

TITLE 14. LAW ENFORCEMENT, CRIMINAL RESPONSIBILITY, CRIMINAL PROCEDURE AND PENALTIES.

CHAPTER 14-100. Law Enforcement.

14-101. Police Department. There is hereby established a Police Department which shall consist of a Chief of Police and such other police officers as shall be employed by the municipality.

14-102. Police Chief.

- (A) The Police Chief shall have those statutory powers given municipal Chiefs of Police by the State of Utah (See Sections 10-3-913 through 10-3-915) and by the ordinances of this city.
- (B) The Police Chief shall organize, supervise, and be responsible for all the activities of the Police Department and shall define and assign the duties of the different police officers.
- (C) The Police Chief shall, when required, attend meetings of the governing body to consult with and advise them on matters of public safety.
- (D) The Police Chief shall execute all lawful orders of the Mayor and governing body and see that all orders and judgments of the Justice Court Judge are carried into effect.

14-103. Additional Powers and Duties of Policemen. The Chief of Police and all police officers of the municipality shall have the following powers and duties in addition to those that may be assigned to them as above provided:

- (A) To suppress riots, disturbances, and breeches of the peace, and to apprehend all persons committing any offense against the laws of the state or ordinances of the municipality.
- (B) To execute and serve all warrants, processes, commitments, and writs whatsoever issued by the Justice Court Judge.
- (C) To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads, highways and other public places, enforce every law relating to the suppression of offenses, render such assistance in the collection of licenses as may be required by the license collector and perform all duties enjoined upon them by law and ordinance.

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14-104. Register of Arrest. The Chief of Police shall provide and cause to be kept a register of arrest. Upon such register shall be entered a statement showing the date of such arrest, the name of the person arrested, the name of the arresting officer, the offense charged and a description of any property found upon the person arrested.

14-105. Property Taken from the Person Arrested, - Triplicate Receipts.

- (A) When money or other property is taken from a person arrested upon a charge of a public offense, the officer taking it must at the time issue triplicate receipts therefore specifying particularly the amount of money or kind of property taken.
- (B) One of the receipts he must deliver to the person arrested. Another he must forthwith file with the Clerk of the Court to which the complaint and other papers in the case are required by law to be sent. The third receipt must be sent at once to the office of the Police Department.

14-106. Register of Property to be Kept. The Chief of Police must enter or cause to be entered in a suitable book a description of every article of property alleged to be stolen or embezzled and brought into his office or taken from the person of the prisoner and must attach a number to each article and make a corresponding entry thereof.

14-107. Stolen Property Disposition. It shall be the duty of the Chief of Police to keep all lost or stolen property that comes into the possession of the Police Department or any of its members. He shall make all reasonable efforts to discover the owners thereof.

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CHAPTER 14-200. Principles of Criminal Responsibility. The provisions of Sections 76-2-406, Utah Code Annotated, 1953 as amended, are adopted as part of this title and incorporated herein by reference.

CHAPTER 14-300. Criminal Procedure.

14-301. Application of Code - Offense Prior to Effective Date.

- (A) The provisions of this code shall govern the construction of, the punishment for, and the defense against any offense defined in this code or, except where otherwise specifically provided or the context otherwise requires, any offense defined outside this code; provided such offense was committed after the effective date of this code.
- (B) Any offense committed prior to the effective date of this code shall be governed by the ordinances of this municipality existing at the time of commission thereof, except that a defense or limitation on punishment available under this code shall be available to any defendant tried or retried after the effective date. An offense under this code shall be deemed to have been committed prior to the effective date of this code if any of the elements of the offense occurred prior to the effective date.

14-302. Purposes and Principles of Construction. The provisions of this code shall be construed in accordance with these general purposes to:

- (A) Forbid and prevent the commission of offenses.
- (B) Define adequately the conduct the mental state which constitute each offense and safeguard conduct that which without fault from condemnation as criminal.
- (C) Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders.
- (D) Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

14-303. Crimes Abolished. No conduct is a crime or an offense unless made so by this code, or other ordinances or other applicable statute.

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14-304. Strict Construction Rule not Applicable. The rule that a penal ordinance is to be strictly construed shall not apply to this code, or any of its provisions, or other ordinances of this municipality. All provisions of this code and offenses defined by it shall be construed according to the fair import of their terms to promote justice and to affect the objects of the law and general purpose of Section 14-302.

14-305. Procedure - Governed by State and Constitutional Provisions Liability for Civil Damages not Affected.

- (A) Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this code, but shall be in conformity with the laws of Utah and the Constitution of the United States.
- (B) This code does not bar, suspend, or otherwise affect any rights to or liability for damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be covered or enforced in a civil action, administrative proceedings, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this code.

14-306. Jurisdiction of Offenses.

- (A) A person is subject to prosecution in this municipality for an offense which he commits, while either within or outside the municipality, by his own conduct or that of another for which he is legally accountable, if:
 - (1) The offense is committed either wholly or partly within the municipality; or
 - (2) The conduct outside this municipality constitutes an attempt within this municipality; or
 - (3) The conduct outside this municipality constitutes a conspiracy to commit an offense within this municipality and an act in furtherance of the conspiracy occurs in this municipality; or
 - (4) The conduct within the municipality constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under this code and such other jurisdiction.

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- (B) An offense is committed partly within this municipality if either the conduct which is an element of the offense, or the result which is such an element, occurs within this municipality.
- (C) An offense which is based on an omission to perform a duty imposed by this code is committed within this municipality regardless of the location of the offender at the time of the omission.

14-307. Embezzlement of Public Moneys - Falsification of Public Records. A prosecution for embezzlement of public moneys or the falsification of public records may be commenced at any time.

14-308. Misdemeanor - Any Infraction - Commencement of Prosecution.

- (A) Except as otherwise provided in this chapter, prosecutions for other offenses are subject to the following periods of limitation:
 - (1) A prosecution for a misdemeanor must be commenced within two years after it is committed.
 - (2) A prosecution for any infraction must be commenced within one year after it is committed.
- (B) The prosecution is commenced on the filing of a complaint or information.

14-309. Fraud or Breach of Fiduciary Obligation - Misconduct by Public Officer or Employee. If the period prescribed in Section 14-308 (A) has expired, a prosecution may nevertheless be commenced for:

- (A) Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years; and
- (B) Any offense based on misconduct in office by a public officer or employee at any time during the term of the defendant's public office or for the period of his public employment or within two years thereafter, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years.

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14-310. Defendant Out of State. The period of limitation does not run against any defendant during any period of time he is out of the state following the commission of an offense.

14-311. Lesser Included Offense for Which Period of Limitations Has Run. Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall be a bar to punishment for the lesser offense.

14-312. Single Criminal Episode Defined.

- (A) In this code unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective.
- (B) Nothing in this chapter shall be construed to limit or modify the joinder of offenses and defendants in criminal proceedings.

14-313. Multiple Prosecution and Double Jeopardy. The provisions of Sections 76-1-402 through 76-1-405, Utah Code Annotated, 1953 as amended, are adopted as part of this code and incorporated herein by reference.

14-314. Burden of Proof. The provisions of Utah Code Annotated 76-1-501 through 76-1-504 are hereby adopted and incorporated herein by reference.

14-315. Definitions. The definitions set forth in Utah Code Annotated Section 76-1-601 are hereby adopted and incorporated herein by reference.

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CHAPTER 14-400. Penalties.

14-401. Sentencing in a Accordance with Chapter.

- (A) A person adjudged guilty of an offense under this code or the ordinances of this municipality shall be sentenced in accordance with the provisions of this chapter.
- (B) Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.

14-402. Designation of Offenses.

- (A) Offenses are designated as either misdemeanors or infractions.
- (B) If no designation is made of an offense, the offense shall be deemed a Class B misdemeanor.

14-403. Misdemeanors Classified.

- (A) Misdemeanors are classified into two categories:
 - (1) Class B Misdemeanors.
 - (2) Class C Misdemeanors.
- (B) An offense designated as a "misdemeanor" in this code or in the ordinance of this municipality, when no other specification as to punishment or category is made, is a Class B misdemeanor.

14-404. Infractions.

- (A) Infractions are not classified.
- (B) Any offense which is made an infraction in this code or other ordinances of this municipality or which is expressly designated an infraction shall be deemed an infraction. (Ord. 98-03)

14-405. Continuing Violation. In all instances where the violation of these ordinances or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

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14-406. Sentences or Combination of Sentences Allowed - Civil Penalties. Within the limits prescribed by this code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or a combination of such sentences:

- (A) To pay a fine;
- (B) to make restitution to victim;
- (C) To probation;
- (D) to imprisonment.

14-407. Misdemeanor Conviction - Term of Imprisonment. A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- (A) In the case of a Class B misdemeanor, for a term not exceeding six months;
- (B) In the case of a Class C misdemeanor, for a term not exceeding ninety days.

14-408. Infraction Conviction - Fine, Forfeiture, and Disqualification.

- (A) A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture or both.
- (B) Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a Class C misdemeanor.

14-409. Fines of Persons. A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed \$1,000 when the conviction is of a Class B or \$750 when the conviction is a Class C misdemeanor or infraction. (Ord. 98-03)

14-410. Fines of Corporation, Association, Partnerships, or Governmental Instrumentalities. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined outside this code over which this municipality has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the court, not exceeding \$5,000.00 when the conviction is for a Class B misdemeanor or \$1,000.00 when the conviction is for a Class C misdemeanor or for an infraction.

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14-411. Limitations and Special Provisions on Sentences. The provisions of limitations Sections 76-3-405, Utah Code Annotated, are hereby adopted and incorporated herein by reference, as such limitations and special provisions on sentences apply to misdemeanors.

14-412. Additional Sanctions Against Corporation or Association - Advertising of Conviction - Disqualification of Officer.

- (A) When a corporation or association is convicted of an offense, the court may, in addition to or in lieu of imposing other authorized sanctions, require the corporation or association to give appropriate publicity of the conviction by notice to the class or classes of persons or section of the public interested in or affected by the conviction, by advertising in designated areas, or by designated media or otherwise.

- (B) When an executive or high managerial officer of a corporation or association is convicted of an offense committed in furtherance of the affairs of the corporation or association, the court may include in the sentence an order disqualifying him from exercising similar functions in the same or other corporations or associations for a period of not more than five years if it finds the scope or willfulness of his illegal actions make it dangerous or inadvisable for such functions to be entrusted to him.