

Lisa Shepherd proposes the following substitute bill:

Municipal Ordinance Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions relating to the imposition of a civil penalty for a municipal ordinance violation.

Highlighted Provisions:

This bill:

- allows a municipality to impose a civil fine that exceeds the maximum class B misdemeanor fine under Section 76-3-301 if:
 - the fine is imposed for violation of an ordinance that regulates occupancy, the provision of off-street parking, or the operation of a rental dwelling or short-term rental; and
 - the municipality has previously imposed a fine on the individual for the same violation three or more times within the past 12 months.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-703, as last amended by Laws of Utah 2020, Chapter 89

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

Section 1. Section **10-3-703** is amended to read:

10-3-703 . Criminal penalties for violation of ordinance -- Civil penalties prohibited -- Exceptions.

(1)(a) The governing body of a municipality may impose a criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B

30 misdemeanor fine under Section 76-3-301, by a term of imprisonment up to six
31 months, or by both the fine and term of imprisonment.

32 (b) Notwithstanding Subsection (1)(a), a municipality may not impose a criminal penalty
33 greater than an infraction for a violation pertaining to an individual's pet, as defined
34 in Section 4-12-102, or an individual's use of the individual's residence unless:

35 (i) the violation:

36 (A) is a nuisance as defined in Subsection 78B-6-1101(1); and

37 (B) threatens the health, safety, or welfare of the individual or an identifiable third
38 party; or

39 (ii) the municipality has imposed a fine on the individual for a violation that involves
40 the same residence or pet on three previous occasions within the past 12 months.

41 (c) Subsection (1)(b) does not apply to municipal enforcement of a building code or fire
42 code ordinance in accordance with Title 15A, State Construction and Fire Codes Act.

43 (2)(a) As used in this Subsection (2):

44 (i) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

45 (ii) "Short-term rental" means the same as that term is defined in Section 10-8-85.4.

46 ~~[(a)]~~ (b) Except as provided in Subsection ~~[(2)(b)]~~ (2)(c) and subject to Subsection (2)(d),
47 the governing body may prescribe a civil penalty for the violation of any municipal
48 ordinance~~[by a fine not to exceed the maximum class B misdemeanor fine under~~
49 ~~Section 76-3-301].~~

50 ~~[(b)]~~ (c) A municipality may not impose a civil penalty and adjudication for the violation
51 of a municipal moving traffic ordinance.

52 (d) A civil penalty that is a fine under this Subsection (2) may not exceed the maximum
53 class B misdemeanor fine under Section 76-3-301, unless:

54 (i) the penalty is for the violation of an ordinance that regulates occupancy, the
55 provision of off-street parking, or the operation of a rental dwelling or short-term
56 rental; ~~and~~ ← ~~and~~

57 (ii) the municipality has previously imposed a civil or criminal fine on the individual
58 for the same violation three or more times within the 12 months immediately
59 preceding the violation ← ~~and~~ ; **and**

59a (iii) **the fine does not exceed \$5,000.** ← ~~and~~

60 (3)(a) Except as provided in Subsection (3)(b) or Section 77-7-18, a municipal officer or
61 official who is not a law enforcement officer described in Section 53-13-103 or a
62 special function officer described in Section 53-13-105 may not issue a criminal

- 63 citation for a violation that is punished as a misdemeanor.
- 64 (b) Notwithstanding Subsection (1) or (3)(a), the following may issue a criminal citation
- 65 for a violation that is punished as a misdemeanor if the violation threatens the health
- 66 and safety of an animal or the public:
- 67 (i) a fire officer described in Section 53-7-102; or
- 68 (ii) an animal control officer described in Section 11-46-102.
- 69 (4) A municipality may not issue more than one infraction within a 14-day time period for a
- 70 violation described in Subsection (1)(b) that is ongoing.

71 **Section 2. Effective Date.**

72 This bill takes effect on May 7, 2025.