

**TITLE 11. CRIMINAL CODE**

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**CHAPTER 1. CRIMES**

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**11-1-1. Utah Code Annotated criminal, alcohol, and drug provisions adopted.**

(1) Sections 76-1-101 et seq., and 77-1-1 et seq., Utah Code Annotated 1953, as last amended, which sections are known as the Utah Criminal Code and the Utah Code of Criminal Procedure, respectively, are hereby adopted by reference in their entirety, save and except such portions that refer to class A misdemeanors and felonies. Subsequent amendments by the legislature to such sections are hereby expressly adopted.

(2) Sections 32B-1-101 et seq., Utah Code Annotated 1953, as last amended, which sections are known as the Utah Alcoholic Beverage Control Act, are hereby adopted by reference in their entirety, save and except such portions that refer to class A misdemeanors and felonies. Subsequent amendments by the legislature to such sections are hereby expressly adopted.

(3) Sections 58-37-1 et seq., 58-37a-1 et seq., 58-37b-1 et seq., and 58-37c-1 et seq., of the Utah Code Annotated, 1953 as amended, which sections are known as the Utah Controlled Substances Act, the Utah Drug Paraphernalia Act, the Imitation Controlled Substances Act, and the Controlled Substances Precursor Act, respectively, are hereby adopted by reference in their entirety, save and except such portions that refer to class A misdemeanors or felonies. Subsequent amendments by the Utah State legislature to such sections are hereby expressly adopted by this reference. (Ord. 94-48, 08-17-94)

(4) Where the Utah Code Annotated sections adopted in Subsections (1), (2), and (3) refer to jurisdiction and venue as being in the state of Utah, such

sections shall be amended to refer to jurisdiction and venue as being in Tooele City, Utah.

(5) Violations of Subsections (1), (2), and (3) shall be prosecuted in the name of Tooele City, using the Utah Code Annotated section numbers in the charging documents to describe the sections violated.

(Ord. 2020-17, 05-06-2020) (Ord. 1990-13, 08-07-1990)

**11-1-2. Contributing to the delinquency of a minor.**

The following persons are guilty of a class B misdemeanor:

(1) Any person 18 years of age or older who solicits, requests, commands, encourages, or intentionally aids or who acts with a juvenile in the violation of any federal, state or local law or municipal ordinance, or who tends to cause children to become or remain delinquent, or who aids, contributes to, or becomes responsible for the neglect, abuse or delinquency of any child;

(2) Any person 18 years of age or older, having a child in his legal custody, or under his care, or in his employment, who willfully abuses or ill-treats, neglects, or abandons the child in any manner likely to cause the child unnecessary suffering or serious injury to his health or morals;

(3) Any person 18 years of age or older who forcibly takes away a child from, or wrongfully encourages him to leave, the legal or physical custody of any person, agency, or institution in which the child lawfully resides or has been legally placed for the purpose of care, support, education, or adoption, or any person who knowingly detains or harbors a child whom he has reasonable grounds to believe has escaped or fled the custody of any agency or institution in which the child lawfully resides or has run away from his parent, guardian, or custodian;

(4) Any person 18 years of age or older who provides a child with an alcoholic beverage or a controlled substance or who encourages or permits a child to consume an alcoholic beverage or controlled substance; or

(5) Any person 18 years of age or older who fails to report child abuse, as required by Section 78-36-10, Utah Code Annotated.

(Ord. 1988-12, 03-16-1988)

**11-1-3. Unlawful acts in or about schools.**

(1) It is a Class "B" misdemeanor for any person to annoy, disturb or otherwise prevent the orderly conduct of the activities, administration or classes of any elementary, junior high or high school.

(2) It is a Class "B" misdemeanor for any person to annoy, idle about, wander about or play in, about, or on any elementary, junior high or high school grounds or buildings, while school is in session, whether on foot, or in or on any vehicle, without being engaged in some activity sanctioned by the administration of the particular school involved.

(Ord. 1988-12, 03-16-1988)

**11-1-4. Regulation of commercial handbills.**

(1) Definition. "Commercial Handbill" means any printed or written material that:

- (a) advertises for sale any merchandise, product, commodity, service, or thing;
- (b) directs attention to any commercial establishment or activity;
- (c) directs attention to any meeting, performance, exhibition, or event; or,
- (d) is predominantly and essentially an advertisement though containing material other than advertising material.

(2) Prohibited acts. It shall be unlawful for any person or business entity to do, or to cause to be done, any of the following:

- (a) to throw or deposit a commercial handbill upon public property, including parks, streets, and sidewalks;
- (b) to throw a commercial handbill upon private property without the express consent of the property owner;
- (c) to throw a commercial handbill from a moving vehicle;
- (d) to throw or deposit a commercial handbill on vacant or uninhabited property;
- (e) to throw or deposit a commercial handbill on property where any portion of the property is marked with the words "no soliciting," "no trespassing," or similar such words.

(3) Penalty. A violation of this Section shall be an Infraction. (Ord. 2017-28, 11-01-2017) (Ord. 2016-08, 05-04-2016) (Ord. 1988-12, 03-16-1988)

**11-1-5. Discharge of firearms and other devices within the City limits.**

(1) Any person who discharges a firearm within the City limits, without a permit to do so, is guilty of a class B misdemeanor.

(2) Any person who discharges within the City limits any device which is designed to propel projectiles at a high rate of speed, and who creates a substantial risk of injury to persons or property, is guilty of a class B misdemeanor.

(3) Peace officers of the State of Utah, while acting within the scope and line of duty, are exempt from the provisions of this Section, as is any person acting in defense of self, another, or property as permitted by law. (Ord. 1996-18, 06-19-1996) (Ord. 1988-12, 03-16-1988)

**11-1-6. Traps prohibited.**

(1) Every person who sets a trap is guilty of a Class "B" misdemeanor.

(2) Each separate trap that is set constitutes an individual and separate offense.

(3) As used within this section:

(a) "Set" means:

- (i) To cock, open or put a trap in such a condition that it would clamp closed when an object or person touches a trigger device; or,

(ii) To place a trap which has been opened or fixed so that it would close upon the triggering device being touched upon the ground or in a position where a person or animal could become caught therein.

(b) "Trap" means a clamp-like apparatus which is utilized to catch animals, objects or persons when, after being set and the triggering device being activated, clamp-like jaws are designed to come together with force so as to clamp upon the person or object activating the triggering device. (Ord. 1988-12, 03-16-1988)

**11-1-7. Repealed.** (Ord 1990-20, 12-11-1990)

**11-1-8. Curfew.**

(1) It is an Infraction for anyone 17 years of age or younger to be in or on a sidewalk, street, or alley or in any public place between 12:00 a.m. and 5:00 a.m. unless accompanied by a parent or guardian. (Ord. 2010-02, 01-07-2010) (Ord. 1988-12, 03-16-1988)

**11-1-9. Possession of contraband by inmates.**

(1) Definitions.

(a) "Inmate" means any person in official custody or under commitment to be in official custody at the Tooele County Detention Center (hereinafter "the jail") and includes the following: persons on trusty or work duty status; persons released temporarily for work release, medical treatment, psychological or other counseling, court appearances, or other temporary release conditions; and, persons in the custody of the jail but not yet booked into the jail.

(b) "Contraband" means any item the possession of which affects the safe, efficient, and orderly operation of the jail, and includes but is not limited to cigarettes, other tobacco products, and any medication unless approved by jail medical staff. "Contraband" does not include items listed in Utah Code Annotated 76-8-311.3(2) or 58-37-4 (1953) as amended.

(c) "Possession" means to have on one's person, to have in one's clothing or other personal property, or to have within one's dominion or control.

(d) "Conspire" means that a person agrees with one or more other persons to engage in conduct that would facilitate the possession of contraband by an inmate and commits an overt act in pursuance of the agreement. For purposes of this ordinance, the other person involved may be an inmate.

(e) "Jail" means the Tooele County Detention Center and includes the grounds of the Tooele County Courthouse building upon which the jail is located.

(2) Prohibited Acts.

(a) It shall be illegal for any inmate to possess contraband or for any person to possess contraband with the intent to provide contraband to an inmate.

(b) It shall be illegal for any person to conspire to provide contraband to an inmate.

(3) Penalty.

(a) A violation of (2)(a) is a class B misdemeanor.

(b) A violation of (2)(b) is a class C misdemeanor.  
(Ord. 1995-15, 09-16-1995)

**11-1-10. Minors and the distribution or display of harmful sexually oriented material and sexual paraphernalia**

(1) Title for Citation. The ordinance codified in this chapter shall be known as “Minors and the Distribution or Display of Harmful Sexually Oriented Material and Sexual Paraphernalia.”

(2) Purpose. The purpose and object of this chapter is to prevent persons or businesses from supplying or displaying harmful, sexually-oriented materials or devices to minors.

(3) Definitions. Any terms not specifically defined herein shall be construed according to common dictionary or community usage. For the purpose of this Chapter, the following words shall have the following meanings:

(a) “Adult person” shall mean any person who has reached his or her nineteenth birthday.

(b) “Display” shall mean to show an item or image in such a manner that any portion of it may be viewed or examined by patrons or members of the general public.

(c) “Distribute” shall mean to transfer possession of something from one person to another, whether or not consideration is provided.

(d) “Harmful material” shall mean any printed material, photograph, film, video, or other visual or non-visual representation which is characterized primarily by depictions or descriptions of nudity, specified sexual activities, or specified anatomical areas, as defined herein, and which:

(i) Taken as a whole, is offensive to prevailing community standards with respect to what is suitable for minors; and

(ii) Taken as a whole, does not have substantial educational merit for minors arising from serious literary, scientific, or political value.

(e) “Minor” shall mean any person who has not yet reached his or her nineteenth birthday.

(f) “Nudity” shall mean any image portraying a state of dress in which:

(i) any portion of the female breast below the uppermost point of the areola is exposed to view or is covered by a covering which is less than opaque; or

(ii) any portion of the female or male genitalia, pubic region, or the cleft of the buttocks is exposed to view or is covered by a covering which is less than opaque; or

(iii) any covered portion of the male genitalia is portrayed in a discernibly turgid state; or

(iv) coverings or costumes are worn or depicted which simulate any portion of the body described in (i), (ii), or (iii) above.

(g) “Reasonable care” shall mean the use of such care as a reasonably prudent and careful person would use under the circumstances.

(h) “Sexually Oriented Material” shall mean

printed material, photographs, films, computer programs, video recordings, slides, audio recordings, or other visual or nonvisual representations which depict or describe as a central theme specified sexual activities or specified anatomical areas, as defined herein.

(i) “Sexual paraphernalia” shall mean any instrument, device, or object designed for use in connection with specified sexual activity, as defined herein, except for medically approved contraceptives or other medical devices generally accepted within the medical community for use in treating a medical condition.

(j) “Specified anatomical area” means any portion of:

(i) human genitalia;

(ii) human pubic hair or pubic area;

(iii) any portion of the female breast below the uppermost point of the areola;

(iv) anus; and

(v) cleft of the buttocks.

(k) “Specified sexual activity” means:

(i) any act of:

(a) masturbation;

(b) sexual intercourse between persons;

(c) fellatio;

(d) cunnilingus;

(e) bestiality;

(f) sodomy; and

(g) sadomasochism, sadism, or other

acts involving torture, flagellation, or bodily restraint accompanied by the intentional infliction of pain, for the purpose of providing sexual gratification or enacting sexual fantasy; and

(ii) manipulation, caressing, fondling (directly or with an object), or oral touching by any person of:

(a) human genitalia

(b) human pubic area or pubic hair

(c) the nipple or areola of the female breast, or any portion of the female breast below the uppermost part of the areola;

(d) any portion of the buttocks or anus.

(4) Distributing Harmful Material to Minors.

(a) It shall be unlawful for any person or entity to knowingly distribute, offer to distribute, or agree to distribute harmful material or sexual paraphernalia to a minor, when the individual or entity knows that the recipient or intended recipient is a minor, or fails to exercise reasonable care to ascertain the age of the recipient or intended recipient, who is a minor.

(b) It shall be unlawful for any person or entity to display for sale, rental, or exhibition any harmful material or sexual paraphernalia, as defined herein, in such a way that it may be viewed or examined by minors.

(c) It shall be unlawful for any person or entity to display for sale, rental, or exhibition any harmful material or sexual paraphernalia in any portion of a business premises which is open to minors.

(d) It shall be unlawful for any entity which sells sexual paraphernalia or harmful material, or any

authorized representative of the entity, to allow a minor to enter any portion of the business premises which is closed to minors pursuant to the requirements of this chapter; the standard of care imposed is negligence.

(e) It shall be unlawful for any adult person having care, custody, or control of a minor, or any adult person directly accompanying a minor, to knowingly permit the minor to enter any portion of a business which is closed to minors pursuant to the provisions of this chapter.

(f) It shall be unlawful for the owner or lessor of any real property to knowingly allow the property to be used in violation of any part of this chapter.

(g) It shall be an affirmative defense to prosecution under this chapter that the minor produced state-issued, picture identification which indicated that the minor was nineteen or older, and after examining the identification and observing the minor, a reasonable person would have concluded that the minor was nineteen or older; a person or entity may not reasonably rely upon any form of identification which readily appears to have been altered or fraudulently used.

(h) The prosecution shall not be required to introduce expert testimony or scientific evidence to establish a community standard with respect to minors and harmful material.

(i) A violation of any portion of this subsection shall be a class B misdemeanor with a minimum fine of \$400 for each separate offense. Upon a second conviction and all subsequent convictions, the minimum fine shall be \$600. Each day that a violation continues shall constitute a separate offense.

(5) Severability.

In the event that any provision of this Chapter is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in effect.

(Ord. 1999-18, 06-16-1999)

**11-1-11. Park closure – permits – penalty.**

(1) All city-owned public parks shall be closed to all persons between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise signed. All city-owned skating facilities shall be closed to all persons between the hours of 10:00 p.m. and 6:00 a.m. unless otherwise signed. For purposes of this Section, the public right-of-way (including streets, sidewalks, and park strips) adjacent to a park is not considered part of the park. In exceptional circumstances, and for periods not to exceed 60 days, the Mayor may authorize signage setting different closure hours for individual parks.

(2) The Parks and Recreation Department may issue permits to persons desiring to occupy a public park or skating facility during closure hours.

(3) All persons in a city-owned public park or skating facility during closure hours, without a valid permit, shall be in violation of Utah Code §76-6-206 (Criminal Trespass), as amended.

(Ord. 2010-08, 10-06-2010)

**11-1-12. Unlawful Camping.**

(1) It shall be unlawful for any person to camp on public grounds, except as follows:

(a) in cases of local emergency as declared by the Mayor; or,

(b) with a City permit or other City written authorization.

(2) For any person camping in violation of this Section, it shall be unlawful for that person to fail to remove that person's camping equipment within 30 minutes of being requested to do so by a police officer.

(3) It shall be unlawful for any person to camp on private land outside of a legal campground for more than five consecutive days or nights, or for more than five days or nights in any given calendar month.

(4) Definitions.

(a) "Camp" or "camping" means any act taken for the apparent purpose of establishing temporary or permanent living or sleeping accommodations, and includes the following: erecting a tent or shelter of any material; using or preparing a sleeping bag or other bedding material, including a blanket; storing personal belongings; cooking or making a fire in a place that has not been authorized or established for those uses; and, parking a motor vehicle, motor home, recreational vehicle, camper, or trailer for the apparent primary purpose of sleeping.

(b) When a park is open to the public, "camp" or "camping" shall not mean periods of brief napping or the temporary use of umbrella, canopy, or other sheltering materials for picnicking, sporting events, or other temporary recreational activities in that park.

(c) "Public grounds" means any land owned or operated by Tooele City.

(5) Violations and Penalties. A violation of this section shall constitute a class C misdemeanor.

(Ord. 2023-40, 10-04-2023) (Ord. 2021-36, 10-20-2021)