

CHAPTER 9. CRIMINAL OFFENSES

- Article 9-1. Adoption of State Code**
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Article 9-1. Adoption of State Code

- 9-1-1. Utah Criminal Code adopted.**
9-1-2. Utah Controlled Substances Act adopted.
9-1-3. Utah Drug Paraphernalia Act adopted.
9-1-4. Imitation Controlled Substances Act adopted.
9-1-5. Attempted crime; definition and punishment.
9-1-6. Violation.

9-1-1. Utah Criminal Code adopted.

Offenses on School Property Adopted. The Utah Criminal Code, as contained in Title 76 of the Utah Code Annotated (1953, as amended), and Offenses on School Property, Title 53A, Part 5 of the Utah Code Annotated (1953, as amended) are hereby approved and adopted as the Criminal Code of the City of Orem. By this reference, the provisions are made a part of the Orem City Code as fully as if set out at length herein and shall be controlling within the limits of the City; provided, however, that this section is not intended to and does not purport to grant unto the City any powers or jurisdiction not specifically or impliedly granted by law and those sections of the Code under which the City is not authorized by law to bring charges are excluded from this adoption of the Code.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0004, Amended 3/14/2006)

9-1-2. Utah Controlled Substances Act adopted.

The Utah Controlled Substances Act, as contained in Title 58, Chapter 37, of the Utah Code Annotated (1953, as amended), is hereby approved and adopted as the Utah Controlled Substances Act of the City of Orem. By this reference, the Utah Controlled Substances Act is made a part of the Orem City Code as fully as if set out at length herein and shall be controlling within the limits of the City; provided, however, that this section is not intended to and does not purport to grant unto the City any powers or jurisdiction not specifically or impliedly granted by law and those sections of the Code under which the City is not authorized by law to bring charges are excluded from this adoption of the Code.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0004, Amended 3/14/2006)

9-1-3. Utah Drug Paraphernalia Act adopted.

The Utah Drug Paraphernalia Act, as contained in Title 58, Chapter 37a of the Utah Code Annotated (1953, as amended), is hereby approved and adopted as the Utah Drug Paraphernalia Act of the City of Orem. By this reference, the Utah Controlled Substances Act is made a part of the Orem City Code as fully as if set out at length herein and shall be controlling within the limits of the City; provided, however, that this section is not intended to and does not purport to grant unto the City any powers or jurisdiction not specifically or impliedly granted by law and those sections of the Code under which the City is not authorized by law to bring charges are excluded from this adoption of the Code.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0004, Amended 3/14/2006)

9-1-4. Imitation Controlled Substances Act adopted.

The Imitation Controlled Substances Act, as contained in Title 58, Chapter 37b of the Utah Code Annotated (1953, as amended), is hereby approved and adopted as the Utah Drug Paraphernalia Act of the City of Orem. By this reference, the Imitation Controlled Substances Act is made a part of the Orem City Code as fully as if set out at length herein and shall be controlling within the limits of the City; provided, however, that this section is not intended to and does not purport to grant unto the City any powers or jurisdiction not specifically or impliedly granted by law and those sections of the Code under which the City is not authorized by law to bring charges are excluded from this adoption of the Code.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0004)

9-1-5. Attempted crime; definition and punishment.

A. It shall be unlawful for any person to attempt to commit any of the crimes defined or adopted by the Orem City Code and made punishable pursuant to the authority granted to the City by the State of Utah.

(Ord. No. 661, Revised, 04/10/90)

B. For purposes of this section, a person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for the commission of the offense, he engaged in conduct constituting a substantial step toward commission of the offense.

(Ord. No. 661, Revised, 04/10/90)

C. For purposes of this section, conduct does not constitute a substantial step unless it is strongly corroborative of the actor's intent to commit the offense.

(Ord. No. 661, Revised, 04/10/90)

D. No defense to the offense of attempt shall arise:

1. Because the offense attempted was actually committed; or

2. Due to factual or legal impossibility if the offense could have been committed had the attendant circumstances been as the actor believed them to be.

E. Any person found guilty of an attempt to commit any crime defined by the Orem City Code shall be punished as prescribed by Section 76-4-102, Utah Code Annotated (1953, as amended).

(Ord. No. 661, Revised, 04/10/90)

9-1-6. Violation.

A violation of any of the provisions adopted or set forth in this Chapter where no specific penalty is provided therefor, shall be punished by a fine of not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding six (6) months, or both such fine and imprisonment in the discretion of the court.

(Ord. No. 661, Revised, 04/10/90)

Article 9-2. Miscellaneous Offenses

- 9-2-1. Conduct at or near schools.**
- 9-2-2. Obstructing access to premises; disturbing passersby.**
- 9-2-3. Curfew for minors.**
- 9-2-4. Leaving children in vehicle.**
- 9-2-5. Shooting, hunting.**
- 9-2-6. Littering.**
- 9-2-7. Register for lodging establishments.**
- 9-2-8. Befouling public places.**
- 9-2-9. Disturbing the peace.**
- 9-2-10. Public Indecency.**
- 9-2-11. Soliciting an Unlawful Sex Act.**
- 9-2-12. Riding Skateboards, Roller Skates, or Roller Blades.**

9-2-1. Conduct at or near schools.

A. It shall be unlawful for any person to annoy, disturb or otherwise prevent or attempt to prevent the orderly conduct of the activities, administration or classes of any school or college in the City.
(Ord. No. 661, Revised, 04/10/90)

B. It shall be unlawful for any person to harass, assault or molest any student or employee of any school or college while in or at such school or college or school building or parking lot or on any grounds thereof, in the City.
(Ord. No. 661, Revised, 04/10/90)

C. It shall be unlawful for any person to loiter in, about, or on any school or college grounds or buildings, either on foot, or in or on any vehicle, without having some lawful reason to do so.
(Ord. No. 661, Revised, 04/10/90)

D. It shall be unlawful for any person to conduct himself in an obscene, lewd, wanton, or mischievous manner about or on any school or college building or grounds in the City.
(Ord. No. 661, Revised, 04/10/90)

E. 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 or college in the City for the purpose of annoying or molesting the students or employees thereof, or to induce, entice or invite students or employees into or on the vehicle for any unlawful purpose.
(Ord. No. 661, Revised, 04/10/90)

9-2-2. Obstructing access to premises; disturbing passersby.

It shall be unlawful for any person in this City to congregate with others about or upon any sidewalk,

stairway, doorway, window, or in front of any business, dwelling or church in such a manner as to obstruct the free passage of persons entering, leaving or occupying any such building or premises.
(Ord. No. 661, Revised, 04/10/90)

9-2-3. Curfew for minors.**A. Definitions.**

1. **"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.

2. **"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.

3. **"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 Subsection B hereof or who is under the age of eighteen (18) years for the purpose of Subsection C hereof.

4. **"Public places"** means any place open to the public or a substantial group of the public, whether or not privately owned, including but not limited to, parking lots, the interiors and exteriors of commercial establishments such as restaurants, stores or places of entertainment, and the common areas of apartment houses, condominium projects and business offices.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0012, Amended, 05/10/94)

B. Curfew for minors under sixteen. 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 the City between the hours of 11:00 p.m. on any day and 5:00 a.m. on the day immediately following.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0012, Amended, 05/10/94)

C. Curfew for minors under eighteen. It shall be unlawful for any minor under the age of eighteen (18) years to remain or loiter upon the sidewalks, streets, alleys or public places in the city between the hours of 11:00 p.m. on any day, Sunday through Thursday, and 5:00 a.m. of the day immediately

following, and between 1:00 a.m. and 5:00 a.m. on any Saturday or Sunday.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0012, Amended, 05/10/94)

D. 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. 661, Revised, 04/10/90; Ord. No. O-94-0012, Amended, 05/10/94)

E. Exceptions. The provisions of this chapter shall not apply to any circumstance in which the minor is:

1. Accompanied by a parent, guardian, or other responsible adult having care and custody of such minor;

2. On an errand at the direction of the minor's parent, guardian or other responsible adult having the care and custody of such minor, without any detour or stop;

3. 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 traveling to or from such employment;

4. Engaged on an emergency errand without any detour or stop;

5. In a motor vehicle engaged in normal interstate travel beginning in, traveling through, or ending in the City of Orem;

6. Attending any religious, municipal, social, entertainment, sporting, political, library, or school function where there is adult supervision, or traveling to or returning home from such a function;

7. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Department of Public Safety about the minor's presence;

8. Exercising First Amendment rights protected by the Constitutions of the United States and the State of Utah, such as the free exercise of religion, freedom of speech, and the right of assembly.

F. Enforcement.

1. Any minor who is in violation of the provisions of this Section is subject to arrest or citation.

2. 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.

3. 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 officer.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0012, Amended, 05/10/94)

9-2-4. Leaving children in vehicle.

It shall be unlawful for any person having in his care, custody, control or under his guidance any child under six (6) years of age to leave such child unattended in any automobile, truck, trailer or other vehicle upon a public street, alley or parking lot open to the public. A child is unattended within the meaning of this section if he is left in the vehicle alone or if not alone, the oldest person with the child is under twelve (12) years of age.

(Ord. No. 661, Revised, 04/10/90)

9-2-5. Shooting, hunting.

A. It shall be unlawful for any person to discharge any firearm or gun of any kind or nature within the City limits, whether on public or private property. It shall also be unlawful to discharge or shoot a bow and arrow, blowgun, wrist rocket, slingshot, or any other type of instrument designed to propel or throw missiles capable of doing bodily harm on public or private property (including developed archery ranges) in such a manner as to endanger persons or property or to cause the projectile or missile to cross into property owned by another when the person shooting the projectile or missile does not have permission to use such property for the purpose of discharging the weapon or device. The provision prohibiting the discharge of firearms shall not apply to peace officers in the performance of their official duties, to the authorized use of established firing ranges or to any other lawful act.

(Ord. No. 661, Revised, 04/10/90)

B. It shall be unlawful to hunt any animal or bird within the City.

(Ord. No. 661, Revised, 04/10/90)

C. In the event that any person uses a weapon to shoot at any big game animal pursuant to the provisions of Section 23-16-3 of the Utah Code Annotated (1953, as amended) or to shoot at any dog pursuant to the provisions of Section 18-1-3 of the Utah Code Annotated (1953, as amended), he shall do so only in such a manner so as to not endanger any person, other animal or property. The Director of Public Safety shall have the authority to prescribe the type of weapon that may be used to kill animals pursuant to these sections, taking into account the location where the animals are to be killed and the proximity of other people and structures.

(Ord. No. 661, Revised, 04/10/90)

9-2-6. Littering.

It shall be unlawful for any person to throw or place litter in or on any street, alley, sidewalk, public buildings or grounds or on any private property without the permission of the owner. It shall also be unlawful for any person distributing handbills to throw any handbill on any street, alley, sidewalk, public grounds, or the yard or lot of any private property. For purposes of this section "litter" shall include, but shall not be limited to any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, unused food, cigarette butts, cigar stump, quid of tobacco, rubbish, discarded building materials or similar refuse discarded as no longer being useful.

(Ord. No. 661, Revised, 04/10/90)

9-2-7. Register for lodging establishments.

It shall be unlawful for any keeper, manager, clerk or other person having permanent or temporary charge of a hotel, motel, or other boarding or lodging house to rent a room to any guest without keeping a register containing the following:

A. the name and signature of the guest.

(Ord. No. 661, Revised, 04/10/90)

B. the address of the normal residence of the guest.

(Ord. No. 661, Revised, 04/10/90)

C. the number or letter of any room assigned to the guest.

(Ord. No. 661, Revised, 04/10/90)

D. the dates of entrance and departure of the guest.

(Ord. No. 661, Revised, 04/10/90)

E. the license number and make and type of any vehicle driven by the guest.

(Ord. No. 661, Revised, 04/10/90)

9-2-8. Befouling public places.

It shall be unlawful for any person to urinate or defecate in any public place or on private property where the act is open to public view.

(Ord. No. 661, Revised, 04/10/90)

9-2-9. Disturbing the peace.

A. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of Orem City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 682, Amended, 02/26/1991; Ord. No. O-07-0053, Amended 12/11/2007)

B. The following acts, among others, are declared to be loud, disturbing or unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

1. Vehicle sound systems. The using, operating, or permitting to be played, used or operated any radio, stereo, sound system, tape player or other sound-making device or instrument from within a motor vehicle so that the sound is plainly audible at a distance of fifty (50) feet or more from the motor vehicle. "Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. The listener need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound. The provisions of this sub-section shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.

2. Vehicle exhaust systems. The discharge into the open air of the exhaust of any stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

3. Construction work. The erection (including excavation), demolition, alteration or repair of any building or building lot in or within 200 feet of a residential zone shall be prohibited between the hours of 10:30 p.m. and 7:00 a.m., local prevailing time, except in case of urgent necessity in the interest of public health and safety, or with the approval of the City upon a showing of necessity and an approved noise mitigation plan.

4. Machinery, power equipment. The operation of any power mower, cultivator, or like or related device (except snow blowers or snow plows) or power tools in an area zoned residential between the hours of 10:30 p.m. and 7:00 a.m.

5. Loud noise from a residential property. The using, operating, or permitting to be played, used or operated in residential areas any television, radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing

for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:30 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of thirty (30) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

6. Horns or other signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary or unreasonable period of time.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 682, Amended, 02/26/1991; Ord. No. O-07-0053, Amended 12/11/2007)

C. Disturbing the peace is a class C misdemeanor if the offense continues after a request by a person to desist or occurs between the hours of 10:30 p.m. and 7:00 a.m. Otherwise, it is an infraction. Class C misdemeanors and infractions shall be punishable as set forth in Section 76-3-301, Utah Code Annotated (1953, as amended).

(Ord. No. 661, Revised, 04/10/90; Ord. No. 682, Amended, 02/26/1991; Ord. No. O-07-0053, Amended 12/11/2007)

9-2-10. Public Indecency.

A. A person is guilty of public indecency if the person knowingly or intentionally, in a public place, appears in a state of nudity or fondles the genitals of himself or another person.

(Ord. No. O-92-006, Enacted, 04/07/92)

B. For purposes of this section:

1. "Nudity" means the showing of the human male or female genitals, pubic area, or cleft of the buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola, or the showing of covered male genitals in a discernibly turgid state.

2. "Public place" means any place to which the public or a substantial group of the public has access. It includes commercial establishments and any place to which admission is gained by payment or membership or admission fee, however, designated, notwithstanding its being designated a private club.

(Ord. No. O-92-006, Enacted, 04/07/92)

C. Public Indecency is a class B misdemeanor.

(Ord. No. O-92-006, Enacted, 04/07/92)

D. It is a defense to prosecution or violation under this chapter that a person appearing in a state of nudity in a public place did so in a modeling class operated:

1. By a proprietary school licensed by the State, or a college, junior college or university supported entirely or partly by taxation.

2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.

(Ord. No. O-92-006, Enacted, 04/07/92)

9-2-11. Soliciting an Unlawful Sex Act.

It shall be unlawful for any person, in a public place, to solicit another to engage in any unlawful sexual conduct. For purposes of this section "public place" has the same meaning as in Section 9-2-10. A violation of this section is a Class B Misdemeanor.

(Ord. No. O-97-0045, Enacted, 09/09/97)

9-2-12. Riding Skateboards, Roller Skates, or Roller Blades.

A. Without prior permission of the owner or other person authorized to grant permission, it shall be unlawful for anyone to ride or use a skateboard, roller skates, roller blades, or similar device on private property.

(Ord. No. O-02-0010, Enacted, 02/05/2002)

B. Violation of this section may be treated as a civil infraction and be subject to the procedures set forth in Article 19-6 of the City Code. Violation of any provision of this section may also be prosecuted as a Class C Misdemeanor.

(Ord. No. O-02-0010, Enacted, 02/05/2002)

Article 9-3. Pornography and Obscenity

- 9-3-1. City endorsement of state laws.**
9-3-2. Submission of movies for review.
9-3-3. Omission to stop illegal use of land.
9-3-4. Licensing.
9-3-5. Public display of sexual material.

9-3-1. City endorsement of state laws.

The City Council hereby declares its endorsement of all state laws regulating pornographic and harmful materials and performances and encourages prosecution to the fullest extent possible of any violation of those laws which may occur in the City.

(Ord. No. 661, Revised, 04/10/90)

9-3-2. Submission of movies for review.

A. Every person or entity exhibiting films within the City shall submit to the office of the City Manager during the normal working day, or to the office of the Director of Public Safety on other days or hours one correct copy of every X- or R- rated film, or any film containing a scene of explicit sexual conduct or a post-puberty topless female or a bottomless person which is to be shown in the City. The film must be submitted at least twelve (12) hours before its first exhibition in the City.

(Ord. No. 661, Revised, 04/10/90)

B. The innocent or negligent failure to comply with the requirements of subsection (a) is a malum prohibitum offense punishable by a mandatory fine of one hundred dollars (\$100.00). The willful or knowing failure to comply with the requirements of subsection (a) is a criminal offense punishable as a Class B Misdemeanor.

(Ord. No. 661, Revised, 04/10/90)

C. The copy of the film shall be returned to or made available to the party submitting it within the twelve (12) hour time period mentioned in subsection (A).

(Ord. No. 661, Revised, 04/10/90)

9-3-3. Omission to stop illegal use of land.

A. It shall be unlawful for a landlord or landowner to fail to take reasonable action to stop the illegal use of his land for prostitution, lewdness, the keeping of immoral places or for the exhibition or commercial exploitation of that which is obscene. It shall also be unlawful to fail to remove the wrongdoer from the premises, after receiving official notification of the illegal conduct in writing from the County Attorney or City Attorney, and where there is probable cause for the landlord to believe the criminal conduct does exist.

(Ord. No. 661, Revised, 04/10/90)

B. "Reasonable action" in this section includes the prompt termination of tenancy and lawful ejection of the wrongdoers from the premises.

(Ord. No. 661, Revised, 04/10/90)

C. All civil or criminal fines, damages, costs or penalties levied against the landlord, landowner or wrongdoer for such illegal activities on the premises after a violation of this section shall be a lien upon the land and property.

(Ord. No. 661, Revised, 04/10/90)

9-3-4. Licensing.

A. Pursuant to its authority to license and regulate occupations and activities as set forth in the Utah Code Annotated and in accord with its duty to declare and abate nuisances and protect the public morals, health and welfare, the City enacts the provisions of this section.

(Ord. No. 661, Revised, 04/10/90)

B. It is hereby declared that the willful or knowing public exhibition or commercial exploitation of that which is lewd or obscene is a serious public nuisance, and such conduct on the part of any person constitutes an offense of moral turpitude.

(Ord. No. 661, Revised, 04/10/90)

C. The license of any person or other entity licensed to serve or deal with the public manifesting such unlawful conduct shall be suspended for a period of not less than six (6) months and shall not be reinstated until a thorough character investigation of the person or entity is conducted [the expense thereof to be borne by the person or entity up to two hundred ninety-nine dollars (\$299.00)] and upon the posting of a bond in the amount of one thousand dollars (\$1,000.00) to ensure against further such activity.

(Ord. No. 661, Revised, 04/10/90)

D. This licensing section shall be enforced by a civil action or proceedings but the adjudication of a conviction under the state criminal code or city ordinance for an offense dealing with lewdness, obscenity, or pornography shall be conclusively presumed to constitute a violation of this section and shall lead to the mandatory immediate suspension of the license in accord with the above provisions.

(Ord. No. 661, Revised, 04/10/90)

9-3-5. Public display of sexual material.

A. It shall be unlawful for any person knowingly to place explicit sexual material upon public display, or to knowingly fail to take prompt action to remove such a display from property in his possession or under his control after learning of its existence.

(Ord. No. 661, Revised, 04/10/90)

B. For purposes of this section:

1. "Explicit sexual material" shall mean any material that appeals to a prurient interest in sex and depicts nudity, actual or simulated sexual conduct, sexual excitement or sado-masochistic abuse. It shall not include material which, taken in context, possesses serious educational value for minors or which possesses serious literary, artistic, political or scientific value. The meanings of "material", "nudity", "sexual conduct", and "sado-masochistic abuse" shall be the same as set forth in Section 76-10-1201, Utah Code Annotated (1953, as amended).

2. "Public display" shall mean the placing of material on any motion picture screen, viewing screen, billboard, marquee, newsstand, display rack, window, showcase, display case or similar place so that it is easily visible from a public street, sidewalk or thoroughfare, from the property of others, or in any place where minors are invited as part of the general public.

(Ord. No. 661, Revised, 04/10/90)

Article 9-4. Alarm Systems

- 9-4-1. Declaration.**
- 9-4-2. Definitions.**
- 9-4-3. Registration required to operate alarm business.**
- 9-4-4. Unlawful to operate an alarm system without an alarm permit.**
- 9-4-5. Alarm permits.**
- 9-4-6. User instructions.**
- 9-4-7. False alarms.**
- 9-4-8. Suspension of alarm permit.**
- 9-4-9. Right to hearing and appeal.**
- 9-4-10. Deliberate false alarms.**
- 9-4-11. Local alarm system - Cutoff required within thirty minutes.**
- 9-4-12. Police call records.**
- 9-4-13. Administration and enforcement.**
- 9-4-14. Operational defects to be remedied.**
- 9-4-15. Automatic dialing and prerecorded message alarm systems unlawful.**
- 9-4-16. City liability limitations.**
- 9-4-17. Violation penalty.**

9-4-1. Declaration.

It is hereby declared that the occurrence of false alarms at premises protected by emergency alarm systems constitutes both a nuisance and a hazard to life and property. In light of (1) the traffic danger inherent in the emergency response of police and fire vehicles, (2) the danger caused by possible decreased caution on the part of emergency personnel responding to a location where previous false alarms have occurred, and (3) the cost in money and manpower to respond where no actual emergency exists, the City Council finds it necessary to the health, safety, and welfare of the citizens to enact the following provisions governing alarm systems.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

9-4-2. Definitions.

For the purposes of this Article, the following words and phrases shall have the meaning set forth herein:

A. Alarm business means any person engaged in the business of installing, planning the installation, assisting in planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving or removing alarm systems in the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

B. Alarm coordinator means the individual designated by the Director of Public Safety to issue permits and enforce the provisions of this Article.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

C. Alarm permit or permit means a permit issued by the City that authorizes a person to operate an alarm system in the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

D. Alarm system means any mechanism, equipment, or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a fire, robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:

1. Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;

2. Devices which are not installed, operated or used for the purpose of reporting an emergency to the Department of Public Safety;

3. Alarm devices affixed to motor vehicles; and

4. Alarm devices installed on a temporary basis by the Department of Public Safety.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

E. Alarm user or user means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

F. Central station means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or service personnel are maintained continuously to investigate signals.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

G. Emergency means the existence of a fire or the commission or attempted commission of a robbery, burglary or other criminal action.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

H. Emergency personnel means peace officers, firefighters, paramedics and emergency medical technicians.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

I. **False alarm** means the activation of an alarm system which results in a response by the Department of Public Safety where an emergency does not exist and for which no evidence or indication of criminal activity, fire or other hazard is discovered. False alarms shall include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon emergency personnel in non-emergency situations; and alarms for which the actual cause is not determined. False alarms also include an alarm signal caused by conditions of nature which are normal for that area. "False alarm" does not include an alarm signal caused by extraordinarily violent conditions of nature which cannot be reasonably anticipated by the alarm user.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

J. **Local alarm** means any noise-making alarm device and any alarm which emits a visual signal such as a strobe light.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

K. **Person** means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

9-4-3. Registration required to operate alarm business.

A. It is unlawful for any person to engage in the practice of an alarm business, alarm company or alarm agent in the City as defined in Utah Code section 58-65-102 (1953), as amended, without a valid license therefor issued in accordance with the provisions of the Utah Burglar Alarm Security and Licensing Act, sections 58-65-101 *et seq.*, of the Utah Code (1953), as amended.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

B. No alarm business or alarm agent shall install any alarm system in the City unless the owner or lessee of the premises on which the alarm system is to be installed has a valid alarm permit issued by the City.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

9-4-4. Unlawful to operate an alarm system without an alarm permit.

Effective January 1, 2000, it shall be unlawful for any person to use, maintain, operate or be in control of any alarm system which has been installed in any

building, structure, facility or portion thereof in the City without a valid permit therefor issued by the City.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

9-4-5. Alarm permits.

A. An alarm permit shall be issued to an alarm user at no charge upon the filing of a completed alarm information card with the Department of Public Safety. A separate alarm permit is required for each alarm site.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

B. The alarm information card shall set forth the full name, address and telephone number of the following individuals and entities:

1. the alarm user;
2. the person or licensed alarm system business installing, maintaining or servicing the system;
3. the central station to which the alarm system is connected;
4. two individuals who may be contacted by emergency personnel responding to an alarm, who have authority to act for the alarm user in granting emergency personnel access to any portion of the premises concerned, and who are knowledgeable in the basic operation of the alarm system.

The alarm information card shall describe the type of system to be installed, operated or maintained. Alarm users shall be responsible for notifying the City of any change of address or a change in any other information contained in the information card. The alarm information card shall also contain such additional information as the Director of Public Safety may deem necessary to implement the provisions of this Article.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

C. In the event that emergency personnel or representatives of the central station responding to an alarm are unable to contact any of the parties listed in the alarm information card due to outdated or inaccurate information provided by the user; or if none of the listed parties are available; or if the listed parties fail to respond to the scene within thirty minutes of notice, such failure shall be treated as a separate false alarm in addition to the alarm which prompted the police response. The user shall be subject to any penalties which may be imposed pursuant to section 9-4-7 for such failure.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

D. In addition to submitting the alarm information card, users of local alarm systems shall post, near the alarm

and at a position readable from ground level, a code number furnished by the alarm coordinator to allow reference to the alarm information card required by this section.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

9-4-6. User instructions.

Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the City shall furnish the user with written instructions that enable the user to operate the alarm system properly.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

9-4-7. False alarms.

A. For each false alarm to which emergency personnel respond in any calendar year, the alarm user shall be issued a warning or shall pay an administrative service fee to the City according to the following schedule:

First three false alarms:	Warning;
Fourth false alarm:	Fifty dollars (\$50.00);
Fifth false alarm:	Seventy-five dollars (\$75.00);
Sixth through ninth false alarms:	One hundred dollars (\$100.00);
Tenth and all subsequent false alarms:	Two hundred dollars (\$200.00).

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

B. All administrative service fees assessed under this Article shall be paid to the City Treasurer within thirty (30) days of the date that notice of the assessment of the service fee is mailed to the alarm user. If any service fee is not paid within the time set forth above, late penalties shall be assessed against the alarm user according to the following schedule:

1-60 days late:	Ten dollar (\$10.00) penalty
61-90 days late:	Twenty dollar (\$20.00) penalty
91-120 days late:	Thirty dollar (\$30.00) penalty

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

C. The City may use all available legal remedies to collect delinquent service fees and late penalties. If the delinquent service fee is owed by a business, payment of the fee and late penalties may be required prior to the renewal of the alarm user's Business or Alcoholic Beverage License.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

9-4-8. Suspension of alarm permit.

A. An alarm permit shall be suspended for any failure by the alarm user to pay any administrative service fee and applicable late penalties imposed pursuant to this Article within 120 days of the date that notice of the assessment of the service fee is mailed to the alarm user. The Director of Public Safety may also suspend any alarm permit if the Director determines that the alarm system in question has a history of unreliability, which unreliability shall be presumed upon the occurrence of ten false alarms in any calendar year. A suspension for unreliability may be lifted upon a showing that the conditions which caused the false alarms have been corrected. An alarm user whose alarm permit is suspended by the City shall pay a reinstatement fee of one hundred dollars (\$100.00) to the City before such permit shall be reinstated. Notwithstanding the above, a fire alarm permit shall not be suspended where such an alarm is required by the building code or any statute, law or ordinance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

B. Any person who uses, maintains, operates or is in control of any operational alarm system in the City while the alarm permit for such alarm system is suspended shall be guilty of a Class C Misdemeanor.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

9-4-9. Right to hearing and appeal.

A. An alarm user shall have the right to request a hearing to contest the imposition of any penalty under this Article including the imposition of any fee, suspension of any permit, or the determination of a false alarm. A written request for a hearing must be filed by the alarm user with the Department of Public Safety within ten (10) business days of the date of mailing of the notice of imposition of the penalty. Notice of the imposition of a penalty shall be considered satisfied if sent by regular mail to the alarm user's address listed in the alarm user's alarm information card. The request for a hearing shall include the alarm user's name, address, telephone number, and a statement of the reasons for disputing the imposition of the penalty. A timely request for a hearing shall stay the imposition of any penalty until the hearing is decided. The City's determination of a false alarm, the imposition of an administrative service fee, or suspension of a permit shall be considered final if the alarm user fails to request a hearing within the time period set forth above.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

B. The Director of Public Safety or his/her designated representative shall conduct hearings requested by alarm users and shall affirm, modify, or vacate the imposition of the penalty after considering all of the evidence presented. An alarm shall be presumed to be a false alarm unless the alarm user can establish the existence of an emergency or other hazard at the time of the alarm by a preponderance of the evidence. The burden of proving the existence of an emergency shall be upon the alarm user. Hearings shall be conducted informally. Formal rules of evidence and court procedure shall not apply. Because the hearings are administrative in nature, hearsay is admissible, but evidence must have some probative weight and reliability to be admitted. The burden of proof in hearings to determine the imposition of an administrative service fee or the suspension of a permit shall be a preponderance of the evidence.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

C. An alarm user may appeal the decision of the Director of Public Safety or his/her designated representative to the City Manager by filing a written request for a hearing with the City Manager within ten (10) business days of the decision rendered in the initial hearing. If no request for an appeal hearing is made within the ten day period, the decision rendered in the initial hearing shall be considered final. The appeal hearing shall be conducted by the City Manager or his/her designated representative. The City Manager or his/her designated representative shall affirm, reverse, or modify the decision rendered in the initial hearing and the action taken in the appeal hearing shall be final.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-99-0034, Rep&ReEn, 07/27/1999)

9-4-10. Deliberate false alarms.

No person shall cause any alarm to be transmitted to the Department of Public Safety knowing the same to be false or without basis in fact. Central stations shall not request emergency personnel to respond to alarm scenes when monitoring equipment indicates an alarm system malfunction signal. A first violation of this section shall be a Class C Misdemeanor and shall carry a minimum penalty of one hundred dollars (\$100.00). Any violation of this section which occurs within three years of a prior conviction of this section shall be a Class B misdemeanor.

(Ord. No. O-99-0034, Enacted, 07/27/1999)

9-4-11. Local alarm system – Cutoff required within thirty minutes.

Alarm systems which use a local audible or visual alarm device to attract the attention of the public shall be equipped with an automatic cutoff device which will terminate the audible or visual alarm within thirty

minutes. However, this section shall not apply to fire alarms, strobe lights and fire gongs.

(Ord. No. O-99-0034, Enacted, 07/27/1999)

9-4-12. Police call records.

Alarm businesses which request the response of emergency personnel to alarm signals shall maintain a record of all alarms reported to the Department of Public Safety, stating the time, date and location of the alarm and the name, address and phone number of the alarm user from which the alarm originated. The records shall indicate the cause of the alarm, if known. This record shall be current and shall be made available to the Director of Public Safety or his/her designated representative at any time during normal business hours.

(Ord. No. O-99-0034, Enacted, 07/27/1999)

9-4-13. Administration and enforcement.

Subject to the approval of the City Manager, the Director of Public Safety or his/her authorized representative shall have power to make such reasonable rules and regulations as may, in the discretion of the Director of Public Safety, be deemed necessary to implement the provisions of this Article.

(Ord. No. O-99-0034, Enacted, 07/27/1999)

9-4-14. Operational defects to be remedied.

A. The sensory mechanisms used in connection with alarm systems shall be adjusted to suppress false alarms so that the device will not be actuated by impulses due to transient pressure changes in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the installation, radio frequency energy, non-intrusive motion or other forces unrelated to genuine alarms.

(Ord. No. O-99-0034, Enacted, 07/27/1999)

B. All components of an alarm system must be maintained in good repair by the alarm user so as to assure reliability of operation.

(Ord. No. O-99-0034, Enacted, 07/27/1999)

9-4-15. Automatic dialing and prerecorded message alarm systems unlawful.

It is unlawful to maintain, operate, connect, or allow to be maintained, operated or connected, any alarm system or automatic dialing device which automatically dials the Department of Public Safety and then relays any prerecorded message indicating the existence of an emergency situation.

(Ord. No. O-99-0034, Enacted, 07/27/1999)

9-4-16. City liability limitations.

Nothing in this Article shall create or be construed to create a duty upon the Department of Public Safety

or the City to respond to any alarm whether or not the alarm is false. An alarm, like any other request for service from the Department of Public Safety, may be responded to within the resources of the Department of Public Safety in light of other responses required by the Department of Public Safety at the time of the alarm.

(Ord. No. O-99-0034, Enacted, 07/27/1999)

9-4-17. Violation penalty.

Unless otherwise provided in this Article, the failure of any person to comply with the requirements of this Article shall constitute a Class C Misdemeanor.

(Ord. No. O-99-0034, Enacted, 07/27/1999)