

TITLE 13¹

CRIMINAL CODE

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CHAPTER 13-01: GENERAL PROVISIONS

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13-01-010. Title.

This Title shall be known as the "Centerville City Criminal Code" and may be so cited.

13-01-020. Police Department.

The City has previously created the Centerville City Police Department, as more particularly provided in Title 3, Chapter 2, responsible for enforcing the traffic and criminal ordinances of the City and protecting the lives and property within the City. The City has also created the position of Chief of Police, as more particularly provided in Title 3, Chapter 2, and established the duties and responsibilities of such position as more particularly set forth in Title 3, Chapter 1. The Chief of Police and Police Department, as created and appointed in accordance with the provisions of Title 3, are hereby authorized and designated to administer and enforce the terms of this Title in accordance with the provisions set forth herein.

13-01-030. Omission Not a Waiver.

The omission to specify or enumerate in this Title those provisions of general criminal law and offenses applicable to all cities shall not be construed as a waiver of the benefits and enforcement of any such provisions.

13-01-040. Rules of Construction.

The provisions of this Title and the Codes and statutes adopted herein shall be construed in a manner to ensure enforcement consistent and in accordance with the criminal laws of the State of Utah.

13-01-050. Penalties.

Except as otherwise provided by State law or City Ordinances, any violation of this Title shall be a Class B misdemeanor punishable by fine and/or imprisonment as provided in Title 76 of the *Utah Code Annotated*, as amended, including, but not limited to, Section 76-3-204 regarding terms of imprisonment and Section 76-3-301 regarding fines. This Section shall not limit the authority of the applicable court to impose any other sanction or order any other relief as may be appropriate and lawful under the laws of the State of Utah.

¹ Amended by Ord. No. 2008-17, Sept. 16, 2008

13-01-060. Fine/Bail Schedule.

Fines and bail for violations of this Title may be assessed in accordance with the Uniform Fine/Bail Schedule as adopted and amended by the Judicial Council of the State of Utah. This Section does not limit the applicable court from, in its discretion, imposing no fine, or a fine in any amount up to and including the maximum fine, for the offense.

CHAPTER 13-02: ADOPTION OF STATE CODES

- 13-02-010. Adoption of State Codes.**
- 13-02-020. City Ordinance Violations**
- 13-02-030. Enforcement.**
- 13-02-040. Utah Criminal Code.**
- 13-02-050. Utah Code of Criminal Procedure.**
- 13-02-060. Utah Controlled Substances Act.**
- 13-02-070. Utah Drug Paraphernalia Act.**
- 13-02-080. Imitation Controlled Substances Act.**
- 13-02-090. Criminal Offenses Provisions of the Utah Alcoholic Beverage Control Act.**
- 13-02-100. Offenses on School Property.**
- 13-02-110. Utah Fireworks Act.**

13-02-010. Adoption of State Codes.

Each of the State codes and statutes adopted herein are hereby adopted as if fully set forth at length, provided however, that any provision which is classified as a felony or a Class A misdemeanor or which is not enforceable by Centerville City under the laws of the State of Utah, is excluded.

13-02-020. City Ordinance Violations.

All Class B and C misdemeanors and infractions set forth in the State codes and statutes adopted herein, as they exist now and as amended or enacted in the future, are hereby adopted and incorporated herein by this reference as violations of City Ordinances.

13-02-030. Enforcement.

Peace officers and any public officials charged with enforcement of the law are hereby authorized to cite violations of the City Ordinances as provided herein and under the terms and conditions of this Title.

13-02-040. Utah Criminal Code.

The Utah Criminal Code set forth at *Utah Code Ann.* §§ 76-1-101, *et seq.*, as amended, is hereby adopted as the Criminal Code of Centerville City. The Utah Criminal Code shall govern the construction of, the punishment for, and defenses against any offense committed within the jurisdiction of the City.

13-02-050. Utah Code of Criminal Procedure.

The Utah Code of Criminal Procedure as set forth at *Utah Code Ann.* §§ 77-1-1, *et seq.*, as amended, is hereby adopted as the Code of Criminal Procedure of Centerville City. The procedures in criminal cases shall be as prescribed in the Utah Criminal Code, as adopted herein, including the Rules of Criminal Procedures, and such further rules as may be adopted by the Supreme Court of Utah.

13-02-060. Utah Controlled Substances Act.

The Utah Controlled Substances Act as set forth in *Utah Code Ann.* §§ 58-37-1, *et seq.*, as amended, is hereby adopted as the Controlled Substances Act of Centerville City.

13-02-070. Utah Drug Paraphernalia Act.

The Utah Drug Paraphernalia Act as set forth in *Utah Code Ann.* §§ 58-37a-1, *et seq.*, as amended, is hereby adopted as the Drug Paraphernalia Act of Centerville City.

13-02-080. Imitation Controlled Substances Act.

The Utah Imitation Controlled Substances Act as set forth in *Utah Code Ann.* §§ 58-37b-1, *et seq.*, as amended, is hereby adopted as the Imitation Controlled Substances Act of Centerville City.

13-02-090. Criminal Offenses Provisions of the Utah Alcoholic Beverage Control Act.

The criminal offenses provisions of the Utah Alcoholic Beverage Control Act, as set forth at *Utah Code Ann.* §§ 32A-12-101, *et seq.*, as amended, are hereby adopted as part of the Centerville Criminal Code, including applicable criminal procedures for such offenses as set forth in *Utah Code Ann.* §§ 32A-13-101, *et seq.*, as amended.

13-02-100. Offenses on School Property.

Offenses on school property, as set forth at *Utah Code Ann.* §§ 53A-3-501 through 53A-3-504, as amended, are hereby adopted as part of Centerville Criminal Code.

13-02-110. Utah Fireworks Act.

The City, together with Davis County and the State Fire Marshal Division, shall enforce the Utah Fireworks Act, as set forth in *Utah Code Ann.* §§ 53-7-220 through 53-7-335, as amended, which provisions are hereby adopted as part of the Centerville Criminal Code.

CHAPTER 13-03: LOCAL CRIMINAL OFFENSES

- 13-03-010. Curfew.**
- 13-03-020. Aiding Minor to Violate Curfew.**
- 13-03-030. Throwing Objects.**
- 13-03-040. Lewd or Obscene Behavior.**
- 13-03-050. Lewd or Obscene Material.**
- 13-03-060. Discharging Firearms.**
- 13-03-062. Discharge of Missiles or Projectiles.**
- 13-03-070. Public Property.**
- 13-03-080. Noise Restrictions.**

13-03-010. Curfew.

(a) Except as otherwise provided herein, it is unlawful for any person under the age of eighteen (18) years to be in any public place or on any public street, sidewalk or alley within Centerville City between the hours of 12:00 midnight and 5:00 a.m.

(b) The foregoing prohibition shall not apply to situations:

(1) Where the minor is accompanied by a parent, legal guardian or other person having the legal care and custody of said minor; or

(2) Where the presence of the minor is connected with or required by some legitimate employment or business of the minor; or

(3) Where the presence of the minor is connected with a bona fide meeting, dance, party, sporting event or practice sponsored by a church, school, league, youth club or theater; or

(4) Where the presence of the minor is connected with an emergency.

13-03-020. Aiding Minor to Violate Curfew.

(a) Aiding. It is unlawful for any person to assist, aid, abet or encourage any minor to violate the provisions of Section 13-3-010.

(b) Parent or Guardian. It is unlawful for any parent, guardian, or other person having legal care of any minor, to allow or permit such minor to be in any public place or public street, sidewalk, or alley within Centerville City between the hours of 12:00 midnight and 5:00 a.m. in violation of Section 13-3-010.

(c) Owner or Operator of Business. It is unlawful for any person owning or operating a business to permit any minor to be or remain on the premises where such business is conducted between the hours of 12:00 midnight and 5:00 a.m. in violation of Section 13-3-010.

13-03-030. Throwing Objects.

It shall be unlawful for any person to willfully or intentionally throw any stone, stick, snowball, or other missile into the public right-of-way with the intent to injure or damage any person or property or to frighten or annoy any person or traveler within the public right-of-way or which makes travel upon or within the public right-of-way dangerous.

13-03-040. Lewd or Obscene Behavior.

It is unlawful for any person to engage in any lewd, lascivious or obscene conduct, to associate in a lewd, lascivious or obscene manner with any person, or to make any exposure of his or her genitals, pubic area, nipple portion of the female breast, or buttocks in any public place or any place exposed to public view.

13-03-050: Lewd or Obscene Material.

It is unlawful for a person to knowingly permit or authorize the public display of any obscene performance or materials or to knowingly own, lease, or manage any theater, building, structure, room or place for the purpose of presenting such obscene performance or materials.

13-03-060. Discharge of Firearms.^{2, 3}

(a) Purpose. The purpose of this Section is to regulate the discharge of firearms within the City to provide for the health, safety and welfare of the public pursuant to and in accordance with applicable provisions of State law regarding a municipality's right to regulate the discharge of firearms. Nothing herein is intended to restrict an individual's lawful right to possess a firearm in accordance with applicable constitutional and statutory provisions of Utah law, including, but not limited to Article I, Sec. 6 of the Utah Constitution regarding the lawful right to bear arms and the Utah Firearms Laws as set forth in Utah Code Ann. §§ 53-5a-101, et seq., as amended, regarding the possession and discharge of firearms.

(b) Definition. For purposes of this Section, "firearm" means a pistol, revolver, handgun, rifle, shotgun, sawed-off shotgun, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

(c) Prohibition. Except as otherwise expressly provided in Subsection (d), it is unlawful for any person to discharge a firearm within the jurisdictional limits of Centerville City.

(d) Exceptions. The prohibitions of this Section regarding the discharge of firearms within the City limits shall not apply to the discharge of firearms under the following circumstances:

- (1) When acting in lawful self-defense or the defense of another;
- (2) By any law enforcement officer acting in the lawful exercise of his or her duties;
- (3) At a lawfully approved gun or target range facility;
- (4) When hunting in lawfully designated areas of the City; or
- (5) The discharge of unloaded firearms using a powder charge only at a funeral or other memorial ceremony as part of the ceremony at locations and times approved by the City Police Chief.

13-03-062. Discharge of Missiles or Projectiles.⁴

(a) Prohibition. Except as otherwise expressly provided in Subsection (b), it is unlawful for any person to discharge or use any air gun, BB gun, slingshot, wrist rocket, crossbow, bow and arrow, or any other contrivance of similar nature within the jurisdictional limits of Centerville City.

(b) Exceptions. The prohibitions of this Section regarding the discharge of missiles or projectiles within the City limits shall not apply to the discharge of such weapons or contrivances under the following circumstances:

- (1) When acting in lawful self-defense or the defense of another;
- (2) By any law enforcement officer acting in the lawful exercise of his or her duties;
- (3) At a lawfully approved archery or target range facility; or

² Amended by Ordinance No. 2010-04, June 1, 2010

³ Amended by Ordinance No. 2012-28, November 7, 2012

⁴ Enacted by Ordinance No. 2010-04, June 1, 2010

(4) When discharged and used solely on one's own private property or with written permission of the property owner; provided, such air gun, BB gun, slingshot, wrist rocket, crossbow, bow and arrow, or any other contrivance of similar nature is not capable of projecting a missile, arrow or projectile for a horizontal distance greater than fifty (50) feet.

13-03-070. Public Property.

For the purpose of this part, "public property" means any publicly owned property except the traveled portion of public streets, and includes any park, sidewalk, curb or any part of any public right-of-way devoted to any planting or park-like use. On any public property, it is unlawful for any person to:

(a) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, railing, bench, paving, paving material, waterline or any facilities or property and equipment of any public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, wall or rock border, or other structures or equipment, facilities or public property or appurtenances whatever, either real or personal.

(b) Soil or litter public restrooms and washrooms.

(c) Dig and remove any sand, soil, rock, stones, trees, shrubs, or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, unless permission is obtained.

(d) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly or windbreak, or run or string any rope, cord or wire into, upon or across any public property, except with special permit.

(e) Urinate or defecate, except in the public restroom in receptacles placed there for such purpose.

(f) Damage, cut, carve, burn, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. No person shall attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb, or in any other way injure or impair the natural beauty or usefulness of any park area. This subsection shall not apply to any person authorized to perform the act proscribed.

(g) Climb any tree or walk, stand or sit on monuments, fountains, railings, fences, planted areas or upon any other property not designed or customarily used for such purposes or to intentionally stand, sit or lie in or upon any street, sidewalk stairway or crosswalk so as prevent free passage of persons or vehicles passing over, along or across any street, sidewalk stairway or crosswalk.

(h) Drop, throw, place, discard, dump, leave or otherwise deposit any bottles, broken glass, garbage, ashes, paper boxes, cans, dirt, rubbish, waste, refuse or other trash on any public property except in waste containers provided therefore. No such refuse or trash shall be placed in any waters contiguous to any park or planted area or left anywhere on the grounds thereof.

(i) Sleep on seats, benches, sidewalks, curbs, planters, wall or other areas.

(j) Expose or offer for sale any article or thing or station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing, without first obtaining a license, except that the City Council may exempt designated areas from this subsection by resolution on such terms and conditions as it may prescribe.

(k) To beg or to go from door to door of private homes or commercial and business establishments or place himself or upon any public way or public place to beg or to receive money or other things of value.

13-03-080. Repealed by Ordinance No. 2012-08, March 6, 2012

13-03-090. Hunting Prohibited.⁵

Hunting is prohibited within the City limits of Centerville City in those areas of the City located between Sheep Road and the Fire Break Road. For purposes of this Section, "hunting" means to hunt or pursue wildlife, in accordance with and as defined in the Utah Wildlife Resources Code as set forth in Utah Code Ann. § 23-13-2, as amended. Nothing under this Section shall be construed so as to prevent the Division of Wildlife Resources from controlling, maintaining or otherwise managing wildlife within the City, or to prevent any authorized person from trapping, controlling, or maintaining wildlife or nuisance animals by or under the direction or control of the Davis County Animal Services. A violation of this Section is a class B misdemeanor.

⁵ Enacted by Ordinance No. 2012-04, November 7, 2012