator of any motor vehicle, other than county officers, and sheriff and fire department officers in the line of duty, to follow up and answer county radio calls, or to in any way interfere with officers answering county radio calls.

10.04.070 - Failure to Appear—Penalty.

A person who promises in writing to appear before any court, including a justice court, for a traffic offense, not including a driving under the influence offense, shall appear at the date and time directed. Any person who knowingly fails to appear after promising to do so in writing shall be guilty of a class B misdemeanor.

Article II. - Offenses against the Person

Chapter 10.08 - BODILY HARM

10.08.010 - Assault.

A. A person commits an assault when:

1. He attempts, with unlawful force or violence, to do bodily injury to another; or
2. He makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to another.

B. Assault is a Class B misdemeanor.

10.08.020 - Reckless conduct.

A. A person who causes bodily harm to or endangers the bodily safety of an individual by any means, commits reckless conduct if he performs recklessly the acts that cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

B. Reckless conduct is a Class B misdemeanor.

Chapter 10.12 - CIVIL RIGHTS

10.12.010 - Short title.

The ordinance codified in this chapter shall be known as "the Salt Lake County civil rights ordinance."

10.12.020 - Declaration of county policy.

It is declared to be the policy of the county, in the exercise of its police power for the protection of the public welfare, health, safety and peace of the county and the inhabitants thereof, to prohibit discrimination in places of public accommodation, resort or amusement due to race, color, sex, religion, ancestry or national origin.

10.12.030 - Civil rights policy.

All persons have the right to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, resort or amusement within the county, subject only to the conditions and limitations established by law and applicable alike to all persons. This right is recognized and declared to be a civil right.

10.12.040 - Public accommodations, resorts and amusements—Defined.

A. A "place of public accommodation, resort or amusement," within the meaning of this chapter, means and includes:

1. Inns, taverns, roadhouses, motels or hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest;
2. Restaurants, eating houses, and any place where food is sold for consumption on the premises, buffets, saloons, barrooms, and any store, park or enclosure where spirituous or malt liquors are sold;
3. Ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises;
4. Dispensaries, clinics, hospitals, bathhouses, theaters, motion picture houses, music halls, concert halls, circuses, racecourses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, public libraries, garages, and all public conveyances operated on land, water or in the air, as well as the stations and terminals thereof;

5. Public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants.

B. Nothing herein contained shall be construed to include any institution, club or place of accommodation which is in its nature distinctly private.

10.12.050 - Public accommodations, resorts and amusements—Equal rights.

No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement within the county, shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, and no person shall directly or indirectly publish, circulate, issue, display, post or mail, or cause to be published, circulated, issued, displayed, posted or mailed within the county any written, painted or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of a place of public accommodation, resort or amusement shall be refused, withheld from or denied to any person on account of race, color, sex, religion, ancestry or national origin, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race, color, sex, religion, ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited. The production of any such written, painted or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent, manager, agent or employee thereof, shall be presumptive evidence in any proceedings that the same was authorized and published by such person.

10.12.060 - Public accommodations, resorts and amusements—Discrimination prohibited.

Any exclusion or segregation of, or discrimination against any person on account of race, color, sex, religion, ancestry or national origin in places of public accommodation, resort or amusement within the county shall be unlawful.

10.12.070 - Extent of personal responsibility.

The provisions and requirements of this chapter shall bind and obligate every owner, lessee, operator, proprietor, manager, agent and employee, whether a natural person, corporation or unincorporated association, engaged in or exercising control of the operation of any place of public accommodation, resort or amusement; provided, that whenever any agent or employee shall so exercise any function or employ any power with which he is charged or entrusted as to violate any provisions of this chapter, both he and his principal or employer shall be held equally responsible.

10.12.080 - Violation—License revocation.

Whenever it shall have been judicially determined that a licensee or a person operating or doing business under a license has violated this chapter in the course of such operation or business two times or more within any twelve-month period, the license official shall revoke such license. No similar license shall be issued to the offending person, or for the use of the place where the violations shall have occurred, for a period of ninety days following such revocation.

10.12.090 - Violation—Penalty.

Any person who, or any agency, bureau, corporation or association which shall wilfully violate any of the provisions of Sections 10.12.050 or 10.12.060, or who or which shall aid or cause the violation of any of said provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable as set out in Chapter 1.12 of this code.

Chapter 10.13 - EMPLOYMENT DISCRIMINATION

10.13.010 - Purpose and Liberal Interpretation.

Every individual in the city has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of the City by preventing all of the City's citizens from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the Millcreek. The Utah Antidiscrimination Act, Utah Code Ann. § 34A-5-101 et seq., addresses employment related discrimination based on race, color, sex, pregnancy, childbirth, pregnancy-related conditions, religion, national origin, age (if 40 years of age or older) and disability, but does not address discrimination based on sexual orientation or gender identity.

Millcreek City found that discrimination in employment on the basis of sexual orientation and gender identity has not been addressed by the state of Utah by general law and that it must be addressed. The denial or deprivation of employment rights because of an individual's sexual orientation or gender identity is detrimental to the health, safety, prosperity comfort and welfare of its citizens and damages the county's economic well being by discouraging prospective employers and individuals from entering into and contributing to the well-being of the community. The purpose of this chapter is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in employment in the city against individuals based upon sexual orientation or gender identity and this chapter shall be liberally construed to achieve that purpose.

10.13.020 - Administration.

The mayor is responsible for administering and implementing this chapter.

10.13.030 - No Private Right of Action; No Special Rights.

This chapter does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. This chapter does not create any special rights or privileges which would not be available to all of the city's citizens because every person has a sexual orientation and a gender identity.

10.13.040 - Severability.

If any section, sentence, paragraph, term, definition or provision of this chapter is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

10.13.050 - Definitions.

As used in this Chapter:

- A. "Administrator" means the person designated by the mayor to receive, investigate, and conciliate complaints under this chapter and includes the Administrator's designated representatives.
- B. "Complainant" means a person, including the administrator, who files a complaint under this chapter.
- C. "Conciliation" means the attempted resolution of issues raised in a complaint filed under this chapter, or raised in the investigation of the complaint, through informal negotiations involving the complainant, the respondent and the administrator.
- D. "Conciliation agreement" means a written agreement setting forth the resolution of issues by conciliation under this chapter.
- E. "City" means Millcreek City.
- F. "Discrimination" means any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or

perceived sexual orientation or gender identity or because of a person's association with any such person. Discrimination shall not be interpreted to require or to grant or accord preferential treatment to any person because of that person's sexual orientation or gender identity.

- G. "City attorney" means the duly appointed attorney of Millcreek City.
- H. "Employee" means any individual applying with or employed by an employer. The term does not include an elected official.
- I. "Employer" means any person employing fifteen or more employees in the City for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and includes any agent of such a person.
- J. "Employment agency" means any person, and any agent of a person, undertaking to procure employees or opportunities to work for any other person in the City or holding itself out to be equipped to procure employees or opportunities to work for any other person in the City.
- K. "Gender identity" means a person's actual or perceived gender identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person's sex at birth.
- L. "Labor organization" means any organization that exists for the purpose in whole or in part of collective dealing with employers concerning grievances, terms or conditions of employment; or other mutual aid or protection in connection with employment.
- M. "Mayor" means the duly elected or appointed and qualified mayor of Millcreek City.
- N. "Otherwise qualified" means a person who possesses the following required by an employer for any particular job, job classification, or position:
 - 1. Education;
 - 2. Training;
 - 3. Ability;
 - 4. Moral character;
 - 5. Integrity;
 - 6. Disposition to work;
 - 7. Adherence to reasonable rules and regulations; and
 - 8. Other job related qualifications required by an employer.
- O. "Person" means one or more individuals, partnerships, associations, corporations, legal representatives, trusts or trustees, receivers and the City.
- P. "Religious organization" means a religious corporation, association, educational institution, society, trust or any entity or association which is wholly owned or controlled subsidiary or agency of any religious corporation, association, society trust or corporation sole.
- Q. "Respondent" means a person identified in a complaint as having committed an unlawful practice under this chapter.
- R. "Sexual orientation" means a person's actual or perceived orientation as heterosexual, homosexual, or bisexual.
- S. "Unlawful practice" means a discriminatory act or practice relating to employment that is prohibited under this chapter.

10.13.060 - Exemptions.

This chapter does not apply to:

- A. A religious organization;
- B. An expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000); or
- C. The United States Government, any of its departments, agencies instrumentalities, or any corporation wholly owned by it; the State of Utah or any of its departments, agencies, political subdivisions except for the city or political subdivisions staffed, created, controlled, directed, or a majority of whose board is appointed by the city.

10.13.070 - Unlawful Employment Practices.

- A. Employers. An employer may not refuse to hire, promote, discharge, demote, or terminate any person, and may not retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against any person otherwise qualified because of a person's sexual orientation or gender identity.
- B. Employment agencies. An employment agency may not refuse to list and properly classify for employment, or refuse to refer a person for employment, in a known available job for which the person is otherwise qualified because of a person's sexual orientation or gender identity.
- C. Labor organizations. A labor organization may not exclude any person otherwise qualified from full membership rights in the labor organization, expel a person from membership in the labor organization, or otherwise discriminate against or harass any of the labor organization's members in full employment of work opportunity, or representation, because of a person's sexual orientation or gender identity.
- D. Training programs. An employer, labor organization, joint apprenticeship committee, or vocational school providing, coordinating, or controlling apprenticeship programs, or providing, coordinating, or controlling on-the-job training programs, instruction, training, or retraining programs may not deny to, or withhold from any qualified person the right to be admitted to or participate in any apprenticeship training program, on-the-job training program or other occupational instruction, training or retraining program because of a person's sexual orientation or gender identity.
- E. Notices and advertisements. Unless based upon a bona fide occupational qualification, or required by and given to an agency of government for security reasons, an employer, employment agency or labor organization may not print, circulate or cause to be printed or circulated any statement, advertisement, or publication, use any form of application for employment or membership, or make any inquiry in connection with prospective employment or membership that expresses, either directly or indirectly any limitation, specification or discrimination because of a person's sexual orientation or gender identity.

It is unlawful for a joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to print or publish, or cause to be printed or published, any notice or advertisement relating to admission to, or employment in, any program established to provide apprenticeship or other training by the joint labor-management committee that indicates any preference, limitation, specification, or discrimination based on sexual orientation or gender identity.

Nothing in this chapter prohibits a notice or advertisement from indicating a preference, limitation, specification, or discrimination based on sexual orientation or gender identity when sexual orientation or gender identity is a bona fide occupational qualification for employment.

- F. No preferential treatment. Nothing in this chapter shall be interpreted to require any employer, employment agency, labor organization, vocational school, joint labor-management committee or apprenticeship program subject to this chapter to grant preferential treatment to any person because of the person's sexual orientation or gender identity on account of any imbalance that may exist with respect to the total number or percentage of persons of any sexual orientation or gender identity employed by any employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by a labor organization, or admitted to or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of

persons of that sexual orientation or gender identity available in the available workforce existing throughout the city.

10.13.080 - Unlawful Intimidation, Retaliation, and Coercion.

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint of for testifying, assisting or participating in any manner in an investigation, proceeding or hearing under this chapter.

10.13.090 - Procedure for Filing Complaints.

- A. Any person who claims to have been injured by an unlawful employment practice subject to the City's jurisdiction under this chapter may file a complaint with the Administrator. A complaint may also be filed by the Administrator if the Administrator has reasonable cause to believe that a person has committed an unlawful employment practice. A complaint must be filed within 180 calendar days after an alleged unlawful employment practice has occurred.
- B. A complaint must be in writing on a form approved by the Administrator, made under oath or affirmation, and contain the following information:
 1. The Complainant's name, address, and signature;
 2. The date the alleged unlawful employment practice occurred;
 3. A statement of the facts upon which the allegation of an unlawful employment practice are based; and
 4. The Respondent's name and address.
- C. Within five working days after the receipt of a complaint, the Administrator shall:
 1. Provide the Respondent named in the complaint written notice that a complaint alleging the commission of an unlawful employment practice has been filed against the Respondent;
 2. Furnish a copy of the complaint to the Respondent; and
 3. Advise the Respondent of the Respondent's procedural rights and obligations, including the right to file a written, signed, and verified informal answer to the complaint within 15 days after mailing of notice of the complaint.
- D. Not later than the 15 day after mailing of the notice and copy of the complaint, a Respondent may file an answer to the complaint. The answer must be in writing, made under oath or affirmation, and contain the following information:
 1. The Respondent's name, address, telephone number, and signature of the Respondent or the Respondent's attorney, if any; and
 2. A concise statement of facts in response to the allegations in the complaint, including facts of any defense, exemption or exception.

10.13.100 - Investigation.

- A. Upon the filing of a complaint, the administrator shall commence an investigation to determine the facts behind the complaint and whether there is reasonable cause to believe the respondent committed an unlawful employment practice, except that no investigation may commence if, after reviewing the allegations of the complaint, the administrator determines that the complaint does not come within the scope of this chapter. Upon determining that a particular complaint does not come within the scope of this chapter, the administrator shall dismiss the complaint, notify the complainant and respondent and take no further action.
- B. In connection with any investigation of a complaint filed under this chapter, the administrator shall seek the voluntary cooperation of any person to:

1. Obtain access to premises, records, documents, individuals, and any other possible source of information;
 2. Examine, record, and copy necessary materials; and
 3. Take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.
- C. The administrator may request the mayor to issue a subpoena or subpoena duces tecum to compel the attendance of a witness or the production of relevant materials or documents in furtherance of the authority granted the mayor by this ordinance and Utah Code Ann. § 17-53-301 and, pursuant to Utah Code Ann. § 17-53-304, have it served by the sheriff.
- D. The administrator may dismiss a complaint during the investigation and prior to referral to the City attorney if the administrator determines that:
1. The complaint was not filed within the required time period;
 2. The location of the alleged unlawful employment practice is not within the incorporated area of the city;
 3. The employer does not employ a sufficient number of employees in the city to meet this chapter's jurisdictional requirements;
 4. The alleged unlawful employment practice is not a violation of this chapter;
 5. The complainant refuses to cooperate with the administrator in the investigation of the complaint or enforcement of an executed conciliation agreement;
 6. The complainant cannot be located after the administrator has performed a reasonable search; or
 7. A conciliation agreement has been executed by the complainant and respondent.

10.13.110 - Conciliation.

- A. During the investigation, but subsequent to the mailing of the notice of the complaint to the respondent, the administrator shall, if the respondent appears to have committed an unlawful employment practice, attempt to conciliate the complaint. In conciliating a complaint the administrator shall try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the complainant's rights and take action to ensure the elimination of both present and future unlawful employment practices. A conciliation agreement may include: sensitivity training for the respondent and/or the respondent's employees, the respondent's agreement to adopt and pursue a policy of non-discrimination in employment practices; and the respondent's agreement to not engage in discriminatory practices in the future.
- B. A conciliation agreement executed under this section must be in writing a form approved by the district attorney and must be signed and verified by the respondent and the complainant, subject to approval of the administrator who shall indicate approval by signing the agreement.
- C. If a respondent voluntarily enters into a conciliation agreement, the administrator shall immediately dismiss the complaint.

10.13.120 - Disposition of a Complaint.

- A. If, upon completion of an investigation of a complaint, the administrator determines that an unlawful employment practice has occurred and is unable to secure an acceptable conciliation agreement from the respondent, then the administrator shall refer the case to the City attorney. The administrator shall refer the entire file to the City attorney who shall determine how to best pursue further action, if any, on the complaint.
- B. If the City attorney determines that cause exists to find that an unlawful employment practice occurred and the facts are sufficient to warrant the initiation of a complaint in justice court then the City attorney

shall provide written notification to the respondent and the complainant that an action to enforce this chapter may be initiated in justice court. If the City attorney determines that there is insufficient cause or evidence to warrant the initiation of an action in justice court, the district attorney shall provide written notification to the respondent and the complainant and notify the administrator who shall then dismiss the complaint.

10.13.130 - Offenses and Penalties.

A person violates this chapter if the person engages in any action made unlawful by this chapter. An offense committed under this chapter by an employer employing fifty or fewer employees is punishable by a civil fine of not more than five hundred dollars. An offense committed under this chapter by an employer employing fifty-one or more employees or by an employment agency or labor organization is punishable by a civil fine of not more than one thousand dollars.

Chapter 10.14 - HOUSING DISCRIMINATION

10.14.010 - Purpose and Liberal Interpretation.

Every individual in the city has the right to seek housing. Discriminatory housing practices are detrimental because they impede the social and economic progress of the city by preventing all of the city's citizens from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the city's communities and businesses.

The Utah Fair Housing Act, Utah Code Ann. § 57-21-1 et seq., addresses housing related discrimination based on race, color, sex, familial status, source of income, religion, national origin and disability, but does not address discrimination based on sexual orientation or gender identity.

Millcreek City has found that discrimination in housing on the basis of sexual orientation and gender identity has not been addressed by the State of Utah by general law and that it must be addressed. The denial or deprivation of access to housing because of an individual's sexual orientation or gender identity is detrimental to the health, safety, prosperity, comfort and welfare of its citizens and damages the city's economic well being by depriving residents the security of adequate and safe housing that would allow individuals to enter into and contribute to the well-being of the community. The purpose of this chapter is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in housing in the city against individuals based upon sexual orientation or gender identity and this chapter shall be liberally construed to achieve that purpose.

10.14.020 - Administration.

The mayor is responsible for administering and implementing this chapter.

10.14.030 - No Private Right of Action; No Special Rights.

This chapter does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. This chapter does not create any special rights or privileges which would not be available to all of the city's citizens because every person has a sexual orientation and a gender identity.

10.14.040 - Severability.

If any section, sentence, paragraph, term, definition or provision of this chapter is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

10.14.050 - Definitions.

As used in this Chapter:

- A. "Administrator" means the person designated by the mayor to receive, investigate, and conciliate complaints under this chapter and includes the Administrator's designated representatives.
- B. "Complainant" means a person, including the administrator, who files a complaint under this chapter.
- C. "Conciliation" means the attempted resolution of issues raised in a complaint filed under this chapter, or raised in the investigation of the complaint, through informal negotiations involving the complainant, the respondent and the administrator.
- D. "Conciliation agreement" means a written agreement setting forth the resolution of issues by conciliation under this chapter.
- E. "City" means Millcreek City.
- F. "Discrimination" means any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity or because of a person's association with any such person. "Discrimination" shall not be interpreted to require or to grant or accord preferential treatment to any person because of that person's sexual orientation or gender identity.
- G. "City attorney" means the duly appointed attorney of Millcreek City.
- H. " Dwelling" means any building or structure, or a portion of a building or structure, occupied as, or designed or intended for occupancy as, a residence of one or more families in the city and vacant land that is offered for sale or lease for the construction or location of a dwelling in the city.
- I. "Gender identity" means a person's actual or perceived gender identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person's sex at birth.
- J. "Mayor" means the duly elected or appointed and qualified mayor of Millcreek City.
- K. "Person" means one or more individuals, corporations, limited liability companies, partnerships, associations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated associations, trustees, trustees in cases under the United States Bankruptcy Code, receivers and fiduciaries.
- L. "Real estate broker or salesperson" means a principal real estate broker, an associate real estate broker, or a real estate sales agent as those terms are defined in Utah Code Ann. § 61-2-2 or any successor provision of Utah law.
- M. "Religious organization" means a religious corporation, association, educational institution, society, trust or any entity or association which is wholly owned or controlled subsidiary or agency of any religious corporation, association, society trust or corporation sole.
- N. "Rent" means to lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.
- O. "Residential real estate related transaction" means the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling; or secured by residential real estate; or selling, brokering, or appraising residential real property in the city.
- P. "Respondent" means a person identified in a complaint as having committed an unlawful practice under this chapter.
- Q. "Sexual orientation" means a person's actual or perceived orientation as heterosexual, homosexual, or bisexual.
- R. "Unlawful practice" means a discriminatory act or practice relating to housing that is prohibited under this chapter.

10.14.060 - Exemptions.

- A. This chapter does not apply to a temporary or permanent residential facility operated by a nonprofit organization; a charitable organization; or a person in conjunction with a religious organization, association or society, including any dormitory operated by a public or private educational institution, if the discrimination is based on sexual orientation or gender identity for reasons of personal modesty or privacy or in the furtherance of a religious organizations sincerely held religious beliefs.
- B. This chapter does not prohibit or restrict a religious organization or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization from limiting the sale, rental or occupancy of dwellings it own or operates for primarily noncommercial purposes to persons of the same religion, or from giving preference to such persons.
- C. This chapter does not apply to the United States Government, any of its departments, agencies instrumentalities, or any corporation wholly owned by it; the State of Utah or any of its departments, agencies, or political subdivisions except for the city or political subdivisions staffed, created, controlled, directed, or a majority of whose board is appointed by the city.

10.14.070 - Unlawful Housing Practices and Exceptions.

- A. It is a discriminatory housing practice to do any of the following:
 - 1. Refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental, or otherwise deny or make unavailable any dwelling from any person because of the person's sexual orientation or gender identity;
 - 2. Discriminate against any person in the terms, conditions or privileges of the sale or rental of any dwelling or in providing facilities or services in connection with the dwelling because of the person's sexual orientation or gender identity;
 - 3. Represent to any person that any dwelling is not available for inspection, sale, or rental when in fact the dwelling is available;
 - 4. Make a representation orally or in writing or make, print, circulate, publish, post, or cause to be made, printed, circulated, published, or posted any notice, statement, or advertisement, or to use any application form for the sale or rental of a dwelling, that directly or indirectly expresses any preference, limitation, or discrimination based on sexual orientation or gender identity, or expresses any intent to make any such preference, limitation, or discrimination;
 - 5. Induce or attempt to induce, for profit, any person to buy, sell or rent any dwelling by making representations about the entry or prospective entry into the neighborhood of persons of a particular sexual orientation or gender identity;
 - 6. Engage in any discriminatory housing practices because of sexual orientation or gender identity based upon a person's association with another person.
- B. It is a discriminatory housing practice for a real estate broker or salesperson to do any of the following because of a person's sexual orientation or gender identity:
 - 1. Discriminate against any person in making available a residential real estate transaction, or in the terms or conditions of the transaction, in the city, because of a person's sexual orientation or gender identity;
 - 2. Deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings in the city or to discriminate against any person in the terms or conditions of access, membership, or participation in the organization, service, or facility in the city because of a person's sexual orientation or gender identity; or
 - 3. Engage in any discriminatory housing practices in the city because of sexual orientation or gender identity based upon a person's association with another person.

C. Exceptions. This chapter does not apply to:

1. The sale or rental of any single-family dwelling in the City if the owner:
 - (a) does not own an interest in or title to four or more single-family dwellings held for lease or sale at one time located in the city;
 - (b) has not sold two or more single-family dwellings in the city in which the owner did not reside in the dwelling within the twenty-four-month period preceding the sale or rental of the dwelling; and
 - (c) does not use the services or facilities of any real estate broker, agent, or salesperson, or of any other person in the business of selling or renting dwellings, in connection with the sale or rental of the dwelling.
2. The rental of a dwelling that is occupied or intended to be occupied by no more than four families living independently of each other, when the owner actually maintains and occupies part of the dwelling as a residence.
3. Nothing in this section prohibits conduct against a person because the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance under state or federal law.

10.14.080 - Unlawful Intimidation, Retaliation, and Coercion.

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint or for testifying, assisting or participating in any manner in an investigation, proceeding or hearing under this chapter.

10.14.090 - Procedure for Filing Complaints.

- A. Any person who claims to have been injured by an unlawful housing practice subject to the city's jurisdiction under this chapter may file a complaint with the administrator. A complaint may also be filed by the administrator if the administrator has reasonable cause to believe that a person has committed an unlawful housing practice. A complaint must be filed within 180 calendar days after an alleged unlawful housing practice has occurred.
- B. A complaint must be in writing on a form approved by the administrator, made under oath or affirmation, and contain the following information:
 1. The complainant's name, address, and signature;
 2. The date the alleged unlawful housing practice occurred;
 3. A statement of the facts upon which the allegation of an unlawful housing practice are based; and
 4. The respondent's name and address.
- C. Within five working days after the receipt of a complaint, the administrator shall:
 1. Provide the respondent named in the complaint written notice that a complaint alleging the commission of an unlawful housing practice has been filed against the respondent;
 2. Furnish a copy of the complaint to the Respondent; and
 3. Advise the respondent of the respondent's procedural rights and obligations, including the right to file a written, signed, and verified informal answer to the complaint within fifteen days after mailing of notice of the complaint.
- D. Not later than the fifteenth day after mailing of the notice and copy of the complaint, a respondent may file an answer to the complaint. The answer must be in writing, made under oath or affirmation, and contain the following information:

1. The respondent's name, address, telephone number, and signature of the respondent or the respondent's attorney, if any; and
2. A concise statement of facts in response to the allegations in the complaint, including facts of any defense, exemption, or exception.

10.14.100 - Investigation.

- A. Upon the filing of a complaint, the administrator shall commence an investigation to determine the facts behind the complaint and whether there is reasonable cause to believe the respondent committed an unlawful housing practice, except that no investigation may commence if, after reviewing the allegations of the complaint, the administrator determines that the complaint does not come within the scope of this chapter. Upon determining that a particular complaint does not come within the scope of this chapter, the administrator shall dismiss the complaint, notify the complainant and respondent and take no further action.
- B. In connection with any investigation of a complaint filed under this chapter, the administrator shall seek the voluntary cooperation of any person to:
 1. Obtain access to premises, records, documents, individuals, and any other possible source of information;
 2. Examine, record, and copy necessary materials; and
 3. Take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.
- C. The administrator may request the mayor issue a subpoena or subpoena duces tecum to compel the attendance of a witness or the production of relevant materials or documents in furtherance of the authority granted the mayor by this ordinance and Utah Code Ann. § 17-53-301 and, pursuant to Utah Code Ann. § 17-53-304, have it served by the sheriff.
- D. The administrator may dismiss a complaint during the investigation and prior to referral to the district attorney if the administrator determines that:
 1. The complaint was not filed within the required time period;
 2. The location of the alleged unlawful housing practice is not within the unincorporated area of the city;
 3. The alleged unlawful housing practice is not a violation of this chapter;
 4. The complainant refuses to cooperate with the administrator in the investigation of the complaint or enforcement of an executed conciliation agreement;
 5. The complainant cannot be located after the administrator has performed a reasonable search; or
 6. A conciliation agreement has been executed by the complainant and respondent.

10.14.110 - Conciliation.

- A. During the investigation, but subsequent to the mailing of the notice of the complaint to the respondent, the administrator shall, if the respondent appears to have committed an unlawful housing practice, attempt to conciliate the complaint. In conciliating a complaint the administrator shall try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the complainant's rights and take action to ensure the elimination of both present and future unlawful housing practices. A conciliation agreement may include: sensitivity training for the respondent and/or the respondent's employees, the respondent's agreement to adopt and pursue a policy of nondiscrimination in housing practices; and the respondent's agreement to not engage in discriminatory practices in the future.

- B. A conciliation agreement executed under this section must be in writing a form approved by the City attorney and must be signed and verified by the respondent and the complainant, subject to approval of the administrator who shall indicate approval by signing the agreement.
- C. If a respondent voluntarily enters into a conciliation agreement, the administrator shall immediately dismiss the complaint.

10.14.120 - Disposition of a Complaint.

- A. If, upon completion of an investigation of a complaint, the administrator determines that an unlawful housing practice has occurred and is unable to secure an acceptable conciliation agreement from the respondent, then the administrator shall refer the case to the district attorney. The administrator shall refer the entire file to the district attorney who shall determine how to best pursue further action, if any, on the complaint.
- B. If the City attorney determines that cause exists to find that an unlawful housing practice occurred and the facts are sufficient to warrant the initiation of a complaint injustice court then the City attorney shall provide written notification to the respondent and the complainant that an action to enforce this chapter may be initiated injustice court. If the City attorney determines that there is insufficient cause or evidence to warrant the initiation of an action injustice court, the City attorney shall provide written notification to the respondent and the complainant and notify the administrator who shall then dismiss the complaint.

10.14.130 - Offenses and Penalties.

A person violates this chapter if the person intentionally or knowingly engages in any action made unlawful by this chapter. An offense committed under this chapter by a respondent owning or operating twenty or fewer dwellings is punishable by a civil fine of not more than five hundred dollars. An offense committed under this chapter by a respondent owning or operating twenty-one or more dwellings or by a real estate broker or salesperson is punishable by a civil fine of not more than one thousand dollars.

Article III. - Offenses against Public Decency

Chapter 10.16 - CHEMICAL INHALATION OR INGESTION

10.16.010 - Definitions.

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 chemical compounds: Acetone, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluene, trichloroethylene, or amyl acetate.

10.16.020 - Ingestion and inhalation of substances prohibited when.

No person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction or the dulling of his brain or nervous system, intentionally smell, ingest or inhale the fumes from any chemical substance containing a solvent 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.

10.16.030 - Use or possession of substances prohibited when.

No person shall, for the purpose of violating Section 10.16.020 of this chapter, use or possess for the purpose of so using any chemical substance containing a solvent or chemical compound having the property of releasing toxic vapors or fumes.

10.16.040 - Sale of substances prohibited when.

No person shall sell, offer to sell, or give away to any other person, or obtain 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.

Chapter 10.20 - GAMBLING

10.20.010 - Definitions.

As used in this chapter:

"Gambling device" means 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:

1. 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;
2. Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance.

"Lottery" means 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" means 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 or evidence of debt.

10.20.020 - Acts constituting gambling—Penalty.

- A. A person commits gambling when he:
1. Plays a game of chance or skill for money or other thing of value; or
 2. Makes a wager upon the result of any game, contest, or any political nomination, appointment or election; or
 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; or
 4. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or
 5. Sets up or promotes any lottery, or sells, offers to sell or transfers any ticket or share for any lottery; or
 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; or
 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; or

8. Knowingly transmits information as to wagers, betting odds or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information.
- B. Any person violating any provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as a Class B misdemeanor.

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 or place shall be punished as a Class B 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 cancelled shall be reissued for such premises for a period of sixty 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 Title 10 of this code 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.

10.20.040 - Seizure of gambling devices.

Every gambling device shall be subject to seizure, confiscation, destruction or sale, pursuant to Title 76, Chapter 10, Section 1107, Utah Code Annotated (1953).

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.

Chapter 10.24 - PROFANE AND ABUSIVE LANGUAGE

10.24.010 - Use of abusive language or fighting words.

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, and such language constitutes fighting words.

Chapter 10.28 - SEX OFFENSES

10.28.010 - Public indecency.

- A. 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," for the purpose of this section, means any place where the conduct may reasonably be expected to be viewed by others.
- C. A person convicted of public indecency shall be punished as a Class B misdemeanor.

10.28.020 - Prostitution.

- A. 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," 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 to satisfy the sexual desires of either the male person, female person, or both.

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.

10.28.040 - Contributing to the sexual delinquency of a child.

- A. Any person of the age of fourteen years and upwards who performs or submits to any of the following acts with any person under the age of sixteen 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 to satisfy the sexual desires of either the child or the person, 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. 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 eighteen or upwards.
- C. A person convicted of contributing to the sexual delinquency of a child shall be punished as a Class B misdemeanor.

10.28.050 - Sex paraphernalia—Distribution, display or promotion to minors prohibited.

- A. Definitions.

"Display publicly" means the exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a public thoroughfare, place or vehicle.

"Distribute" means to transfer the possession of, with or without consideration.

"Knowingly" means 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" means any unmarried person less than eighteen 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" means to manufacture, issue, transmit, publish, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.

"Sexual device" means 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.

"Sex paraphernalia" means 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.

"Wilfully" means a purpose or willingness to commit the act or to omit an act required herein.

- B. 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. A person convicted under this section shall be punished as a Class B misdemeanor.
- C. 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. A person convicted under this section shall be punished as a Class B misdemeanor.
- D. This section does not prohibit any parent or legal guardian from distributing, promoting or displaying sex paraphernalia or a sexual device to his minor child or ward.
- E. In the event that any provision of this section is declared invalid for any reason, the remaining provisions shall remain in effect.

10.28.060 - Showing of material harmful to minors at outdoor theaters.

- A. 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 for such words in Section 10.28.050 of this chapter.

10.28.070 - Possession of harmful materials by minors.

It is unlawful for any person under the age of eighteen 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 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.

10.28.090 - Exposing minors to harmful materials.

A. Definitions. As used in this section:

"Harmful to minors" means 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" means 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" means any person under the age of eighteen years.

"Nudity" means 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" means flagellation or torture by or upon a person for the purpose of erotic pleasure.

"Sexual conduct" means 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" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

- B. It is unlawful for any person knowingly to 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. It is unlawful for any person knowingly to exhibit to a minor, or knowingly to 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. A violation of any provision of this section shall constitute a misdemeanor.

10.28.100 - Obscene acts and materials.

- A. It is unlawful for any person 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" means 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" means whether, to the average adult person applying contemporary community standards, 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" means a purpose or willingness to commit the act or to omit an act required herein.
- C. Every person convicted of violation of this section shall be punished as set out in Chapter 1.12 of this code. (1986 Recodification; prior code § 16-23-5)

Chapter 10.32 - UNLAWFUL ACTS IN OR ABOUT SCHOOLS, COLLEGES OR UNIVERSITIES

10.32.010 - Unlawful acts in or around schools, colleges or universities designated.

- A. It is unlawful for any person to annoy, disturb or otherwise prevent the orderly conduct of the activities, administration or classes of any school, college or university.

- B. It is unlawful for any person to annoy, disturb, assault or molest any student or employee of any school, college or university while in or on such school, college or university building, or on the grounds thereof.
- C. It is unlawful for any person to loiter, idle, wander, stroll or play in, about or on any school, college or university grounds, or building, either on foot or in or on any vehicle, without having some lawful business therein or thereabout, or in connection with such school, college or university, or the employees thereof.
- D. It is unlawful for any person to conduct himself or herself in a lewd, wanton or lascivious manner in speech or behavior in, about or on any school, college or university building or grounds.
- E. It is unlawful for any person 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 in an effort to induce, entice or invite students or employees into or on the vehicle for immoral purposes.
- F. Violation of these sections shall be punished as a Class B misdemeanor.

Article IV. - Offenses Against Public Peace

Chapter 10.34 - TARGETED RESIDENTIAL PICKETING

10.34.010 - Findings and scope.

The Millcreek Council finds and determines:

- A. That residents of Millcreek city 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 City council finds that prohibiting targeted residential picketing within one hundred feet of a particular residence properly balances two 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 Millcreek City 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 regulation on speech in public forums.

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.

10.34.030 - Definitions.

As used in this chapter:

"Picketing" means 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" means any single-family, duplex, or multifamily 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" means picketing that:

1. Is specifically directed or focused toward a residence, or one or more occupants of a residence; and
2. Takes place within one hundred feet of the property line of that residence.

10.34.040 - Prohibition.

It is unlawful for any person, acting alone or in concert with others, to engage in targeted residential picketing in the incorporated area of Millcreek City.

10.34.050 - Penalty for violation.

Any violation of this chapter is a Class B misdemeanor.

Chapter 10.36 - DISORDERLY CONDUCT

10.36.010 - Acts constituting disorderly conduct designated—Penalty.

Every person who commits any of the following acts shall be guilty of disorderly conduct, which is a misdemeanor punishable as a Class B misdemeanor.

- A. Threatens a breach of the peace in a public place;
- B. Makes a telephone call or other form of communication, whether or not conversation thereby ensues, with the intent to annoy the recipient of the communication;
- C. Transmits in any manner to the fire department a false alarm of fire, knowing at the time of such transmission that there are no reasonable grounds for believing that such fire exists;
- D. 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 place;
- E. Solicits anyone to engage in, or engages in, lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;
- F. Solicits or engages in any act of prostitution, or lewd, lascivious or obscene behavior or conduct, as defined in Chapter 10.28 of this code;
- G. Accosts other persons in any public place or in any place open to the public, for the purpose of begging;
- H. Loiters in or about any toilet open to the public for the purpose of engaging or soliciting any lewd, lascivious, obscene or other unlawful act;
- I. Is found in any public place under the influence of intoxicating liquor or any drug in such a condition that he is unable to exercise care for his own safety or the safety of others; or, by

reason of his being under the influence of intoxicating liquor or any drug, interferes with or obstructs or prevents the free use of any sidewalk, street or other public way;

- J. Loiters, prowls or wanders upon the private property of another without visible or lawful business with the owner or occupant thereof; or who, while loitering, prowling or wandering upon the private property of another, peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof;
- K. Lodges in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof;
- L. Transmits in any manner to the sheriff's office a false alarm that causes a search-and-rescue operation team to be dispensed, knowing at the time of such transmission that there are no reasonable grounds for believing that a search and/or rescue emergency exists;
- M. Transmits or causes to be transmitted, in any manner, to the fire department a false alarm that causes a fire unit or an emergency medical unit to be dispatched, knowing at the time of such transmission that there are no reasonable grounds for believing that a fire, medical emergency or other emergency exists;
- N. Simulates, fabricates or feigns a medical emergency situation, knowing at the time that such a medical emergency situation does not exist, which results in the transmission, in any manner, to the fire department of an alarm that results in the dispatch of a fire unit or an emergency medical unit;
- O. Uses 911 telephone service to request police/sheriff, fire, or emergency medical response unit(s) for situations that do not require emergency dispatch or response, knowing at the time of such transmission that there are no reasonable grounds for such a request, or repeatedly makes such a request.

Article V. - Offenses Against Property

Chapter 10.40 - PROPERTY DAMAGE AND TRESPASS

10.40.010 - Criminal damage to property.

- A. Whoever commits any of the following acts shall be punished as a Class B misdemeanor:
 - 1. Knowingly damages any property without the owner's consent; or
 - 2. Recklessly, by means of fire or explosive, damages property of another; or
 - 3. Knowingly starts a fire on the land of another without the owner's consent; or
 - 4. Knowingly injures a domestic animal without the owner's consent; or
 - 5. Knowingly deposits on land or in any building, without the owner's consent, any stink bomb or any offensive-smelling compound, and thereby intends to interfere with the use of another of the land or building; or
 - 6. Knowingly writes on or defaces any property, by graffiti or other means, without the owner's consent.

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 punishable as set forth in Section 1.12.010.

10.40.030 - Criminal trespass to land.

- A. 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 fined not more than one hundred dollars or imprisoned in the city jail not to exceed ten days.
- B. A person has 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.

10.40.040 - Trespass on City property.

It is unlawful for any person to drive or operate any self-propelled motor vehicle in, on or about any property belonging to Millcreek 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.

10.40.050 - Trespass from a public recreational trail.

It is unlawful for any person 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.

Chapter 10.41 - GRAFFITI PREVENTION AND REMOVAL

10.41.010 - Declaration of purpose.

This chapter authorizes the city to provide for the removal of graffiti that is detrimental to property values; degrades the community; causes an increase in crime; is inconsistent with the city's property maintenance goals and aesthetic standards; is obnoxious; is a nuisance; and, unless it is quickly removed from public and private property, results in other properties becoming the targets of graffiti. Graffiti is declared to be obnoxious and a nuisance.

10.41.020 - Graffiti nuisance property.

- A. Any property, building or structure within Millcreek City which becomes a graffiti nuisance property as defined in this ordinance is in violation of this chapter and is subject to its remedies.
- B. Any person who permits property under his or her control to become a graffiti nuisance property shall be in violation of this chapter and subject to its remedies.

10.41.030 - Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. "Graffiti" means unauthorized markings, visible to the public, that have been placed upon any property through the use of paint, ink, chalk, dye or any other substance or instrument capable of marking property.
- B. "Manager" means the graffiti program manager of the city, or designated representative, who is responsible for the administration of the graffiti nuisance abatement program under this chapter. In accordance with adopted procedures, the manager may hire graffiti program employees who shall be authorized to enforce the provisions of this chapter.
- C. "Graffiti nuisance property" means property upon which graffiti has been placed and such graffiti has been permitted to remain for more than ten days after the property owner of record has been issued written notification.

- D. "Owner" means any person, persons, entity or entities having a legal or equitable interest in real or personal property including but not limited to tenants or lessees.
- E. "Responsible party" means an owner, or an entity or person acting as an agent for an owner by agreement, who has authority over the property or is responsible for the property's maintenance or management. Irrespective of any arrangement to the contrary with any other party, each owner shall always be a responsible party for the purposes of this chapter. There may be more than one responsible party for a particular property.
- F. "Permit" means to knowingly to suffer, allow, or acquiesce by any failure, refusal or neglect, to abate.
- G. "Property" means real property and personal property which is affixed, incidental or appurtenant to real property, including but not limited to any structure, fence, wall, sign, or any separate part thereof, whether permanent or not.
- H. "Abate" means to remove the graffiti by such means, in such a manner and to such an extent as the manager reasonably determines is necessary to remove the graffiti from public view.
- I. "Unauthorized" means without the consent of a responsible party.

10.41.040 - Procedures.

- A. The owner or responsible party of any property in the City shall remove any graffiti from such property within ten days of notification from the City.
- B. The manager shall make available to the public paint and solvents for the removal of graffiti. Supplies are made available at no cost.
- C. A property owner shall be deemed to have complied with an order to abate graffiti if it is obliterated by matching building paint or by such other reasonable means as shall obliterate the graffiti.
- D. The manager shall make consent forms available to the public, allowing the manager to enter onto property to abate the graffiti without prior notice from the manager and at no cost to the public or property owner.
- E. The manager shall renew the consent forms at least annually for property owners and occupants who request and sign consent forms for allowing graffiti abatement.
- F. The manager may summarily abate any graffiti on any utility poles and cabinets, on exterior walls and fences immediately abutting public streets or property, or on any public property, including but not limited to curbs, traffic signs and lights without consent of the property owner.

10.41.050 - Notification and abatement.

When the manager has reason to believe that a property within the City is marked with graffiti and is likely to be a potential graffiti nuisance property, the manager shall:

- A. Identify a responsible party and send that party an informational letter describing the nature and location of the graffiti and requesting that the graffiti be promptly removed. The letter shall explain the problems caused by the continued presence of graffiti and the need for its prompt removal, describe the resources available from the city that may aid in graffiti removal, at no charge to the property owner, and give notice that failure to remove graffiti, or allow removal by the city, is a violation of city ordinance that may lead to legal action to remove the graffiti at the expense of the responsible party and may subject the responsible party to civil penalties.
- B. If the graffiti is not removed within ten calendar days after the informational letter has been sent, the manager shall notify the responsible party in writing, by certified mail, that the property has been identified as a graffiti nuisance property. The notice shall contain the following information:
 1. The street address or description of the property reasonably sufficient for identification of the property;

2. A concise description of the conditions leading the manager to believe that the property may be a graffiti nuisance property;
 3. A description of what must be done to abate the graffiti and the resources available from the city that may aid in graffiti removal at no cost to the property owner; and
 4. A statement that the graffiti must be abated within five calendar days after receipt of the letter, and a statement that if the graffiti is not abated within that time the property will be subject to abatement of the graffiti nuisance and the responsible party will be subject to monetary penalties and costs.
- C. The notice shall also be posted at the property. As an alternative to mailing the notice, the manager may serve a copy of the notice personally on the responsible party. The service is complete at the time of deposit in the United States mail or when personal service is effectuated. The failure of any person to receive such notice shall not affect the validity of any legal proceedings regarding removal of the graffiti.
- D. If an address for mailed service cannot, after due diligence, be ascertained and the person to whom the notice is issued cannot, after due diligence, be personally served within Millcreek City, notice shall be served by posting a copy of the notice conspicuously at the graffiti nuisance property. Proof of service by posting shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing that due diligence was used in attempting to serve the person personally or by mail.
- E. In the event that the owner fails to remove the graffiti after notice has been sent, the city, may at its option, abate the graffiti as a nuisance. The manager may initiate proceedings to abate any graffiti only after the following has occurred:
1. The manager has determined that graffiti within public view exists on particular premises in the city;
 2. A notice of such condition has been sent to the property owner;
 3. The property owner has failed to either remove the graffiti or consent to its removal by the city within the time period specified in the notice;
 4. If, after proper notification has been given, five days has elapsed, the graffiti has not been abated and no hearing has been scheduled, the manager may cause the graffiti to be abated either by City employees or by an independent contractor. The City and the independent contractor are authorized to enter upon the property and abate the graffiti upon exterior walls, fences, billboards and other structures abutting public streets, property or right-of-way. The city or private contractor will take all reasonable precautions to avoid causing damage to the property where the graffiti is abated. Any paint used to obliterate graffiti shall be as close as practicable to the background color or colors in the area where the graffiti is abated. The City may recover the cost of the services provided, not to exceed \$250.00, which shall be imposed against the real property. If the cost of the services and the special charge are not paid within 30 days, the charges shall be deemed delinquent. Payment of a monetary penalty pursuant to this chapter does not relieve the responsible party of the duty to abate the graffiti nuisance.

10.41.060 - Appeal.

- A. Prior to the City abating graffiti on private property without the consent of the owner, an appeal may be made before the manager at which time the property owner shall be given an opportunity to be heard regarding the proposed abatement. A notice of appeal must be made to the manager by telephone or e-mail within five business days of the receipt of the property owner's receipt of the notice provided in Section 10.41.050.A.

- B. Upon receipt of the appeal request, the manager shall conduct the hearing within five business days. If the manager finds the property to be a graffiti nuisance property, and the owner or responsible party has been given notice in accordance with this ordinance, the manager shall specify when and under what conditions the graffiti shall be abated.
- C. The owner may appeal a decision rendered by the manager by filing with manager a request for mediation within five days after the decision being appealed. This step in the appeal process shall be a mediation proceeding which shall be conducted in accordance with the procedures set out in the Millcreek City Mayor's Executive Order No. 2006-5. The responsibilities for coordinating and arranging the mediation, as set out in the mediation policy, shall be undertaken by the manager.

Chapter 10.44 - THEFT AND RELATED OFFENSES

10.44.010 - Definitions.

For the purposes of this chapter:

"Dealer" means a person in the business of buying or selling goods.

"Deception" means and occurs when a person intentionally:

1. 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; or
2. 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; or
3. Prevents another from acquiring information likely to affect his judgment in the transaction; or
4. 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;
5. 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" means, 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" means 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" means to have a conscious objective:

1. 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; or

2. To restore the property only upon payment of a reward or other compensation; or
3. To dispose of the property under circumstances that make it unlikely that the owner will recover it.

"Receives" means 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, roominghouse 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.

10.44.020 - Acts constituting theft designated—Penalty.

A. A person commits theft when he knowingly:

1. Obtains or exercises unauthorized control over the property of another, having a value of one hundred dollars or less, with the purpose to deprive the owner thereof; or
2. Obtains or exercises control over the property of another having a value of one hundred dollars or less, by deception, and with the purpose to deprive the owner thereof; or
3. Obtains or exercises control over the property of another, having a value of one hundred dollars or less, by extortion, and with the purpose to deprive the owner thereof; or
4. Receives, retains or disposes of the property of another, having a value of one hundred dollars 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; or
5. Obtains property of another, having a value of one hundred dollars or less, which he knows 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 he has 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; or
6. Obtains services, having a value of one hundred dollars 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; or
7. Diverts the services of another, over which he has control and to which he knows he is not entitled, having a value of one hundred dollars or less, to his own benefit or to the benefit of another who he knows is not entitled thereto.

B. A person convicted of theft, as herein enumerated, shall be punished as a Class B misdemeanor.

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 A4 of Section 10.44.020 is presumed, in a case of an actor who:
 1. Is found in possession or control of other property stolen on a separate occasion; or
 2. Has received other stolen property within the year preceding the receiving offense charged; or

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.

Chapter 10.48 - LIBRARY BOOKS - reserved

Article VII. - Offenses by or against Minors

Chapter 10.56 - ALCOHOLIC BEVERAGES AND TOBACCO

10.56.010 - Alcoholic beverages—Sale to minors prohibited.

- A. Every person who sells, procures, furnishes, gives or causes to be sold, furnished or given away beer or any alcoholic beverage to any person under the age of twenty-one years is guilty of a misdemeanor.
- B. Any person under the age of twenty-one years who purchases any beer or alcoholic beverage, or any person under the age of twenty-one years who consumes any alcoholic beverage in any place licensed to sell or serve beer or alcoholic beverages, is guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, no part of which shall be suspended.
- C. Any licensee of a place licensed to sell beer or alcoholic beverages who permits a person under the age of twenty-one 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.

10.56.020 - Proof of age—Refusing service authorized when.

For the purpose of preventing the violation of Section 10.56.010, any licensee, or his agent or employee, may refuse to sell or serve beer or alcoholic beverages to any person who is unable to produce adequate written evidence that he or she is over the age of twenty-one years.

10.56.030 - Proof of age—Evidence—Defense for transactions.

- A. Bona fide evidence of majority and identity of the person is a document 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, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to members of the Armed Forces.
- B. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and acted in 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.

10.56.040 - False evidence of age—Prohibited.

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

10.56.050 - False evidence of age—Presenting or possessing.

Any person under the age of twenty-one 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 beer or 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.

10.56.060 - Alcoholic beverages—Possession by persons under twenty-one.

Any person under the age of twenty-one years who has any beer or 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 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.

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 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 beer or alcoholic beverages for consumption on the premises is guilty of a misdemeanor.

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 beer or alcoholic beverages who knowingly permits a person under the age of twenty-one 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 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 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 liquor consumption and sales. Should persons under twenty-one 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 liquor consumption and sale.
- D. Persons under twenty-one 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 beer and 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 years of age need enter the portion of the premises primarily intended for liquor sale and consumption in the performance of employment duties, and such entry by a minor employee is prohibited.
- E. Any employee under twenty-one 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 Chapter 5.20 of this code, upon application to the county sheriff.
- F. This section shall not be construed to allow any person under the age of twenty-one years on that portion of the premises of a lounge, bar, tavern or club intended primarily for the sale and consumption of beer and alcoholic beverages for any reason whatsoever.

10.56.090 - Tobacco—Sale to persons under nineteen prohibited.

Any person who knowingly sells, gives or furnishes any cigar, cigarette or tobacco, in any form, to any person under the age of nineteen, is guilty of a misdemeanor.

10.56.100 - Tobacco—Purchase or possession prohibited when.

Any person under the age of nineteen years who buys, accepts or has in his possession any cigar, cigarette or tobacco, in any form, is guilty of a misdemeanor.

Chapter 10.60 - CURFEW

10.60.010 - Purpose.

The council of Millcreek City finds, due to a seemingly ever-increasing incidence of violence and other crime among juveniles in the City, being both drug-related and gang-related, that such crimes may be significantly inhibited and reduced by the enactment and enforcement of local laws establishing a curfew prohibiting juveniles from remaining idly and purposelessly on the public streets late at night.

10.60.020 - Definitions.

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

"Emergency errand" means 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" means any unmarried, unemancipated person who is not a member of the armed forces of the United States and who is under the age of sixteen years for the purposes of Section 10.60.030 hereof or who is under the age of eighteen years for the purpose of Section 10.60.040 hereof.

"Public places" means 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.

10.60.030 - Sixteen-year-old curfew.

It is unlawful for any minor under the age of sixteen years to remain or loiter upon any of the sidewalks, streets, alleys or public places in the City, between the hours of eleven p.m. and five a.m. the following morning.

10.60.040 - Eighteen-year-old curfew.

It is unlawful for any minor under the age of eighteen years to remain or loiter upon any of the sidewalks, streets, alleys or public places in the City, between the hours of one a.m. and five a.m.

10.60.050 - Parental liability.

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

10.60.060 - Business liability.

No person owning or operating a business as defined by this code of ordinances shall knowingly permit any minor to remain on the premises of such business in violation of the provisions of this ordinance. This section, however, shall not apply to any minor who is lawfully employed on the premises.

10.60.070 - Exceptions.

The provisions of this chapter shall not apply to any circumstance 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 a 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 on 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.

10.60.080 - Enforcement.

- A. Any minor who is in violation of the provisions of this chapter is subject to arrest and citation.
- B. 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. 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 knowingly refuse to appear and take custody of the minor within a reasonable time after being ordered to do so by a peace officer.

Article VIII. - Weapons

Article IX. - Required Water Conservation Practices

Chapter 10.70 - REQUIRED WATER CONSERVATION PRACTICES

10.70.010 - Findings and purpose.

The Millcreek City Council finds and determines:

- A. That Millcreek City is located in a desert region, and water supplies therein are chronically limited.
- B. That in addition to the normal limited state of water supplies. Millcreek City is currently suffering from drought conditions.
- C. That, as a result of such conditions, the availability of water for culinary, agricultural, domestic, commercial, municipal or other uses is severely limited.
- D. That all users of water within the incorporated area of Millcreek City must practice methods of conservation to preserve the supply of water.
- E. That a need exists to protect the supply of such water by mandating certain practices which will conserve water and prevent its waste within the incorporated area of Millcreek City.

10.70.020 - Definitions.

- A. "Advisory stage" means that initial stage that exists in perpetuity in an arid climate wherein general principles of water conservation should be implemented by all citizens within the incorporated area of Millcreek City.
- B. "Moderate stages" and "critical stages" mean those stages of enforcement determined by the Millcreek City Council wherein greater restrictive measures are required to preserve the public interest.

- C. "Governmental entity" means the state of Utah and its political subdivisions, including counties, cities, towns, school districts, public transit districts, redevelopment agencies, special improvement or taxing districts, or other governmental subdivisions or public corporations.
- D. "Person" means a single individual, a corporation, an association, a partnership, a limited liability company, or a governmental entity.

10.70.030 - Advisory stage water conservation practices.

The Millcreek City council recommends the following water conservation practices should be followed by all persons located within the incorporated area of Millcreek City at all times:

- A. Lawns, outdoor shrubbery, and ornamental plantings should be watered between the hours of six p.m. and ten a.m. Pop-up sprinkler systems should operate an average of fifteen minutes per zone. Rotating head sprinkler systems should operate no more than thirty minutes per zone. Persons holding irrigation district shares, ditch or canal company shares, and the like are not subject to time restrictions in the use of water supplied to them pursuant to their ownership rights in the shares.
- B. A seasonal watering schedule should be followed, to wit: Prior to April 30th, watering should only occur if needed in the absence of rain. During the month of May, watering should occur no more than once every four days. During the months of June, July, and August, watering should occur no more than once every three days. Watering during September through the first frost should not occur more than once per week. Persons holding irrigation district shares, ditch or canal company shares, and the like are not subject to time restrictions in the use of water supplied to them pursuant to their ownership rights in the shares.
- C. New sod may be watered as needed for up to fourteen days.
- D. Trees, shrubs, flowers and vegetable gardens may be watered daily—as needed—with drip irrigation, subterranean water supply systems, or a hand held hose with a positive pressure shut-off nozzle between six p.m. and ten a.m. Persons holding irrigation district shares, ditch or canal company shares, and the like are not subject to time restrictions in the use of water supplied to them pursuant to their ownership rights in the shares.
- E. Positive shut off pressure nozzles should be attached to all hoses while washing vehicles. Driveways, sidewalks, patios, decks, and any outside paved or non-permeable areas should not be washed with water unless an issue of compromised health or safety is present.
- F. Fleet vehicles, except for those vehicles maintained as a fleet by business entities which purchased or maintain the vehicles for the purpose of periodic rental, should be washed no more than once per week.
- G. Commercial car washes should apply for certification as to water efficiency from the Salt Lake County department of health, and if awarded, should publicly display the certificate.
- H. Broken outdoor water sprinklers should be repaired within forty-eight hours and the water flow thereto should be stopped as soon as possible until repairs are completed.
- I. Swimming pools should be covered at all times the pool is not in use. Permanent pools, whether in-ground or above-ground, should not be filled more than once per year. Hot tubs should be drained and filled no more than quarterly.
- J. Restaurants, and all other food service establishments, should serve water to patrons only upon request.
- K. Fountains, waterfalls, and ponds should use a re-circulation system. Such systems incorporating an above-water surface spray should limit the spray to five feet in height or less.

10.70.040 - Moderate stage water conservation practices.

After public notice and hearing thereon, the Millcreek City council may declare a "moderate stage" water shortage alert. Upon such declaration, the following water conservation practices shall be followed by all persons located within the incorporated area of Millcreek City. Reasonable day time watering exceptions may be made for persons residing in high wind areas, but only after application therefor has been made and granted by the Millcreek City council, on a case by case basis.

- A. Lawns and outdoor shrubbery shall only be watered between the hours of six p.m. and ten a.m. Pop-up sprinkler systems shall operate an average of fifteen minutes per zone. Rotating head sprinkler systems shall operate no more than thirty minutes per zone. Persons holding irrigation district shares, ditch or canal company shares, and the like are not subject to the time restrictions in the use of water supplied to them pursuant to their ownership rights in the shares. Additionally, persons installing or maintaining sprinkler systems shall not be subject the time restrictions.
- B. A seasonal watering schedule shall be followed, to wit: Prior to April 30th, watering shall only occur if needed in the absence of rain. During the month of May, watering shall occur no more than once every four days. During the months of June, July, and August, watering shall occur no more than once every three days. Watering during September through the first frost shall not occur more than once per week. Persons holding irrigation district shares ditch or canal company shares, and the like, in the use of water supplied to them pursuant to their ownership interest in the shares, shall not be subject to the time restrictions. Additionally, persons installing or maintaining sprinkler systems shall not be subject to the time restrictions.
- C. New sod may be watered as needed for up to fourteen days. After fourteen days the owner shall return to the watering schedule stated in this section.
- D. Trees, flowers and vegetable gardens may be watered daily—as needed—with drip irrigation, subterranean systems or a hand held hose with a positive pressure shut-off nozzle between six p.m. and ten a.m. Persons holding irrigation district shares, ditch or canal company shares, and the like, shall not be subject to the time restriction in their use of water supplied to them pursuant to their ownership rights in the shares. Additionally, persons installing or maintaining sprinkler systems are not subject to the time restrictions.
- E. Positive shut off pressure nozzles shall be attached to all hoses while hoses are utilized for washing vehicles. Driveways, sidewalks, patios, decks, and any outside paved or non-permeable areas shall not be washed with water unless an issue of compromised health or safety is present.
- F. Fleet vehicles, except for those vehicles maintained as a fleet by business entities which purchased or maintain the vehicles for the purpose of periodic rental, shall be washed no more than twice per month.
- G. Commercial car washes should apply for certification as to water efficiency from the Salt Lake County department of heath, and if awarded, shall publicly display the certificate.
- H. Broken outdoor water sprinklers shall be repaired within forty-eight hours and the water flow thereto shall be stopped as soon as possible until repairs are completed.
- I. Swimming pools shall be covered at all times the pool is not in use. Permanent pools shall not be filled more than once per year. Hot tubs shall be drained and filled no more than quarterly.
- J. Restaurants, and all other food service establishments, should serve water to patrons only upon request.
- K. Fountains, waterfalls, and ponds shall use a recirculation system. Such systems incorporating an above-water surface spray shall limit the spray to five feet in height or less. Fountains with an above-surface water spray shall not operate the above-water surface spray between the hours of ten a.m. and six p.m.

10.70.050 - Critical stage water conservation practices.

After public notice and hearing thereon, the Millcreek City council may proclaim a "critical stage" water shortage alert. Upon such declaration, all of the practices mandated in the "moderate stage" water shortage

alert shall be followed. Reasonable day time watering exceptions may be made for persons residing in high wind areas, but only after application therefor has been made and granted by the Millcreek City council, on a case by case basis. In addition to the practices mandated for a "moderate stage" water shortage alert, the following practices shall be followed by all persons located within the incorporated area of Millcreek City.

- A. Between June 1st and August 31st lawns shall be watered no more than every five days. After September 1st, lawns shall be watered no more than every ten days till shut off. Persons holding irrigation district shares, water or canal company shares, and the like are not subject to time restrictions in their use of water received by them pursuant to their ownership rights in the shares.
- B. Planting new sod or grass seed is prohibited.
- C. The use of ornamental fountains is prohibited.
- D. All permanent pools, above-ground or in-ground, must be covered when not in use.
- E. Fleet vehicles, except for those vehicles maintained as a fleet by business entities which purchased or maintain the vehicles for the purpose of periodic rental may not be washed more than once per month unless an issue of health or safety is manifest.

10.70.060 - Definition of offenses, penalty, enhancement of penalty.

Persons who perform any act prohibited by, or fail to take any action required by Sections 10.70.040, excepting therefrom Sections 10.70.040(J) and 10.70.050 of this chapter shall be guilty of an infraction.

Penalty for the first violation of the provisions of Sections 10.70.040, excepting therefrom Sections 10.70.040(J) and 10.70.050, shall be a fine of twenty-five dollars. Penalty for the second violation of the provisions shall be a fine of fifty dollars. Penalty for the third violation of the provisions shall be a fine of one hundred dollars. Penalty for the fourth and all subsequent violations of the provisions shall be a fine of two hundred and fifty dollars. The system of fines described herein shall be applied, and renewed, on an annual basis.