

CHAPTER 4. PUNISHMENTS

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1-4-1. Application - Separate offenses for each day of violation.

(1) Whenever acting or failing to act constitutes a violation of any section or provision of this Tooele City Code, and no classification of offense, fine, or sentence is specifically found to apply to the violation, the provisions of this Chapter shall apply.

(2) Each 24-hour period in which a violation of any section or provision of this Code occurs shall constitute a separate offense.

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-2. Classification of offense.

An offense designated as a misdemeanor in this Code or in another law, without specification as to punishment or category, is a class B misdemeanor. Any offense which is an infraction within this Code is expressly designated as such.

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-3. Penalties.

(1) A person who has been convicted of a misdemeanor under this Code may be sentenced to imprisonment as follows:

(a) in the case of a class B misdemeanor, for a term not exceeding 6 months;

(b) in the case of a class C misdemeanor, for a term not exceeding 90 days.

(2) A person convicted of an offense may be sentenced to pay a fine, not exceeding:

(a) \$1,000 when the conviction is for a class B misdemeanor, plus applicable state surcharges;

(b) \$750 when the conviction is for a class C misdemeanor or infraction, plus applicable state surcharges.

(3) Subsection (2) does not apply to a corporation, association, partnership, government, governmental instrumentality, or other business entity.

(4) The sentence to pay a fine, when imposed upon a corporation, association, partnership, government, governmental instrumentality, or other business entity for an offense defined in this Code shall be to pay an amount, fixed by the court, not exceeding:

(a) \$5,000 when the conviction is for a class B misdemeanor, plus applicable state surcharges;

(b) \$1,000 when the conviction is for a class C misdemeanor or for an infraction, plus applicable state surcharges.

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-4. Labor in case of default - Incarceration in lieu of fine or labor. (Repealed.)

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-5. Revocation of licenses upon conviction.

Any person found guilty of violating any provision of this Code, when the violation necessarily includes the violation of the terms of any license or permit issued to the person by Tooele City, shall be subject to revocation of the license or permit upon a hearing held pursuant to the procedures of Chapter 5-1 and Chapter 1-28, as applicable.

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-6. Liability of officers and employees.

No provision of this City Code designating the duties of any city officer or employee shall be so construed as to make the officer or employee liable for any fine or penalty provided under this Code for a failure to perform such a duty, unless the intention of the City Council to impose a fine or penalty on the officer or employee is specifically and clearly expressed in the Code provision creating the duty.

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-7. Indigent defense.

When a penalty for a violation of the City Code includes any possibility of imprisonment, Tooele City will provide legal counsel to an indigent accused as required by the United States Constitution, the Utah Constitution, and the Utah Code.

(Ord. 2018-10, 07-18-2018)