

### **13-1502. Violation of ordinance.**

There [was an] [were] ordinance[s] in force in the city of \_\_\_\_\_, at the time of the occurrence in question, which provided as follows:  
(Quote or paraphrase the applicable part of the ordinance in question. If more than one ordinance is in question, list each ordinance separately.)

If you find from the evidence that defendant violated [any of these] [this] ordinance[s], then you are instructed that such conduct constituted negligence as a matter of law, [unless you further find that such violation was excusable or justified.]

[To legally justify or excuse a violation of the ordinance, the violator must sustain the burden of showing that [s]he did that which might reasonably be expected of a person of ordinary prudence, acting under similar circumstances, who desired to comply with the law.]

#### **USE NOTES**

In the blank space in the first paragraph of the instruction, the name of the city in question needs to be added.

The second paragraph of this instruction will be a quotation or a paraphrase of the ordinance involved.

The last bracketed phrase of the third paragraph and the last paragraph are to be used when there is evidence of excuse or justification in the violation of the ordinance.

Identify the party, in the third paragraph, who may have violated the ordinance under the evidence presented by name or by pleading designation such as plaintiff, defendant, third party, etc.

In the first edition, UJI 13-1101 was drafted to cover both statute and ordinance violations. The second edition has created a separate instruction for ordinances and a separate instruction for statutes, simply to facilitate the use by the trial court in getting the instructions printed in advance.

The use note to UJI 13-1501 apply with equal force here.  
[As amended, effective November 1, 1991.]