

TITLE SEVEN - CRIMINAL CODE

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CHAPTER 1 - STATE CRIMINAL CODE

7-1-010. Adoption of State Criminal Code.

- A. Titles 58, 76 and 77 of Utah Code Annotated, as that from time to time may be amended, is adopted by reference and is made a part of the ordinances of Salem City as fully as if set out in the body of the municipal code and shall take effect and be controlling within the limits of the city; provided, however, this chapter is not intended to and does not purport to grant to the city any power or jurisdiction not specifically or by implication granted by law.
- B. Any crimes specified within Title 76 and 58 which are designated felonies are specifically excluded from inclusion in this chapter.
- C. When ever a conflict in language or penalty between this chapter and an ordinance previously passed shall arise, the provision of this chapter shall govern.

7-1-020. Failure to Appear.

Any person who willfully fails to appear before the court pursuant to a citation issued by Salem City under the provisions of Utah Code Annotated §77-7-18 is guilty of a class B misdemeanor, regardless of the disposition of the charge upon which he or she was originally cited.

(Ordinance No. 6-22-93 A)

CHAPTER 2 - DISTURBANCE OF THE PEACE

7-2-010. Loud Speakers.

- A. It is an infraction for any person to maintain, operate, connect or suffer or permit to be maintained, operated or connected any calliope 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.
- B. 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 radio 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.
- C. It is unlawful within the limits of Salem City for any person to maintain, operate, connect or suffer or permit to be maintained, operated, or connected any speakers, sound device, or radio apparatus that projects sound that can be heard for a distance of 200 feet or greater from the source of the sound, amplification, speakers, sound device or radio apparatus, with the exception that any such device being projected within the boundaries of one's own property, shall not be projected 200 feet or greater beyond the edges of the property boundaries. A violation of this section is punishable as an infraction.

7-2-020. Sale or Use of Fire Works.

The sale or use of fireworks shall be governed in strict accordance with the provisions of Utah Code Annotated §11-3-1 et seq.

7-2-030. Abusive Language.

A person is guilty of an infraction when he or she directs words, phrases, appellation or other language at another person or persons which would be insulting, slanderous, or menacing to a person of ordinary sensitivities and which, by virtue of the said truculent conduct, would arouse such a person or persons so abused to respond with similar truculent conduct or with immediate retaliatory physical violence.

7-2-040. Driving on Sidewalks.

Every person who drives any herd of sheep, horses, cattle or other animals upon any public street of this city without first obtaining a permit from the chief of police to do so is guilty of an infraction. The chief of police has the discretion to impose such regulations as he deems necessary. Regulations may include, but are not limited to, the streets to be affected, the hours to be affected, the number of flag persons required, and such other regulations as may be necessary to protect the health and welfare or the residents of the city and the users of public streets.

7-2-050. Driving on Sidewalks.

Every person who drives or propels any motor vehicle, rides, drives, or leads any horse or other animals upon the sidewalk, except for the purpose of entering or leaving a city lot or over any footbridge, or stops any motor vehicle, team or any other vehicle on a crosswalk so as to impede public travel within the limits of this city is guilty of an infraction.

7-2-060. Obstruction of Sidewalks.

Every person who obstructs any sidewalk or street within the limits of the city, in any manner, so as to obstruct the free travel thereon is guilty of an infraction. Any person or organization desirous of barricading or otherwise obstructing a street or sidewalk for such purposes as sidewalk sales, celebrations, carnivals, and such other activities as may be approved by the city council, may obtain a permit from the chief of police to so obstruct the sidewalk and/or street for a specified period of time in order to engage in the specified activity. Any such person or organizations so obtaining a permit shall be liable to the city for any injury to person or property which may occur as a result of the obstruction and shall hold the city harmless from any such liability. The permit required by this section shall be in addition to any permit required by the State of Utah or any other governmental entity.

7-2-070. Loitering.

Loitering shall mean the congregation of one or more persons upon public streets, highways, or sidewalks of business districts, or residential areas, who are not carrying on legitimate business within the city and who are impeding access to any business or impacting by noise, litter, or vandalism, any residential or business property. It shall also include the congregation of one or more persons in or upon a parked vehicle in or upon a public street or highway in residential or business districts.

A violation of this section shall be an infraction.

7-2-080. Throwing Objects.

Every person who willfully or carelessly throws any stone, stick, snowball, or other object whereby any person is hit or any window broken or other property injured or

destroyed, or in such a manner as to render travel upon public streets and places dangerous, or in such a manner as frighten or annoy any traveler, is guilty of an infraction.

7-2-090. 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 a residence of another with the intent of watching or looking through the window to observe any person or persons or otherwise invading the privacy of the occupant(s).

7-2-100. Privacy Violation.

A. For purposes of this section, the following definition shall apply:

1. Private place means a place where one may reasonably expect to safe from casual or hostile intrusion or surveillance.
2. Eavesdrop means to overhear, record, amplify, or transmit any part of a wire or oral communication of others without the consent of at least one party thereto by means of any electronic, mechanical, or other device.
3. Public includes any professional or social group of which the victim of a defamation is a member.

B. A person is guilty of a privacy violation if, except as authorized by law, he or she:

1. Trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or
2. Installs in any private place, without the consent of the person or persons entitled to privacy therein, any device for photographic, recording, amplifying, or broadcasting sounds or events in the place or uses any such unauthorized installation; or
3. Installs or uses outside of a private place any device for hearing, recording, amplifying, or broadcasting sounds originating in the place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy therein.

C. A privacy violation is a class C misdemeanor.

(Ord. No.9-1-99 – Section 7-2-110) (Ord. No. 11-3-99 – Section7-2-110)

7-2-110. Noise Violations.

A. The noise levels emanating from a business or construction site, as measured from the property line at a point which is at least five feet from any wall and three feet above ground shall not exceed the following levels:

ZONE HOURS	DAYTIME HOURS	NIGHTTIME
	6:00 a.m. to 9:00 p.m.	9:00 p.m. to 6:00 a.m.
Residential	65 decibels	55 decibels
C-1	70 decibels	55 decibels
C-2	65 decibels	55 decibels
Industrial	80 decibels	65 decibels

The noise levels shall be based on continuous noise for two-minute intervals or intermittent noise which exceeds the level five or more times every ten minutes.

When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

It is the intent of the City Council to incorporate reasonable standards, while at the same time preserving common sense and the common law determination of what constitutes a disturbance or public nuisance. Therefore, those sound level measurements, while desirable, shall not be required to demonstrate a violation of this section if other evidence or testimony establishes the creation of a disturbance or public nuisance.

The following exemptions to the noise limitation shall apply:

The sound created by emergency activities or emergency vehicles, or sounds giving warning of emergencies shall be exempt from the provisions of this section;

Sounds created by parades, carnivals, special public social events, or special construction projects may be exempted from the noise provision of this chapter. An exemption is granted by a permit from the mayor, which must be in writing and shall describe:

The special nature of the exempted event;

The decibel limit;

The time period for which the exemption is in force;

The Mayor may impose other reasonable conditions as necessary to protect the public peace and welfare.

An exemptions permit may be withdrawn if any of the provisions thereof are violated.

- F. A violation of any provision of this section is an infraction.

CHAPTER 3 - MISCELLANEOUS

7-3-010. Grass Carp.

Renumbered 7-10-090 (Ordinance No.7-18-07)

7-3-020. Jumping From Bridges.

Renumbered 7-10-100 (Ordinance No.7-17-07)

7-3-030. Littering Public Rest Rooms.

It shall be an infraction for any person to mark, deface, disfigure, tamper with, or displace any public rest room and it shall be further unlawful to urinate or defecate in public places except in receptacles placed for such purposes in public rest rooms.

7-3-040. Cleaning Sidewalks.

It is an infraction for any occupant or owner of any property abutting on any street within the limits of this city to neglect or fail to clean and keep clean of all weeds, ice, snow, rubbish, or other obstruction on the sidewalks in front of or adjacent to his or her premises.

7-3-050. Flooding.

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 or her 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.

7-3-060. Culverts.

It is an infraction 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 is likewise an infraction for any person to use or maintain any such culvert or box without keeping the same in good repair.

7-3-070. Signs.

It is an infraction for any person to place or cause to be placed any sign, billboard, or display, or places or causes to be placed any object of any kind or character whatever in, over, or across any property belonging to the city, including, but not limited to the following: Rights of way, utility poles, street signs, or other city owned signs or poles, sidewalks, streets, roads, sewers, ditches, culverts, gutters, pipelines and conduits, or other related properties, provided that any such conduct shall not be deemed unlawful if such a person obtains prior written permission for such placement from the city council.

7-3-080. Illegal Connection and non-payment of Fees for Fire Hydrant Meter Usage:

Any illegal connection to the Salem City Water System and non-payment of Fire Hydrant Meter Usage Fees for construction, the filling of swimming pools, or commercial use, may be charged criminally and punished as a Class C Misdemeanor. (Ordinance# 100522)

CHAPTER 4 - CURFEW

7-4-010. Definitions.

- A. **"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.
- B. **"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.
- C. **"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 18 years.
- D. **"Public Places"** means any place open to the public whether privately owned, including but not limited to parking lots and the interiors and exteriors of commercial establishments such restaurants, stores, or places of entertainment.

7-4-020. Curfew Established.

- A. It shall be unlawful for any minor under the age of 16 years to remain or loiter upon any of the sidewalks, streets, alleys, or public places in Salem City between the hours of 11:00 p.m. and 5:00 a.m. the following morning.
- B. It shall be unlawful for any minor under the age of 18 years and over the age 15 years to remain or loiter upon any of the sidewalks, streets, alleys, or public places in Salem City between the hours of 11:00 p.m. and 5 a.m. the following morning on Sunday through Thursday and between the hours of 1:00 a.m. and 5:00 a.m. on Friday and Saturday.

7-4-030. Exceptions.

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

- A. Accompanied by parent or legal guardian having care and custody of such minor;
- B. 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;
- C. Engaged on an emergency errand as defined in § 7-4-010.

7-4-040. Responsible Parent.

No person, guardian, or other person having legal charge or custody of any minor shall allow or permit any such minor, while in such legal custody, to go or to be in or upon any of the sidewalks, streets, alleys, or public places within the city in violation of this chapter.

7-4-050. Enforcement.

- A. Any minor is in violation of the provisions of this chapter is subject to arrest and citation.
- B. Upon arrest, the minor shall be returned to the custody of the parent or legal guardian in charge of the care and custody of the minor.
- C. 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.

7-4-060. Violation.

Any person found in violation of any of the provisions of this chapter is guilty of a Class B misdemeanor.

(Ordinance No. 1-25-94)

CHAPTER 5 - UNLAWFUL ACTIVITIES NEAR SCHOOLS

7-5-010. Activities Near Schools.

- A. It is unlawful for any person to annoy, disturb, or otherwise prevent or attempt to prevent the orderly conduction of the activities, administration or classes of any elementary, intermediate, or high school in the city.
- B. It is unlawful for any person to annoy, disturb, assault, or molest any student or employee of any elementary, intermediate, or high school within the city while in or at such school or school building or parking lot or on any grounds thereof.
- C. It is unlawful for any person to loiter, idle, wander, stroll, or play in, about, or on any elementary, intermediate, or high school grounds or buildings, either on foot or in or on any vehicle without having some lawful business therein or thereabouts in connection with such school, or school employees within the city during such hours when school is in session.
- D. It is unlawful for any person to conduct himself or herself in an obscene, lurid, wanton, or mischievous manner in speech or behavior in, about, or at any school, or grounds thereof within the city.
- E. It is unlawful for any person to park or move a vehicle in the immediate vicinity of or on the grounds of any elementary, intermediate, or high school 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 or any unlawful purpose.
- F. Any person violating any provision of this section is guilty of a Class B Misdemeanor. (Ordinance 3-19-08-B)

CHAPTER 6 - DISCHARGE OF WEAPONS

7-6-010. Unlawful Discharge.

- A. It is unlawful to for any person to discharge any firearm, including air guns and bows and arrows, within the limits of the city, provided that this section shall not apply to peace officers in the pursuit of official duties, persons acting in self defense, or residents residing in the A-1 zone protecting their livestock and poultry from predators such as dogs, coyotes, and skunks, provided that use of such weapon shall be limited to shotguns when such discharge does not endanger persons or damage to buildings or vehicles, or to persons who are members of or are guests at a shooting gallery or rifle club and who discharge their firearms within the safe confines of the said club or gallery, provided that adequate safety measures have been observed in the construction of said club or gallery so as to protect the health and safety of the public. This section shall not apply to persons hunting with shotguns during regularly scheduled hunting seasons provided that any person so hunting must strictly comply with state laws and regulations concerning carrying loaded firearms and concerning distance requirements from roads, vehicles, and buildings. No hunting shall be allowed on any property owned by Salem City.
- B. A violation of this section is a class B misdemeanor.

7-6-020. Minors.

- A. It is unlawful for any parent or guardian or person having the charge of or control of any minor to allow or permit such a minor to use within the city limits any firearm, air gun, or bow and arrow, provided this section shall not apply to the use of such weapons at a licensed club or shooting gallery when minors are supervised by one or more responsible adults.
- B. A person who violates any provision of this section is guilty of an infraction.

CHAPTER 7 - NUISANCES

7-7-010. Declaration of Nuisances

Every act or condition made, permitted, allowed, or continued in violation of this chapter is hereby declared to be a nuisance and may be abated and punished as set forth in this chapter.

7-7-020. Responsible Party

The owner(s), tenant(s), occupant(s), parties in possession, or any of their agents, of any property on which a nuisance exists, shall be responsible for the nuisance and shall be liable for its abatement or other corrective action, as well as any criminal or civil penalties which may be imposed.

7-7-030. Definition of Nuisance

Nuisances include, but are not limited to:

1. Any condition declared to be or made a nuisance by state law;
2. Any condition or use of premises or building exteriors which are deleterious, injurious, noxious, or unsightly;
3. The keeping on, depositing on, or scattering over the premises, lumber, brick, junk, trash, debris, tires, abandoned or unused objects such as equipment, furniture, stoves, refrigerators, appliances, cans, containers, or other items of similar nature. Nothing herein shall preclude the placement of stacked firewood for personal, non-commercial use;
4. Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, unless stored in a building or behind a vision barrier fence which precludes is being visible from a public street, public right of way, or neighboring properties;
5. More than two inoperable vehicles which are visible from any public street, public right of way, or neighboring property;
6. More than two vehicles, boats, trailers, or other similar property required by the State of Utah to be registered, and which registration has expired by more than three months, unless such property is stored within a building located on the property;
7. Befouling water in any spring, stream, well, or water source supplying water for culinary purposes;
8. Allowing any privy, vault, cesspool or other individual waste water disposal system to become a menace to health or source of odors to air or water;

9. Permitting any refuse container to remain on premises when it has become unclean, odorous, attracts flies, or rodents, or is otherwise offensive;
10. Permitting any condition detrimental to health or creating a nuisance because of excessive odors, or creating a situation where rodents breed and/or are attracted;
11. Discharging or placing any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, ditch, stream, water course, canal, or any vacant lot or which as the result of continued discharge will render the placed discharge offensive or likely to become so;
12. Keeping or collecting any stale or putrid grease or other offensive matter;
13. Having or permitting upon any premises fly or mosquito producing conditions, except those created by accepted methods of husbandry in the reasonable exercise of lawful animal rights;
14. Failing to furnish any dwelling or building place of employment with an approved waste water disposal system and to maintain the same in a sanitary condition;
15. Neglecting or refusing to maintain or discontinuing the use of any private waste water disposal system;
16. Permitting any hole or excavation to become the repository of stagnant water or any other decaying or offensive substances;
17. Obstructing or intending to obstruct or interfere with or render dangerous for passage any street, sidewalk, other public way, or any public park without first obtaining permission from the governing body.

7-7-040. Duty of Maintenance of Private Property

No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

7-7-060. Abatement of Nuisance by Responsible Party

The responsible party of any lot, or other property, within the city in which storage, as defined in this chapter, exists shall be jointly and severally liable to abate such nuisance by its prompt removal. The city shall give thirty (30) days notice of a violation of this chapter, during which time the nuisance shall be abated by the responsible party.

7-7-070. Violation

1. A person found in violation of this chapter is guilty of an infraction, in addition to other remedies available to the City.
2. In the event the City gives notice of a nuisance which is not abated within thirty (30) days of notice, the City may proceed to enter the property to abate the nuisance and assess the costs thereof, including attorney's fees, against the responsible party or parties. These remedies shall be in addition to the criminal penalties set forth in subparagraph one. (Ord. No. 1-7-04)

CHAPTER 8 - ABATEMENT OF WEEDS, GARBAGE AND REFUSE

7-8-010. Chapter Purpose.

It is the purpose of this chapter to establish a means whereby this municipality may remove or abate or cause the removal or abatement of injurious and noxious weeds and of garbage, refuse or unsightly and deleterious objects or structures pursuant to the powers granted to it by Chapter 11 of Title 10, Utah Code Annotated, 1953 as amended, and pursuant to its general power to abate nuisances. It is declared that weeds, objects and structures constitute a nuisance when they create a fire hazard, a source of contamination, or pollution of water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to human habitations or are unsightly or deleterious to their surroundings.

7-8-020. Inspector-Office Created.

The office of inspector is created for the purpose of administering the provisions of this chapter and the powers delegated to this municipality by said statutes subject to such control and review as the city council may from time to time direct. The office of inspector shall be appointed by and act under the direction of the mayor.

7-8-030. Nuisance Abatement.

The public safety department shall comply in all respects with Utah Code Annotated §10-11-1 et seq. in abating the nuisances identified in this chapter.

7-8-040. Discretion of Inspector.

The city inspector shall be granted the discretion to determine whether weeds, garbage or refuse, are unsightly or deleterious objects or whether structures create a fire hazard, source of contamination, or pollution of water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to human habitation or are unsightly or deleterious to their surroundings.

7-8-050. Governmental Immunity.

The department of public safety, the city inspector referred to herein, or any city employee working under the direction of either the city inspector or the public safety department, together with the city shall be immune from any liability by reason of the city's removal of any nuisances identified herein, after following the procedures set forth in Utah Code Annotated §10-11-1 et seq. (1953 as amended).

7-8-060. Violation.

Any person found in violation of this chapter is guilty of an infraction, in addition to other remedies available to the city.

CHAPTER 9 - HAZARDOUS MATERIALS

7-9-010. Hazardous Materials; Unlawful Acts.

- A. It shall be unlawful for any person or entity to release, discharge, deposit, or cause to be released, discharged, or deposited any hazardous substance, material or waste upon or into any property or facility within the city or into any of the airways, watercourses, pipelines, or other means of conduit which may flow into the city.
- B.
 - 1. "The city" shall refer to Salem City.
 - 2. "hazardous substance, material or waste" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human or animal health and safety or to the environment if released into the work place or environment.
 - 3. "hazardous substance, material, or waste" shall also include any substance declared hazardous by the Public Safety Director in an effort to protect the health and safety of the residents of the city.

7-9-020. Hazardous Materials cleanup; Recovery of the Costs.

- A. The city is authorized, but not required, to clean up or abate the effects of any hazardous material, substance, or waste unlawfully released, discharged, or deposited upon or into any property, or facilities within the city, or into any of the airways, watercourses, pipelines or other means of conduit which flow into the city. The following described persons or entities shall be jointly and severally liable to the city for the payment of all costs incurred by the city as a result of such cleanup or abatement activity:
 - 1. The person, persons, entity, or entities whose negligent or willful act or omission proximately caused such release, discharge, or deposit;
 - 2. The person, persons, entity or entities who own or had custody or control of the hazardous material, substance or waste at the time of such release, discharge, or deposit, without regard to fault or proximate cause; and
 - 3. The person, persons, entity or entities, who own or had custody or control of the container which held such hazardous material, substance or waste at the time or immediately prior to such release, discharge, or deposit, without regard to fault or proximate cause.
- B. In the event that any person undertakes, either voluntarily or upon order of a city official, to clean up or abate the effects of any hazardous material, substance, or waste unlawfully released, discharged, or deposited upon or

into property or facilities within the city, or into the airways, watercourses, pipelines, or other means of conduit which flow into the city, the city may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. Persons described in subsection (A) of this section shall be liable to the city for all costs incurred as a result of such supervision or verification.

- C. For the purposes of this section, costs incurred by the city shall include, but not necessarily be limited to, the following: actual labor costs of city personnel, including benefits and administrative overhead; costs of the equipment operation; costs of any contract labor and materials; and legal fees in enforcing this chapter.
- D. The remedies provided for by this section shall be in addition to any other remedies provided by law.
- E. The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the fire department of the city.

7-9-030. Violation.

In addition to any other remedies available to the city, a person found in violation of this chapter is guilty of a class B misdemeanor.

CHAPTER 10 – KNOLL PARK/SALEM POND REGULATIONS

7-10-010. General.

The provisions of this chapter are applicable to all areas of Knoll Park including all of Salem Pond, the Salem Community Center and pavilion, all parking lots and street parking adjacent to the areas described herein. These areas are collectively referred to herein as Knoll Park.

7-10-020. Hours.

Knoll Park shall be open for public use each day at 5:00 a.m. All activities must be concluded by 11:00 p.m., provided that scheduled New Years Eve events in the Salem Community Center may continue until 1:00 a.m. New Years Day. Persons found upon the premises of Knoll Park outside of these hours are subject to trespass charges.

7-10-030. Motorized Vehicles.

Motorized vehicles are limited to designated parking areas and driveways, with the exception of City maintenance vehicles and authorized vehicles for city sponsored events, such as Salem Days, in order to facilitate the event.

7-10-040. Noise-Minimum Fine.

A person convicted of violating the loud speaker requirements (found in Salem City Municipal Code §7-2-010) within Knoll Park shall pay a minimum fine of \$150.00, with a maximum fine not to exceed that allowed by law.

7-10-050. Litter.

A person convicted of littering within Knoll Park shall pay a minimum fine of \$299.00, with the maximum fine not to exceed that allowed by law.

7-10-060. Animals.

A. Domestic animals are prohibited in Knoll Park, with the exceptions noted hereafter. An exception exists for animals trained for and used by disabled persons, such as dogs for the blind or hearing impaired. An exception exists for animals licensed by the City as part of a business enterprise which may need to travel or use Knoll Park. An exception exists for police animals being used or trained in Knoll Park. The owner, or other responsible party, who has control of such animal within the park and meets one of the identified exceptions, shall be obligated to clean up after such animal, including any excrement.

B. It shall be illegal for any person to drop off at Knoll Park any duck, goose, or other water fowl

7-10-070. Alcohol.

No alcoholic beverage of any kind is permitted within Knoll Park, whether the container has been opened or not. Any such alcohol found on person or within vehicles or other forms of personal property at the park is subject to confiscation and destruction.

7-10-080. Fishing.

No ice fishing is allowed on Salem Pond. Fishing at Salem Pond otherwise shall be in accordance with the Utah Division of Wildlife Resources regulations during the open hours of Knoll Park.

7-10-090. Grass Carp.

It is a Class B Misdemeanor to catch or entrap any grass carp from Salem Pond unless such person immediately returns the fish into the waters of Salem Pond.

7-10-100. Jumping from Bridges.

It is a Class C Misdemeanor for any person to climb on or about, or to jump from any bridge spanning any portion of Salem Pond.

7-10-110. General Boating Regulations.

Except as made more strict herein, Utah Code Annotated 73-18-1 et seq. (1953 as amended) and the Utah Boating Rules as adopted by the Utah State Department of Natural Resources, Divisions of Parks and Recreation are adopted herein and made applicable to boating activities on Salem Pond.

7-10-120. Boats - Speed.

All motor powered boats on Salem Pond must proceed at wakeless speed at all times except as modified in Section 7-10-200.

7-10-130. Boats - Time Restrictions.

Motor powered boats are prohibited on Salem Pond on Sundays and Mondays. On Tuesdays through Saturdays, all boats must cease operating on or before 8:00 p.m. No motor powered boats are allowed prior to 10:00 a.m.

7-10-140. Boats - Permits.

A daily use permit is required from the city prior to operating a motor powered boat on Salem Pond. Motor powered boat permits are limited to two per day. Permits may be purchased in advance at the city offices for \$2.00 per day. A second violation of any state or local boating law results in the revocation of all permit privileges for one year.

7-10-150. Personal Water Craft - Time Restrictions.

Motorized personal water craft are prohibited on Salem Pond on Sundays and Mondays. On Tuesdays through Saturdays, all personal water craft must cease operating on or before 8:00 p.m. No motorized personal water craft are allowed prior to 10:00 a.m.

7-10-160. Motorized Personal Water Craft - Permits.

A daily use permit is required from the city prior to operating any motorized personal water craft on Salem Pond. Motorized personal water craft permits are limited to four per day. Permits may be purchased in advance at the city offices for \$2.00 per day. A

second violation of any state or local boating law results in a revocation of all permit privileges for one year.

7-10-170. Motor Powered Craft - Limitations.

No motor powered water craft may operate on Salem Pond between October 15, and the following May 1. Motor powered water craft is limited to personal recreational use. All commercial use is prohibited.

7-10-180. Motor Powered Craft - No Towing of Persons.

It is prohibited for any motor powered water craft to tow a water skier or other apparatus containing a person.

7-10-190. Remote Control Water Craft.

All remote control water craft are limited to the area from State Road 6 (now SR-198) to the Park View Bridge.

7-10-200. Exceptions - Emergencies and Maintenance.

Notwithstanding any other provision hereof, Salem City may operate a motor powered boat in excess of wakeless speed for the following purposes:

- A. Rescue operations performed under the direction of the police, fire, or public safety departments of the city;
- B. Maintenance operations designed to prevent the growth of algae and other water plants, prevent flooding, or other maintenance deemed appropriate by the city council;
- C. Maintenance operations to prevent the growth of algae shall follow guidelines as set forth herein:
 - (1) No more than once per week, the city may operate a motor powered boat in a manner to break loose growing algae or other water plants.
 - (2) Any citizen desiring to participate may volunteer a motor powered boat, which may be operated under the direction of the city council or designee for the limited purpose set forth herein.
 - (3) Citizen involvement will be on a voluntary basis and rotate among those desirous of participating. No compensation will be paid for any participating owner for use of the boat or for the citizen's time.
- D. Exhibitions and other entertainment purposes during Salem Days or other City sponsored events. During any such event, the Pond shall be off limits to swimming, non-motor boats, or other water related uses in order to protect the safety of those other users. (ordinance #4-20-11-B)

7-10-210. Violation.

A violation of this chapter is an infraction , unless otherwise noted.

(Ordinance No. 7-18-07)

CHAPTER 11 – SMOKING PROHIBITED IN PUBLIC FACILITIES

7-11-010. Definitions

- A. The following definitions shall be applied to this chapter
- 1. “Public Facility” means and includes publicly-owned cemeteries, parks, bus stops, ball diamonds, soccer fields, and other recreation areas, but not designated smoking areas specified by the City.
- 2. “Mass gathering” means an outdoor assembly of 100 or more people on publicly-owned property that reasonably can be expected to continue for two or more hours.
- 3. “Smoke” or “smoking” means and includes: carrying, or holding a lit pipe, cigar, or cigarette of any kind, including e-cigarettes and any variation thereof, or any other lit smoking equipment, or the lighting or emitting or exhaling of smoke of a pipe, cigar, or cigarette of any kind, or any other lit smoking equipment. (Ordinance #51816)

7-11-20 Creation of Smoke-Free Outdoor Public Places

- A. Smoking is hereby prohibited in or on public facilities and within one hundred feet of mass gatherings.
- B. This ordinance does not apply to designated smoking areas for employees. Designated employee smoking areas are subject to the Utah Indoor Clean Air Act, Utah Code Ann. §26-38-1 et seq.

7-11-30 Penalties and Enforcement

A violation of this Chapter is an infraction.

(Ordinance 10-01-08)

CHAPTER 12 – EXTREME FIGHTING

7-12-010 Definitions

- A. Extreme fighting means any activity or other form of entertainment, regardless of how named or described, in which a person delivers, or is not forbidden by the rules of such contest from delivering kicks, punches, or blows of any kind to the body of an opponent. These activities may be known by various names, including but not limited to extreme fighting, ultimate fighting, cage fighting, no holds barred fighting, no rules fighting, or other nomenclature. Officially sanctioned and regulated boxing, wrestling and team sports in which physical contact is incidental to the primary purpose of the game, including, but not limited to football, basketball, volleyball, soccer, baseball, and softball are not included among activities prohibited by this section. Martial arts training or studios are also not included among the activities prohibited by this section.
- B. Body means any part of the torso, head, limbs, or extremities of any person.

7-12-020 Extreme Fighting Prohibited

- A. Extreme fighting events are prohibited within Salem City. No property owner, lessee, or occupant shall permit, promote, or allow participation in extreme fighting events to take place on property owned or controlled by him or her.
- B. No person shall engage in extreme fighting events within Salem City.
- C. Nothing herein is intended to prohibit training or conditioning in any of the martial arts. Nothing herein is intended to prohibit the promotion of extreme fighting events so long as the event promoted is not held within Salem City.

7-12-030 Violation

- A. Any person violating this Chapter by allowing, promoting, or engaging in extreme fighting events within Salem City is guilty of a Class C Misdemeanor.
- B. In addition to criminal penalties, Salem City may enforce provisions of this Chapter by injunction. (Ordinance 4-07-10)

CHAPTER 13 – FIREWORKS RESTRICTIONS

7-13-010 State Law Requirements

Except as modified herein, fireworks are allowed in Salem City only in strict compliance with state law.

7-13-020 Fireworks Prohibited – Areas

Fireworks are prohibited in the following areas:

1. South of the Highline Canal;
2. East of Woodland Hills Drive;
3. North of 400 North Street, except in developed subdivisions;
4. Within twenty (20) feet of any building;
5. Within two hundred (200) feet of any open field, unimproved lot with dry vegetation, or any vacant building with dry vegetation on the lot;
6. Within two hundred (200) feet of any haystack, straw, or other flammable agricultural product.

7-13-030 City Sponsored Events

An exception to the restriction imposed in this chapter is granted for any City sponsored public display of fireworks where trained personnel set off the fireworks, and the fire department is present to immediately extinguish any fire.

7-13-040 Penalty – Parental Responsibility

- A. It is a class C misdemeanor to violate any provision of this chapter.
- B. It is a class C misdemeanor for a parent, guardian, or other adult to allow a child in their control or custody to use fireworks in violation of this chapter.
- C. In addition to any criminal penalties, a person who causes a fire, or a parent, guardian, or other adult having control or custody of a minor who causes a fire, by using fireworks in violation of this chapter is civilly responsible for all costs incurred to put out the fire.