

**Part 7**  
**Municipal Ordinances, Resolutions, and Procedure**

**10-3-701 Legislative power exercised by ordinance.**

Except as otherwise specifically provided, the governing body of each municipality shall exercise its legislative powers through ordinances.

Enacted by Chapter 48, 1977 General Session

**10-3-702 Extent of power exercised by ordinance.**

The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. An officer of the municipality may not be convicted of a criminal offense where he relied on or enforced an ordinance he reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that he enforced an ordinance on advice of legal counsel.

Amended by Chapter 378, 2010 General Session

**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 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.
  - (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:
    - (i) the violation:
      - (A) is a nuisance as defined in Subsection 78B-6-1101(1); and
      - (B) threatens the health, safety, or welfare of the individual or an identifiable third party; or
    - (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.
  - (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.
- (2)
- (a) Except as provided in Subsection (2)(b), 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.
  - (b) A municipality may not impose a civil penalty and adjudication for the violation of a municipal moving traffic ordinance.
- (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.

- (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:
  - (i) a fire officer described in Section 53-7-102; or
  - (ii) an animal control officer described in Section 11-46-102.
- (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.

Amended by Chapter 89, 2020 General Session

**10-3-703.7 Administrative proceedings -- Penalty for code violation.**

- (1) A municipality may adopt an ordinance establishing an administrative proceeding to review and decide a violation of a civil municipal ordinance.
- (2) An ordinance adopted in accordance with Subsection (1) shall provide due process for parties participating in the administrative proceeding.
- (3)
  - (a) A municipality may not impose a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance unless the municipality provides to the individual who is subject to the penalty written notice that:
    - (i) identifies the relevant regulation or ordinance at issue;
    - (ii) specifies the violation of the relevant regulation or ordinance; and
    - (iii) provides for a reasonable time to cure the violation, taking into account the cost of curing the violation.
  - (b) A municipality may not collect on a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance that is outstanding or pending on or after May 14, 2019, unless the municipality imposed the outstanding or pending penalty in relation to a written notice that:
    - (i) identified the relevant regulation or ordinance at issue;
    - (ii) specified the violation of the relevant regulation or ordinance; and
    - (iii) provided for a reasonable time to cure the violation, taking into account the cost of curing the violation.

Amended by Chapter 278, 2019 General Session

**10-3-704 Form of ordinance.**

The governing body shall ensure that any ordinance that the governing body passes contains the following, in substantially the following order and form:

- (1) a number;
- (2) a title which indicates the nature of the subject matter of the ordinance;
- (3) a preamble which states the need or reason for the ordinance;
- (4) an ordaining clause which states "Be it ordained by the \_\_\_\_ (name of the governing body and municipality):";
- (5) the body or subject of the ordinance;
- (6) when applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of a municipal ordinance; or, the penalty may establish a classification of penalties and refer to such ordinance in which the penalty for such violation is established;

- (7) when a penalty for a violation of the ordinance includes any possibility of imprisonment, a statement that the municipality is required, under Section 78B-22-301, to provide for indigent defense services, as that term is defined in Section 78B-22-102;
- (8) a statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this chapter;
- (9) a line for the signature of the mayor or acting mayor to sign the ordinance;
- (10) a place for the municipal recorder to attest the ordinance and fix the seal of the municipality; and
- (11) in municipalities where the mayor may disapprove an ordinance passed by the legislative body, a statement showing:
  - (a) if the mayor approves the ordinance, that the governing body passes the ordinance with the mayor's approval;
  - (b) if the mayor disapproves the ordinance, that the governing body passes the ordinance over the mayor's disapproval; or
  - (c) if the mayor neither approves or disapproves the ordinance, that the ordinance became effective without the approval or disapproval of the mayor.

Amended by Chapter 326, 2019 General Session

**10-3-705 Requirements as to form -- Effective date.**

Ordinances passed or enacted by the governing body shall be signed by the mayor, or if he is absent, by the mayor pro tempore, or by a quorum of the governing body, and shall be recorded before taking effect. No ordinance shall be void or unlawful by reason of its failure to conform to the provisions of Subsection 10-3-704(1), (2), (3) or (4). Ordinances which do not have an effective date shall become effective 20 days after publication or posting, or 30 days after final passage by the governing body, whichever is sooner.

Amended by Chapter 38, 1979 General Session

**10-3-706 Revision of ordinances.**

The governing body by resolution may authorize and direct the mayor to appoint, with the advice and consent of the governing body, one or more persons to prepare and submit to the governing body a compilation, revision or codification of municipal ordinances. The compensation for the service shall be fixed by resolution of the governing body and paid out of the municipal treasury.

Enacted by Chapter 48, 1977 General Session

**10-3-707 Power to codify ordinances.**

Any municipality is hereby empowered to revise, codify and compile from time to time and to publish in book, pamphlet or looseleaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated.

Enacted by Chapter 48, 1977 General Session

**10-3-708 Arrangement of ordinances.**

The ordinances in the revision, codification and compilation shall be arranged in such order as the governing body may decide and may exclude the titles, enacting clauses, signatures of a mayor or mayor pro tempore of the governing board, attestations, and other formal parts, except the attestation of the recorder.

Enacted by Chapter 48, 1977 General Session

**10-3-709 Repeal of conflicting provisions -- Title.**

Such revision shall be by one ordinance embracing all ordinances of a general and permanent character preserved as changed or added to and perfected by the revision, codification and compilation and shall be a repeal of all ordinances in conflict with the revision, codification and compilation, but all ordinances then enforced shall continue in force after the revision, codification and compilation for the purpose of all rights acquired, fines, penalties and forfeitures and liabilities incurred and actions therefor. The only title necessary for such ordinance shall be "an ordinance revising, codifying and compiling the general ordinances of the city or town of \_\_\_\_ (inserting the name of the municipality)."

Enacted by Chapter 48, 1977 General Session

**10-3-710 Publication in book, pamphlet or looseleaf form -- State statutes.**

Ordinances revised, codified, compiled and published in book, pamphlet or looseleaf form by authority of the governing body need not be printed or published in any other manner, except that the ordinance adopting the revision, codification or compilation shall be published or posted in the manner provided by law. Provisions of state law may be adopted by reference. Any changes necessary to conform those state laws with municipal ordinance shall be noted.

Enacted by Chapter 48, 1977 General Session

**10-3-711 Publication and posting of ordinances.**

- (1) Before an ordinance may take effect, the legislative body of each municipality adopting an ordinance, except an ordinance enacted under Section 10-3-706, 10-3-707, 10-3-708, 10-3-709, or 10-3-710, shall:
  - (a) deposit a copy of the ordinance in the office of the municipal recorder; and
  - (b) publish for the municipality a short summary of the ordinance, as a class A notice under Section 63G-30-102.
- (2)
  - (a) Any ordinance, code, or book, other than the state code, relating to building or safety standards, municipal functions, administration, control, or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least one copy has been filed for use and examination by the public in the office of the recorder or clerk of the city or town prior to the adoption of the ordinance by the governing body.
  - (b) Any state law relating to building or safety standards, municipal functions, administration, control, or regulations, may be adopted and shall take effect without further publication or posting if reference is made to the state code.
  - (c) The ordinance adopting the code or book shall be published in the manner provided in this section.

Amended by Chapter 435, 2023 General Session

**10-3-712 Effective date.**

Ordinances shall become effective 20 days after publication or posting or 30 days after final passage by the governing body, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance.

Amended by Chapter 42, 1983 General Session

**10-3-713 Recording, numbering, and certification of passage.**

The municipal recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the governing body. The recorder shall give each ordinance a number, if the governing body has not already so done. Immediately following each ordinance, or codification of ordinances, the recorder shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification.

Enacted by Chapter 48, 1977 General Session

**10-3-714 Contents, dates, publication proved under seal.**

The contents of all municipal ordinances, the dates of passage, and the date of publication or posting may be proved by the certification of the municipal recorder under the seal of the municipality.

Amended by Chapter 4, 1993 General Session

**10-3-715 Municipal ordinances received in evidence.**

Whenever municipal ordinances are printed in book, pamphlet or looseleaf form and purport to be published by the authority of the governing body, the book, pamphlet or looseleaf shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the dates mentioned in the book, pamphlet, or looseleaf in all courts and administrative proceedings.

Enacted by Chapter 48, 1977 General Session

**10-3-716 Fines and forfeitures -- Disposition.**

All fines, penalties, and forfeitures for the violation of any ordinance, when collected, shall be paid in accordance with Section 51-4-2. A violation of this section constitutes a class C misdemeanor. The retention or use of any fine, penalty, or forfeiture by any person for personal use or benefit constitutes a class B misdemeanor, except that if the amount or amounts exceed \$1,000 the offense is a class A misdemeanor as defined in the Utah Criminal Code.

Amended by Chapter 55, 2006 General Session

**10-3-717 Purpose of resolutions.**

Unless otherwise required by law, the governing body may:

- (1) exercise all administrative powers by resolution including:
  - (a) establishing water and sewer rates;
  - (b) establishing charges for garbage collection and fees charged for municipal services;
  - (c) establishing personnel policies and guidelines; and
  - (d) regulating the use and operation of municipal property; and
- (2) not impose a punishment, fine, or forfeiture by resolution.

Amended by Chapter 258, 2015 General Session

**10-3-718 Form of resolution.**

Any resolution passed by the governing body of each municipality shall be in a form and contain sections substantially similar to that prescribed for ordinances.

Enacted by Chapter 48, 1977 General Session

**10-3-719 Resolutions need no publication effective date.**

Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine, but resolutions may not become effective more than three months from the date of passage.

Enacted by Chapter 48, 1977 General Session