

CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: Sentencing
 1-4-2: Offenses Designated; Classified

1-4-1 **SENTENCING:**

- A. Penalty for Violation of Ordinance¹: Unless otherwise specifically authorized by statute, the City Council may provide a penalty for the violation of any City ordinance by a fine not to exceed the maximum Class B misdemeanor fine under Utah Code Annotated section 76-3-301, or by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment. The City Council may prescribe a minimum penalty for the violation of any City ordinance and may impose a civil penalty for the unauthorized use of City property, including, but not limited to, the use of parks, streets, and other public grounds or equipment. Rules of civil procedure shall be substantially followed. (1998 Code)
- B. Term of Imprisonment for Misdemeanors²: A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:
1. In the case of a Class B misdemeanor, for a term not exceeding six (6) months;
 2. In the case of a Class C misdemeanor, for a term not exceeding ninety (90) days. (1977 Code ' 1-322)
- C. Infractions¹:
1. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture and disqualification, or any combination. (1977 Code ' 1-323; 1998 Code)

¹ U.C.A. ' 10-3-703.

² U.C.A. ' 76-3-204.

¹ U.C.A. ' 76-3-205

2. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a Class C misdemeanor. (1977 Code ' 1-323)
- D. Fines of Persons²: A person convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed:
1. One thousand dollars (\$1,000.00) when the conviction is of a Class B misdemeanor conviction; and
 2. Seven hundred fifty dollars (\$750.00) when the conviction is of a Class C misdemeanor conviction or infraction conviction. (1977 Code ' 1-331A; 1998 Code)
- E. Fines of Corporations³: The sentence to pay a fine, when imposed upon a corporation, association, partnership or governmental instrumentality for an offense defined in this Code, or the ordinances of the City, or for an offense defined outside of this Code over which this City has jurisdiction, for which no special corporate fine is specified, shall be to pay an amount fixed by the court, not exceeding:
1. Five thousand dollars (\$5,000.00) when the conviction is for a Class B misdemeanor conviction; and
 2. One thousand dollars (\$1,000.00) when the conviction is for a Class C misdemeanor conviction or for an infraction conviction. (1977 Code ' 3-332; 1998 Code)

1-4-2 **OFFENSES DESIGNATED; CLASSIFIED:**

- A. Sentencing In Accordance With Chapter:
1. A person adjudged guilty of an offense under this Code or the ordinances of this City shall be sentenced in accordance with the provisions of this Chapter.
 2. Ordinances enacted after the effective date of this Code which involve an offense should be classified for sentencing purposes in accordance with this Chapter, unless otherwise expressly provided. (1977 Code ' 1-311).
- B. Designation of Offenses: Offenses are designated as misdemeanors or infractions. (1977 Code ' 1-312)

² U.C.A. ' 76-3-301.

³ U.C.A. ' 76-3-302.

C. Misdemeanors Classified¹:

1. Misdemeanors are classified into two (2) categories:

- a. Class B misdemeanors;
- b. Class C misdemeanors.

2. An offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this Code or any ordinance of this City when no other specification as to punishment or category is made, is a Class B misdemeanor. (1977 Code ' 1-313)

3. Notwithstanding subsection 1-4-2(C)(2) above, an offense designated as a misdemeanor or any act prohibited or declared to be unlawful in Titles 10 and 11 of this Code, when no other specifications to punishment or category is made, is a Class C Misdemeanor. (Ordinance No. 004-2007 01/23/2007)

D. Infractions:

1. Infractions are not classified.

2. Any offense which is made an infraction in this Code or other ordinances of this City, or which is expressly designated an infraction and any offense designated by this Code or other ordinances of this City which is not designated as a misdemeanor and for which no penalty is specified is an infraction. (1977 Code ' 1-314)

E. Continuing Violation: In all instances where the violation of this Code or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur. (1977 Code ' 1-315)

¹ U.C.A. ' 76-3-104.