

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

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.

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.