

CHAPTER 27

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CHAPTER 27

PUBLIC OFFENSES

SECTION 27-1. Barbed Wire Prohibited.

It shall be unlawful for any person to erect or cause to be erected or to maintain, any barbed wire fence along or adjacent to any public street within this City and such fence so erected or maintained is hereby declared to be a nuisance.

SECTION 27-2. Discharging Firearms.

Subject to applicable State Law defenses or justifications, it shall be unlawful for any person to fire, discharge or set off any gun, pistol, or firearm of any description, or instrument loaded with powder or other explosive within this City, except by written permit of the Mayor. This ordinance shall not be applicable to the discharge of a firearm within the confines of an indoor shooting range that is duly licensed to do business in Cedar City and in compliance with the regulations set forth in the City's zoning ordinance.

Amended by Cedar City Ordinance No. 0309-16-1.

SECTION 27-3. Disturbance of the Peace.

It shall be unlawful for any person within this City to commit a disturbance of the peace or quiet of any neighborhood, family or persons, by loud or unusual noises or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting.

SECTION 27-4. Cheats and Swindlers.

It shall be unlawful for any person or persons to use or practice any game, trick, or device with intent to defraud, cheat or swindle another, or force any persons to conspire together to accomplish such purpose, within the limits of this City.

SECTION 27-5. Unlawful Acts in or About Schools.

1. It shall be unlawful for any person to annoy, disturb, or otherwise prevent the orderly conduct of the activities, administration or classes of any school, college, or university.
2. It shall be unlawful for any person to annoy, disturb, assault or molest any student or employee of any school, college, or university while in or on such school, college, or university building or on the grounds thereof.

3. It shall be unlawful for any person to loiter, idle, wander, stroll, or play in, about or on any school, college, university grounds or building, either on foot or in or on any vehicle, without having some lawful business therein or thereof.

4. It shall be unlawful for any person to conduct himself or herself in a lewd, wanton, or lascivious manner in speech or behavior in, about, or on any school, college, or university building, or grounds.

5. It shall be unlawful for any person to park or move a vehicle in the immediate vicinity of or on the grounds of any school, college, university for the purpose of annoying or molesting the students or employees thereof or in an effort to induce, entice, or invite students or employees into or on the vehicle for immoral purposes.

SECTION 27-6. Sale of Alcoholic Beverages to Minor.

(a). Every person who sells, procures, furnishes, gives, or causes to be sold; furnished or given away, any alcoholic beverage to any person under the age of twenty-one (21) years is guilty of a misdemeanor.

(b). Any person under the age of twenty-one years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any place licensed to sell or serve alcoholic beverages, is guilty of a misdemeanor.

(c). Any licensee of a place licensed to sell or serve alcoholic beverages, who permits a person under the age of 21 years to consume any alcoholic beverage in the premises, whether or not the licensee has knowledge of the person's minority is guilty of a misdemeanor.

(d). For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence that he or she is over the age of 21 years.

(e). Bona Fide evidence of majority and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision of agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to members of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and acted in reliance upon such bona fide evidence in any transaction, employment, use or permission forbidden by this Section shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

(f). Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photo static evidence of the majority and identity of such person is guilty of a misdemeanor.

(g). Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photo static evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed, or photo static evidence of age and identity, is guilty of a misdemeanor and shall be punished by a fine of at least One Hundred dollars (\$100.00), no part of which shall be suspended.

SECTION 27-7. Possession of Alcoholic Beverages by Person Under Twenty-One Years of Age: Misdemeanor.

Any person under the age of 21 years who has any alcoholic beverage in his possession, or who consumes an alcoholic beverage is guilty of a misdemeanor. This section does not apply to possession by a person under the age of 21 years making a delivery of any alcoholic beverage in pursuance of the order of a parent or in the course of his employment.

SECTION 27-8. Employment of Minor as Misdemeanor.

Every person who employs or uses the services of any person under the age of 21 years in or on that portion of any premises, during business hours, which are primarily designed and used for the sale and service of alcoholic beverages for consumption on the premises is guilty of a misdemeanor.

SECTION 27-9. Permitting Minors on Premises: Minors Entering Premises.

Any licensee of a place licensed to sell or serve alcoholic beverages who permits a person under the age of 21 years to enter and remain in the licensed premises without lawful business therein is guilty of a misdemeanor. Any person under the age of 21 years who enters and remains in the licensed public premises without lawful business therein is guilty of a misdemeanor. This shall not be construed to prohibit minors from eating meals in a restaurant when the primary business of the restaurant is the serving of meals.

SECTION 27-10. Refrigerators and Self-Locking Boxes Not In Use.

All refrigerators or self-locking boxes of any kind except those being used regularly in the manner for which they are intended, shall be kept in a building that is entirely enclosed and locked at all times or the locks removed from said boxes so that they cannot be closed.

SECTION 27-11. False Report of a Crime.

Every person who orally or in writing reports to any police officer, sheriff, district attorney, county attorney, deputy sheriff, deputy district attorney, deputy county attorney, or member of the Utah Highway Patrol that a felony or misdemeanor has been committed, knowing such report to be false, is guilty of a misdemeanor.

SECTION 27-12. Hotel Registration Must Be Kept.

It shall be unlawful for the keeper of any hotel, boarding house or rooming house, auto court, motel, tourist home, within this City to fail to keep a register, in which such keeper shall require each guest to write his or her name and place of residence, before occupying any sleeping room in any such hotel, boarding or rooming house; or to fail to keep such register open to inspection at all times. Any owner, or clerk or any other person, having regular or temporary charge of any hotel, boarding house, or rooming house who shall violate any provisions of this Section shall be deemed guilty of an infraction.

SECTION 27-13. Dropping Refuse in Street.

Every person who shall haul or transport through any of the streets, alleys or public grounds of this City, any coal, gravel, stone, offal, manure, rubbish, ashes, or stumps in any vehicle or other conveyance so constructed that such coal, stone, gravel, offal, manure, rubbish, brush, ashes or stumps drop, or in any other manner is strewn, or deposited on any of said streets, alleys, or public grounds is guilty of an infraction.

SECTION 27-14. Moving Buildings.

Before any person, firm, or corporation shall move any building or structure into Cedar City or from one place of location within the City to another place or location within the City, they shall first obtain a permit from the Inspector, authorizing them to do so. If the Inspector shall determine that such structure and/or building shall constitute a nuisance, create a fire hazard, a source of contamination, be unsightly or deleterious to their surroundings or otherwise violate this Ordinance, he shall refuse to issue a permit to move an/or locate said building and/or structure. The applicant shall have the right of appeal directly to the City Council as hereinafter provided and the decision of the City Council shall be final. Any person, firm, or corporation who moves any such building and/or structure without a permit is guilty of an infraction.

SECTION 27-15. Posting Bills Without Permission.

It shall be unlawful for any person to paint, paste, or in any way post up any notice, card, advertisement, or other device upon any tree, post, pole, device or standard, upon any street or sidewalk, at any time, without permission of the City Council.

SECTION 27-16. Blasting.

It shall be unlawful for any person to blast with dynamite or other explosive in Cedar City, Utah, without first obtaining a permit therefor from the City. All applications for permits shall be referred to the Building Inspector who shall determine if life, limb, or property will be endangered by said blasting and if it is determined that the contemplated blasting will be dangerous, the Building Inspector may either refuse said permit or grant it upon condition that such reasonable precautions for safety of persons or property as he shall require, are complied with.

SECTION 27-17. Cleaning Sidewalks.

It shall be unlawful for any occupant or owner of any property abutting on any street, within the platted portion of this City, to neglect or fail to clean and keep clean of all weeds, ice, or snow or rubbish, the sidewalks and walkways abutting on his premises.

SECTION 27-18. Flooding Streets and Sidewalks.

Every person who willfully, carelessly, or negligently obstructs, injures or floods any street or sidewalk by the flow or seepage of water, or who willfully, carelessly, or negligently permits water under his control to escape in any manner so as to obstruct, injure or flood any street or sidewalk, within the limits of this City, is guilty of an infraction.

SECTION 27-19. Culverts and Boxes Over Water Ditches.

It shall be unlawful for any person to convey water across any sidewalk within the limits of this City, except in a covered culvert or box extending the whole width of the sidewalk; it shall likewise be unlawful for any person to use or maintain any such culvert or box without keeping the same in good repair.

SECTION 27-20. Children Not to Be On Streets. When.

It shall be unlawful for any person under the age of 16 years to be or remain in or upon any streets, alleys, or public places or vacant lots within the limits of the City at night between the hours of 11:00 p.m. and 4:00 a.m. following, unless such person is accompanied by a parent, guardian, or other person having legal custody of such minor person, or whose employment makes it necessary to be upon the streets during the night time after said specified hour. Any person violating any of the provisions of this Section shall be arrested by any peace officer and delivered over to the probation officer for trial in the Juvenile Court.

SECTION 27-21. Vagrancy.

The following persons shall be deemed vagrants:

Every person without visible means of support, who has the physical ability work and who does not for the period of ten days, seek employment, nor labor when employment is offered him;

Every health beggar, who solicits alms as a business;

Every person who roams from place to place without any lawful business.

Every idle or dissolute person or associate of known thieves who wanders about the streets at late or unusual hours at night; or who lodges in any barn, shed, shop, outhouse, vessel or place

other than such as is kept for lodging purposes, without permission of the owner or party entitled to the possession thereof;

Every lewd and dissolute person who lives in and about houses of ill-fame, and every common prostitute and common drunkard;

It shall be unlawful for any person to be a vagrant within the limits of this City.

SECTION 27-22. Weed Abatement.

1. The City Fire Marshal or his Deputy is hereby appointed as the City Inspector for the purpose of carrying out the provisions of this ordinance.

2. It shall be the duty of the City Inspector to investigate the growth and spread of injurious and noxious weeds and of garbage, refuse or unsightly or deleterious objects or structures and ascertain the names of the owners or occupants of such premises and to serve said person notice in writing, either personally or by mailing notice, postage pre-paid, addressed to the owner or occupant at the last known post office address as disclosed by the records of the County Assessor, requiring such owner or occupant as the case may be, to eradicate or destroy and remove the same within such time as the Inspector may designate which shall not be less than ten (10) days from the date of service of such notice. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. The inspector shall make proof of service of such notice under oath and file the same in the office of the Iron County Treasurer.

3. If any owner or occupant of lands described in the Notice referred to above shall fail or neglect to eradicate or destroy and remove such weeds, garbage, refuse, object or structure from the premises in accordance with such Notice, it shall be the duty of the Inspector, at the expense of Cedar City, to employ necessary assistance and cause such weeds, garbage, refuse, objects or structures to be removed or destroyed. He shall prepare an itemized statement of all expenses incurred in the removal and destruction of the same and shall mail a copy thereof to the owner demanding payment within twenty (20) days of the date of the mailing. Said notice shall be deemed delivered when mailed by registered mail, addressed to the property owner's last

known address. In the event the owner fails to make payment of the amount set forth in said statement to the Cedar City Treasurer within said twenty days, the Inspector may cause suit to be brought in an appropriate court of law or may refer the matter to the County Treasurer, provided he shall make in triplicate, an itemized statement of all expenses incurred in the removal and destruction of the same and shall deliver the three copies of such statement to the Iron County Treasurer within ten (10) days after the completion of the work of removing such weeds, garbage, refuse, or objects or structures to be handled by the County Treasurer in accordance with 10-11-4, Utah Code Annotated, 1953 as amended.

SECTION 27-23. Attempt.

A person is guilty of attempt to commit a crime if, acting with a kind of capability otherwise required for the commission of the offense, he engages in conduct constituting a substantial step toward commission of the offense. For purposes of this part, conduct does not constitute a substantial step unless it is strongly corroborative of the actor's intent to commit the offense.

SECTION 27-24. Outside Dances.

No outside dance for twenty (20) or more persons shall be conducted within the Municipal Limits of Cedar City without having first obtained a permit as set forth herein. Any outside dance for which a permit is issued shall be conducted in compliance with all laws and regulations applicable thereto.

(A) Application Process. Every person or entity desiring to conduct an outside dance shall be required to procure a permit, and shall submit an application for the same:

(1) Timely Filing of Application. An application for an outside dance permit shall be filed with the City Office fifteen (15) days prior to the requested date of the outside dance.

(2) Process. Any such application shall be reviewed and either approved or denied by the City Manager and Chief of Police. The matter shall be referred to the City Council only if a variance from Ordinance is requested.

(3) Compliance with the Law. Any permit issued pursuant to the above process shall be subject to strict compliance with all laws, including Disturbing of Peace.

(B) Hours. Unless otherwise specified in writing on the permit, and so approved by the City Manager and Chief of Police, the following hours shall be strictly adhered to for outside dances:

(1) Weekdays (Sunday through Thursday). No outside dance shall be conducted on a weekday between the hours of 10:30 p.m. and 7:00 a.m.

(2) Weekends (Friday, Saturday and Holidays). No outside dance shall be conducted on weekends between the hours of 11:30 p.m. and 7:00 a.m. In addition to the above, no indoor dance shall be conducted between the hours of 1:00 a.m. and 7:00 a.m. **(Amended 7/00)**

SECTION 27-25. Parking Cars on Vacant Lots.

It shall be unlawful for the owner of a motor vehicle or trailer to park it or allow it to be parked on a vacant lot or parking lot owned by another person for the purpose of displaying it for sale, unless the owner or lessee of the property on which it is parked has a City business license to engage in the business of selling motor vehicles or trailers at that location. It shall also be unlawful for the owner or lessee of such property to allow another person to park a motor vehicle or trailer on the property for the purpose of displaying it for sale unless such owner or lessee has a City business license to engage in the business of selling motor vehicles or trailers at that location. **(amended 9/91)**.

SECTION 27-26. Penalty.

1. Any person violating any provisions of this Chapter shall be deemed guilty of an infraction, and unless otherwise provided, shall, upon conviction thereof, be fined not more than Five Hundred Dollars (\$500.00). **(amended 6/5/86)**

Amended by Cedar City Ordinance 0728-21-11.