

Senator Lincoln Fillmore proposes the following substitute bill:

NUISANCE ORDINANCES FOR MUNICIPALITIES

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to and imposes limitations on enforcement of municipal ordinances.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ for each municipal ordinance that restricts the use of an individual's property, requires a municipality to identify in the ordinance the negative impact that the ordinance intends to abate;
- ▶ requires municipalities to revise the existing ordinances to comply with this bill;
- ▶ prohibits enforcement of an ordinance that restricts the use of an individual's property unless the violation of the ordinance causes the identified negative impact that the ordinance intends to abate; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **10-8-60**, Utah Code Annotated 1953

29

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

31 Section 1. Section **10-8-60** is amended to read:

32 **10-8-60. Nuisances -- Restrictive ordinances required to identify negative**
33 **impacts.**

34 (1) ~~[They]~~ A municipality may:

35 (a) declare what ~~[shall be]~~ constitutes a nuisance~~[, and]~~;

36 (b) abate ~~[the same,]~~ nuisances; and

37 (c) impose fines upon ~~[persons]~~ any person who ~~[may create, continue]~~ creates or

38 continues a nuisance or ~~[suffer nuisances]~~ suffers a nuisance to exist.

39 (2) (a) If a municipality enacts an ordinance that restricts an individual's use of the
40 individual's primary residence, the municipality shall ensure that the ordinance identifies the
41 negative impact of the restricted use that the ordinance intends to abate.

42 (b) Before July 1, 2020, a municipality shall review and revise the municipality's
43 existing ordinances to ensure that any ordinance that restricts an individual's use of a primary
44 residence complies with Subsection (2)(a).

45 (3) A municipality may not enforce an ordinance described in Subsection (2) unless the
46 use of the individual's property that constitutes a violation of the ordinance causes a nuisance or
47 the negative impact that the ordinance identifies as the effect the ordinance intends to abate.