

DAGGETT COUNTY
ORDINANCE 24-08

AN ORDINANCE OF THE DAGGETT COUNTY COMMISSION ENACTING TITLE 4,
CHAPTERS 11 AND 12, DAGGETT COUNTY CODE, REQUIRING COMPLIANCE
WITH RULES AND REGULATIONS ADOPTED FOR THE PUBLIC PEACE,
MORALS AND WELFARE OF THE RESIDENTS, GUESTS, AND VISITORS OF
DAGGETT COUNTY AND ESTABLISHING PENALTIES FOR VIOLATION.

WHEREAS, Daggett County is a public municipality charged with the governance, operation, management, and regulation of Daggett County, for the use and benefit of the public; and

WHEREAS, the Daggett County Commission finds that it is in the best interests of the public health, safety, and welfare of the residents, guests and visitors that certain rules and regulations need to be established and adopted, and penalties be established for violations thereof.

NOW THEREFORE, by the Governing Body (Daggett County Commission) of Daggett County, State of Utah as follows:

SECTION 1: PURPOSE.

The purpose of this ordinance is to fulfill the requirement of government to promote the public health, safety and welfare of the residents, guests, and visitors of Daggett County. This ordinance enacts Title 4, Chapter 11 and Chapter 12 of the Health, Sanitation, and Public Safety of the Daggett County Code. The intent of this ordinance is to create a Chapter and sections into the code in order to more accurately align with the requirements of the Utah State Code and to more effectively provide for the health safety and welfare of the citizens of Daggett County.

SECTION 2: AUTHORITY.

The Daggett County Commission adopts this ordinance pursuant to Title 1, Chapter 1, Section 3 of the Daggett County Code and other authorities and provisions of Utah Statutory and Common laws as applicable.

SECTION 3: PROVISIONS.

Pursuant to §17-53-208(3) U.C.A. this ordinance shall take effect fifteen (15) days after it is adopted and signed by the Daggett County Commission.

SECTION 4: EXISTING SECTIONS NOT AFFECTED.

No change to the remainder of Title 4 or any other Title, Chapter, or Section in the Daggett County Code is intended or made hereby, and said code Title, Chapter, and Sections shall remain in full force and effect.

SECTION 5: ADOPTION, “Title 4, Chapter 11, Sections 4-11-1 through 4-11-5 “Conduct in or Around Schools” and Chapter 12, Sections 4-12-1 through “Curfew” of the Daggett County Code as follows:

ADOPTION

CHAPTER 11 CONDUCT IN OR AROUND SCHOOLS

4-11-1 PREVENTION OF ORDERLY CONDUCT OF SCHOOLS.

1. It is unlawful for any person to annoy, disturb or otherwise prevent the orderly conduct of the activities, administration or classes or any school.
2. Any violation of this provision shall be punished as a Class B misdemeanor and, upon conviction, subject to penalty as provided in section 1:4:1 of the Daggett County Code.

4-11-2 ANNOYING OR MOLESTING STUDENTS OR SCHOOL EMPLOYEES.

1. It is unlawful for any person to annoy, disturb, assault or molest any student or employee of any school while in any such school, or on the grounds thereof.
2. Any violation of this provision shall be punished as a Class B misdemeanor and, upon conviction, subject to penalty as provided in section 1:4:1 of the Daggett County Code.

4-11-3 PERSONS REQUIRED TO HAVE LAWFUL BUSINESS IN CONNECTION WITH SCHOOL.

1. It is unlawful for any person to loiter, idle, wander, stroll, play or drive in, about or on any school grounds, or building either on foot, or in, or on, any vehicle, without having some lawful business therein, or thereabout, or in connection with such school, or the employees thereof.
2. Any violation of this provision shall be punished as a Class B misdemeanor and, upon conviction, subject to penalty as provided in section 1:4:1 of the Daggett County Code.

4-11-4 LEWD OR LASCIVIOUS CONDUCT PROHIBITED.

1. It is unlawful for any person to conduct himself or herself in a lewd, wanton or lascivious manner in speech or behavior in, about or on any school building or grounds.
2. Any violation of this provision shall be punished as a Class B misdemeanor and, upon conviction, subject to penalty as provided in section 1:4:1 of the Daggett County Code.

4-11-5 VEHICLES IN VICINITY OF SCHOOL.

1. It is unlawful for any person to park or move a vehicle in the immediate vicinity

of, or on the grounds of any school, for the purposes of annoying or molesting the students or employees thereof.

2. Any violation of this provision shall be punished as a Class B misdemeanor and, upon conviction, subject to penalty as provided in section 1:4:1 of the Daggett County Code.

CHAPTER 12 CURFEW

4-12-1 CURFEW FOR MINORS.

A. Definitions.

1. "Compulsory school age minor" means a person between six and eighteen years of age that is not exempted and must be attending a public or regularly established private school during the school year of the district in which the minor resides pursuant to Utah Compulsory Education Requirements, Utah Code Annotated 53A-11-101 to - 106
2. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
4. "Guardian" means:
 - a. A person who, under court order, is the guardian of the person of a minor; or
 - b. A public or private agency with whom a minor has been placed by a court.
5. "Minor" means any person under eighteen years of age.
6. "Open campus" means when a compulsory school age minor is allowed by school officials to leave school for lunch purposes.
7. "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
8. "Parent" means a person who is:

- a. A natural parent, adoptive parent, or stepparent of another person; or
 - b. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.
9. "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common area of schools, hospitals, apartment houses, office buildings, public transit buses and property, and shops.
10. "Remain" means to:
- a. Linger or stay; or
 - b. Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
11. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
12. "Truancy hours" means those hours in which a compulsory school age youth should be attending school in the district or jurisdiction in which the student attends school.

B. Offenses.

1. A minor commits an offense when he or she;
 - a. If under the age of eighteen (18) years is upon any sidewalk, street, alley or public place in the County between the hours of 10:00 p.m. and 6:00 a.m. of the following day of any day of the week unless accompanied by an adult duly authorized by the parent or legal guardian, having the care or custody of such minor.
 - b. If under the age of eighteen (18) years on Friday or Saturday of any given week is upon any sidewalk, street, alley or public place in the County between the hours of 12:00 midnight and 6:00 a.m. of the following day unless accompanied by an adult duly authorized by the parent or guardian, having the care or custody of the minor.
2. A compulsory school age minor commits an offense if she or he remains in any public place or on the premises of any establishment within the County during truancy hours.
3. A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the County under circumstances

not constituting a defense as provided in section 4-12-1 (C); or if a parent or guardian knowingly permits or by insufficient control allows, a compulsory school age minor to remain in any public place or on the premises of any establishment within the County during truancy hours.

4. The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours; or if she or he knowingly allows a compulsory school age minor to remain upon the premises of the establishment during truancy hours.

C. Defenses.

1. It is a defense to prosecution under subsection B of this section that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an emergency errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate or intrastate travel with permission of the minor's parent or guardian;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. Following school policy regarding open campus for lunch;
 - g. Previously granted an exemption from compulsory education under section 53A-11-102, or 102.5 U.C.A.;
 - h. The thirty (30) minute period immediately prior to or following and including an official school, religious, or other recreational or community activity supervised by adults and sponsored by the County, a civic organization, or another similar entity that takes responsibility for the minor.
2. It is a defense to prosecution under subsection (B)(4) of this section that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

D. Enforcement.

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender for identification documentation, age and reason for being in the public place. The officer shall not issue a citation or make an arrest under

this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection C of this section is present.

E. Penalties.

- 1. A person who violates a provision of this chapter is guilty of a class C misdemeanor for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a minimum fine of one hundred dollars (\$100.00) and any other sanctions provided by law and determined appropriate by the Court.

F. Jurisdiction.

- 1. A violation under this section by an adult shall be considered to be in violation of section 53A-11-101 U.C.A. for purposes of jurisdiction and the juvenile Court shall have concurrent jurisdiction with the Justice Court for purposes of adjudication of allegations hereunder.

4-12-2 RESPONSIBILITIES OF PARENTS AND GUARDIANS.

- 1. It is unlawful for any parent, guardian or other person having the legal care and custody of any minor person under eighteen (18) years of age to knowingly, intentionally, or recklessly allow or permit any such minor to violate the provisions of Section 4-12-1.

PASSED AND ADOPTED BY THE DAGGETT COUNTY COMMISSION this the

_____ day of _____, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Commissioner Matt Tippetts	_____	_____	_____	_____
Commissioner Jack Lytle	_____	_____	_____	_____
Commissioner Randy Asay	_____	_____	_____	_____

ATTEST:
COMMISSIONERS

DAGGETT COUNTY
BOARD OF

Matt Tippetts,
Chairman

Brian Raymond
County Clerk

Approved as to Form

Kent E. Snider
Daggett County Attorney

DRAFT