regulation, which shall read, "No person under 21 years of age permitted in these premises."

2. It is unlawful for any person in charge of or employed in such pool or billiard hall to permit any person under the age of 21 years of age to enter upon or remain in any such premises of for any person under the age of 21 years to enter upon or remain in said premises for any purpose.

3. Pool or billiard halls may be kept open to minors where no beer as defined in this code is kept or consumed or sold.

PART 13-30-2-00. INTOXICATION AND LIQUOR.

13-30-2-01. PUBLIC INTOXICATION PROHIBITED.

1. It is a class C misdemeanor for any person to be under the influence of any intoxicating liquor, a controlled substance or of any substance having the property of releasing toxic vapors, to a degree that the person may endager himself or another in a public place or in a private place where he unreasonably disturbs another person.

2. A peace officer or magistrate may release from custody an individual arrested under this section if he believes imprisonment is unecessary for the protection of the individual or another.

13-30-2-02. ILLEGAL SALE, MANUFACTURING, STORAGE OF INTOXICATING LIQUOR. It shall be unlawful for any person, except as permitted by state law, and the ordinances of this city to knowingly have in his possession any intoxicating liquor or to manufacture, keep, sell, or store for sale, offer or expose for sale, import, carry, transport, advertise, distribute, give away, dispense, or serve intoxicating liquor.

13-30-2-03. POSSESSION OF LIQUOR. It shall be unlawful except as permitted by state law, and the ordinances of this city for any person to have or keep for sale or possession any liquor which has not been purchased from the state liquor store or package agency.

13-30-2-04. LIQUOR TO DRUNKEN PERSON. It shall be unlawful for any person to sell or supply any alcoholic beverage or to permit alcoholic beverages to be sold or supplied to any person who is apparently under the influence of liquor.

13-30-2-05. ALCOHOLIC BEVERAGES AND MINORS.

1. It shall be unlawful for alcoholic beverages to be given, sold, or otherwise supplied to any person under the age of 21 years, but this shall not apply to supplying liquor to such persons for medicinal purposes only by the parent or guardian of such person or to the adminstering of liquor to such person by a physician in accordance with the provision of this part.

2. It shall be unlawful for any person under the age of 21 years to have possession of beer or any intoxicating liquor.

13-30-2-06. CANVASSING OR SOLICITING. It shall be unlawful for any person to canvass or solicit for alcholic beverages by mail, telephone, or other manner, and the person is hereby prohibited from engaging in such activities, except to the extent that such prohibition may be in conflict with the laws of the United States or the State of Utah.

13-30-2-07. SOLICITATION OF DRINKS. No person shall frequent or loiter in any tavern, cabaret, or night club, with the purpose of soliciting the purchase of alcoholic drinks. No proprieter or operator of any such establishment shall allow the presence in such establishment of any who violates the provisions of this section.

13-30-3-01. NOISE. It is a class C misdemeanor for any person to disturb the peace or quiet of any neighborhood, family or person by loud or unusual noises, by tumultuous or offensive conduct.

13-30-3-02. FIGHTING-THREATENING. It is a class C misdemeanor for any person to threaten physical force against another person or to challenge, invite or engage in a fight.

13-30-3-03. LOUDSPEAKERS.

1. It is an infraction for any person to maintain, operate, connect or suffer to permit to be maintained, operated or connected any caliope or radio apparatus, sound device or any talking machine or loudspeaker attached thereto in such a manner that the loudspeaker or amplifier causes the sound from such radio apparatus or sound device or talking machine to be projected directly therefrom outside of any building, vehicle or out-of-doors, provided that the chief of police may grant a permit to so broadcast any events or happenings of cultural, political, intellectual or religious interest. Every person desiring a permit to so broadcast shall make application, file a statement showing the place where he proposes to broadcast, the times and probable duration, and the nature, topics or titles of said broadcast. Said permit shall not be arbitrarily denied and when an application for a permit is denied, the chief of police shall set forth in writing and with particularity the grounds for so denying the application for a permit.

2. Nothing herein contained shall be construed to prevent the operation of a radio apparatus, sound device, amplifier or talking machine used in a reasonable manner by any person within any building, vehicle or structure even though the sound therefrom may be heard on the outside of such building, vehicle or structure, provided that the said apparatus, sound device, amplifier or talking machine shall not project the sound therefrom directly outside of any building, vehicle or out-of-doors, and provided further that no such apparatus, sound device, amplifier or talking machine is in any way fastened to or connected with any outside wall or window in any building, vehicle or structure so that sound therefrom is projected outside of such walls or window.

13-30-3-04. THROWING OBJECTS PROHIBITED. Every person who willfully or carelessly throws any stone, stick, snowball or other missle whereby any person is hit or any window broken or other property injured or destroyed, in such manner as to render travel upon the public streets and places dangerous, or in such manner as to frighten or annoy any traveler, is guilty of an infraction.

13-30-3-05. VULGAR LANGUAGE. It shall be a class C misdemeanor for any person to use vulgar, profane, or indecent language on any public street or other public place or in any public dance hall, club dance, skating rink, or place of business open to public patronage.

13-30-3-06. INDECENT EXPOSURE.

1. It shall be a class B misdemeanor for any person over 8 years of age to indecently expose his body in public.

2. For the purpose of this section:

a. Indecent exposure means:

I. The exposing male genital or the covered male genital shown in a discernible turgid state.

II. The exposed female genital or female breasts which are not covered with an opaque covering below a point immediately above the top of the nipple (or the breast with only the nipple covered).

b. "Public" means any place open to or frequented by the public or which may be seen from any place open to or frequented by the public and includes private clubs, associations or other places where the public frequents.

13-30-3-07. OFFENSIVE, INDECENT ENTERTAINMENT. It shall be unlawful for any person to hold, conduct or carry on, or to cause or permit to be held, conducted or caused any motion pictures, exhibition or entertainment of any sort which is offensive to decency, or which is of an obscene, indecent or immoral nature, or so suggestive as to be offensive to the moral sense.

13-30-3-08. WINDOW PEEPING. It shall be a class C misdemeanor for any person to look, peer, or peep into or be found loitering around or within view of any window within a building occupied as residence of another with the intent of watching or looking through the window to observe any person undressed, or in the act of dressing or undressing.

13-30-3-09. LOOK OUTS FOR ILLEGAL ACTS. It shall be a class C misdemeanor for any person to act as a guard or lookout for any building, premises, or establshment used for gambling, for illegal sale or purchase of intoxicating liquors, or for any person soliciting, offering or engaging in prostitution, gambling or any other form of vice, or illegal act, or any prostitute, on any street or sidewalk. Nor shall any person give any signal intended to, or calculated to warn, or give warning of the approach of any peace officer to any person in or about such building or premises or place mentioned herein.

13-30-3-10. UNLAWFUL USE OF RESTROOMS. No person over the age of _5_ years shall use the restroom and washrooms designated for the opposite sex.

PART 13-30-4-00. PUBLIC PROPERTY - DOCUMENTS

13-30-4-01. PUBLIC PROPERTY. For the purpose of this part, "public property" means any publicly owned property except the traveled portion of public streets, and includes any park, sidewalk, curb or any part of any public right-of-way devoted to any planting or park like use.

13-30-4-02. UNLAWFUL ACTS. On any public property it is unlawful for any person to:

1. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, railing, bench, paving, paving material, water line or any facilities or property and equipment of any public utilities or parts or appurtences thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, wall or rock border, or other structures or equipment, facilities or public property or appurtences whatever, either real or personal.

2. Soil or litter public restrooms and washrooms.

3. Dig and remove any sand, soil, rock, stones, trees, shrubs, or plants, downtimber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, unless permission is obtained.

4. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly or windbreak, or run or string any rope, cord or wire into, upon or across any public property, except with special permit.

5. Urinate or deficate, except in the public restroom in recepticals placed there for such purpose.

6. Damage, cut, carve, burn, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. No person shall attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb, or in any other way injure or impair the natural beauty or usefulness of any park area. This subsection shall not apply to any person authorized to perform the act proscribed.

7. Climb any tree or walk, stand or sit on monuments, fountains, railings, fences, planted areas or upon any other property not designed or customarily used for such purposes or to intentionally stand, sit or lie in or upon any street, sidewalk, stairway or crosswalk so as to prevent free passage of persons or vehicles passing over, along or across any street, sidewalk, stairway or crosswalk.

8. Drop, throw, place, discard, dump, leave or otherwise deposit any bottles, broken glass, garbage, ashes, paper boxes, cans, dirt, rubbish, waste, refuse or other trash on any public property except in waste containers provided therefor. No such refuse or trash shall be place in any waters contaguous to any park or planted area or left anywhere on the grounds thereof.

9. Sleep on seats, benches, sidewalks, curbs, planters, wall or other areas.

10. Expose or offer for sale any article or thing or station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing, without first obtaining a license, except that the city council may exempt designated areas from this subsection by resolution on such terms and conditions as it may prescribe.
11. To beg or to go from door to door of private homes or commercial and business establishments or place himself in or upon any public way or public place to beg or to receive money or other things of value.

CHAPTER 13-41-0-00. DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.

13-41-2-28. UNLAWFUL TO DRIVE WHILE LICENSE SUSPENDED OR REVOKED. A person whose operator's license has been suspended or revoked as provided in this chapter or a law or ordinance similar to section 41-2-28, *Utah Code Annotated 1953*, and who drives any motor vehicle upon the highways of this city while that license is suspended or revoked is guilty of a crime and upon conviction shall be punished as provided in section 13-41-2-30.

13-41-2-30. PENALTY FOR DRIVING WHILE LICENSE SUPENDED OR REVOKED.

1. A person convicted of a violation of section 13-41-2-28, other than a violation specified in subsection (2) of this section, shall be punished by imprisonment for a period of not more than six months and there may be imposed in addition thereto a fine of not more than $299.00.

2. A person whose conviction under section 13-41-2-28 is based on his driving while his operator's or chauffeur's license is suspended or revoked for a violation of section 13-41-6-44 or a law or ordinance similar to this chapter or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or laws or ordinances similar thereto shall be punished by a fine of at least $299.00 or by imprisonment for six months or by both such fine and imprisonment.

13-41-6-44. DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - PRESUMPTION ARISING FROM ALCOHOLIC CONTENT OF BLOOD - BASIS OF PERCENTAGE BY WEIGHT OF ALCOHOL - CRIMINAL PUNISHMENT - ADDITIONAL PENALTIES - PLEA OF GUILTY - ARREST WITHOUT WARRANT - REVOCATION OF LICENSE.

1. It is unlawful and punishable as provided in this section for any person with a blood alcohol content of .08% or greater by weight, or who is under the influence of alcohol, or any drug or the combined influence of alcohol and any drug to a degree which renders the person incapable of safely driving a vehicle, to drive or be in actual physical control of a vehicle within this city. The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug does not constitute a defense against any charge of violating this section.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred cubic centimeters of blood.

3. Every person who is convicted the first time of a violation of subsection (1) of this section shall be punished by imprisonment for not less than 60 days nor more than six months, or by a fine of $299.00, or by both such fine and imprisonment; except that if the person has inflicted a bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner, he shall be punished by imprisonment in the county jail for not more than one hear, and, in the discretion of the court, by fine of not more than $1,000. For the purpose of this section, the standard of negligence is that of simple negligence, the failure to exercise that degree of care which ordinarily reasonable and prudent persons exercise under like or similar circumstances.

4. In addition to the penalties provided for in subsection (3), the court shall, upon the fist conviction, impose a mandatory jail sentence of not less than 48 consecutive hours nor more than 10 days with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work program for not less than two nor more than 10 days and, in addition to the jail sentence or the work in the community-service work program, order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility.

5. Upon a second conviction within five years after a first conviction under this section, the court shall, in addition to the penalties provided for in subsection (3), impose a mandatory jail sentence of not less than 48 consecutive hours nor more than 10 days with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work program for not less than 10 nor more than 30 days and, in addition to jail sentence or the work in the community-service work program, order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility and the court may, in its discretion, order the person to obtain treatment at an alcohol rehabilitation facility. Upon a subsequent conviction within five years after a second conviction under this section, or law or ordinance similar to this section, the court shall, in addition to the penalties provided for in subsection 13-41-6-44(3), impose a mandatory jail sentence of not less than 30 nor

more than 90 days with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work project for not less than 30 nor more than 90 days and, in addition to the jail sentence or work in the community-service work program, order the person to obtain treatment at an alcohol rehabilitation facility. No portion of any sentence imposed under subsection 13-41-6-44(3) shall be suspended and the convicted person shall not be eligible for parole or probation until such time as any sentence imposed under this section has been served. Probation or parole resulting from a conviction for a violation of this section shall not be terminated and the department of public safety shall not reinstate any license suspended or revoked as a result of such conviction, it it is a second or subsequent such conviction within five years, until and unless the convicted person has furnished evidence satisfactory to the department that all fines and fees, including fees for restitution, and rehabilitation costs, assessed against the person, have been paid.

6. The provisions in subsections (4) and (5) that require a sentencing court to order a convicted person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility, obtain, in the discretion of the court, treatment at an alcohol rehabilitation facility, or obtain, manditorily, treatment at an alcohol rehabilitation facility, or do any combination of those things, apply to a conviction for a violation of section 13-41-6-45 that qualifies as a prior offense under subsection (7), so as to require the court to render the same order regarding education or treatment at an alcohol rehabilitation facility, or both, in connection with a first, second, or subsequent conviction under section 13-41-6-45 that qualifies as a prior offense under subsection (7), as he would render in connection with applying respectively, the first, second, or subsequent conviction requirements of subsections (4) and (5). For purposes of determining whether a conviction under section 13-41-6-45 which qualified as a prior conviction under subsection (7), is a first, second, or subsequent conviction under this subsection, a previous conviction under either section 13-41-6-44 or 13-41-6-45 is deemed a prior conviction. Any alcohol rehabilitation program and any community-based or other educational program provided for in this section must be approved by the department of social services.

7. a. When the prosecution agrees to a plea of guilty or no contest to a charge of a violation of section 13-41-6-45 in satisfaction of, or as a substitute for, an original charge of a violation of this section, the prosectution shall state for the record a factual basis for the plea, including whether or not there had been consumption of alcohol or drugs, or a combination of both, by the defendent in connection with the offense. The statement shall be an offer of proof of the facts which show whether or not there was consumption of alcohol or drugs, or a combination of both, by the defendant, in connection with the offense.

   b. The court shall advise the defendant before accepting the plea offered under this subsection of the consequences of a violation of section 13-41-6-45 as follows: If the court accepts the defendant's plea of guilty or no contest to a charge of violating section 13-41-6-45, and the prosecutor states for the record that there was consumption of alcohol or drugs, or a combination of both, by the defendant in connection with the offense, the resulting conviction shall be a prior offense for the purposes of subsection (5) of this section.

   c. The court shall notify the department of public safety of each conviction of section 13-41-6-45 which shall be a prior offense for the purposes of subsection (5) of this section.

8. A peace officer may, without a warrant, arrest a person for a violation of this section when the violation is coupled with an accident or collision in which the person is involved and when the violation has, in fact, been committed, although not in his

presence, if the officer has reasonable cause to believe that the violation was committed by the person.

9. The department of public safety shall suspend for a period of 90 days the operator's license of any person convicted for the first time under subsection (1) of this section, and shall revoke for one year the license of any person otherwise convicted under this section, except that the department may subtract from any suspesion period the number of days for which a license was previously suspended under section 41-2-19.6, *Utah Code Annotated 1953*, if the previous suspension was based on the same occurrence which the record of conviction is based upon. (See 41-6-44 *Utah Code Annotated 1953*)

13-41-6-44.3, 13-41-6-44.5 and 13-41-6-44.8. The provisions of sections 41-6-44.3, 41-6-44.5 and 41-6-44.8, *Utah Code Annotated 1953*, hereby are adopted by reference.

13-41-6-44.10. IMPLIED CONSENT TO CHEMICAL TESTING FOR ALCOHOL OR DRUG - REFUSAL TO ALLOW - WARNING, REPORT, REVOCATION OF LICENSE - COURT ACTION ON REVOCATION - PERSON INCAPABLE OF REFUSAL - RESULTS OF TEST AVAILABLE - WHO MAY GIVE TEST - EVIDENCE.

1. Any person operating a motor vehicle in this city shall be deemed to have given his consent to a chemical test or tests of his breath, blood, or urine for the purpose of determining whether he was driving or in actual physical control of a motor vehicle while having a blood alcohol content statutorily prohibited, or while under the influence of alcohol, any drug, or combination of alcohol and any drug as detailed in section 13-41-6-44 so long as the test is or tests are administered at the direction of a peace officer having grounds to believe that person to have been driving or in actual physical control of a motor vehicle while having a blood alcohol, content statutorily prohibited, or while under the influence of alcohol, any drug, or combination of alcohol and any drug as detailed in section 13-41-6-44. A peace officer shall determine which of the aforesaid tests shall be administered.

   No person who has been requested under this section to submit to a chemical test or tests of his breath, blood, or urine, shall have the right to select the test or tests to be administered. The failure or inability of a peace officer to arrange for any specific test is not a defense with regard to taking a test requested by a peace officer and shall not be a defense in any criminal, civil or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

2. If the person has been placed under arrest and has therafter been requested by a peace officer to submit to any one or more of the chemical tests provided for in subsection (1) of this section and refuses to submit to the chemical test or tests, the perequisting the tests or test that a refusal to submit to the test or tests can result in revocation of his license to operate a motor vehicle. Following the warning, unless the person immediately requests the chemical test or tests as offered by a peace officer be administered, no test shall be given and the peace officer shall submit to the department a sworn report, of public safety within five days after the date of the arrest, that hi had grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle while having a blood alcohol content statutorily prohibited or while under the influence of alcohol or any drug or combination of alcohol and any drug as detailed in section 13-41-6-44 and that the person had refused to submit to a chemical test or tests as set forth in subsection (1) of this section.

3. Any person who is dead, unconcious, or in any other condition rendering him incapable of refusal to submit to any such chemical test or tests shall be deemed not

to have withdrawn the consent provided for in subsection (1) of this section, and the test or tests may be administered whether such person has been arrested or not.

4. Upon the request of the person who is tested, the results of such test or tests shall be made available to him.

5. Only a physician, registered nurse, practical nurse or person authorized under subsection 26-1-30 (19), *Utah Code Annotated 1953*, **acting at the request of a** peace officer can withdraw blood for the purpose of determining the alcoholic or drug content therein. This limitation shall not apply to the taking of a urine or breath specimen. Any physician, registered nurse, practical nurse or person authorized under subsection 26-1-30 (19), *Utah Code Annotated 1953*, who, at the direction of a peace officer, draws a sample of blood from any person whom the peace officer has reason to believe is driving in violation of this chapter, or hospital or medical facility at which such sample is drawn, shall be immune from any civil or criminal liability arising therefrom, provided such test is administered according to standard medical practice.

6. The person to be tested may, at his own expense, have a physician of his own choosing administer a chemical test in addition to the test or tests administered at the direction of the peace officer. The failure or inability to obtain such additional test shall not affect admissability of the results of the test or tests taken at the direction of a peace officer, nor preclude nor delay the test or tests to be taken at the direction of a peace officer. Such additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

7. For the purpose of determining whether to submit to a chemical test or tests, the person to be tested shall not have the right to consult an attorney nor shall such a person be permitted to have an attorney, physician or other person present as a condition for the taking of any test.

8. If a person under arrest refuses to submit to a chemical test or tests under the provisions of this section, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of cats alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or any drug or combination of alcohol or any drug. (See 41-6-44-10, *Utah Code Annotated 1953*)

13-41-6-45. RECKLESS DRIVING - PENALTY.

1. Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

2. Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five days nor more than six months or by a fine of not less than $25.00 nor more than $299.00, or by both such fines and imprisonment. On a second or subsequent conviction, the person shall be punished by imprisonment for not less than ten days nor more than six months, or by a fine of not less than $50.00 nor more than $299.00 or by both such fine and imprisonment. (See 41-6-45, *Utah Code Annotated 1953*)

13-41-22-14. OPERATION OF VEHICLE UNDER THE INFLUENCE OF LIQUOR OR DRUGS UNLAWFUL. It is unlawful for any person who is under the influence of intoxicating liquor or any narcotic drugs to drive or be in actual physical control of any recreation vehicle within this city. Violators will be subject to all procedures, implied consent, presumptions and punishments, provisions of sections 13-41-6-44 and 13-41-6-44.10 except

subsection 13-41-6-44.10(3). It is also unlawful and punishable under subsection 13-41-6-44.10(3) for any person, after being placed under arrest for violation of this section, to refuse to submit to any one of the chemical tests provided. (See 41-22-14, *Utah Code Annotated 1953*)

13-63-43-0. REHABILITATION OF DRINKING DRIVERS.

13-63-43-10. ASSESSMENT IN ADDITION TO FINE FOR DRIVING WHILE INTOXICATED.

1. In each case where a defendent is convicted of violating section 13-41-6-44 or a criminal prohibition that he was charged with violating as a result of a plea bargain after having been originally charged with violating section 13-41-6-44, or a law or ordinance similar to 13-41-6-43(3), the court including justice of the peace courts, shall, at the time of sentencing, assess up to $150.00 for a first conviction and up to $299.00 for each subsequent conviction, above any fine imposed, and to be collected by the court or any entity appointed by the court, for the purpose of funding programs described in section 63-43-11, *Utah Code Annotated 1953*.

2. In addition to the fees provided for in subsection 1, the court shall impose against such a defendant further assesments, above any fine imposed, and to be collected by the court or any entity appointed by the court, to fully compensate agencies which treat the defendant for their costs. (See 63-43-10, *Utah Code Annotated 1953*)

CHAPTER 13-76-4-000. INCHOATE OFFENSES.

PART 13-76-4-000. ATTEMPT.

13-76-4-101. ATTEMPT - ELEMENTS OF OFFENSE.

1. For the purpose of this part a person is guilty of an attempt to commit any act made an offense by any ordinance of this city if, acting with the kind of calpability otherwise required for the commission of the offense, he engages in conduct constituting a substantial step towards commission of the offense.

2. 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.

3. No defense of the offense of attempt shall arise:

   a. Because of the offense attempted was actually committed;

      or

   b. 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.

13-76-4-102. ATTEMPT - CLASSIFICATION OF OFFENSES. Criminal attempt to commit:

1. A class B misdemeanor is a class C misdemeanor;

2. A class C misdemeanor is an infraction;

3. An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction.