

# Chapter 4

## GENERAL PENALTY

### 1-4-1: SENTENCING:

#### A. Penalty For Violation Of Ordinance<sup>1</sup>:

1. Criminal: The city council may impose a minimum criminal penalty for the violation of any municipal 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.
2. Civil:
  - a. Except as provided in subsection A2b of this section, the city council may prescribe a minimum civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code Annotated section 76-3-301.
  - b. A municipality may not impose a civil penalty and adjudication for the violation of a municipal moving traffic ordinance, except as authorized in Utah Code Annotated section 10-3-703.5.

#### B. Term Of Imprisonment For Misdemeanors<sup>2</sup>: 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.

#### C. Infractions<sup>3</sup>:

1. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture and disqualification, or any combination.
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.

#### D. Fines Of Persons<sup>4</sup>: 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. Class B Misdemeanor: One thousand dollars (\$1,000.00) when the conviction is of a class B misdemeanor conviction; and
2. Class C Misdemeanor; Infraction: Seven hundred fifty dollars (\$750.00) when the conviction is of a class C misdemeanor conviction or infraction conviction.

E. Fines Of Corporations<sup>5</sup>: 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. Class B Misdemeanor: Five thousand dollars (\$5,000.00) when the conviction is for a class B misdemeanor conviction; and
2. Class C Misdemeanor; Infraction: One thousand dollars (\$1,000.00) when the conviction is for a class C misdemeanor conviction or for an infraction conviction. (2003 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.

B. Designation Of Offenses: Offenses are designated as misdemeanors or infractions.

C. Misdemeanors Classified<sup>6</sup>:

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.

#### 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.

- 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. (2003 Code)

### **1-4-3: LIABILITY OF EMPLOYERS AND AGENTS:**

When the provisions of an ordinance prohibit the commission or omission of an act, not only the persons actually doing the prohibited thing or omitting the direct act, but also the employer and all other persons concerned, or aiding or abetting therein, shall be guilty of the offense described and liable to the penalty prescribed for the offense. (1995 Code § 1-4)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1:](#) UCA § 10-3-703.

[Footnote 2:](#) UCA § 76-3-204.

[Footnote 3:](#) UCA § 76-3-205.

[Footnote 4:](#) UCA § 76-3-301.

[Footnote 5:](#) UCA § 76-3-302.

[Footnote 6:](#) UCA § 76-3-104.

