

## CHAPTER 13. OFFENSES AND MISCELLANEOUS PROVISIONS

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### Article 13-1. Adoption of State Codes

- 13-1-1. Adoption of Utah Criminal Code.
- 13-1-2. Adoption of Utah Code of Criminal Procedure.
- 13-1-3. Adoption of Utah Controlled Substances Act.
- 13-1-4. Adoption of Imitation Controlled Substances Act.

#### 13-1-1. Adoption of Utah Criminal Code.

The Utah Criminal Code, Sections 76-1-101 et seq., of the Utah Code, is hereby adopted as a Utah County Ordinance. Provided, however, that any provision of the foregoing having a penalty which cannot be imposed for violation of a county ordinance is not adopted.

#### 13-1-2. Adoption of Utah Code of Criminal Procedure.

The Utah Code of Criminal Procedure, Sections 77-1-1 et seq. of the Utah Code, is hereby adopted as a Utah County Ordinance.

#### 13-1-3. Adoption of Utah Controlled Substances Act.

The Utah Controlled Substances Act, Sections 58-37-1 et seq. of the Utah Code, is hereby adopted as a Utah County Ordinance. Provided, however, that any provision of the foregoing having a penalty which cannot be imposed for violation of a county ordinance is not adopted.

#### 13-1-4. Adoption of Imitation Controlled Substances Act.

The Imitation Controlled Substances Act, Sections 58-37b-1 et seq. of the Utah Code, is hereby adopted as a Utah County Ordinance. Provided, however, that any provision of the foregoing having a penalty which cannot be imposed for violation of a county ordinance is not adopted.

### Article 13-2. In General

- 13-2-1. Representation of articles sold at auction.
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- 13-2-11. Sheriff to designate unsafe areas.
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- 13-2-13. Items prohibited at Utah County Jail.
- 13-2-14. Penalties.
- 13-2-15. Fees for booking prisoners into the Utah County Jail.
- 13-2-16. Prohibited Targets.

#### 13-2-1. Representation of articles sold at auction.

All auction sales and all persons participating in sales must truly and correctly represent at all times to the public attending such auction the facts in respect to quality of merchandise being sold. (R.O. 1956, Section 7-7-5)

#### 13-2-2. Boosters at auctions.

No person shall act in any sale by auction as a by-bidder or "booster" to bid in behalf of the auctioneer or owner, or to run up the price of the article to be sold, or make any false bid. (R.O. 1956, Section 7-7-5)

#### 13-2-3. 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 provided in Section 1-1-9 of this Code.

#### 13-2-4. 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 be punished as provided in Section 1-1-9 of this Code.

#### 13-2-5. Refusing to aid an officer.

Whoever upon command refuses or knowingly fails reasonably to aid a person known by him to be a peace officer in apprehending a person whom the officer is authorized to apprehend, or to prevent the commission by another of any offense, shall be fined not to exceed one hundred dollars (\$100.00).

#### 13-2-6. Personating 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, or property or other thing of value, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-1-9 of this Code.

#### 13-2-7. Sale of tobacco to minors.

Any person who sells, gives or furnishes any cigar, cigarette or tobacco in any form, to any person under the age of nineteen (19) years is guilty of a misdemeanor.

#### 13-2-8. Purchase or possession of tobacco by minors.

Any person under the age of nineteen (19) years who buys, accepts or has in his possession any cigar, cigarette or tobacco, in any form, is guilty of a misdemeanor.

#### 13-2-9. Disposition of stolen property.

(a) Definition: For purposes of this Chapter, "stolen property" is defined as all property held by the Sheriff as part of a criminal investigation into the theft or robbery of goods or related offenses.

(b) Duty to investigate: The Sheriff shall investigate all goods reported stolen by theft or deception any may seize the same pending the completion of the criminal investigation.

(c) Return of property: All property seized by the Sheriff as part of a criminal investigation shall be returned in accordance with any court orders governing the disposition of the goods in the criminal proceeding. If the case is not prosecuted, or there is no court order governing the disposition of the property, the property will be disposed of as follows:

(1) All property stolen or wrongfully taken from an owner without any form of consent or acquiescence

on his part shall be returned to the owner; provided, the owner can establish his right to possess said property, and the County Attorney has authorized it.

(2) All property involved in theft by fraud or deceit where the owner may have consented or acquiesced in the taking of property by the thief, shall not be returned to the owner until the case file is reviewed by the County Attorney to insure that any intervening interests which may have inured to a bona fide purchaser or pledgor of goods having a voidable title under the Uniform Commercial Code, Sec. 70A-1-101, et seq., U.C.A. 1953, as amended, are protected. In the case of goods transferred with a voidable title, the Sheriff shall dispose of this property in accordance with the instructions of the County Attorney. After returning the property, the Sheriff shall notify all parties who may have had an interest in the goods as to the disposition of the property. Provided however, it is expressly understood that firearms seized by the Sheriff shall be returned to the owner, only if said owner is entitled to possess the firearms under state and federal law.

#### 13-2-10. Prohibited conduct in hospitals, treatment facilities.

(a) Possession of unauthorized alcohol, intoxicants, drugs, etc. It shall be unlawful for any person to take any unauthorized alcohol, intoxicant, and/or unauthorized drugs of any kind or description into any treatment facility or hospital, any portion of which is used for treatment of persons for alcoholism or addition to drugs.

(b) Making unauthorized substances available to persons under treatment. It shall be unlawful for any person to make available to any other person who is under treatment for alcoholism, or drug addiction, any alcoholic substance, any intoxicant, or unauthorized drug when the person who provides said substances knows or should know that the person to whom he is providing said substances is under treatment for alcoholism or drug addiction.

(c) Trespass. It shall be unlawful for any person to trespass within any hospital or treatment facility, any portion of which is used for the care and treatment of persons for alcoholism or drug addiction. Any such person shall be deemed to be trespassing when he remains on the premises after having been requested to leave.

(d) Firearms, dangerous weapons. It shall be unlawful for any person, other than a peace officer or other authorized person, to take a firearm of any description or any other dangerous weapon into, or onto the grounds of any hospital or treatment facility, any portion of which is used for treatment of persons for alcoholism or drug addiction.

(e) Unauthorized drug, intoxicant, defined. For purposes of this Section, an unauthorized drug or intoxicant will be any drug, intoxicant, or similar substance not prescribed by a physician for the use of the person being treated at the subject facility or hospital.

(f) Violation; penalty. Any violation of this section shall be deemed a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00) and/or a jail sentence not to exceed six (6) months in the Utah County Jail, or by both such fine and jail sentence. (Ord. No. 1978-1, Sections 1-6, 1-25-78)

#### 13-2-11. Sheriff to designate unsafe areas.

The sheriff may designate any area of ground in the County as unsafe. The sheriff in determining that any area is unsafe shall take into consideration:

- (a) the condition of the weather;
- (b) the location of said area;
- (c) the condition of the snow in respect to the likelihood of snowslides being caused by reason of persons going upon or within close proximity of the same; and
- (d) any other hazard or dangerous condition that exists or is likely thereafter to exist. (Ord. No. 1994-16, 8-10-94)

#### 13-2-12. Entrance upon unsafe areas prohibited.

It shall be unlawful for any person to knowingly and intentionally go upon any area of ground designated by the sheriff to be unsafe. (Ord. No. 1994-16, 8-10-94)

#### 13-2-13. Items prohibited at Utah County Jail.

Except as provided by jail policy or rule, the following items may not be possessed at the Utah County Jail or transported to or upon the Utah County Jail:

- (a) any type of tobacco product;
- (b) any match, lighter, or other device capable of igniting a fire;
- (c) any drug paraphernalia;
- (d) any item which could be used as a weapon and which is not already prohibited by Section 76-8-311.3 of the Utah Code; or
- (e) any pornographic material as defined in Title 76, Chapter 10, Part 12 of the Utah Code. (Ord. No. 1994-34, 12-12-94)

#### 13-2-14. Penalties.

Any person who knowingly and intentionally possesses at the Utah County Jail or transports to or upon the Utah County Jail any item set forth in Section 13-2-13 of the Utah County Code is guilty of a misdemeanor and upon conviction thereof shall be

punished as provided in Section 1-1-9 of this Code. (Ord. No. 1994-34, 12-12-94)

#### 13-2-15. Fees for booking prisoners into the Utah County Jail.

(a) As used in this Section, the term "booking" means the procedure utilized by the Utah County Jail when a person is presented at the jail by an arresting agency to be incarcerated for any purpose.

(b) There is hereby assessed against each of the cities and towns within the boundaries of Utah County a booking fee in an amount to be calculated as follows: during July of 1996 each city and town will be billed for the amount of \$23.00 per person for the average number of persons booked for any reason by that city or town during 1993 through 1995; during July of 1997 each city and town will be billed for the amount of \$23.00 per person for the number of persons booked for any reason by that city or town during 1996.

(c) Each city and town shall submit payment for the assessed amount of booking fees to the Utah County Auditor within thirty (30) days after the date of the statement. Any city or town incurring booking fees pursuant to this Section shall be entitled to review the books and records of the Utah County Jail and to request an audit concerning any bill received pursuant to this Section.

(d) The provisions of paragraph (b) shall not apply to any person entering the Utah County Jail to begin serving a sentence for violation of a city or town ordinance.

(e) All proceeds collected from cities and towns pursuant to this Section following the billing in July 1997 shall be used exclusively for expansion of the video arraignment system to be established in American Fork, Spanish Fork, and Orem court locations. (Ord. No. 1996-06, 04-23-96)

#### 13-2-16. Prohibited Targets.

No person within the unincorporated area of Utah County including state and federal public lands, shall use or possess with intent to use as a target, any object, either solid, liquid, vapor, or particulate that will shatter, break apart, fragment, ignite, or explode, that may create a hazard or nuisance to any persons, property, public lands, wildlife, or livestock. This ordinance does not apply (1) to any objects used as targets commonly referred to as clay pigeons, sporting clays, or objects of a similar nature, and (2) any private property owner on his property, or any person on the private property owner's property in possession of written permission from the property owner to engage in recreational shooting activities on the property. (Ord. No. 2011-35, 9-20-11)

## Article 13-3. Weapons

13-3-1. Adoption of 76-10, Part 5: Weapons, of the Utah Code.

13-3-2. Children to be accompanied by adults while hunting with or discharging any weapon.

13-3-3. Discharge of weapons.

13-3-4. Night hunting restricted; Exceptions, penalties.

13-3-1. Adoption of 76-10, Part 5: Weapons, of the Utah Code.

Title 76, Chapter 10, Part 5: Weapons, Sections 501 to 525 of the Utah Code is hereby expressly adopted as a Utah County Ordinance. Any part of said code which cannot be legally imposed for a violation of a county ordinance is not adopted. (Ord. No. 1993-5B, 7-14-93)

13-3-2. Children to be accompanied by adults while hunting with or discharging any weapon.

(a) As used in this section, "accompanied" means at a distance within which visual and verbal communication is maintained for the purposes of advising and assisting.

(b) A person under the age of 14 years must be accompanied by his or her parent or legal guardian, or other responsible person of the age of 21 years or older and approved by his or her parent or guardian, while hunting with, or discharging any, weapon.

(c) A person of at least 14 years of age and under 16 years of age must be accompanied by his or her parent or legal guardian, or other responsible person of the age of 21 years or older and approved by his or her parent or guardian while hunting big game with any weapon.

(d) A person of at least 14 years of age and under 16 years of age must be accompanied by a person of the age of 21 years or older while hunting wildlife other than big game, with any weapon—or while discharging any weapon.

(e) A person under the age of 12 years is not permitted to hunt for protected wildlife except as provided by rules of the Wildlife Board of Utah State. (Ord. No. 1993-5B, 7-14-93)

13-3-3. Discharge of weapons.

(a) A person may not, without written permission from the owner or other person in charge, discharge a firearm across, into, or within 600 feet of:

(1) a house or dwelling, or

(2) any structure where an animal is kept or fed including a barn, poultry yard, corral, feeding pen, or stockyard, or

(3) orchard, standing cornfield, standing silo, vehicle, or farm equipment.

(b) (1) Hunting of any wildlife, or the discharging of any firearm is prohibited within the boundaries of all state parks except those designated by the Division of Parks and Recreation (R651-603-5 Utah Administrative Code).

(2) Hunting with, or the discharging of, a rifle, handgun, or a muzzle-loader in, or within one mile of all state park facilities designated "open"—including buildings, camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches—is prohibited.

(3) Hunting with, or the discharging of, shotguns and archery tackle is prohibited within one quarter of a mile of the above stated park areas.

(c) Nothing herein shall prohibit the possession and use of firearms at an approved Shooting Range during the appropriate hours of operation. (Ord. No. 1993-5B, 7-14-93)

13-3-4. Night hunting restricted; exceptions, penalties.

(a) Pursuant to Utah Code Section 23-13-17 hunting at night is permitted under the following conditions:

(1) The hunting shall be for coyote, red fox, striped skunk, or raccoon and no other form of terrestrial or avian wildlife.

(2) Any artificial light used to spotlight the animal must be carried by the hunter.

(3) A motor vehicle headlight or light attached to, or powered by a motor vehicle may not be used to spotlight the animal.

(4) While hunting with the use of an artificial light, the hunter may not occupy or operate a motor vehicle.

(5) The only firearm permitted for night hunting will be a shotgun using shot that is #2 size or smaller.

(b) The term "spotlight" or "spotlighting" means casting the rays of any artificial light on any highway, in any field, woodland, forest or other land while having in possession a weapon by which protected wildlife may be killed.

(c) The term "motor vehicle" shall have the meaning as defined in Utah Code Section 41-6-1.

(d) Nothing in this Section shall prevent any land owner, or the land owner's agent from using an artificial light, or reasonably and carefully discharging a firearm at any time on lands under his control for the purpose of protecting livestock, so long as he does not endanger human life.

(e) Nothing in this Section shall prevent any peace officer, or conservation officer in the performance of his duties, from the use of an artificial light, or discharging a firearm at any time.

(f) Nighttime, or night, within the meaning of this section, shall be that time from one-half hour after sunset to one-half hour before sunrise.

(g) Any person who violates any provision of this Section is guilty of a misdemeanor and, upon conviction thereof, may be fined in any sum up to one thousand dollars (\$1,000.00), or by imprisonment in the County Jail not to exceed six (6) months, or by both such fine and imprisonment.

(h) Nothing in this Section shall prevent a person from night hunting for the express and limited purpose of conducting bona fide scientific research and study sanctioned by the Utah State Division of Wildlife Resources or the U.S. Division of Wildlife Resources, when said person shall have first obtained written approval from the office of the Utah County Sheriff.

(i) Nothing herein shall grant any person the right to trespass upon private, county, state or federal property. (Ord. No. 1993-5B, 7-14-93)

#### Article 13-4. Large Public Assemblies

##### Division 13-4-1. In General

##### Division 13-4-2. License

##### Division 13-4-3. Minimum Facilities

##### Division 13-4-1. In General

###### 13-4-1-1. Definition.

###### 13-4-1-2. Enforcement and penalty.

###### 13-4-1-3. Exceptions.

###### 13-4-1-4. Maximum number of people assembled.

###### 13-4-1-1. Definition.

For the purposes of this Article, the word "assembly" shall mean a group or company of persons gathered together at any location at any single time for any purpose. (Ord. No. 1971-4, Section 2, 7-7-71)

###### 13-4-1-2. Enforcement and penalty.

The provisions of this Article may be enforced by injunction in any court of competent jurisdiction.

The holding of an assembly in violation of any provisions or condition contained in this Article shall be deemed a public nuisance and may be abated as such.

Any person who violates the provisions of this Article shall be punished as provided in Section 1-1-9 of this Code. (Ord. No. 1971-4, Section 7, 7-7-71)

###### 13-4-1-3. Exceptions.

The provisions of this Article shall not apply to any regularly established, permanent place of worship,

stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.

This Article shall not apply to government-sponsored fairs held on regularly established fairgrounds. (Ord. No. 1971-4, Section 2, 7-7-71; Ord. 2005-1, 1-8-05)

###### 13-4-1-4. Maximum number of people assembled.

A license issued under the provisions of this Article shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people. (Ord. No. 1971-4, Section 2, 7-7-71)

#### Division 13-4-2. License

##### 13-4-2-1. Required.

##### 13-4-2-2. Application.

##### 13-4-2-3. Fee.

##### 13-4-2-4. Bond.

##### 13-4-2-5. Issuance.

##### 13-4-2-6. Effect of issuance.

##### 13-4-2-7. Revocation.

##### 13-4-2-8. Judicial Review.

##### 13-4-2-1. Required.

No person shall permit, maintain, conduct, undertake, or manage, an actual or reasonably anticipated assembly of two hundred fifty (250) or more people which continues or can reasonably be expected to continue for twelve (12) or more consecutive hours, whether on public or private property unless a license to hold the assembly has first been issued by the Board of County Commissioners.

(Ord. No. 1971-4, Section 2, 7-7-71)(Ord. No. 2005-34, 11-15-05)

##### 13-4-2-2. Application.

Application for a license to hold an actual or anticipated assembly of two hundred fifty (250) or more persons shall be made in writing to the County Commission at least thirty (30) days in advance of such assembly.

The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, by all officers in the case of a corporation, by all partners in the case

of a partnership or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

The application shall contain and disclose:

(a) the name, age, residence and mailing address of all persons required to sign the application and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten (10) per cent or more of the stock of said corporation;

(b) the address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all such property;

(c) proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for an assembly of two hundred fifty (250) or more persons;

(d) the nature or purpose of the assembly;

(e) the total number of days and/or hours during which the assembly is to last;

(f) the maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the Zoning Ordinances of the County if the assembly is to continue overnight;

(g) the maximum number of tickets to be sold, if any;

(h) the plans of the applicant to limit the maximum number of people permitted to assemble;

(i) the plans for fencing the location of the assembly and the gates contained in such fence;

(j) the plans for supplying potable water including the source, amount available and location of outlets;

(k) the plans for providing toilet and lavatory facilities, including the source, number and location, type, and the means of disposing of waste deposited;

(l) the plans for holding, collection, and disposing of solid waste material;

(m) the plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;

(n) the plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps;

(o) the plans for parking vehicles including size and location of lots, points of highway access and interior

roads including routes between highway access and parking lots;

(p) the plans for telephone service including the course, number and location of telephones;

(q) the plans for camping facilities, if any, including facilities available and their location;

(r) the plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;

(r) the plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;

(s) the plans for fire protection including the number, type, and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment; and

(t) the plans for food concessions and concessions who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.

The application shall include the bond required and license fee. (Ord. No. 1971-4, Section 2, 4, 7-7-71)

#### 13-4-2-3. Fee.

The fee for each license to hold a large public assembly shall be one hundred dollars (\$100.00) for each day. (Ord. No. 1971-4, Section 2, 7-7-71)

#### 13-4-2-4. Bond.

(1) Before any license shall be issued under the provisions of this Division, a cash or surety bond in the amount of two thousand dollars (\$2,000.00) for every 250 people permitted to be assembled during the course of the assembly, shall be filed by the applicant with the County Clerk /Auditor. In the event more than one thousand people are permitted to be assembled during the course of the assembly, the bond amount required shall be no greater than eight thousand dollars (\$8,000.00). Such bond shall be conditioned for the prompt cleaning of any debris or waste material produced or left by the assembly.

(2) In the event all debris and waste material is removed from the property where the assembly is held within 24 hours after the expiration of the permitted assembly time, the bond shall be promptly returned to the applicant.

(3) In the event all debris and waste material is not removed from the property where the assembly is held within 24 hours after the expiration of the permitted assembly time, Utah County may enter the property and remove any remaining debris and waste material. Utah County may then make a claim against the bond for the actual cost of removing the remaining debris and waste material. Any remaining

bond proceeds shall be promptly returned to the applicant.(Ord. No. 1971-4, Section 3, 7-7-71) (Ord. No. 2005-34, 11-15-05)

#### 13-4-2-5. Issuance.

The application of a license required by the provisions of this Division shall be processed within twenty (20) days of receipt and shall be used if all conditions are complied with. (Ord. No. 1971-4, Section 5, 7-7-71)

#### 13-4-2-6. Effect of issuance.

A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly. (Ord. No. 1971-4, Section 2, 7-7-71)

#### 13-4-2-7. Revocation.

The license issued under the provisions of this Division may be revoked by the County Commission at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with. (Ord. No. 1971-1, Section 6, 7-7-71)

#### 13-4-2-8. Judicial Review.

In the event a permit is not granted, the applicant has the right to have the denial reviewed by the District Court of the State of Utah pursuant to the provisions of Rule 65B of the Utah Rules of Civil Procedure. (Ord. 2005-34, 11-15-05).

### Division 13-4-3. Minimum Facilities

#### 13-4-3-1. Compliance.

#### 13-4-3-2. Maximum accommodations.

#### 13-4-3-3. Fence.

#### 13-4-3-4. Potable water.

#### 13-4-3-5. Toilet facilities.

#### 13-4-3-6. Solid waste disposal.

#### 13-4-3-7. Medical attention.

#### 13-4-3-8. Illumination.

#### 13-4-3-9. Parking.

#### 13-4-3-10. Telephone service.

#### 13-4-3-11. Camping facilities.

#### 13-4-3-12. Security.

#### 13-4-3-13. Fire prevention.

#### 13-4-3-1. Compliance.

Before he may be issued a license required by the provisions of this Article, the applicant therefor shall provide proof that he will comply with all provisions of this Division at his own expense before the

assembly commences. (Ord. No. 1971-4, Section 3, 7-7-71)

#### 13-4-3-2. Maximum accommodations.

Before he may be issued a license required by the provisions of this Article, the applicant therefor shall first determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the Zoning or Health Ordinances of the County. (Ord. No. 1971-4, Section 3, 7-7-71)

#### 13-4-3-3. Fence.

A fence completely enclosing the proposed location of the assembly shall be provided, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four (4) gates, at least one at or near four (4) opposite points of the compass. (Ord. No. 1971-4, Section 3, 7-7-71)

#### 13-4-3-4. Potable water.

Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least ten (10) gallons per person per day, shall be provided at the proposed location for the assembly. (Ord. No. 1971-4, Section 3, 7-7-71)

#### 13-4-3-5. Toilet facilities.

Separate enclosed toilets for males and females shall be provided at the assembly location, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every two hundred (200) females and at least one toilet for every three hundred (300) males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap and paper towels shall also be provided with each toilet. (Ord. No. 1971-4, Section 3, 7-7-71)

## 13-4-3-6. Solid waste disposal.

A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half (2½) pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight-fitting lids and personnel to perform the task, shall be provided at the location of the proposed assembly. (Ord. No. 1971-4, Section 3, 7-7-71).

Cross reference - Solid wastes generally, Chapter 20.

## 13-4-3-7. Medical attention.

Physicians and nurses licensed to practice in the State sufficient to provide the average medical care enjoyed by residents of the State for the maximum number of people to be assembled at the rate of at least one physician for every one thousand (1,000) people and at least one nurse for every one thousand five hundred (1,500) people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times shall be provided at each assembly coming under the provisions of this Article. (Ord. No. 1971-4, Section 3, 7-7-71)

## 13-4-3-8. Illumination.

If the assembly is to continue during the hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) footcandles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly, shall be provided at the assembly. (Ord. No. 1971-4, Section 3, 7-7-71)

## 13-4-3-9. Parking.

A free parking area inside the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four (4) persons, shall be available at any assembly coming under the provisions of this Article. (Ord. No. 1971-4, Section 3, 7-7-71)

## 13-4-3-10. Telephone service.

Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line

and received for each one thousand (1,000) persons. (Ord. No. 1971-4, Section 3, 7-7-71)

## 13-4-3-11. Camping facilities.

If the assembly is to continue overnight, camping facilities in compliance with all federal, state and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled shall be provided. (Ord. No. 1971-4, Section 3, 7-7-71)

## 13-4-3-12. Security.

Security guards, either regularly employed, duly sworn off-duty peace officers of the State, or private guards, licensed in the State or County, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every two hundred fifty (250) people shall be provided at each assembly coming under the provisions of this Article. (Ord. No. 1971, Section 3, 7-7-71)

## 13-4-3-13. Fire prevention.

Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all federal, state and local standards for the location of the assembly and sufficient emergency personnel to efficiently operate the required equipment shall be provided at each assembly coming under the provisions of this Article. (Ord. No. 1971-4, Section 7-7-71)

Cross reference - Fire protection and prevention, Chapter 9.

## Article 13-5. Massage Parlors

## Division 13-5-1. In General

## Division 13-5-2. License

## Division 13-5-1. In General

## 13-5-1-1. Definitions.

## 13-5-1-2. Treatment restricted.

## 13-5-1-3. Health standards.

## 13-5-1-1. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

(a) "Massage" means a manual or mechanical manipulation of the parts of the body, as by rubbing, kneading, slapping or the like used to promote circulation, relax the muscles, etc., as in deep muscle therapy and/or by the use of turkish, russian, swedish,



vapor, electric, salt, mineral, magnetic, hydro or other kind or character of baths.

(b) "Massage parlor" means a public or private establishment where licensed masseurs are hired, act individually, or act as an association, firm, or corporation which engages in, conducts, carries on, or permits to be carried on, any business of giving massages.

(c) "Masseur" means any person not otherwise duly licensed by the Department of Registration of the State to practice those treatments referred to above, who engages in, conducts, or carries on the giving of treatments to another person by the application of manual and/or mechanical manipulation or massage, fomentation, bath, or electric massage procedure, heat, light, exercise, or other similar procedures, for a fee. (Ord. No. 1984-07, Pt. 4, 3-12-84)

#### 13-5-1-2. Treatment restricted.

(a) It shall be unlawful for any person to administer, for hire or reward to any person of the opposite sex, any massage, any alcohol rub or similar treatment any fomentation, any bath or any electric or magnetic treatment, nor shall any person cause or permit in or about his place of business or in connection with his business, any agent, employee or servant or any other person under his control or supervision to administer any such treatment to any person of the opposite sex.

(b) This Section shall not apply to any treatment administered in good faith in the course of the practice of any healing art by any person licensed to practice any such art or profession under the provisions of the Utah Code Annotated, 1953, or of any other law of this State.

#### 13-5-1-3. Health standards.

When the County Board of Health has probable cause to believe that the examination of a masseur for communicable diseases is necessary for the health and safety of the masseur or the public, it may require a masseur to submit to a physical examination of a type to be determined by said Board of Health. All massage parlor establishments, or private homes utilized by such practitioners, must meet the County Board of Health regulations.

### Division 13-5-2. License

#### 13-5-2-1. Required.

#### 13-5-2-2. Application.

#### 13-5-2-1. Required.

It shall be unlawful for any person to operate, conduct, carry on or maintain a massage parlor or

engage in the business of a masseur in this County without first obtaining a license to do so.

#### 13-5-2-2. Application.

Application for a masseur or massage parlor business shall be made according to the provisions of Chapter 11 of this Code. (Ord. No. 1984-07, Pt. 5, 3-12-84)

### Article 13-6. Registration of Entertainers

#### 13-6-1. Coverage of Article.

#### 13-6-2. Penalty for violation.

#### 13-6-3. Cards required.

#### 13-6-4. Procedure for obtaining card.

#### 13-6-5. Fees.

#### 13-6-6. Issuance restricted.

#### 13-6-7. Nontransferable.

#### 13-6-8. Grounds for revocation.

#### 13-6-1. Coverage of Article.

The persons and establishments covered by this Article shall be as follows:

(a) All persons gainfully employed by any establishment dispensing alcoholic beverages and involved in the actual dispensing of same, including all professional dancing girls, all female impersonators, and all other professional entertainers in the premises, the above to include doormen or those engaged in checking identification.

(b) All persons gainfully employed by an establishment which does not dispense alcoholic beverages but does employ dancing girls, female impersonators, or other professional entertainers which is completely or partially owned by an establishment or person which does dispense alcoholic beverages.

(c) The above shall include all persons, whether employed on a contractual basis or by a fixed salary, but it may exclude only those persons who appear as a licensee by the County for that particular establishment.

#### 13-6-2. Penalty for violation.

Any person in violation of this Article or any part thereof shall be punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment in the County Jail for not more than three (3) months, or by both such fine and imprisonment.

## 13-6-3. Cards required.

All persons employed by an establishment governed by this Article must have in their possession a valid Sheriff's registration card.

## 13-6-4. Procedure for obtaining card.

Prior to commencing employment, the employee must obtain a signed registration application from the employer, and provide the Sheriff's Department with two one and one-half (1½) inch by one and one-half (1½) inch photographs.

(a) Any male or female applicant between eighteen (18) and twenty-one (21) years of age, who, by reason of his or her appearance, causes the Sheriff's examiner to doubt the truth of his or her stated age, may be required to furnish satisfactory documented proof of his or her age;

(b) All Sheriff's card numbers obtained under the provisions of this Chapter are to be registered by the employer personnel or payroll section, kept as a part of the record of the employee.

(c) The person or persons designated by each establishment as the agent(s) responsible for hiring and/or checking employees under the provisions of this Article, shall examine each employee's or prospective employee's Sheriff's card for the purpose of determining the validity of the card for use in the particular establishment concerned, such validity to be determined by the name of the concerned establishment being stamped on the back side of the Sheriff's card in red ink. If the prospective employee's card is found to be invalid as described above, he will be issued a new signed application form which must be completed and presented along with his Sheriff's card to the Sheriff's Department for validation, prior to commencing employment.

## 13-6-5. Fees.

All persons processed under this Article shall be charged an original fee of two dollars (\$2.00).

In the event the original Sheriff's registration card is lost or destroyed, an additional fee of one dollar (\$1.00) shall be charged for the duplicate card.

## 13-6-6. Issuance restricted.

Sheriff's registration cards shall not be issued under the provisions of this Article to any person who has been convicted of a felony, or any other crime or crimes, which, at the Sheriff's discretion, may be considered injurious to any establishment whose employees fall under the provisions of this Article.

## 13-6-7. Nontransferable.

Registration cards issued under the provisions of this Article shall not be transferable.

## 13-6-8. Grounds for revocation.

The Sheriff may revoke or suspend registration cards issued under the provisions of this Article if the holder:

(a) has been convicted of a felony or any crime involving moral turpitude;

(b) has obtained a registration card by fraud or deceit;

(c) has failed to pay required fees;

(d) has violated the laws of the State or the ordinances of the County regulating the work of the permit holder; or

(e) has procured, attempted to procure, or agreed to procure, for any person:

(1) another person for the purpose of sexual intercourse or any immoral act, or

(2) a controlled substance as defined in Section 58-37-1, et seq., U.C.A., 1953, as amended.

(f) has utilized his registration card for the purpose of obtaining credit, or as identification for cashing checks.

Any person whose Sheriff's registration card has been revoked or suspended by the Sheriff may appeal within fifteen (15) days from the date of the suspension or revocation to the Board of County Commissioners for a hearing regarding reinstatement of the registration card. The Board shall then schedule a hearing.

## Article 13-7. Curfew Ordinance

## 13-7-1. Purpose.

## 13-7-2. Definitions.

## 13-7-3. Sixteen-year-old curfew.

## 13-7-4. Eighteen-year-old curfew.

## 13-7-5. Parental Liability.

## 13-7-6. Exceptions.

## 13-7-7. Enforcement.

## 13-7-8. Severability.

## 13-7-1. Purpose.

The governing body of Utah County finds, due to a seemingly ever increasing incidence of violence and other crime among juveniles in Utah County, being both drug related and gang related, that such crimes may be significantly inhibited and reduced by the enactment and enforcement of local law establishing a curfew prohibiting juveniles from remaining idly and purposelessly on the public streets late at night. (Ord. No. 1994-01, 2-7-94)

## 13-7-2. Definitions.

A. "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.

B. "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 potential 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.

C. "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 (16) years for the purposes of Section 3 hereof or who is under the age of eighteen (18) years for the purpose of Section 4 hereof.

D. "Public places" means any place open to the public whether 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. (Ord. No. 1994-01, 2-7-94)

## 13-7-3. Sixteen-year-old curfew.

It shall be unlawful for any minor under the age of sixteen (16) years to remain or loiter upon any of the sidewalks, streets, alleys or public places in Utah County between the hours of 11 P.M. and 5 A.M. the following morning. (Ord. No. 1994-17, 8-10-94)

## 13-7-4. Eighteen-year-old curfew.

It shall be unlawful for any minor under the age of eighteen (18) years to remain or loiter upon any of the sidewalks, streets, alleys or public places in Utah County:

1. After 11 P.M. Sunday through Thursday,
2. Prior to 5 A.M. Monday through Friday, and
3. Between 1 A.M. and 5 A.M. Saturday and Sunday. (Ord. No. 1994-01, 2-7-94)

## 13-7-5. Parental liability.

It shall be 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. (Ord. No. 1994-01, 2-7-94)

## 13-7-6. 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 travelling to or from such employment;

C. Engaged on an emergency errand directed by the minor's parent, guardian or other responsible person have care and custody;

D. In a motor vehicle engaged in normal interstate travel beginning in, travelling through, or ending in Utah County;

E. Attending or engaged in travelling 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 boundaries of the minor's place of residence. (Ord. No. 1994-01, 2-7-94)

## 13-7-7. 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 shall be 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 said minor after being ordered to do so by a peace office.

D. Any person who violates the provisions of this chapter is guilty of a Class B Misdemeanor. (Ord. No. 1994-01, 2-7-94)

## 13-7-8. Severability.

If any section, sub-section, sentence or word of this chapter is held, by the court of competent jurisdiction, to be invalid, the remaining unaffected portions shall remain in full legal force and effect. (Ord. No. 1994-01, 2-7-94)

## Article 13-8. Use of County Roads and County Property

## 13-8-1. Definitions.

## 13-8-2. Event Permits.

## 13-8-3. Fees.

## 13-8-4. Insurance.

## 13-8-5. Revocation.

## 13-8-6. Penalties.

## 13-8-1. Definitions.

As used in this Article:

(1) "event" means:

(a) an organized competitive or recreational event in which a group of fifty or more people collectively and simultaneously engage in a sport or form of physical exercise, including but not limited to running, jogging, walking, bicycling swimming, skating, or equestrian activity;

(b) an organized event having as its primary purpose the entertainment or amusement of a group of fifty or more people, including but not limited to parades, carnivals, fairs, concerts, receptions, weddings, parties, or other gatherings;

(c) an organized activity in which a group of ten or more people engage in the production of photographic, video, or audio recordings, with the exception of news reporting and of small groups involved in the production of recordings for strictly personal use;

(d) the use of any County Road or County Property by reservation as required by the Utah County Facility Use Policy.

(2) "County Road" means all public roads and streets within the County not designated as State Highways which are situated outside of incorporated cities and towns and such roads and streets situated within incorporated cities and towns that have been designated as county roads and those public roads located within a national forest and constructed or maintained by the County under agreement with the appropriate federal agency.

(3) "County property" means all real property including improvements and facilities thereon, owned or maintained by Utah County, including, but not limited to, real property owned in fee simple, real property leased to the County, rights-of-way, and easements. (Ord. No. 1997-05, 04-08-97; 2009-15, 03-24-09)

## 13-8-2. Event Permits.

(a) No person, entity or organization shall permit, maintain, promote, conduct, advertise, sponsor, organize, manage, or operate any event as defined in Section 13-8-1 of this Code, which goes upon, over, or crosses any County road or County property unless an event permit has been obtained at least one week prior to the date of the event.

(b) An application for an event permit shall be made in writing to the Utah County Public Works Department at least thirty (30) days prior to such event. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and

sworn to or affirmed by the individual making the application. The application shall contain and disclose such information as determined necessary by Utah County, and shall be on forms provided by the Utah County Public Works Department.

(c) Prior to issuance of the event permit, the application shall be approved by the Utah County Public Works Department, the Utah County Sheriff's Office, and the Utah County Attorney's Office as necessary. (Ord. No. 1997-05, 04-08-97)

(d) The terms and conditions of each event permit shall comply with all applicable requirements set forth in the "Utah County Facility Use Policy". (Ord. 2009-15, 03-24-09)

## 13-8-3. Fees.

The fee to hold an event upon County roads or property shall be as set forth in the "Utah County Government Current Fee Schedule and Ordinance". Upon request of the applicant, the County Commission may waive the fee in accordance with the "Utah County Facility Use Policy". (Ord. No. 1997-05, 04-08-97; 2009-15, 03-24-09)

## 13-8-4. Insurance.

Prior to issuance of the event permit, the applicant shall obtain event insurance or liability insurance in a form and amounts acceptable to Utah County, and shall provide Utah County with a certificate of said insurance. (Ord. No. 1997-05, 04-08-97; 2009-15, 03-24-09)

## 13-8-5. Revocation.

The event permit issued under the provisions of this Article may be revoked by the County at any time if any of the conditions necessary for the issuing of or contained in the event permit are not complied with, or if any condition previously met ceases to be complied with. (Ord. No. 1997-05, 04-08-97; 2009-15, 03-24-09)

## 13-8-6. Penalties.

Any person who knowingly permits, maintains, promotes, conducts, advertises, sponsors, organizes, manages, or operates any event as defined in Section 13-8-1 of this Code, without obtaining the event permit required by Section 13-8-2, shall be guilty of a misdemeanor and shall be punished as provided in Section 1-1-9 of this Code. (Ord. No. 1997-05, 04-08-97; 2009-15, 03-24-09)

## Article 13-9. Lewdness

## 13-9-1. Lewdness.

## 13-9-1. Lewdness.

(1) A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, or an attempt to commit any of those offenses, intentionally or knowingly does any of the following acts in a public place or under circumstances which the person should know will likely cause affront or alarm to another who is 14 years of age or older:

(a) an act of sexual intercourse or sodomy;

(b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area;

(c) masturbates;

(d) engages in trespassory voyeurism; or

(e) any other act of lewdness.

(2) Lewdness is a class B misdemeanor and shall be punished as provided in Section 1-1-9 of this Code.

(3) A woman's breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute an act of lewdness, irrespective of whether or not the breast is covered during or incidental to feeding. (Ord. No. 1999-10, 06-22-1999)

## Article 13-10. County Trails

13-10-1. Prohibited Travel on County Trails.

13-10-2. Prohibited Travel on Other Trails or Passageways.

13-10-3. Speed Limits on County Trails.

13-10-4. Speed Limits on Other Trails or Passageways.

13-10-5. Defenses.

13-10-6. Penalties.

13-10-7. Lane Restrictions.

13-10-8. Walking Zones.

13-10-9. Safe Travel.

13-10-10. Passing.

13-10-11. Helmet.

13-10-12. Leash Requirement.

13-10-1. Prohibited Travel on County Trails.

No person shall use a County trail or parkway outside of the hours of use as posted on the trail or parkway. No person shall travel, use or ride a skateboard, longboard or similar device utilizing a prone, luge or skeleton technique on County trails and parkways.

13-10-2. Prohibited Travel on Other Trails or Passageways.

No person shall use any other trail, parkway, or passageway outside of the hours of use as posted on

such trail, parkway, or passageway. No person shall travel, use or ride a skateboard, longboard or similar device or utilize a prone, luge or skeleton technique on any other trail, parkway or passageway for which notice of the prohibition of the use is given by the property owner posting signs referencing this Utah County Code section which are reasonably calculated to come to the attention of trail, parkway or passageway users.

13-10-3. Speed Limits on County Trails.

No person shall travel, use or ride on County trails and parkways in excess of the lesser of 15 miles per hour or the posted speed limit.

13-10-4. Speed Limits on Other Trails or Passageways.

No person shall travel, use or ride on trails, parkways or passageways in excess of the posted speed limit as posted by the property owner posting signs referencing this Utah County Code section which are reasonably calculated to come to the attention of trail, parkway or passageway users.

13-10-5. Defenses.

The removal or vandalism of any sign, marking or notice posted in accordance with this Article which gives notice of the prohibitions contained in any section of this Article by anyone other than Utah County or the property owner is not a defense to a violation of any section of this Article.

13-10-6. Penalties.

(a) Violation of any section of this Article is punishable as an infraction.

(b) A fourth or subsequent violation of any section of this Article is a class C misdemeanor.

13-10-7. Lane Restrictions.

(a) Any pedestrian traveling or using paved County parkways and trails shall travel only in the lane designated for pedestrian traffic.

(b) Any person traveling, using or riding on County parkways and trails and utilizing a self propelled mechanism shall travel only in the lane designated for self propelled mechanized traffic.

(c) For the purpose of this section and this Article, a self propelled mechanism is any wheeled device propelled by human power. Self propelled mechanisms include, but are not limited to, longboards, skateboards, scooters, skates, inline skates, bicycles, attached bike trailers, wheelchairs, strollers, etc.

## 13-10-8. Walking Zones.

No person shall ride or use a self propelled mechanism to travel, use or ride on County trails and parkways in any zone signed or marked as a walking zone.

## 13-10-9. Safe Travel.

Notwithstanding any section of this article to the contrary, any person traveling, using or riding on County trails and parkways shall remain in control of any self propelled mechanism, and shall not exceed a reasonable and prudent speed under the existing conditions giving regard to the actual and potential hazards then existing, including but not limited to surface conditions, sight distance, the proximity and travel direction of other trail users, and the person's skill, experience and ability.

## 13-10-10. Passing.

Any person utilizing a self propelled mechanism which passes another County trail or parkway user traveling in the same direction shall pass to the left of the other user and prior to passing announce the intention to pass the other trail or parkway user.

## 13-10-11. Helmet.

Users of self propelled mechanisms on County trails or parkways are strongly encouraged to use helmets.

## 13-10-12. Leash Requirement.

All dogs and or pets on paved County parkways and trails shall be leashed with a leash of six feet or less and shall be kept in the owner's or handler's lane of travel.

## Article 13-11. Abuse of Intoxicating Chemical Substances.

13-11-1. Abuse of Intoxicating Chemical Substances. (Repealed Ord. No. 2011-8, 3-29-11)

