

**MUNICIPAL AND COUNTY LAND USE AND  
DEVELOPMENT AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Michael G. Waddoups**

**This act modifies municipal and county land use and development provisions to prohibit a municipality or county from enforcing land use and development ordinances with respect to a special district's water treatment plant that provides culinary water to more than one political subdivision of the state. The act provides an exception to the prohibition in the case of uniform building code or other ordinances necessary for the protection of public health and safety. This act has an immediate effective date.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**10-9-106**, as last amended by Chapter 149, Laws of Utah 1999

**17-27-105**, as last amended by Chapter 149, Laws of Utah 1999

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-9-106** is amended to read:

**10-9-106. Property owned by other government units -- Effect of land use and development ordinances.**

(1) (a) ~~Each~~ Except as provided in Subsection (4), each county, municipality, school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality only in a manner or for a purpose that conforms to that municipality's ordinances.

(b) In addition to any other remedies provided by law, when a municipality's land use and development ordinances are being violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other



28 appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation,  
29 improvement, or use.

30 (2) A school district is subject to a municipality's land use regulations under this  
31 chapter, except that a municipality may not:

32 (a) impose requirements for landscaping, fencing, aesthetic considerations,  
33 construction methods or materials, building codes, building use for educational purposes, or the  
34 placement or use of temporary classroom facilities on school property;

35 (b) require a school district to participate in the cost of any roadway or sidewalk not  
36 reasonably necessary for the safety of school children and not located on or contiguous to  
37 school property, unless the roadway or sidewalk is required to connect an otherwise isolated  
38 school site to an existing roadway;

39 (c) require a district to pay fees not authorized by this section;

40 (d) provide for inspection of school construction or assess a fee or other charges for  
41 inspection, unless the school district is unable to provide for inspection by an inspector, other  
42 than the project architect or contractor, who is qualified under criteria established by the state  
43 superintendent;

44 (e) require a school district to pay any impact fee for an improvement project that is  
45 not reasonably related to the impact of the project upon the need that the improvement is to  
46 address; or

47 (f) impose regulations upon the location of a project except as necessary to avoid  
48 unreasonable risks to health or safety.

49 (3) Subject to Section 53A-20-108, a school district shall coordinate the siting of a new  
50 school with the municipality in which the school is to be located, to avoid or mitigate existing  
51 and potential traffic hazards to maximize school safety.

52 (4) A municipality:

53 (a) except as provided in Subsection (4)(b), may not enforce land use and development  
54 ordinances or other provisions with respect to a special district's location, design, or  
55 construction of a water treatment plant that will provide culinary water for consumption in  
56 more than one political subdivision of the state; and

57 (b) may enforce uniform building code and other ordinances relating to the  
58 construction of a water treatment plant described in Subsection (4)(a) if necessary to protect

59 public health and safety.

60 Section 2. Section **17-27-105** is amended to read:

61 **17-27-105. Property owned by other government units -- Effect of land use and**  
62 **development ordinances.**

63 (1) (a) [~~Each~~] Except as provided in Subsection (4), each county, municipality, school  
64 district, special district, and political subdivision of Utah shall conform to the land use and  
65 development ordinances of any county when installing, constructing, operating, or otherwise  
66 using any area, land, or building situated within that county only in a manner or for a purpose  
67 that conforms to that county's ordinances.

68 (b) In addition to any other remedies provided by law, when a county's land use and  
69 development ordinances are being violated or about to be violated by another political  
70 subdivision, that county may institute injunction, mandamus, abatement, or other appropriate  
71 action or proceeding to prevent, enjoin, abate, or remove the improper installation,  
72 improvement, or use.

73 (2) A school district is subject to a county's land use regulations under this chapter,  
74 except that a county may not:

75 (a) impose requirements for landscaping, fencing, aesthetic considerations,  
76 construction methods or materials, building codes, building use for educational purposes, or the  
77 placement or use of temporary classroom facilities on school property;

78 (b) require a school district to participate in the cost of any roadway or sidewalk not  
79 reasonably necessary for the safety of school children and not located on or contiguous to  
80 school property, unless the roadway or sidewalk is required to connect an otherwise isolated  
81 school site to an existing roadway;

82 (c) require a district to pay fees not authorized by this section;

83 (d) provide for inspection of school construction or assess a fee or other charges for  
84 inspection, unless the school district is unable to provide for inspection by an inspector, other  
85 than the project architect or contractor, who is qualified under criteria established by the state  
86 superintendent;

87 (e) require a school district to pay any impact fee for an improvement project that is  
88 not reasonably related to the impact of the project upon the need that the improvement is to  
89 address; or

90 (f) impose regulations upon the location of a project except as necessary to avoid  
91 unreasonable risks to health or safety.

92 (3) Subject to Section 53A-20-108, a school district shall coordinate the siting of a new  
93 school with the county in which the school is to be located, to avoid or mitigate existing and  
94 potential traffic hazards to maximize school safety.

95 (4) A county:

96 (a) except as provided in Subsection (4)(b), may not enforce land use and development  
97 ordinances or other provisions with respect to a special district's location, design, or  
98 construction of a water treatment plant that will provide culinary water for consumption in  
99 more than one political subdivision of the state; and

100 (b) may enforce uniform building code and other ordinances relating to the  
101 construction of a water treatment plant described in Subsection (4)(a) if necessary to protect  
102 public health and safety.

103 Section 3. **Effective date.**

104 If approved by two-thirds of all the members elected to each house, this act takes effect  
105 upon approval by the governor, or the day following the constitutional time limit of Utah  
106 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
107 the date of veto override.

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**Legislative Review Note**  
**as of 1-9-03 5:12 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0050**

**Municipal and County Land Use and Development Amendments**

*27-Jan-03*

*10:11 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**