

## **Part 11**

### **Actions for Violations of Ordinances**

#### **10-7-65 Party plaintiff -- Successive actions permitted.**

All actions brought to recover any fine or to enforce any penalty under an ordinance of a city or town shall be brought in the corporate name of the city or town as plaintiff. No prosecution, recovery, or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same person for any other violation of any such ordinance although the different causes of action existed at the same time and if united would not have exceeded the jurisdiction of a justice court judge.

Amended by Chapter 59, 1990 General Session

#### **10-7-66 Fines and forfeitures to be paid to treasurer -- Exceptions.**

Except where otherwise provided by law in relation to fines, fees, and forfeitures imposed or received by district courts, all fines and forfeitures for the violation of ordinances shall be paid into the treasury of the corporation at such times and in such manner as may be prescribed by ordinance.

Amended by Chapter 198, 1996 General Session

#### **10-7-67 Pleading -- Reference to ordinance -- Judgment enforced by imprisonment.**

In all actions for the violation of any ordinance it shall be sufficient if the complaint refers to the title and section of the ordinance under which such action is brought. Any person upon whom any fine or penalty shall be imposed may upon the order of the court before whom the conviction is had be committed to the county jail or the city prison or to such other place as may be provided for the incarceration of offenders until such fine, penalty and costs shall be fully paid.

No Change Since 1953

#### **10-7-68 Service of process and arrests.**

Any peace officer may serve any process or make any arrest authorized to be made by any city or town officer.

No Change Since 1953

#### **10-7-69 Corporations may be complained against.**

A corporation violating any of the provisions of a city or town ordinance may be complained against the same as a natural person.

No Change Since 1953

#### **10-7-70 Corporate violation -- Summons -- Forms.**

Whenever complaint is made against a corporation for violation of a city or town ordinance summons shall be issued thereon substantially in the following form:

State of Utah,

County of \_\_\_\_\_  
In the \_\_\_\_\_ court, in and for the city (or town) of \_\_\_\_\_, county of \_\_\_\_\_  
\_\_\_\_\_ city, (or town) \_\_\_\_\_  
vs. \_\_\_\_\_

SUMMONS.

The state of Utah, to (naming the corporation):

You are hereby summoned to be and appear before the above entitled court at the courtroom thereof on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock \_\_\_\_m., then and there to answer a charge made against you upon the complaint of \_\_\_\_\_ for (designating the offense in general terms), a copy of which complaint is hereto attached. \_\_\_\_\_(month\day\year).

Witness:

The Honorable

\_\_\_\_\_  
Judge of said court.

\_\_\_\_\_  
Clerk

By

\_\_\_\_\_  
Deputy Clerk.

In courts having a clerk the summons, with a copy of the complaint attached, shall be signed by the clerk thereof, and in courts having no clerk the summons shall be signed by the judge or justice thereof.

Amended by Chapter 75, 2000 General Session

**10-7-71 Corporate violation -- Summons -- Time and manner of service.**

The summons and copy of complaint shall be served at least 24 hours before the hour of appearance fixed therein by delivering to and leaving a copy thereof with the president or other head of the corporation, or the secretary, the cashier, or the managing or process agent thereof, and by showing to him the original summons.

Amended by Chapter 378, 2010 General Session

**10-7-72 Appearance by agent of corporation -- Bench warrant for default.**

At the time appointed in the summons, the corporation shall appear by agent or attorney and plead thereto the same as a natural person. In case no appearance is made on or before the hour appointed, the court may issue a bench warrant for the person served as the officer or agent of the corporation, requiring him to be brought forthwith before the court to plead on its behalf.

Amended by Chapter 378, 2010 General Session

**10-7-73 Corporate violation -- Hearing -- Penalty imposed to be a fine.**

After the plea of the corporation is entered the court shall fix a time for the hearing of the cause, and thereafter the proceedings therein shall be the same as in the cases of natural persons

charged with violating a city or town ordinance, except that in cases of conviction the penalty imposed in all instances shall be by way of fine.

Amended by Chapter 378, 2010 General Session

**10-7-74 Execution on judgment against corporation.**

Whenever a fine and costs, either or both, shall be imposed upon a corporation upon conviction for a violation of a city or town ordinance, judgment therefor may be collected on execution issued out of the court in the same manner as an execution in a civil action.

No Change Since 1953

**10-7-76 Payment of witness fees and mileage.**

Whenever a criminal action arising out of the violation of a city or town ordinance is tried on appeal, the per diems and mileage of witnesses for the prosecution shall be paid out of the treasury of the city or town in which such action originated.

No Change Since 1953