

26A-1-123 Unlawful acts -- Criminal and civil liability.

- (1) It is unlawful for any person, association, or corporation, and the officers of the association or corporation to:
 - (a) violate state laws or any lawful notice, order, standard, rule, or regulation issued under state laws or local ordinances regarding public health or sanitation;
 - (b) violate, disobey, or disregard any notice or order issued by a local health department pursuant to any state or federal law, federal regulation, local ordinance, rule, standard, or regulation relating to public health or sanitation;
 - (c) fail to make or file reports required by law relating to the existence of disease or other facts and statistics relating to the public health;
 - (d) willfully and falsely make or alter any certificate or certified copy issued under public health laws;
 - (e) fail to remove or abate from private property under the control of the person, association, or corporation at their own expense, within a reasonable time not to exceed 30 days after issuance of an order to remove or abate, any nuisance, source of filth, cause of sickness, dead animal, health hazard, or sanitation violation within the boundaries of the local health department whether the person, association, or corporation is the owner, tenant, or occupant of the private property; or
 - (f) pay, give, present, or otherwise convey to any local health officer or employee of a local health department or any member of a local board of health any gift, remuneration, or other consideration, directly or indirectly, which the officer or employee is prohibited from receiving by this section.
- (2) Removal or abatement under Subsection (1)(e) shall be ordered by the local health department and accomplished within a reasonable time determined by the local health department, but not exceeding 30 days after issuance of an order to remove or abate.
- (3) It is unlawful for any local health officer or employee of any local health department or member of any local board of health to accept any gift, remuneration, or other consideration, directly or indirectly, for the performance of the duties imposed upon the officer, employee, or member by or on behalf of the health department or by this part.
- (4) It is unlawful for any local health officer or employee of a local health department, during the hours of the officer's or employee's regular employment by the local health department, to perform any work, labor, or services other than duties assigned to the officer or employee by or on behalf of the local health department.
- (5)
 - (a) Any person, association, corporation, or the officers of the association or corporation who violates any provision of this section is:
 - (i) on the first violation guilty of a class B misdemeanor; and
 - (ii) on a subsequent similar violation within two years, guilty of a class A misdemeanor.
 - (b) In addition any person, association, corporation, or the officers of the association or corporation, are liable for any expense incurred in removing or abating any nuisance, source of filth, cause of sickness, dead animal, health hazard, or sanitation violation.
- (6) Conviction under this section or any other public health law does not relieve the person convicted from civil liability for any act that was also a violation of the public health laws.
- (7) Each day of violation of this section is a separate violation.

Amended by Chapter 112, 1991 General Session

Renumbered and Amended by Chapter 269, 1991 General Session