

# HB0320S01 compared with HB0320

{Omitted text} shows text that was in HB0320 but was omitted in HB0320S01

inserted text shows text that was not in HB0320 but was inserted into HB0320S01

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## Municipal Ordinance Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor:

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### 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

▶ {allows a municipality to impose a civil fine that exceeds the maximum Class B misdemeanor fine under Section 76-3-301 if} 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

None

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21 AMENDS:

22 **10-3-703** , as last amended by Laws of Utah 2020, Chapter 89 , as last amended by Laws of Utah  
23 2020, Chapter 89

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

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

26 **10-3-703. Criminal penalties for violation of ordinance -- Civil penalties prohibited --  
Exceptions.**

25 (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 misdemeanor fine under Section 76-3-301, by a term of imprisonment up to six months, or by both the fine and term of imprisonment.
- 29 (b) Notwithstanding Subsection (1)(a), a municipality may not impose a criminal penalty greater than an infraction for a violation pertaining to an individual's pet, as defined in Section 4-12-102, or an individual's use of the individual's residence unless:

32 (i) the violation:

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

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

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

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

40 (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.

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

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

52 (d) A civil penalty that is a fine under this Subsection (2) may not exceed the maximum 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 provision of off-street parking, or the operation of a rental dwelling or short-term rental; and

46 ~~{(e)}~~ (ii) {A civil penalty that is a fine under this Subsection (2) may not exceed the maximum class B misdemeanor fine under Section 76-3-301, unless} the municipality has previously imposed a civil or criminal fine on the individual for the same violation three or more times within the 12 months immediately preceding the violation.

50 (3)

(a) Except as provided in Subsection (3)(b) or Section 77-7-18, a municipal officer or official who is not a law enforcement officer described in Section 53-13-103 or a special function officer described in Section 53-13-105 may not issue a criminal citation for a violation that is punished as a misdemeanor.

54 (b) Notwithstanding Subsection (1) or (3)(a), the following may issue a criminal citation for a violation that is punished as a misdemeanor if the violation threatens the health and safety of an animal or the public:

57 (i) a fire officer described in Section 53-7-102; or

58 (ii) an animal control officer described in Section 11-46-102.

59 (4) A municipality may not issue more than one infraction within a 14-day time period for a violation described in Subsection (1)(b) that is ongoing.

71 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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