Title 17. Counties

Chapter 2
County Consolidations and Annexations

Part 1
Consolidation of Counties

17-2-101 Title.
(1) This chapter is known as "County Consolidations and Annexations."
(2) This part is known as "Consolidation of Counties."

Enacted by Chapter 350, 2009 General Session

17-2-102 Definitions.
As used in this part:
(1) "Consolidating county" means the county to which another county is joined or is proposed to be joined by consolidation under this part.
(2) "Legal voter" means an individual who is registered to vote in Utah.
(3) "Originating county" means the county that is joined or proposed to be joined to another county by consolidation under this part.

Amended by Chapter 116, 2023 General Session

17-2-103 Consolidation of counties -- Petition -- Certification of petition signatures -- Removal of signature -- Election -- Ballot.
(1) If a majority of the legal voters of any county desire to have the county joined to and consolidated with an adjoining county, they may petition the county legislative body of the county in which they reside and the county legislative body of the adjoining county.
(2) Each petition under Subsection (1) shall be presented before the first Monday in June of any year.
(3)
  (a) Within three business days after the day on which a county legislative body receives a petition under Subsection (1), the county legislative body shall provide the petition to the county clerk.
  (b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (3)(a), the county clerk shall:
    (i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1);
    (ii) certify on the petition whether each name is that of a registered voter in the county; and
    (iii) deliver the certified petition to the county legislative body.
(4)
  (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.
  (b) A statement described in Subsection (4)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

(5)

(a) If a petition under Subsection (1) is presented in a year during which a regular general election is held, the county legislative body of the originating county and the county legislative body of the consolidating county shall cause the proposition to be submitted to the legal voters of their respective counties at the next regular general election.

(b) If a petition under Subsection (1) is presented during a year in which there is no regular general election, the county legislative body of the originating county and the county legislative body of the consolidating county shall:

(i) call a special election to be held on the first Tuesday after the first Monday in November following the presentation of the petition; and

(ii) cause the proposition to be submitted to the legal voters of the respective counties on that day.

(c) Except as otherwise provided in this part, an election under this Subsection (5) shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.

(d) The ballot to be used at an election under this Subsection (5) shall be:

For combining ____ county with ____ county.
Against combining ____ county with ____ county.

Amended by Chapter 116, 2023 General Session

17-2-104 Certification of election result to governor.

If it appears from the certified report that the lieutenant governor receives under Section 20A-4-304 that a majority of the voters in each of the counties have voted in favor of consolidation, the lieutenant governor shall certify the result of the vote to the governor.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-105 Governor's proclamation -- Notice and plat to lieutenant governor -- Recording requirements -- Effective date.

(1) Upon receipt of the election result from the lieutenant governor under Section 17-2-104, the governor shall issue a proclamation, stating the result of the vote in each of the counties, and that the consolidation of the one county with the other will take effect as provided in Subsection (3).

(2) The legislative body of the consolidating county shall:

(a) within 30 days after the issuance of the governor's proclamation under Subsection (1), send to the lieutenant governor:

(i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

(b) upon the lieutenant governor's issuance of a certificate of consolidation under Section 67-1a-6.5, submit to the recorder of the consolidating county:

(i) the original notice of an impending boundary action;

(ii) the original certificate of consolidation;

(iii) the original approved final local entity plat; and

(iv) a certified copy of the governor's proclamation under Subsection (1).

(3)

(a) A consolidation of counties approved at an election under Section 17-2-103 takes effect on January 1 of the year immediately following the lieutenant governor's issuance of a certificate of consolidation under Section 67-1a-6.5.

(b)

(i) The effective date of a consolidation of counties for purposes of assessing property within the consolidating county is governed by Section 59-2-305.5.

(ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the recorder of the county in which the property is located, a consolidating county may not:

(A) levy or collect a property tax on property in the consolidating county that used to be in the originating county;

(B) levy or collect an assessment on property in the consolidating county that used to be in the originating county; or

(C) charge or collect a fee for service provided to property within the consolidating county that used to be in the originating county.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-106 Effect of consolidation.

(1) All territory included within the boundaries of the originating county becomes, upon consolidation, the territory of the consolidating county.

(2) The precincts and school districts existing in the originating county continue and become precincts and school districts in the consolidating county and remain as then organized until changed in the manner provided by law, and the officers of those precincts and school districts hold their respective offices until the expiration of the applicable terms.

(3) The ownership of all property, both real and personal, held and owned by the originating county at the time of consolidation is vested in the consolidating county.

(4) The terms of all county officers in the originating county terminate and cease on the day the consolidation takes effect, and those officers shall immediately deliver to the corresponding officers of the consolidating county all books, records, and papers of the originating county.

(5) Any person who is confined under lawful commitment in the county jail of the originating county, or otherwise lawfully held to answer for alleged violation of any of the criminal laws of this state, shall be immediately delivered to the sheriff of the consolidating county, and such person shall be confined in its county jail for the unexpired term of the sentence or held as specified in the commitment.

(6)

(a) All criminal proceedings pending in the originating county shall be prosecuted to judgment and execution in the consolidating county.

(b) All offenses committed in the originating county before consolidation that have not been prosecuted shall be prosecuted in the consolidating county.

(7) All actions, proceedings, and matters pending in:

(a) the district court of the originating county may be proceeded with in the district court of the consolidating county; and

(b) the juvenile court of the originating county may be proceeded with in the juvenile court of the consolidating county.

(8) All indebtedness of the originating county are transferred to and become the indebtedness of the consolidating county with the same effect as if it had been incurred by the consolidating county.

Amended by Chapter 158, 2024 General Session

Part 2
County Annexation

17-2-201 Title.

This part is known as "County Annexation."

Enacted by Chapter 350, 2009 General Session

17-2-202 Definitions.

As used in this part:

(1) "Annexing county" means the county to which a portion of an adjoining county is annexed or proposed to be annexed as provided in this part.

(2) "Initiating county" means the county, from which a portion is annexed or proposed to be annexed to an adjoining county.

(3) "Legal voter" means an individual who is registered to vote in Utah.

Amended by Chapter 116, 2023 General Session

17-2-203 Annexation of portion of county to adjoining county -- Petition -- Certification of petition signatures -- Removal of signature -- Election -- Ballot.

(1)

(a) Except as provided in Section 17-2-209, if a majority of the legal voters of any portion of any county, in number equal to a majority of the votes cast at the preceding general election within that portion of the county, desire to have the territory within which they reside included within the boundaries of an adjoining county, they may petition the county legislative body of the county in which they reside and the county legislative body of the adjoining county.

(b) Each petition under Subsection (1)(a) shall be presented before the first Monday in June of a year during which a general election is held.

(c) If a petition is presented under Subsection (1)(a), at the ensuing regular general election:

(i) the legislative body of the initiating county shall cause the proposition to be submitted to the legal voters residing in the initiating county; and

(ii) the legislative body of the annexing county shall cause the proposition to be submitted to the legal voters of the annexing county.

(2)

(a) Within three business days after the day on which a county legislative body receives a petition under Subsection (1), the county legislative body shall provide the petition to the county clerk.

(b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (2)(a), the county clerk shall:

(i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1);

(ii) certify on the petition whether each name is that of a registered voter in the county; and
(iii) deliver the certified petition to the county legislative body.
(3)
(a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.
(b) A statement described in Subsection (3)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
(c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.
(4)
(a) Except as otherwise provided, the election provided in Subsection (1) shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.
(b) The ballot to be used shall be:

For annexing a portion of ____ county to ____ county.
Against annexing a portion of ____ county to ____ county.

Amended by Chapter 116, 2023 General Session

17-2-204 Certification of election result to governor.

In an election held under Subsection 17-2-203(1), if it appears from the certified report that the lieutenant governor receives under Section 20A-4-304 that a majority of those voting in each county have voted in favor of the annexation, the lieutenant governor shall certify the result of the vote to the governor.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-205 Governor's proclamation -- Notice to lieutenant governor -- Recording requirements -- Effective date.

(1) Upon receipt of the lieutenant governor's certification under Section 17-2-204, the governor shall issue a proclamation, stating the result of the vote in each county, and that the annexation of the territory to the annexing county will take effect as provided in Subsection (3).
(2) The legislative body of the annexing county shall:
(a) within 30 days after the issuance of the governor's proclamation under Subsection (1), send to the lieutenant governor:
(i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
(b) upon the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5, submit to the recorder of the annexing county:
(i) the original notice of an impending boundary action;
(ii) the original certificate of consolidation;
(iii) the original approved final local entity plat; and
(iv) a certified copy of the governor's proclamation under Subsection (1).
(3)

(a) An annexation approved at an election under Section 17-2-203 takes effect on January 1 of the year immediately following the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5.

(b)

(i) The effective date of a county annexation for purposes of assessing property within the annexing county is governed by Section 59-2-305.5.

(ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the recorder of the county in which the property is located, an annexing county may not:

(A) levy or collect a property tax on property in the annexing county that used to be in the initiating county;

(B) levy or collect an assessment on property in the annexing county that used to be in the initiating county; or

(C) charge or collect a fee for service provided to property within the annexing county that used to be in the initiating county.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-206 Territory becomes part of annexing county -- Division of revenues.

(1) Upon the effective date of the annexation, all the area proposed to be annexed shall become part of the annexing county.

(2)

(a) The legislative body of the initiating county shall:

(i) until the date of annexation, continue:

(A) to levy and collect ad valorem property tax and other revenues from or pertaining to the area; and

(B) except as otherwise agreed with the annexing county, to provide the same services to the area proposed to be annexed as the initiating county provided before the commencement of the annexation proceedings; and

(ii) after annexation, share pro rata with the annexing county the taxes and service charges or fees levied and collected by the initiating county during the year of the annexation if and to the extent that the annexing county provides, by itself or by contract, the same services for which the initiating county levied and collected the taxes and service charges or fees.

(b) The pro rata allocation of taxes under Subsection (2)(a)(ii) shall be based on the date of annexation, and the pro rata allocation of service charges and fees shall be based on the proportion of services related to the service charges and fees that remain to be rendered after annexation.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-207 Effect on precincts and school districts.

(1) The precincts and school districts in the annexed territory:

(a) continue;

(b) become precincts and school districts in the annexing county; and

(c) remain as then organized until changed in the manner provided by law.

(2) The officers of those precincts and school districts hold their respective offices until the expiration of their terms.

(3) If a precinct or school district is divided because of a county annexation under this part:

(a) the precinct or school district is disorganized, and the property and territory embraced in the precinct or school district is subject to the action of the county legislative body of the respective counties; and
(b) any bonded or other indebtedness of a school district attaches to and becomes the obligation of the district that is created out of the territory that retains the buildings and other property of the original district.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-208 Pending criminal proceedings.

All criminal proceedings and actions pending in the annexed territory at the time of annexation shall be prosecuted to judgment and execution in the annexed territory as part of the annexing county. All offenses committed in the annexed territory before annexation that have not been prosecuted may be prosecuted to judgment and execution in the annexed territory or any part of the annexing county.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-209 Minor adjustments to county boundaries authorized -- Public hearing -- Joint resolution of county legislative bodies -- Notice and plat to lieutenant governor -- Recording requirements -- Effective date.

(1)
(a) Counties sharing a common boundary may, in accordance with the provisions of Subsection (2) and Article XI, Section 3, of the Utah Constitution and for purposes of real property tax assessment and county record keeping, adjust all or part of the common boundary to move it, subject to Subsection (1)(b), a sufficient distance to reach to, and correspond with, the closest existing property boundary of record.
(b) A boundary adjustment under Subsection (1)(a) may not create a boundary line that divides or splits:
(i) an existing parcel;
(ii) an interest in the property; or
(iii) a claim of record in the office of recorder of either county sharing the common boundary.
(2) The legislative bodies of both counties desiring to adjust a common boundary in accordance with Subsection (1) shall:
(a) hold a joint public hearing on the proposed boundary adjustment;
(b) at least seven days before the public hearing described in Subsection (2)(a), provide written notice of the proposed adjustment to:
(i) each owner of real property whose property, or a portion of whose property, may change counties as the result of the proposed adjustment; and
(ii) any of the following whose territory, or a portion of whose territory, may change counties as the result of the proposed boundary adjustment, or whose boundary is aligned with any portion of the existing county boundary that is being proposed for adjustment:
(A) a city;
(B) a town;
(C) a school district;
(D) a special district governed by Title 17B, Limited Purpose Local Government Entities - Special Districts;
(E) a special service district governed by Title 17D, Chapter 1, Special Service District Act;

(F) an interlocal entity governed by Title 11, Chapter 13, Interlocal Cooperation Act;
(G) a community reinvestment agency governed by Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act;
(H) a local building authority governed by Title 17D, Chapter 2, Local Building Authority Act; and
(I) a conservation district governed by Title 17D, Chapter 3, Conservation District Act; and
(c) adopt a joint resolution approved by both county legislative bodies approving the proposed boundary adjustment.
(3) The legislative bodies of both counties adopting a joint resolution under Subsection (2)(c) shall:
(a) within 15 days after adopting the joint resolution, jointly send to the lieutenant governor:
(i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
(b) upon the lieutenant governor's issuance of a certificate of boundary adjustment under Section 67-1a-6.5, jointly submit to the recorder of the county in which the property is located after the boundary adjustment:
(i) the original notice of an impending boundary action;
(ii) the original certificate of boundary adjustment;
(iii) the original approved final local entity plat; and
(iv) a certified copy of the joint resolution approving the boundary adjustment.
(4)
(a) As used in this Subsection (4):
(i) "Affected area" means an area that, as a result of a boundary adjustment under this section, is moved from within the boundary of one county to within the boundary of another county.
(ii) "Receiving county" means a county whose boundary includes an affected area as a result of a boundary adjustment under this section.
(b) A boundary adjustment under this section takes effect on the date the lieutenant governor issues a certificate of boundary adjustment under Section 67-1a-6.5.
(c)
(i) The effective date of a boundary adjustment for purposes of assessing property within an affected area is governed by Section 59-2-305.5.
(ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the recorder of the county in which the property is located, a receiving county may not:
(A) levy or collect a property tax on property within an affected area;
(B) levy or collect an assessment on property within an affected area; or
(C) charge or collect a fee for service provided to property within an affected area.
(5) Upon the effective date of a boundary adjustment under this section:
(a) all territory designated to be adjusted into another county becomes the territory of the other county; and
(b) the provisions of Sections 17-2-207 and 17-2-208 apply in the same manner as with an annexation under this part.

Amended by Chapter 438, 2024 General Session

Chapter 3

Creating New Counties

17-3-1 Creating a new county -- Petition -- Certification of petition signatures -- Removal of signature -- Election -- Ballots.

(1) Whenever any number of the registered voters of any portion of any county desire to have the territory within which they reside created into a new county they may file a petition for the creation of a new county with the county legislative body of the county in which they reside.

(2) The petition shall be signed by at least one-fourth of the registered voters as shown by the registration list of the last preceding general election, residing in that portion of the county to be created into a new county, and by not less than one-fourth of the registered voters residing in the remaining portion of the county.

(3) The petition shall be presented on or before the first Monday in May of any year, and shall propose the name and define the boundaries of the new county.

(4)

(a) Within three business days after the day on which a county legislative body receives a petition under Subsection (1), the county legislative body shall provide the petition to the county clerk.

(b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (4)(a), the county clerk shall:

(i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (2);

(ii) certify on the petition whether each name is that of a registered voter in the county; and

(iii) deliver the certified petition to the county legislative body.

(5)

(a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

(6) The county legislative body shall cause the proposition to be submitted to the legal voters residing in the county at a special election to be held according to the dates established in Section 20A-1-204, first causing 30 days' notice of the election to be given in the manner provided by law for giving notice of general elections.

(7) The election shall be held, the result canvassed, and returns made under the provisions of the general election laws.

(8) The form of ballot to be used at such election shall be:

For the creation of (supplying the name proposed) county.

Against the creation of (supplying the name proposed) county.

Amended by Chapter 116, 2023 General Session

17-3-3 Certification of returns -- Governor's proclamation of creation of new county -- Notice and plat to lieutenant governor -- Recording requirements -- Effective date.

(1) If it appears that any proposition submitted to the electors as provided in this chapter has been carried in the affirmative by a majority vote of the qualified electors residing in that portion of the county proposed as a new county, and also by a majority vote of the qualified electors residing in the remaining portion of that county:
  (a) the lieutenant governor, upon receiving the certified report under Section 20A-4-304, shall certify the result to the governor; and
  (b) upon receiving the results from the lieutenant governor under Subsection (1)(a), the governor shall issue a proclamation, stating:
    (i) the result of the vote in each division of the county;
    (ii) the name and boundaries of the new county;
    (iii) the boundaries of the original county as changed by the creation of the new county;
    (iv) that the creation of the new county will take effect on the first Monday in January following the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5;
    (v) the name proposed in the petition as the name of the new county; and
    (vi) the judicial district to which the new county belongs.
(2) The legislative body of the county from which the greatest portion of the new county was taken shall:
  (a) within 30 days after the issuance of the governor's proclamation under Subsection (1), send to the lieutenant governor:
    (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
    (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
  (b) upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5, submit to the recorder of the new county:
    (i) the original notice of an impending boundary action;
    (ii) the original certificate of creation;
    (iii) the original approved final local entity plat; and
    (iv) a certified copy of the governor's proclamation under Subsection (1).
(3)
  (a) The new county that is the subject of the lieutenant governor's certificate of creation under Section 67-1a-6.5 is a county of the state from and after 12 noon of the first Monday in January following the issuance of the lieutenant governor's certificate of creation.
  (b)
    (i) The effective date of the creation of a new county for purposes of assessing property within the county is governed by Section 59-2-305.5.
    (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the recorder of the new county, the new county may not:
      (A) levy or collect a property tax on property in the county;
      (B) levy or collect an assessment on property in the county; or
      (C) charge or collect a fee for service provided to property within the county.

Amended by Chapter 350, 2009 General Session

17-3-4 County seat, selection by election -- First officers -- Election.

Whenever a new county shall have been created under the provisions of this chapter, the county legislative body of the county from which territory has been taken to create such new county shall provide for an election to select a county seat therefor and to elect officers for the new county; provided, that whenever the petitions provided for in this chapter shall be presented to

any county legislative body during a year when no general election is held they shall call a special election to select a county seat and county officers for such new county, such election to be held on the first Tuesday after the first Monday of November following and to be conducted under the laws providing for general elections. The city or town receiving the largest number of votes therefor shall be the county seat of the new county.

Amended by Chapter 227, 1993 General Session

17-3-5 Records to be transmitted -- Expenses for transcribing and transfer.

Whenever a new county shall have been created under the provisions of this chapter, the county executive of the county from which the new county has been taken shall furnish to the respective officers of the new county, in form and on suitable paper for binding into permanent records, certified copies of all such records or parts of such records and books as pertain to or affect the title of real or personal property in such new county; such copies to be complete up to 12 o'clock noon of the first Monday in January following the election for the creation of such new county; provided, that original records, books, maps or plats, whether filed or recorded, or filed papers which exclusively relate to or affect the title to land in such new county or which affect personal property owned by residents of such new county, as shown by the records pertaining thereto, shall be transferred to the custody of the proper officer of the new county, who shall give his receipt therefor; and where any record of any county from which such new county is taken has been compiled or arranged in such manner that it may be divided by segregating such instruments therein or pages thereof as to relate to or affect exclusively the title to lands in such new county or personal property owned by residents thereof, such record shall be so divided, and the separate parts of such divided or segregated records shall be the property of the counties to which they relate.

The records of all corporations whose principal place of business is situated in the new county, unless recorded in such a manner that the original record pertaining to any such corporation may, as herein provided, be delivered over to the new county, shall be copied and certified, and such certified copy of copies, together with all original documents, files and papers relating to such corporations shall be transmitted to the new county.

All recorded official bonds of officers within the new county in force at the time it is created, unless recorded in such manner that the original record thereof may be transferred, shall be copied, certified and transmitted to the new county, and all bonds of local officers within the new county which are required by law to be filed only shall be transferred to the new county.

All official registers, books, papers and files of every description relating to or affecting elections, both general and local, which shall have been held in any district, precinct or other subdivision wholly within such new county, and certified copies of the last election proceedings had in any districts which are partly in the new county and partly in the old county shall be transmitted to the new county.

All records, maps, plats, files and papers relating to or affecting the creation, regulation and operation of irrigation, drainage and mosquito abatement districts which are wholly within the new county, and certified copies of such records, maps, plats, files and papers relating to and affecting the creation, regulation and operation of irrigation, drainage and mosquito abatement districts which are partly in the new and partly in the old county shall be transmitted to the new county.

All expenses lawfully incurred for transcribing and for the transfer of records provided for in this section shall be paid out of the general funds of the new county, and the expenses of any special election provided for in this chapter shall be paid one-half out of the general funds of the county from which territory is taken and one-half out of the general funds of the new county.

Amended by Chapter 227, 1993 General Session

17-3-6 Effect on precincts and school and other districts -- Indebtedness.

All precincts, school districts, road districts, and election districts, as they existed prior to the creation of such new county, shall continue and become precincts, school districts, road districts, and election districts of such new county, and the respective officers thereof shall hold office until the expiration of the several terms for which they were elected or appointed; provided, that wherever pursuant to the provisions of this chapter any precinct, school district, road district, or election district shall be divided the same shall be by reason thereof disorganized, and the property and territory embraced therein shall be subject to the action of the county legislative body of the respective counties as to reorganization thereof or adding the same to other like subdivisions already organized; provided further, that any bonded or other indebtedness of any such school district so divided shall attach to and become the obligation of the district that shall be created out of the territory that shall retain the buildings and other property of the original district or to the district to which the same may be added; and all bonded or other indebtedness of the county from which territory is taken shall attach to and become the obligation of such county.

Amended by Chapter 227, 1993 General Session

17-3-7 Pending civil and criminal actions.

(1) All civil and criminal actions that are pending in the territory embraced in a new county shall be prosecuted to judgment and execution in the new county.
(2) All actions pending in the district court or the juvenile court in any county shall be prosecuted to judgment and execution in the county in which the same are pending, subject to change of venue as provided by law.

Amended by Chapter 158, 2024 General Session

17-3-8 Prior offenses.

An offense, for which prosecution has not commenced, that was committed within the boundaries of a new county before the new county was created, may be prosecuted to judgment and execution in the new county.

Amended by Chapter 297, 2011 General Session

17-3-9 Division of taxes.

Whenever a new county shall be created under the provisions of this chapter and the officers thereof shall have duly qualified the county treasurer of the county from which territory has been taken to create such new county shall furnish to the county treasurer of such new county a certified list of all taxes collected by the county treasurer of the county from which territory has been taken for the preceding year upon the property located within such portion of that county as has become a part of such new county, together with the entire amount of such county, district school or other special taxes collected by the county treasurer of the county from which territory has been taken for such preceding year, less the pro rata cost of assessing and collecting the same and the entire cost of making said certified lists.

Amended by Chapter 365, 2024 General Session

Chapter 8
Flood Control Projects and Drought Emergencies

17-8-1 Powers of county -- Contracts with United States -- Construction of flood control project.

A county may contract with the United States of America, or any agency thereof, for the construction of any flood control project within the county designed to abate or control flood waters or any excessive or unusual accumulation of water in any natural or artificial basin, stream, or body of water or for the protection of life and property against the danger, menace, injury or damage resulting from said waters.

Amended by Chapter 227, 1993 General Session

17-8-2 Maintenance of project -- Acquisition of property.

A county may contract to maintain such flood control projects after the construction work is completed, which maintenance may be without expense to the United States of America, and may contract to and acquire easements and rights of way to relocate public roads or bridges when the replacement shall be rendered necessary by the construction of any flood control project and may give satisfactory assurance to the United States of America, or any agency thereof, that the location, relocation, building or rebuilding of such roads, rights of way, or bridges shall be done without expense to the United States of America or any agency thereof.

Amended by Chapter 227, 1993 General Session

17-8-3 Distribution of waters -- Operation of projects.

The duty of distributing the waters of and operating the flood control project when completed shall rest upon the state engineer of the state of Utah provided, that the cost of such distribution and operation of the project by the state engineer shall be borne by the county entering into the cooperative contract with the United States of America for the construction and the operation of the flood control project.

No Change Since 1953

17-8-4 Joint action of two or more counties.

Whenever the construction of a flood control project, as hereinabove provided, shall be for the mutual benefit of two or more counties, the boards of commissioners of counties may jointly enter into such co-operative contracts with the United States of America, or any agency thereof, for the construction of such flood control project.

No Change Since 1953

17-8-5 Clearing, improving, fencing, and construction of natural channels, sewers, and drains -- Enforcement of laws and regulations.

In anticipation of and to provide for the carrying away and the safe disposal of natural storm and flood waters, the county may remove any obstacle from any natural channels within the county

and the incorporated municipalities in the county. For the same purpose the county may plan for and construct new channels, storm sewers, and drains to serve as though they were natural channels. The county may cause such channels, storm sewers, and drains to be surveyed, and the county legislative body may, by ordinance, establish their location and dimensions. The county legislative body may promulgate regulations to prevent the destruction or obstruction of these channels, storm sewers, and drains, and may provide for the enforcement of those regulations. The county legislative body may also provide for the maintenance, improvement, and fencing of all such channels, including covering or replacement with buried conduits. To implement the establishment, clearing, protection, and continued use of such channels, storm sewers, and drains, the county may acquire, by right of eminent domain necessary easements and rights of way. All laws and sanitary regulations against the pollution of water in natural streams, canals, and lakes shall be enforced by the county executives in their respective counties, or, by the state, through the attorney general and in co-operation with the state board of health, state fish and game commission, and the several county legislative bodies.

Amended by Chapter 227, 1993 General Session

17-8-5.5 Protection of channels and flood plains -- Acquisition of land.

The county legislative body may also provide by ordinance for the protection and use of flood channels and present flood plains on rivers, streams, and canals located within the county and the incorporated municipalities in the county and may establish by ordinance the boundaries of these flood channels and present flood plains. The county may acquire and hold by gift or purchase, such lands, rights of way, easements, or other interests in property within the established boundaries of these flood channels and present flood plains. Flood plain as used herein means the lands along the course of the river or stream which is periodically flooded and for which flood control protective works would normally be provided or desirable.

Amended by Chapter 227, 1993 General Session

17-8-6 Taxation by counties.

Counties are authorized to levy a tax on real and personal property therein.

Amended by Chapter 30, 1961 General Session

17-8-7 Declaration of drought emergency -- Appropriation -- Tax levy.

(1) The county legislative body of each county may at any regular meeting or at a special meeting called for such purpose, declare that an emergency drought exists in said county; and thereupon may appropriate from the money not otherwise appropriated in the county general fund such funds as shall be necessary for the gathering of information upon, and aiding in any program for increased precipitation within said county or in conjunction with any other county or counties, or that if there are not sufficient funds available in the county general fund for such purpose, the county legislative body may, during any such emergency so declared by them, assess, levy, and direct the county to collect annually to aid in any program of increased precipitation.
(2) The provisions of Chapter 19a, County Auditor, relating to budgeting do not apply to appropriations necessitated by such an emergency.

Amended by Chapter 17, 2012 General Session

Chapter 11
Removal of County Seats

17-11-1 Election to determine.

The county seats of the several counties of this state as now fixed by law are hereby recognized as such. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and two-thirds of the votes cast on the proposition shall be required to relocate a county seat.

No Change Since 1953

17-11-2 Initiating petitions -- Certification of petition signatures -- Removal of signature -- Limitation.

(1) Whenever there is presented to the county legislative body of any county a petition signed by registered voters of the county, in number equal to a majority of the votes cast at the preceding general election, praying for the submission of the question of the removal of the county seat, it shall be the duty of the county legislative body to submit the question of the removal at the next general election to the registered voters of the county.

(2)

(a) Within three business days after the day on which a county legislative body receives a petition under Subsection (1), the county legislative body shall provide the petition to the county clerk.

(b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (2)(a), the county clerk shall:

(i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1);

(ii) certify on the petition whether each name is that of a registered voter in the county; and

(iii) deliver the certified petition to the county legislative body.

(3)

(a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (3)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

(4) The election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general elections and canvassing the returns.

(5) A proposition of removal of the county seat may not be submitted in the same county more than once in four years, or within four years after the day on which a proposition of removal of the county seat is submitted.

Amended by Chapter 116, 2023 General Session

Chapter 12
Creating Bonded Indebtedness

17-12-1 Authority and applicable procedure for issuance of bonds -- Application of proceeds -- Debt limit.

Except as otherwise provided under Section 17-50-303, the county legislative body may contract a bonded indebtedness in the manner and subject to the conditions provided under Title 11, Chapter 14, Local Government Bonding Act. The revenue derived from the sale of bonds shall be applied only to the purpose or purposes specified in the order of the county legislative body. If there is any surplus, it shall be applied to the payment of the bonds. In no event may any county become so indebted to an amount, including existing indebtedness, exceeding 2% of the fair market value, as defined under Section 59-2-102, of the taxable property in the county as computed from the last equalized assessment roll for county purposes prior to the incurring of the indebtedness.

Amended by Chapter 105, 2005 General Session

17-12-2 Bond elections -- Consolidating voting districts and precincts -- Voting places.

The county legislative body may in any bond election consolidate voting districts and precincts and may select for the purposes of such election any voting places which it considers desirable, without regard to regularly established voting precincts and the voting places therefor.

Amended by Chapter 227, 1993 General Session

17-12-3 Additional purposes for which bonds may be issued -- Joint ownership of facilities authorized.

In addition to other purposes for which bonds may be issued, bonds may be issued for the purpose of acquiring, improving or extending systems for the collection, retention and disposition of storm and flood waters, for the acquisition, improvement or extension of public libraries, including equipment, furnishings and books therefor, acquiring or improving facilities for the collection, disposal or incineration of garbage and trash, acquiring, improving, extending, furnishing and equipping auditoriums, sports arenas, stadiums, convention centers and all properties and facilities ordinarily forming part of a so-called convention complex, or any part thereof and for acquiring, improving, extending, furnishing or equipping any improvement or facility which the county is authorized by law to own. Bonds may be issued for the county's share of any such facility to be owned jointly with any municipality or taxing district in the county and such joint ownership is expressly authorized.

Enacted by Chapter 27, 1963 General Session

17-12-4 Bond issue for auditoriums, etc., and "convention complex" facilities -- Board of directors -- Use of revenues from facilities -- Rights of bondholders.

(1)

(a) A county legislative body adopting proceedings authorizing the issuance of county bonds for the purpose of acquiring, improving, extending, furnishing, and equipping auditoriums, sports arenas, stadiums, convention centers, and all properties and facilities ordinarily forming part

of a so-called "convention complex," or for any part or combination of the foregoing may, by resolution, provide for the creation of a board of directors which, so long as any of the bonds remain outstanding either in original or refunded form may:

(i) have complete management and control of the facilities acquired with the proceeds of the bonds; or

(ii) act as an advisory board to the county executive and legislative body regarding the management and operation of a property or facility described in Subsection (1)(a).

(b)

(i) The board of directors described in Subsection (1)(a) shall have the number of members, possessing such qualifications and selected for such terms, and shall operate pursuant to such rules and regulations as adopted by the county legislative body.

(ii) The members of the board of directors described in Subsection (1)(a) shall serve without compensation except for reimbursement of expenses actually incurred in the performance of their duties.

(iii) After the appointment and organization of the board of directors, all vacancies thereafter occurring, whether by expiration of term or otherwise, shall be filled by majority vote of the remaining members of the board.

(iv) Subject to provisions adopted by the county legislative body, the members of the board of directors may have the powers and duties ordinarily enjoyed by the directors of a private corporation operating similar facilities.

(2) A county legislative body that adopts proceedings for the purpose of and as described in Subsection (1)(a) shall provide that all revenues of every nature derived from the operation of the facilities so acquired with bond proceeds and not expended in the reasonable and proper costs of maintaining and operating the facilities, including the making of necessary repairs and replacements, be pledged to and utilized for the payment of principal of and interest on the bonds and, if so provided, the creation of a reserve for such purpose.

(3) This act is adopted for the purpose of eliminating or reducing so far as possible the ad valorem taxes necessary to be levied for the payment of such bonds and for the purpose of improving the security of such bonds, and accordingly the holders of the bonds from time to time shall have a vested and enforceable contract right in the provisions of this act and in the provisions of the bond proceedings adopted pursuant hereto.

Amended by Chapter 41, 2011 General Session

Chapter 15
Miscellaneous Provisions

17-15-16 Warrants -- Payment -- Registration -- Duty of auditor.

Warrants drawn by order of the county executive on the county treasurer for current expenses during each year shall specify the liability for which they are drawn, when they accrued, and the funds from which they are to be paid, and shall be paid in the order of presentation to the treasurer. If the fund is insufficient to pay any warrant, it shall be registered and then paid in the order of registration. Accounts for county charges of every description shall be presented to the auditor and county executive to be audited as prescribed in this title.

Amended by Chapter 297, 2011 General Session

17-15-18 Costs on removal of criminal actions.

When a criminal action is removed before trial the costs accruing upon such removal shall be a charge against the county in which the indictment or information was found or filed.

No Change Since 1953

17-15-19 Costs of change of venue -- Adjustment between counties.

In all civil cases where any change of venue is granted from one county to another, excepting where the change is granted because the action should have been begun in the county to which the case is taken for trial, the costs and expenses connected with the trial of the action that are payable by the county shall be refunded by the county in which the action originated to the county in which the case is tried, upon the county clerk of the county wherein the case is tried certifying the amount of costs so paid to the county clerk of the county wherein the action originated.

No Change Since 1953

17-15-20 Disposition of coal land revenue.

Eighty percent of all money received by the state of Utah from the treasurer of the United States, as bonuses, royalties, and rentals upon United States coal lands located in this state shall be allocated to the county or counties out of or from which is taken the coal from which such bonuses, royalties, and rentals are derived; provided, that such sum or sums so received shall be paid over to such county or counties for the construction and maintenance of roads and for the support and maintenance of public schools of such county or counties and no other.

No Change Since 1953

17-15-22 Federal entitlement lands -- In-lieu payments -- Allocation -- Agreements with political subdivisions.

Any county may use any amounts it receives from the United States as in-lieu payments under P.L. 94-565 (90 Stat. 2662) for any governmental purpose in the county, and may share these revenues with cities, towns, or any other political subdivision within its jurisdiction. The county may contract with these political subdivisions as to how these amounts may be allocated and used.

Enacted by Chapter 70, 1977 General Session

17-15-23 County solid waste management plans.

(1)

(a) Each county or entity created or designated by a county for this purpose shall submit to the Waste Management and Radiation Control Board, organized in Section 19-6-103, a county solid waste management plan providing solid waste management information as reasonably required by the board and according to a timetable established by the board.

(b) Each county shall review and modify its solid waste management plan no less frequently than every five years.

(2) Each county solid waste management plan shall be consistent with Title 19, Chapter 6, Part 5, Solid Waste Management Act, and shall establish the county's solid waste management plan for the next 20 years.

(3) Each county solid waste management plan shall include an estimate of the solid waste capacity needed in the county for the next 20 years and the county's program to ensure that the county will have sufficient solid waste disposal capacity for the next 20 years.
(4) The solid waste management plan mandated by this section is contingent upon the adoption and implementation of a funding mechanism. Nothing contained in this section precludes a political subdivision, local health department, or district from undertaking comprehensive solid waste planning.

Amended by Chapter 451, 2015 General Session

17-15-25 Right to breast feed.

The county legislative body may not prohibit a woman's breast feeding in any location where she otherwise may rightfully be, irrespective of whether the breast is uncovered during or incidental to the breast feeding.

Enacted by Chapter 131, 1995 General Session

17-15-26 Leave of absence for county employee seeking election to county office.

(1) A county employee who has filed a declaration of candidacy under Section 20A-9-202 for a county office may, at the employee's discretion, take an unpaid leave of absence, subject to applicable employee policies on giving notice before taking leave, for some or all of the period from the filing of the declaration of candidacy until the earliest of:
  (a) the employee's defeat at a primary election;
  (b) the employee's withdrawal as a candidate for the county office; or
  (c) the day after the regular general election for which the employee is a candidate.
(2) Neither the filing of a declaration of candidacy under Section 20A-9-202 nor a leave of absence under Subsection (1) may be used as the basis for any adverse employment action against the employee, including discipline or termination.

Enacted by Chapter 134, 1998 General Session

17-15-27 Appointment of legal counsel by county executive and county legislative body.

(1)
  (a) An elected county executive in a county that has adopted a county executive-council form of county government under Chapter 52a, Changing Forms of County Government, may appoint an attorney to advise and represent the county executive.
  (b) An attorney appointed under Subsection (1)(a):
    (i) serves at the pleasure of the county executive; and
    (ii) may not perform any of the functions of a county attorney or district attorney under this title, except as provided in this section.
  (c) An attorney appointed under this Subsection (1) may represent the county executive in cases and controversies before courts and administrative agencies and tribunals when a conflict exists that precludes the county or district attorney from representing the county executive.
(2)
  (a) The legislative body of a county that has adopted a county executive-council form of county government under Chapter 52a, Changing Forms of County Government, may appoint an attorney to advise and represent the county legislative body.
  (b) An attorney appointed under Subsection (2)(a):

(i) serves at the pleasure of the county legislative body; and
(ii) may not perform any of the functions of a county attorney or district attorney under this title, except as provided in this section.
(c) An attorney appointed under this Subsection (2) may represent the county legislative body in cases and controversies before courts and administrative agencies and tribunals when a conflict exists that precludes the county or district attorney from representing the county legislative body.

Amended by Chapter 68, 2018 General Session

17-15-28 Definitions -- Electronic payments -- Fee.
(1) As used in this section:
(a) "Electronic payment" means the payment of money to a county by electronic means, including by means of a credit card, charge card, debit card, prepaid or stored value card or similar device, or automatic clearinghouse transaction.
(b) "Electronic payment fee" means an amount of money to defray the discount fee, processing fee, or other fee charged by a credit card company or processing agent to process an electronic payment.
(c) "Processing agent" means a bank, transaction clearinghouse, or other third party that charges a fee to process an electronic payment.
(2) A county may accept an electronic payment for the payment of funds which the county could have received through another payment method.
(3) A county that accepts an electronic payment may charge an electronic payment fee.

Enacted by Chapter 29, 2005 General Session

17-15-29 Easement for utility use -- Realignment at property owner's expense.
(1) As used in this section, "utility easement" means an easement acquired by a county through the use of eminent domain to provide utility services to the county's residents.
(2) The owner of a servient estate subject to a utility easement may realign the easement at the servient estate owner's expense unless the alignment cannot be reasonably changed because of engineering or safety requirements.

Enacted by Chapter 246, 2007 General Session

17-15-31 Registration as a local government entity.
(1)
(a) Each county shall register and maintain the county's registration as a local government entity, in accordance with Section 67-1a-15.
(b) The county clerk shall register and maintain the county's registration.
(2) A county that fails to comply with Subsection (1) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

Amended by Chapter 30, 2020 General Session

17-15-32 County website listing of local government entities.
(1) As used in this section:
(a)

(i) "Limited purpose entity" means a legal entity that:
(A) performs a single governmental function or limited governmental functions; and
(B) is not a state executive branch agency, a state legislative office, or within the judicial branch.
(ii) "Limited purpose entity" includes:
(A) area agencies, area agencies on aging, and area agencies on high risk adults, as those terms are defined in Section 62A-3-101;
(B) charter schools created under Title 53G, Chapter 5, Charter Schools;
(C) community reinvestment agencies, as that term is defined in Section 17C-1-102;
(D) conservation districts, as that term is defined in Section 17D-3-102;
(E) governmental nonprofit corporations, as that term is defined in Section 11-13a-102;
(F) housing authorities, as that term is defined in Section 35A-8-401;
(G) independent entities and independent state agencies, as those terms are defined in Section 63E-1-102;
(H) interlocal entities, as that term is defined in Section 11-13-103;
(I) local building authorities, as that term is defined in Section 17D-2-102;
(J) special districts, as that term is defined in Section 17B-1-102;
(K) local health departments, as that term is defined in Section 26A-1-102;
(L) nonprofit corporations that receive an amount of money requiring an accounting report under Section 51-2a-201.5;
(M) school districts under Title 53G, Chapter 3, School District Creation and Change; and
(N) special service districts, as that term is defined in Section 17D-1-102.
(b) "Local government entity" means a municipality, as that term is defined in Section 10-1-104.
(2) Beginning on July 1, 2019, each county shall list on the county's website any of the following information that the lieutenant governor publishes in a registry of local government entities and limited purpose entities regarding each limited purpose entity and local government entity that operates, either in whole or in part, within the county or has geographic boundaries that overlap or are contained within the boundaries of the county:
(a) the entity's name;
(b) the entity's type of local government entity or limited purpose entity;
(c) the entity's governmental function;
(d) the entity's physical address and phone number, including the name and contact information of an individual whom the entity designates as the primary contact for the entity;
(e) names of the members of the entity's governing board or commission, managing officers, or other similar managers;
(f) the entity's sources of revenue; and
(g) if the entity has created an assessment area, as that term is defined in Section 11-42-102, information regarding the creation, purpose, and boundaries of the assessment area.

Amended by Chapter 15, 2023 General Session

17-15-33 County required to provide leave to a legislator on an authorized legislative day.
(1) As used in this section:
(a) "Authorized legislative day" means:
(i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;
(ii) a special session day;
(iii) a veto override session day;

(iv) an interim day designated by the Legislative Management Committee;
(v) an authorized legislative training day; or
(vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:
(A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;
(B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and
(C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.
(b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational purposes, including:
(i) chair training;
(ii) an issue briefing;
(iii) legislative leadership instruction;
(iv) legislative process training;
(v) legislative rules training;
(vi) new legislator orientation; or
(vii) another meeting to brief, instruct, orient, or train a legislator in relation to the legislator's official duties.
(c) "Legislator" means:
(i) a member of the Utah Senate;
(ii) a member of the Utah House of Representatives; or
(iii) an individual who has been elected as a member described in Subsection (1)(c)(i) or (ii), but has not yet been sworn in or begun the individual's term of office.
(d) "Retaliatory action" means to:
(i) dismiss the employee;
(ii) reduce the employee's compensation;
(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;
(iv) fail to promote the employee if the employee would have otherwise been promoted; or
(v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
(2) Except as provided in Subsection (4), a county that employs an individual who is a legislator:
(a) shall grant leave to the individual on an authorized legislative day for the number of hours requested by the individual;
(b) may not interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a); and
(c) may not take retaliatory action against the individual for using the leave described in Subsection (2)(a).
(3) The leave described in Subsection (2) is leave without pay unless the county and the individual described in Subsection (2) agree to terms that are more favorable to the individual.
(4) A county is not required to comply with Subsection (2) if the legislative body of the county determines that complying with the requirement would cause the county significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the county's operations.

Enacted by Chapter 402, 2024 General Session

Chapter 16
County Officers

Part 1
General Provisions

17-16-1 Eligibility and residency requirements for county, district, precinct, or prosecution district office.

(1) A person filing a declaration of candidacy for a county, district, precinct, or prosecution district office shall:
  (a) be a United States citizen;
  (b) except as provided in Section 20A-1-509.2 with respect to the office of county attorney or district attorney, as of the date of the election, have been a resident for at least one year of the county, district, precinct, or prosecution district in which the person seeks office; and
  (c) be a registered voter in the county, district, precinct, or prosecution district in which the person seeks office.

(2)
  (a) A county, district, precinct, or prosecution district officer shall maintain residency within the county, district, precinct, or prosecution district in which the officer was elected during the officer's term of office.
  (b) If a county, district, precinct, or prosecution district officer establishes the officer's principal place of residence as provided in Section 20A-2-105 outside the county, district, precinct, or prosecution district in which the officer was elected, the office is automatically vacant.

Amended by Chapter 237, 2013 General Session

17-16-2.5 Creation of Office of District Attorney.

For each prosecution district created in accordance with Chapter 18a, Part 7, Prosecution District, there is created the Office of District Attorney.

Amended by Chapter 237, 2013 General Session

17-16-3 Consolidation of offices.

(1) A county legislative body may, unless prohibited by Subsection (2), pass an ordinance that:
  (a) consolidates county offices and establishes the duties of those consolidated offices;
  (b) separates any previously consolidated offices and reconsolidates them; or
  (c) separates any previously consolidated offices without reconsolidating them.

(2) A county legislative body may not:
  (a) consolidate the offices of county commissioner, county council member, or county treasurer with the office of county auditor;
  (b) consolidate the office of county executive with the office of county auditor, unless a referendum approving that consolidation passes; or
  (c) consolidate the offices of county commissioner, county council member, county executive, county assessor, or county auditor with the office of county treasurer.

(3) Each county legislative body shall ensure that any ordinance consolidating or separating county offices:
(a) is enacted before the November 1 of the year before the year in which county officers are elected; and
(b) takes effect on the first Monday in January after the year in which county officers are elected.
(4)
(a) Each county legislative body shall:
(i) enact an ordinance by February 1, 2010, separating any county offices that are prohibited from consolidation by this section; and
(ii) publish, by February 15, 2010, a notice once in a newspaper of general circulation in the county identifying the county offices that will be filled in the November 2010 election.
(b)
(i) If a county legislative body has, by February 1, 2006, enacted an ordinance, in compliance with this Subsection (4) then in effect, separating county offices that are prohibited from consolidation by this section, the county legislative body may repeal that ordinance.
(ii) If a county legislative body has published notice in a newspaper identifying the county offices that will be filled in the November 2006 election, and that notice, because of a repeal of an ordinance under Subsection (4)(b)(i), is incorrect, the county legislative body shall publish notice once in a newspaper of general circulation in the county indicating that the previous notice was incorrect and correctly identifying the county offices that will be filled in the November 2006 election.

Amended by Chapter 55, 2023 General Session

17-16-4 Election of officer to consolidated office.

When offices are united and consolidated:
(1) only one person shall be elected to fill the united and consolidated offices; and
(2) the person elected shall:
(a) take the oath and give the bond required for each of the offices; and
(b) discharge all the duties pertaining to each of the offices.

Amended by Chapter 297, 2011 General Session

17-16-5.5 Reassignment of certain assessor duties to treasurer.

A county legislative body may by ordinance reassign to the treasurer the duties of the assessor under Sections 41-1a-1320, 59-2-407, 59-2-1302, 59-2-1303, and 59-2-1305.

Amended by Chapter 39, 2006 General Session

17-16-6 County officers -- Time of holding elections -- County commissioners -- Terms of office.

(1) Except as otherwise provided in an optional plan adopted under Chapter 52a, Changing Forms of County Government:
(a) each elected county officer shall be elected at the regular general election every four years in accordance with Section 20A-1-201, except as otherwise provided in this title;
(b) county commissioners shall be elected at the times, in the manner, and for the terms provided in Section 17-52a-201; and

(c) an elected officer shall hold office for the term for which the officer is elected, beginning at noon on the first Monday in January following the officer's election and until a successor is elected or appointed and qualified, except as provided in Section 17-16-1.

(2)

(a) The terms of county officers shall be staggered in accordance with this Subsection (2).

(b) Except as provided in Subsection (2)(c), in the 2014 general election:

(i) the following county officers shall be elected to one six-year term and thereafter elected to a four-year term:

(A) county treasurer;

(B) county recorder;

(C) county surveyor; and

(D) county assessor; and

(ii) all other county officers shall be elected to a four-year term.

(c) If a county legislative body consolidates two or more county offices in accordance with Section 17-16-3, and the consolidated offices are on conflicting election schedules, the county legislative body shall pass an ordinance that sets the election schedule for the consolidated offices in a reasonable manner that staggers the terms of county officers as provided in this Subsection (2).

(3) An individual who holds a municipal elected office may not, at the same time, hold a county elected office.

(4) The restriction described in Subsection (3) applies regardless of whether the individual is elected to the office or appointed to fill a vacancy in the office.

Amended by Chapter 258, 2019 General Session

17-16-6.5 Campaign financial disclosure in county elections.

(1)

(a) A county shall adopt an ordinance establishing campaign finance disclosure requirements for:

(i) candidates for county office; and

(ii) candidates for local school board office who reside in that county.

(b) The ordinance required by Subsection (1)(a) shall include:

(i) a requirement that each candidate for county office or local school board office report the candidate's itemized and total campaign contributions and expenditures at least once within the two weeks before the election and at least once within two months after the election;

(ii) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary contributions such as in-kind contributions and contributions of tangible things;

(iii) a requirement that the financial reports identify:

(A) for each contribution, the name of the donor of the contribution, if known, and the amount of the contribution; and

(B) for each expenditure, the name of the recipient and the amount of the expenditure;

(iv) a requirement that a candidate for county office or local school board office deposit a contribution in a separate campaign account into a financial institution;

(v) a prohibition against a candidate for county office or local school board office depositing or mingling any contributions received into a personal or business account; and

(vi) a requirement that a candidate for county office who receives a contribution that is cash or a negotiable instrument, exceeds $50, and is from a donor whose name is unknown, shall, within 30 days after receiving the contribution, disburse the amount of the contribution to:

(A) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
(B) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

(c)
(i) As used in this Subsection (1)(c), "account" means an account in a financial institution:
(A) that is not described in Subsection (1)(b)(iv); and
(B) into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
(ii) The ordinance required by Subsection (1)(a) shall include a requirement that a candidate for county office or local school board office include on a financial report filed in accordance with the ordinance a contribution deposited in or an expenditure made from an account:
(A) since the last financial report was filed; or
(B) that has not been reported under a statute or ordinance that governs the account.

(2) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1), candidates for county office, other than community council office, and candidates for local school board office shall comply with the financial reporting requirements contained in Subsections (3) through (8).

(3) A candidate for elective office in a county or local school board office:
(a) shall deposit a contribution into a separate campaign account in a financial institution; and
(b) may not deposit or mingle any contributions received into a personal or business account.

(4) Each candidate for elective office in any county who is not required to submit a campaign financial statement to the lieutenant governor, and each candidate for local school board office, shall file a signed campaign financial statement with the county clerk:
(a) seven days before the date of the regular general election, reporting each contribution and each expenditure as of 10 days before the date of the regular general election; and
(b) no later than 30 days after the date of the regular general election.

(5)
(a) The statement filed seven days before the regular general election shall include:
(i) a list of each contribution received by the candidate, and the name of the donor, if known; and
(ii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.
(b) The statement filed 30 days after the regular general election shall include:
(i) a list of each contribution received after the cutoff date for the statement filed seven days before the election, and the name of the donor; and
(ii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.

(6)
(a) As used in this Subsection (6), "account" means an account in a financial institution:
(i) that is not described in Subsection (3)(a); and
(ii) into which or from which a person who, as a candidate for an office, other than a county office for which the person filed a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person filed a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A county office candidate and a local school board office candidate shall include on any campaign financial statement filed in accordance with Subsection (4) or (5):
(i) a contribution deposited into an account:
(A) since the last campaign finance statement was filed; or
(B) that has not been reported under a statute or ordinance that governs the account; or
(ii) an expenditure made from an account:
(A) since the last campaign finance statement was filed; or
(B) that has not been reported under a statute or ordinance that governs the account.
(7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds $50, and is from a donor whose name is unknown, a county office candidate shall disburse the amount of the contribution to:
(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
(8) Candidates for elective office in any county, and candidates for local school board office, who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election.
(9) Any person who fails to comply with this section is guilty of an infraction.
(10)
(a) Counties may, by ordinance, enact requirements that:
(i) require greater disclosure of campaign contributions and expenditures; and
(ii) impose additional penalties.
(b) The requirements described in Subsection (10)(a) apply to a local school board office candidate who resides in that county.
(11) If a candidate fails to file an interim report due before the election, the county clerk:
(a) may send an electronic notice to the candidate and the political party of which the candidate is a member, if any, that states:
(i) that the candidate failed to timely file the report; and
(ii) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the candidate will be disqualified and the political party will not be permitted to replace the candidate; and
(b) impose a fine of $100 on the candidate.
(12)
(a) The county clerk shall disqualify a candidate and inform the appropriate election officials that the candidate is disqualified if the candidate fails to file an interim report described in Subsection (11) within 24 hours after the deadline for filing the report.
(b) The political party of a candidate who is disqualified under Subsection (12)(a) may not replace the candidate.
(c) A candidate who is disqualified under Subsection (12)(a) shall file with the county clerk a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.
(13) If a candidate is disqualified under Subsection (12)(a), the election official:
(a) shall:
(i) notify every opposing candidate for the county office that the candidate is disqualified;
(ii) send an email notification to each voter who is eligible to vote in the county election office race for whom the election official has an email address informing the voter that the candidate is disqualified and that votes cast for the candidate will not be counted;

(iii) post notice of the disqualification on the county's website; and
(iv) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; and
(b) may not count any votes for that candidate.
(14) An election official may fulfill the requirement described in Subsection (13)(a) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to the county's website to inform the voter whether a candidate on the ballot is disqualified.
(15) A candidate is not disqualified if:
(a) the candidate files the interim reports described in Subsection (11) no later than 24 hours after the applicable deadlines for filing the reports;
(b) the reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and
(c) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
(16)
(a) A report is considered timely filed if:
(i) the report is received in the county clerk's office no later than midnight, Mountain Time, at the end of the day on which the report is due;
(ii) the report is received in the county clerk's office with a United States Postal Service postmark three days or more before the date that the report was due; or
(iii) the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.
(b) For a county clerk's office that is not open until midnight at the end of the day on which a report is due, the county clerk shall permit a candidate to file the report via email or another electronic means designated by the county clerk.
(17)
(a) Any private party in interest may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of this section or any ordinance adopted under this section.
(b) In a civil action filed under Subsection (17)(a), the court shall award costs and attorney fees to the prevailing party.
(18) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the county clerk shall:
(a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
(b) make the campaign finance statement filed by a candidate available for public inspection by:
(i) posting an electronic copy or the contents of the statement on the county's website no later than seven business days after the day on which the statement is filed; and
(ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing the lieutenant governor with a link to the electronic posting described in Subsection (18)(b)(i) no later than two business days after the day the statement is filed.

Amended by Chapter 158, 2024 General Session

17-16-7 Deputies and employees -- Appointments -- County legislative body consent power -- Liability of principal -- Deputy may serve despite vacancy in office of appointing officer.
(1)

(a) A county or precinct officer, including an elected county executive, except a county commissioner or county council member, may, with the consent of the county legislative body, appoint deputies and employees as necessary for the discharge of the duties of the officer's office.
(b) The county legislative body's consent power under Subsection (1)(a) shall be defined in county ordinance and may include consent by:
(i) the budget approval process;
(ii) approval of an allocation of a certain number of positions; or
(iii) approval or disapproval of the hiring of individual applicants.
(c) A county legislative body may by ordinance delegate to the county executive the authority to consent to the appointment of deputies and employees under this Subsection (1).
(2) If the county clerk performs district court clerk functions, the legislative body of that county shall provide the clerk with deputies and employees for the business of the district courts as considered necessary and advisable by the judge or judges of the district court, consistent with the level of funding for clerk services from the court administrator's office.
(3)
(a) Each officer appointing a deputy shall, for each deputy appointed, file a signed writing with the county clerk that memorializes the appointment.
(b) The officer appointing the deputy is liable for all official acts of the deputy.
(c) If the office of the officer who appointed the deputy becomes vacant, the deputy may continue to serve despite the vacancy.

Amended by Chapter 241, 2001 General Session

17-16-8 Powers, duties and liabilities of deputies.

Whenever the official name of any principal officer is used in any law conferring powers or imposing duties or liabilities it includes deputies.

No Change Since 1953

17-16-9 Officers at county seats -- Office hours.

(1) The elected county officers of all counties, except those in counties having a population of less than 8,000, shall have their offices at the county seats.
(2)
(a) In all counties the clerk, sheriff, recorder, auditor, treasurer, assessor, and attorney shall keep their offices open for the transaction of business as authorized by resolution of the county legislative body.
(b) If the county legislative body does not authorize hours of operation for Saturdays, then the hours served by the employees of the county may not be less than under their present schedule.
(c)
(i) Any act authorized, required, or permitted to be performed at or by, or with respect to, any county office on a Saturday when the county office is closed, may be performed on the next business day.
(ii) No liability or loss of rights of any kind may result from the delay described in Subsection (2)(c)(i).

Amended by Chapter 297, 2011 General Session

17-16-10.5 Failure to perform duties constitutes malfeasance in office -- Felony charges arising from official duties -- Paid administrative leave -- Reassignment of duties.

(1) The failure of an elected county or prosecution district officer substantially to perform the officer's official duties constitutes malfeasance in office under Section 77-6-1.

(2)

(a) If an elected county or prosecution district officer is charged with the commission of a felony arising from conduct related to the officer's official duties, the officer shall be placed on paid administrative leave by the county legislative body until:

(i) the charges are dismissed or the officer is acquitted, at which time the officer shall be entitled to return to office, unless the officer's term of office has in the meantime expired; or

(ii) the officer is convicted of a felony or attempt to commit a felony arising from conduct related to the officer's official duties, in which case the sentencing judge shall order the officer removed from office.

(b) A conviction or a plea of guilty or nolo contendere, relating to a felony charge described in Subsection (2)(a), constitutes malfeasance in office for purposes of Section 77-6-1.

(c) Entry of a plea in abeyance is the equivalent of a conviction for purposes of Subsection (2)(a)(ii), even if the charge is later dismissed pursuant to a plea in abeyance agreement.

(d) The provisions under this Subsection (2) for the removal of a county or prosecution district officer are in addition to and do not replace or supersede the removal provisions under Title 77, Chapter 6, Removal by Judicial Proceedings.

(3)

(a) During the time that an elected county or prosecution district officer is on paid administrative leave under Subsection (2), the officer's duties may, except as provided in Subsection (3)(c), be temporarily:

(i) reassigned to another officer by the county legislative body; or

(ii) performed by a person employed for that purpose.

(b) For purposes of Subsection (3)(a) with respect to a prosecution district officer in a multi-county prosecution district, "county legislative body" means the legislative bodies of all counties included in the prosecution district.

(c) A reassignment under Subsection (3)(a) may not result in the same person exercising the duties of:

(i) both a county legislative body member or county treasurer and county auditor; or

(ii) both a county executive and county auditor.

Amended by Chapter 321, 2006 General Session

17-16-11 Fidelity bonds and theft or crime insurance.

(1) As used in this section, "county officials" means:

(a) the members of the county legislative body;

(b) the county executive;

(c) the county clerk;

(d) the county auditor;

(e) the county sheriff;

(f) the county attorney;

(g) in a county that is within a prosecution district, the district attorney;

(h) the county recorder;

(i) the county assessor;

(j) the county surveyor;
(k) each justice court judge and constable within the county;
(l) the county treasurer; and
(m) each deputy or assistant of those listed in Subsections (1)(a) through (l) for whom the county legislative body determines a general fidelity bond or theft or crime insurance should be acquired.

(2)
(a) The legislative body of each county shall prescribe the amount of each general fidelity bond or of theft or crime insurance to be acquired for county officials, except the county treasurer, before the county officials, except the county treasurer, may discharge the duties of their respective offices.
(b) The State Money Management Council created in Section 51-7-16 shall prescribe the amount of a general fidelity bond or theft or crime insurance to be acquired for the county treasurer before the county treasurer may discharge the duties of that office.
(c) A county legislative body may acquire a fidelity bond or theft or crime insurance on all county officials as a group rather than individually.

(3)
(a) The county legislative body shall approve the premium for each fidelity bond before the bond may be filed.
(b) The cost of each fidelity bond and theft or crime insurance policy shall be paid from county funds.

(4) Each fidelity bond shall be filed and maintained in the office of the county clerk.

(5)
(a) The district attorney of each multicounty prosecution district shall:
(i) execute a fidelity bond or acquire theft or crime insurance in the amount specified in the interlocal agreement that created the prosecution district; and
(ii) file each fidelity bond with the county clerk as specified in the interlocal agreement.
(b) The cost of each fidelity bond or theft or crime insurance policy under Subsection (5)(a) shall be paid as specified in the interlocal agreement that created the prosecution district.

Amended by Chapter 268, 2007 General Session

17-16-12 Business to be finished before expiration of term.

It shall be the duty of all officers in this title named to complete the business of their respective offices to the time of the expiration of their respective terms, and in case an officer at the close of the officer's term shall leave to the officer's successor official labor to be performed for which the officer has received compensation or which it was the officer's duty to perform, the officer shall be liable to pay the officer's successor the full value of such service.

Amended by Chapter 365, 2024 General Session

17-16-14 Salaries of county officers.

(1) The annual salaries of the officers of all counties in the state shall be fixed by the respective county legislative bodies, subject to the requirements of this section.

(2)
(a) As used in this Subsection (2):
(i) "Compensation" means:
(A) salary, including salary paid under a contract;

(B) a budgeted bonus or budgeted incentive pay;
(C) a vehicle allowance; and
(D) deferred salary.
(ii) "Compensation increase" means an increase in any item of compensation listed in Subsection (2)(a)(i).
(iii) "Executive county officer" means:
(A) the county manager or chief administrative officer;
(B) the assistant county manager or assistant county chief administrative officer;
(C) an individual who is the head or chief of a county department or division;
(D) an individual who is the chief assistant or deputy of an individual described in Subsection (2)(a)(iii)(C); or
(E) in a county of the first class with a county executive-council form of government under Section 17-52a-203, an individual appointed by the county executive to a position requiring the advice and consent of the county legislative body, as provided by county ordinance.
(b) Before a county legislative body may adopt a final budget or a final amended budget that includes a compensation increase for an executive county officer, the county legislative body shall:
(i) hold a public hearing on the compensation increase; and
(ii) publish notice of the time, place, and purpose of the public hearing:
(A) for at least seven days before the date of the public hearing; and
(B) as a class A notice under Section 63G-30-102.
(c) A public hearing under Subsection (2)(b)(i):
(i) shall be held separate from any other public hearing; and
(ii) may be held the same day as another public hearing, including immediately before or after the other public hearing.

Amended by Chapter 475, 2024 General Session

17-16-16 Commissioners' traveling expenses.

(1) The members of the board of county commissioners may not receive any compensation in addition to that provided in Section 17-16-14 for any special or committee work, but, subject to Subsection (2), each member shall receive travel expenses for attending the regular and special sessions of the board and in the discharge of necessary duties, in accordance with Section 11-55-103.
(2) Before receiving travel expenses described in Subsection (1), the member shall:
(a) submit an itemized statement showing in detail the expenses incurred; and
(b) subscribe and swear to the statement described in Subsection (2)(a).

Amended by Chapter 70, 2017 General Session

17-16-17 Change of class -- Effect on salaries -- Salaries for new counties.

If the taxable value of any existing county has been reduced below or raised above the class and rank first assumed, the county legislative body of the county shall designate the class to which the county has been reduced or raised, and the county is in that class, and the salaries of county officers shall be adjusted on or before January 1 next succeeding by the county legislative body, but in no event may the salaries be reduced for the term for which the officers were elected and are qualified. The county legislative body in a newly created county shall at its first meeting

after the organization of the county, for the purpose of fixing salaries and compensation of county officers, determine to which class the county belongs, and fix the salaries for the first term of the officers accordingly.

Amended by Chapter 227, 1993 General Session

17-16-18 Salaries paid out of general fund.

The salaries of county officers shall be paid monthly, semi-monthly, or bi-weekly, as determined by the county legislative body, out of the county general fund or the county salary fund upon the order of the county legislative body.

Amended by Chapter 176, 2014 General Session

17-16-19 Salaries to be full compensation -- Compensation for deputies.

The salaries herein provided for shall be full compensation for all services of every kind and description rendered by the officers named herein; and where deputies or assistants have been allowed to any such officers the salary of any deputy or assistant shall be fixed by the county legislative body, and shall be a county charge.

Amended by Chapter 227, 1993 General Session

17-16-20 Salaries in case of combined offices.

Whenever the county legislative body shall combine the duties of any county officers the salary of the person discharging the duties of such offices shall be fixed at a sum not exceeding the highest salary paid to either of the officers whose offices are so combined, in addition to an amount not exceeding one-half of the salary fixed for the other officer, when only two offices are combined, or when more than two offices are combined, in addition to such highest salary, one-third of the combined salaries of such other officers.

Amended by Chapter 227, 1993 General Session

17-16-21 Fees of county officers.

(1) As used in this section, "county officer" means a county officer enumerated in Section 17-53-101 except a county recorder, a county constable, or a county sheriff.

(2)

(a) A county officer shall collect, in advance, for exclusive county use and benefit:

(i) a fee established by the county legislative body under Section 17-53-211; and

(ii) any other fee authorized or required by law.

(b) As long as the Children's Legal Defense Account is authorized by Section 51-9-408, the county clerk shall:

(i) assess $10 in addition to whatever fee for a marriage license is established under authority of this section; and

(ii) transmit $10 from each marriage license fee to the Division of Finance for deposit into the Children's Legal Defense Account.

(c)

(i) As long as the Division of Child and Family Services, created in Section 80-2-201, has the responsibility under Section 80-2-301 to provide services, including temporary shelter, for victims of domestic violence, the county clerk shall:

(A) collect $10 in addition to whatever fee for a marriage license is established under authority of this section and in addition to the amount described in Subsection (2)(b), if an applicant chooses, as provided in Subsection (2)(c)(ii), to pay the additional $10; and

(B) to the extent actually paid, transmit $10 from each marriage license fee to the Division of Finance for distribution to the Division of Child and Family Services for the operation of shelters for victims of domestic violence.

(ii)

(A) The county clerk shall provide a method for an applicant for a marriage license to choose to pay the additional $10 referred to in Subsection (2)(c)(i).

(B) An applicant for a marriage license may choose not to pay the additional $10 referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be issued a marriage license.

(d) If a county operates an online marriage application system, the county clerk of that county:

(i) may assess $20 in addition to the other fees for a marriage license established under this section;

(ii) except as provided in Subsection (2)(d)(iii), shall transmit $20 from the marriage license fee to the state treasurer for deposit annually as follows:

(A) the first $400,000 shall accrue to the Utah Marriage Commission, created in Title 63M, Chapter 15, Utah Marriage Commission, as dedicated credits for the operation of the Utah Marriage Commission; and

(B) proceeds in excess of $400,000 shall be deposited into the General Fund; and

(iii) may not transmit $20 from the marriage license fee to the state treasurer under this Subsection (2)(d) if both individuals seeking the marriage license certify that they have completed premarital counseling or education in accordance with Section 81-2-206.

(3) This section does not apply to a fee currently being assessed by the state but collected by a county officer.

Amended by Chapter 366, 2024 General Session

Part 2
Personal Use Expenditure

17-16-201 Title.

This part is known as "Personal Use Expenditure."

Enacted by Chapter 50, 2016 General Session

17-16-202 Definitions.

As used in this part:

(1)

(a) Except as provided in Subsection (1)(b), "contribution" means any of the following when done for a political purpose:

(i) a gift, subscription, donation, loan, advance, deposit of money, or anything of value given to the filing entity;

(ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything of value to the filing entity;

(iii) any transfer of funds from another reporting entity to the filing entity;
(iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
(v) a loan made by a county office candidate or local school board candidate deposited into the county office candidate's or local school board candidate's own campaign account; or
(vi) an in-kind contribution.
(b) "Contribution" does not include:
(i) services provided by an individual volunteering a portion or all of the individual's time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;
(ii) money lent to the filing entity by a financial institution in the ordinary course of business; or
(iii) goods or services provided for the benefit of a county office candidate or local school board candidate at less than fair market value that are not authorized by or coordinated with the county office candidate or the local school board candidate.
(2) "County office" means an office described in Section 17-53-101 that is required to be filled by an election.
(3) "County office candidate" means an individual who:
(a) files a declaration of candidacy for a county office; or
(b) receives a contribution, makes an expenditure, or gives consent for any other person to receive a contribution or make an expenditure to bring about the individual's nomination or election to a county office.
(4) "County officer" means an individual who holds a county office.
(5)
(a) Except as provided in Subsection (5)(b), "expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:
(i) any disbursement from contributions, receipts, or the separate bank account required under Section 17-16-6.5;
(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for a political purpose;
(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;
(iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
(v) a transfer of funds between the filing entity and a county office candidate's, or a local school board candidate's, personal campaign committee; or
(vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for a political purpose at less than fair market value.
(b) "Expenditure" does not include:
(i) services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a reporting entity;
(ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or
(iii) anything described in Subsection (5)(a) that is given by a reporting entity to a candidate or officer in another state.
(6) "Filing entity" means:
(a) a county office candidate;
(b) a county officer;

(c) a local school board candidate;
(d) a local school board member; or
(e) a reporting entity that is required to meet a campaign finance disclosure requirement adopted by a county in accordance with Section 17-16-6.5.

(7) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.

(8) "Local school board candidate" means an individual who:
(a) files a declaration of candidacy for local school board; or
(b) receives a contribution, makes an expenditure, or gives consent for any other person to receive a contribution or make an expenditure to bring about the individual's nomination or election to a local school board.

(9)
(a) "Personal use expenditure" means an expenditure that:
(i)
(A) is not excluded from the definition of personal use expenditure by Subsection (9)(c); and
(B) primarily furthers a personal interest of a county office candidate, county officer, local school board candidate, or a local school board member, or a member of a county office candidate's, county officer's, local school board candidate's, or local school board member's family; or
(ii) would cause the county office candidate, county officer, local school board candidate, or local school board member to recognize the expenditure as taxable income under federal law.
(b) "Personal use expenditure" includes:
(i) a mortgage, rent, utility, or vehicle payment;
(ii) a household food item or supply;
(iii) a clothing expense, except:
(A) clothing bearing the county office candidate's or local school board candidate's name or campaign slogan or logo that is used in the county office candidate's or local school board candidate's campaign;
(B) clothing bearing the logo or name of a jurisdiction, district, government organization, government entity, caucus, or political party that the county officer or local school board member represents or of which the county officer or local school board member is a member;
(C) repair or replacement of clothing that is damaged while the county office candidate or county officer is engaged in an activity of a county office candidate or county officer; or
(D) repair or replacement of clothing that is damaged while the local school board candidate or local school board member is engaged in an activity of a local school board candidate or local school board member;
(iv) admission to a sporting, artistic, or recreational event or other form of entertainment;
(v) dues, fees, or gratuities at a country club, health club, or recreational facility;
(vi) a salary payment made to:
(A) a county office candidate, county officer, local school board candidate, or local school board member; or
(B) a person who has not provided a bona fide service to a county candidate, county officer, local school board candidate, or local school board member;
(vii) a vacation;
(viii) a vehicle expense;
(ix) a meal expense;

(x) a travel expense;
(xi) payment of an administrative, civil, or criminal penalty;
(xii) satisfaction of a personal debt;
(xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;
(xiv) a membership fee for a professional or service organization; and
(xv) a payment in excess of the fair market value of the item or service purchased.
(c) "Personal use expenditure" does not include an expenditure made:
(i) for a political purpose;
(ii) for candidacy for county office or local school board;
(iii) to fulfill a duty or activity of a county officer or local school board member;
(iv) for a donation to a registered political party;
(v) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;
(vi) to return all or a portion of a contribution to a contributor;
(vii) for the following items, if made in connection with the candidacy for county office or local school board, or an activity or duty of a county officer or local school board member:
(A) a mileage allowance at the rate established by the political subdivision that provides the mileage allowance;
(B) for motor fuel or special fuel, as defined in Section 59-13-102;
(C) a meal expense;
(D) a travel expense, including an expense incurred for airfare or a rental vehicle;
(E) a payment for a service provided by an attorney or accountant;
(F) a tuition payment or registration fee for participation in a meeting or conference;
(G) a gift;
(H) a payment for rent, utilities, a supply, or furnishings, in connection with an office space;
(I) a booth at a meeting or event; or
(J) educational material;
(viii) to purchase or mail informational material, a survey, or a greeting card;
(ix) for a donation to a charitable organization, as defined in Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;
(x) to repay a loan a county office candidate or local school board candidate makes from the candidate's personal account to the candidate's campaign account;
(xi) to pay membership dues to a national organization whose primary purpose is to address general public policy;
(xii) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the county candidate's, county officer's, local school board candidate's, or local school board member's community;
(xiii) for one or more guests of a county office candidate, county officer, local school board candidate, or local school board member to attend an event, meeting, or conference described in this Subsection (9)(c);
(xiv) that is connected with the performance of an activity as a county office candidate or local school board member, or an activity or duty of a county officer or local school board member; or
(xv) to pay childcare expenses of:
(A) a candidate while the candidate is engaging in campaign activity; or

(B) an officeholder while the officeholder is engaging in the duties of an officeholder.

(10) "Political purpose" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking an office at any caucus, political convention, or election.

(11) "Reporting entity":

(a) means the same as that term is defined in Section 20A-11-101; and

(b) includes a county office candidate, a county office candidate's personal campaign committee, a county officer, a local school board candidate, a local school board candidate's personal campaign committee, and a local school board member.

Amended by Chapter 447, 2024 General Session

17-16-203 Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.

(1) A county office candidate, county officer, local school board candidate, or local school board member may not use money deposited into the separate bank account required under Section 17-16-6.5 for:

(a) a personal use expenditure; or

(b) an expenditure prohibited by law.

(2)

(a) A county clerk shall enforce this section prohibiting a personal use expenditure by:

(i) evaluating a financial statement to identify a personal use expenditure; and

(ii) commencing an adjudicative proceeding in accordance with applicable county ordinance or policy if the county clerk has probable cause to believe a county office candidate, county officer, local school board candidate, or local school board member has made a personal use expenditure.

(b) Following the proceeding, the county clerk may issue a signed order requiring a county office candidate, county officer, local school board candidate, or local school board member who has made a personal use expenditure to:

(i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the county clerk; and

(ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.

(c) The county clerk shall deposit money received under Subsection (2)(b)(i) into the county's general fund.

Enacted by Chapter 50, 2016 General Session

Chapter 16a
County Officers and Employees Disclosure Act

17-16a-1 Citation of chapter.

This chapter may be cited as the "County Officers and Employees Disclosure Act."

Enacted by Chapter 46, 1983 General Session

17-16a-2 Purposes.

The purposes of this chapter are to establish standards of conduct for county officers and employees and to require these persons to disclose conflicts of interest between their public duties and their personal interests.

Enacted by Chapter 46, 1983 General Session

17-16a-3 Definitions.

As used in this part:

(1)
(a) "Appointed officer" means an individual appointed to:
(i) a statutory office or position; or
(ii) a position of employment with a county, except a special employee.
(b) "Appointed officer" includes an individual serving on a special, regular or full-time committee, agency, or board, regardless of whether the individual is compensated for the individual's services.
(c) "Appointed officer" does not include an elected officer.

(2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to so assist such person or business entity.

(3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

(4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.

(5) "Elected officer" means an individual elected or appointed to an office in the county.

(6) "Governmental action" means an action on the part of a county including:
(a) a decision, determination, finding, ruling, or order;
(b) a grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval; or
(c) the denial of, or failure to act upon, a matter described in Subsection (6)(a) or (b).

(7) "Officer" means an appointed officer or an elected officer.

(8) "Special employee" means an individual hired on the basis of a contract to perform a special service for the county pursuant to an award of a contract following a public bid.

(9) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, and the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Amended by Chapter 443, 2024 General Session

17-16a-3.5 Statutory construction.

The definition of appointed officer in Section 17-16a-3 does not have the effect of making an appointed individual or employee an officer of the county.

Enacted by Chapter 443, 2024 General Session

17-16a-4 Prohibited use of official position -- Exception.

(1) Except as provided in Subsection (3) or (5), it is an offense for an officer to:
  (a) disclose confidential information acquired by reason of the officer's official position or use that information to secure special privileges or exemptions for the officer or others;
  (b) use or attempt to use the officer's official position to secure special privileges for the officer or for others; or
  (c) knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for the officer or for another, if the gift or loan tends to influence the officer in the discharge of the officer's official duties.
(2) This section does not apply to:
  (a) an occasional nonpecuniary gift having a value of less than $50;
  (b) an award publicly presented;
  (c) any bona fide loan made in the ordinary course of business; or
  (d) political campaign contributions subject to Section 17-16-6.5.
(3) A member of a county legislative body who is also a member of the governing board of a provider of mental health or substance abuse services under contract with the county does not commit an offense under Subsection (1)(a) or (b) by discharging, in good faith, the duties and responsibilities of each position, if the county legislative body member does not participate in the process of selecting the mental health or substance abuse service provider.
(4) Notwithstanding the provisions of this section, a county or county official may encourage support from a public or private individual or institution, whether in financial contributions or by other means, on behalf of an organization or activity that benefits the community.
(5) This section does not apply to an officer who engages in conduct that constitutes a violation of this section to the extent that the officer is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 443, 2024 General Session

17-16a-5 Compensation for assistance in transaction involving county -- Public disclosure and filing required.

(1) An officer may not receive or agree to receive compensation for assisting a person or business entity in a transaction involving the county in which the officer is elected or appointed unless the officer:
  (a) files with the county legislative body a sworn statement disclosing the information described in Subsection (5);
  (b) discloses in open meeting to the members of the body of which the officer is a member, immediately before the discussion, the information described in Subsection (5); and
  (c) for an officer who is an elected officer, files the sworn statement described in Subsection (1)(a) with the county clerk.
(2) An officer shall file the sworn statement described in Subsection (1)(a) on or before the earlier of:
  (a) 10 days before the date on which the officer and the person or business entity being assisted enter into an agreement; or
  (b) 10 days before the date on which the officer receives compensation.
(3) In accordance with Subsection (1)(c), an elected officer shall file the sworn statement with the county clerk on or before the earlier of the deadlines described in Subsections (2)(a) and (b).
(4) A county clerk who receives the sworn statement described in Subsection (1)(a) shall:

(a) post a copy of the sworn statement on the county's website; and
(b) ensure that the sworn statement remains posted on the county's website until the elected officer leaves office.
(5) The sworn statement described in Subsection (1)(a) is public information and is available for examination by the public.
(6) The sworn statement and public disclosure described in Subsection (1) shall contain the following information:
(a) the name and address of the officer;
(b) the name and address of the person or business entity being or to be assisted, or in which the officer has a substantial interest; and
(c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

Amended by Chapter 443, 2024 General Session

17-16a-6 Interest in business entity regulated by county -- Disclosure.
(1) An officer under this part who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity that is subject to the regulation of the county in which the officer is appointed or elected shall disclose the position held and the precise nature and value of the officer's interest:
(a) upon first becoming appointed or elected; and
(b) during January of each year during which the officer continues to be an appointed or elected officer.
(2) An officer shall make the disclosure described in Subsection (1) in a sworn statement filed with:
(a) the county legislative body; and
(b) if the officer is an elected officer, the county clerk.
(3) The commission shall:
(a) report the substance of the sworn statement described in Subsection (2) to the members of the governing body; or
(b) provide a copy of the sworn statement described in Subsection (2) to the members of the governing body no later than 30 days after the day on which the commission receives the statement.
(4) A county clerk who receives the sworn statement described in Subsection (2) shall:
(a) post a copy of the sworn statement on the county's website; and
(b) ensure that the sworn statement remains posted on the county's website until the elected officer leaves office.
(5)
(a) This section does not apply to instances where the value of the interest does not exceed $5,000.
(b) A life insurance policy or an annuity may not be considered in determining the value of the interest.

Amended by Chapter 443, 2024 General Session

17-16a-7 Interest in business entity doing business with county -- Disclosure.
(1) An officer under this part who is an officer, director, agent, or employee, or owner of a substantial interest in a business entity that does or anticipates doing business with the county in which the officer is appointed or elected shall:

(a) publicly disclose the conflict of interest to the members of the body of which the officer is a member, immediately before a discussion by the body on matters relating to the business entity, the nature of the officer's interest in the business entity; and
(b) for an officer who is an elected officer, file a sworn statement describing the conflict of interest with the county clerk.
(2) The public disclosure described in Subsection (1)(a) shall be entered in the minutes of the meeting.
(3) A county clerk who receives the sworn statement described in Subsection (1)(b) shall:
(a) post a copy of the sworn statement on the county's website; and
(b) ensure that the sworn statement remains posted on the county's website until the elected officer leaves office.

Amended by Chapter 443, 2024 General Session

17-16a-8 Investment creating conflict of interest with duties -- Disclosure.

An officer who has a personal interest or investment that creates a potential or actual conflict between the officer's personal interests and the officer's public duties shall disclose the conflict in the manner described in Section 17-16a-6.

Amended by Chapter 443, 2024 General Session

17-16a-9 Inducing officer to violate provisions prohibited.

No person shall induce or seek to induce an officer to violate any of the provisions of this part.

Amended by Chapter 443, 2024 General Session

17-16a-10 Violation a misdemeanor -- Removal from office.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates this part is guilty of a class A misdemeanor and shall be dismissed from employment or removed from office.

Amended by Chapter 443, 2024 General Session

17-16a-11 County ethics commission -- Complaints charging violations -- Procedure.

(1) A county may establish by ordinance an ethics commission to review a complaint, except as provided in Subsection (3), against an officer or employee subject to this part for a violation of a provision of this part.
(2)
(a) Except as provided in Subsection (3), a person filing a complaint for a violation of this part shall file the complaint:
(i) with the county ethics commission, if the county has established a county ethics commission in accordance with Subsection (1); or
(ii) with the Political Subdivisions Ethics Review Commission established in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission if the county has not established a county ethics commission.
(b) A county that receives a complaint described in Subsection (2)(a) may:
(i) accept the complaint if the county has established a county ethics commission in accordance with Subsection (1); or

(ii) forward the complaint to the Political Subdivisions Ethics Review Commission established in Section 63A-15-201:
(A) regardless of whether the county has established a county ethics commission; or
(B) if the county has not established a county ethics commission.
(3) Any complaint against a person who is under the merit system, charging that person with a violation of this part, shall be filed and processed in accordance with the provisions of the merit system.

Amended by Chapter 461, 2018 General Session

17-16a-12 Rescission of prohibited transaction.

If a transaction is entered into in connection with a violation of Section 17-16a-6, the county may rescind or void a contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the county.

Amended by Chapter 443, 2024 General Session

17-16a-13 Annual conflict of interest disclosure -- County clerk -- Penalties.

(1) In addition to any other disclosure obligation described in this part, an elected officer shall, no sooner than January 1 and no later than January 31 of each year during which the elected officer holds county elective office:
(a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
(b) submit the written disclosure statement to the county clerk.
(2)
(a) No later than 10 business days after the day on which an elected officer submits the written disclosure described in Subsection (1) to the county clerk, the county clerk shall:
(i) post an electronic copy of the written disclosure statement on the county's website; and
(ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (2)(a)(i).
(b) The county clerk shall ensure that the elected officer's written disclosure statement remains posted on the county's website until the elected officer leaves office.
(3) A county clerk shall take the action described in Subsection (4) if:
(a) an elected officer fails to timely submit the written disclosure statement described in Subsection (1); or
(b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
(4) If a circumstance described in Subsection (3) occurs, the county clerk shall, within five days after the day on which the county clerk determines that a violation occurred, notify the elected officer of the violation and direct the elected officer to submit an amended written disclosure statement correcting the problem.
(5)
(a) It is unlawful for an elected officer to fail to submit or amend a written disclosure statement within seven days after the day on which the elected officer receives the notice described in Subsection (4).
(b) A regulated officeholder who violates Subsection (5)(a) is guilty of a class B misdemeanor.
(c) The lieutenant governor shall report a violation of Subsection (5)(a) to the attorney general.

(d) In addition to the criminal penalty described in Subsection (5)(b), the county clerk shall impose a civil fine of $100 against an elected officer who violates Subsection (5)(a).
(6) The county clerk shall deposit a fine collected under this part into the county's general fund as a dedicated credit to pay for the costs of administering this section.

Enacted by Chapter 443, 2024 General Session

Chapter 17
County Assessor

17-17-1 Duties of assessor -- Effective date of boundary changes for assessment.
(1) The assessor, in cooperation with the State Tax Commission, shall:
(a) perform the duties required in Title 59, Chapter 2, Part 13, Collection of Taxes, except those duties that have been reassigned to the treasurer in an ordinance adopted under Section 17-16-5.5; and
(b) perform any other duties required by law.
(2) An assessment shall be collected in accordance with the effective date and boundary adjustment provisions in Subsection 17-2-209(4).

Amended by Chapter 381, 2010 General Session

17-17-2 Assessor to be state qualified -- Vacancy -- Filling vacancy.
(1) As used in this section:
(a) "State-certified appraiser" means a state-certified general appraiser or state-certified residential appraiser as those terms are defined in Section 61-2g-102.
(b) "State-licensed appraiser" means the same as that term is defined in Section 61-2g-102.
(2) An individual elected to the office of county assessor shall:
(a) meet the requirements described in Section 17-16-1; and
(b)
(i) except as provided in Subsection (2)(b)(ii), if elected on or after November 1, 1993, become a state-licensed or state-certified appraiser no later than 36 months after the day on which the individual's term of office begins; or
(ii) if elected on or after January 1, 2010, in a county of the first, second, or third class, be a state-licensed or state-certified appraiser before filing a declaration of candidacy for the office of county assessor.
(3) The county assessor's office is vacant if:
(a) an assessor fails to meet the requirements described in Subsection (2); or
(b) no individual who meets the requirements described in Subsection (2) timely files a declaration of candidacy for the office of county assessor.
(4)
(a) If a vacancy described in Subsection (3) occurs, the county legislative body shall fill the vacancy in accordance with Sections 17-53-104 and 20A-1-508.
(b) The individual who the county legislative body selects to fill the vacancy shall be a state-licensed or state-certified appraiser before the individual assumes the office of county assessor.

(5) If the county legislative body cannot find an individual who meets the requirements described in Subsection (2) to fill a vacancy described in Subsection (3), the county legislative body may contract with a state-licensed or state-certified appraiser from outside the county to fill the remainder of the county assessor's term of office.

Repealed and Re-enacted by Chapter 285, 2016 General Session

Chapter 18a
Powers and Duties of County and District Attorney

Part 1
General Provisions

17-18a-101 Title.

This chapter is known as "Powers and Duties of County and District Attorney."

Enacted by Chapter 237, 2013 General Session

17-18a-102 Definitions.

(1) "Attorney" means a county attorney described in Section 17-18a-301 or a district attorney described in Section 17-18a-301.
(2) "Prosecution district" means a district created under Part 7, Prosecution District.

Enacted by Chapter 237, 2013 General Session

Part 2
Duties

17-18a-201 County and district attorney duties.

The duties, functions, and responsibilities of a county attorney or district attorney, acting as a public prosecutor or as civil counsel, are as provided in this chapter.

Enacted by Chapter 237, 2013 General Session

17-18a-202 County attorney powers and functions.

(1) Except within a county that is located in a prosecution district, the county attorney:
  (a) is a public prosecutor for the county; and
  (b) shall perform each public prosecutor and civil counsel duty in accordance with this chapter or as otherwise required by law.
(2) In a county that is located within a prosecution district, the county attorney:
  (a) is the civil counsel for the county; and
  (b) shall perform each civil counsel duty in the county or prosecution district in accordance with this chapter or as otherwise required by law.

Enacted by Chapter 237, 2013 General Session

17-18a-203 District attorney powers and functions.

In a county that is located within a prosecution district, the district attorney:

(1) is a public prosecutor for the county; and

(2) shall perform each public prosecutor duty in accordance with this chapter or as otherwise required by law.

Enacted by Chapter 237, 2013 General Session

Effective 7/1/2025

17-18a-203.5 District attorney data collection -- Report.

(1) In this section, "prosecution personnel" means:

(a) investigators;

(b) prosecutors;

(c) support staff; or

(d) other individuals paid for their work on the case.

(2) The district attorney in a county of the first class shall:

(a) track the time spent by prosecution personnel on each criminal case, calculated in quarter of an hour increments, by the offense classification; and

(b) provide a written report to the Law Enforcement and Criminal Justice Interim Committee by November 1, annually.

(3) The annual report required in Subsection (2)(b) shall include the following information, organized by the offense classification, for the cases that were active during the reporting period:

(a) the total number of hours, calculated in quarter of an hour increments, worked on the cases by prosecution personnel;

(b) the average amount of taxpayer dollars spent per case, as calculated by the hours worked and the salary of the prosecution personnel who worked on the case;

(c) the cumulative total hours worked and the number of cases, categorized by the following:

(i) cases that were dismissed prior to the filing of charges;

(ii) cases that were dismissed after charges were filed;

(iii) cases in which a plea agreement was reached by the parties prior to the preliminary hearing;

(iv) cases that were dismissed by the court after the preliminary hearing;

(v) cases in which a plea agreement was reached by the parties after the preliminary hearing;

(vi) cases that resulted in a court ruling in favor of the state; and

(vii) cases that resulted in a court ruling in favor of the defense;

(d) the average number of days between:

(i) the filing of criminal charges; and

(ii)

(A) the delivery of discovery information, including witness statements;

(B) the preliminary hearing; or

(C) the first day of trial; and

(e) the average number of attorneys assigned to each case.

Enacted by Chapter 538, 2024 General Session

17-18a-204 Consolidated office.

Within a prosecution district, the duties and responsibilities of the district attorney and county attorney may be consolidated into one office as provided in Section 17-16-3.

Enacted by Chapter 237, 2013 General Session

Part 3
Qualifications and Term

17-18a-301 County officers.

(1) The county attorney is an elected officer as described in Section 17-53-101.

(2)

(a) If the boundaries of a prosecution district are located entirely within one county, the district attorney of the prosecution district is an elected officer of that county.

(b) If the boundaries of a prosecution district include more than one county, the interlocal agreement that creates that prosecution district in accordance with Section 17-18a-602 may designate the district attorney as an elected officer in one or more of the counties in which the prosecution district is located.

(3) The district attorney:

(a) is a full-time employee of the prosecution district; and

(b) may not engage in the private practice of law.

(4) A county attorney may:

(a) serve as a part-time employee; and

(b) engage in the private practice of law, subject to Section 17-18a-605 and the Rules of Professional Conduct.

Enacted by Chapter 237, 2013 General Session

17-18a-302 Qualifications.

(1) A person filing a declaration of candidacy for the office of county or district attorney shall be:

(a) a United States citizen;

(b) an attorney licensed to practice law in the state;

(c) an active member of the Utah State Bar in good standing;

(d) except as provided in Subsection (2), a registered voter in the county or prosecution district in which the attorney is elected to office; and

(e) except as provided in Subsection (2), as of the date of election, a resident for at least one year of the county or prosecution district in which the person seeks office.

(2) A person appointed to the office of county or district attorney in accordance with Section 20A-1-509.2 shall be:

(a) a United States citizen;

(b) an attorney licensed to practice law in the state; and

(c) an active member of the Utah State Bar in good standing.

Enacted by Chapter 237, 2013 General Session

Part 4

Public Prosecutor Duties

17-18a-401 Public prosecutor powers and duties.

An attorney who serves as a public prosecutor shall:

(1) except for a prosecution undertaken by a city attorney under Section 10-3-928, conduct, on behalf of the state, all prosecutions for a public offense committed within a county or prosecution district;

(2) conduct, on behalf of the county, all prosecutions for a public offense in violation of a county criminal ordinance; and

(3) perform all other duties and responsibilities as required by law.

Enacted by Chapter 237, 2013 General Session

17-18a-402 Pretrial responsibilities.

(1)

(a) A public prosecutor shall:

(i) institute proceedings before the proper court:

(A) for the arrest of a person charged with a public offense; or

(B) if the prosecutor has probable cause to believe that a public offense has been committed and a grand jury has been convened by a court;

(ii) draw all indictments and information for offenses against:

(A) the laws of the state occurring within the county; and

(B) the criminal ordinances of the county;

(iii) cause all persons under indictment or informed against to be speedily arraigned for crimes charged; and

(iv) issue subpoenas for all witnesses for the state or for the county in the prosecution of a criminal ordinance.

(b) A public prosecutor described in Subsection (1)(a)(i)(B) shall:

(i) assist and attend the deliberations of the grand jury; and

(ii) prepare all necessary indictments and arrange for the subpoena of witnesses to appear before the grand jury.

(2) The public prosecutor may:

(a) examine as to the sufficiency of an appearance bond that may be tendered to the court; and

(b) upon a court order:

(i) institute proceedings for the recovery upon forfeiture of a bond running to the state or county; and

(ii) enforce the collection of a bond described in Subsection (2)(b)(i).

(3) The public prosecutor is authorized to grant transactional immunity to a witness for violation of a state statute or county criminal ordinance.

Enacted by Chapter 237, 2013 General Session

17-18a-403 Appeal.

(1) A public prosecutor shall assist and cooperate, as required by the attorney general, in a case that may be appealed to the Court of Appeals or Utah Supreme Court regarding a criminal violation of state statute.

(2) A public prosecutor shall appear and prosecute all appeals, in the appropriate court, for a crime charged as a misdemeanor in district court or as a violation of a county criminal ordinance.

Enacted by Chapter 237, 2013 General Session

17-18a-404 Juvenile proceedings.

For a proceeding involving an offense committed by a minor as defined in Section 80-1-102, a public prosecutor shall:

(1) review cases in accordance with Title 80, Chapter 6, Juvenile Justice; and

(2) appear and prosecute for the state in the juvenile court of the county.

Amended by Chapter 262, 2021 General Session

17-18a-405 Civil responsibilities of public prosecutors.

A public prosecutor may act as legal counsel to the state, county, government agency, or government entity regarding the following matters of civil law:

(1) bail bond forfeiture actions;

(2) actions for the forfeiture of property or contraband, as provided in Title 77, Chapter 11b, Forfeiture of Seized Property;

(3) civil actions incidental to or appropriate to supplement a public prosecutor's duties, including an injunction, a habeas corpus, a declaratory action, or an extraordinary writ action, in which the interests of the state may be affected; and

(4) any other civil duties related to criminal prosecution that are otherwise provided by statute.

Amended by Chapter 448, 2023 General Session

Part 5
Counsel for Civil Actions

17-18a-501 Duties as civil counsel.

The attorney shall:

(1) appear in, prosecute, and defend each civil action in which the county is a party;

(2) prosecute, either directly or through a private contract for debt collection, each action for the recovery of debts, fines, penalties, and forfeitures accruing to the county;

(3) prosecute each appeal regarding a civil counsel's duties or functions in which the county is a party;

(4) act as the civil legal advisor to the county; and

(5) attend the meetings and hearings of the county legislative body as necessary.

Enacted by Chapter 237, 2013 General Session

17-18a-502 Civil violation of county ordinance.

The civil counsel shall enforce and prosecute, in the appropriate court, civil violations of a county ordinance.

Enacted by Chapter 237, 2013 General Session

17-18a-503 Legal opinions.

The civil counsel shall prepare a legal opinion in writing to a county officer on matters relating to the duties of the respective officer's office.

Enacted by Chapter 237, 2013 General Session

17-18a-504 Review and advise as to form.

The civil counsel shall review and advise as to form and legality each county contract, ordinance, regulation, real estate document, conveyance, and legal document.

Amended by Chapter 260, 2022 General Session

17-18a-505 Escheats to the state.

The civil counsel shall:

(1) assist in determining what estate or property located within the county escheates or reverts to the state; and

(2) provide assistance to the county assessor and the state auditor in discovering and recovering an escheat.

Enacted by Chapter 237, 2013 General Session

17-18a-506 Correctional facility telephone service contracts -- Approval by civil counsel -- Required rates.

(1) As used in this section:

(a) "Civil counsel" means the attorney, as that term is defined in Section 17-18a-102, who is exercising the attorney's civil duties for the county.

(b) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

(c) "Correctional facility telephone service" means a public telecommunications service provided to a correctional facility for inmate use.

(d) "Inmate" means an individual who is committed to the custody of or housed in a correctional facility.

(e) "Inmate telephone rate" means any amount a correctional facility or a service provider charges an inmate for use of a correctional facility telephone service, including each per-minute rate or surcharge for:

(i) a collect call, a prepaid phone card, or any other method by which a correctional facility allows an inmate to access a correctional facility telephone service; or

(ii) a local or a long-distance phone call.

(f) "Service provider" means a public entity or a private entity that provides a correctional facility telephone service.

(2)

(a) A correctional facility shall consider the importance of inmate access to telephones in preserving family connections and reducing recidivism when proposing an inmate telephone rate in a new or renewed contract for correctional facility telephone service.

(b) A correctional facility or other state entity may not enter into or renew a contract for a correctional facility telephone service, unless the contract is approved by the civil counsel.

(c) To obtain approval of a contract described in Subsection (2)(b), a correctional facility or other state entity shall submit to the civil counsel:

(i) the proposed contract;
(ii) documentation that the correctional facility or other state entity has confirmed that:
(A) the provisions of the contract, other than the rates described in Subsection (3)(a), are consistent with correctional facility telephone service contracts throughout the state; and
(B) the contract provides for adequate services that meet the needs of the correctional facility; and
(iii) any additional information the civil counsel requires to analyze the contract.
(3)
(a) The civil counsel shall review a contract and any additional information described in Subsection (2)(b) to determine whether:
(i) each inmate telephone rate for interstate calls provided in the contract exceeds the corresponding inmate telephone service monetary cap per-use rate established and published by the Federal Communications Commission; and
(ii) each inmate telephone rate for intrastate calls provided in the contract exceeds the greater of:
(A) 25% higher than the corresponding inmate telephone service monetary cap per-use rate established and published by the Federal Communications Commission; or
(B) the corresponding inmate telephone system rate established and published by the Utah Department of Corrections.
(b)
(i) After receiving and reviewing the proposed contract and additional information, the civil counsel shall approve the contract if the proposed contract meets the requirements described in Subsection (3)(a).
(ii) The civil counsel shall inform the correctional facility or other state entity of the civil counsel's determination.

Enacted by Chapter 142, 2021 General Session

Part 6
General Duties and Prohibitions

17-18a-601 Assistance to the attorney general.

(1)
(a) The attorney shall appear and assist the attorney general in criminal and civil legal matters involving the state if:
(i) except as provided in Subsection (1)(b), the attorney general requests assistance; or
(ii) the attorney is required by law to provide assistance.
(b) The attorney is not required to provide, if requested, the attorney general assistance if the attorney's assistance would:
(i) interfere with the attorney's duties and responsibilities to the county; or
(ii) create a conflict of interest.
(c) The attorney shall cooperate with the attorney general in an investigation.
(2) The attorney general shall assist the attorney with a criminal prosecution if a court:
(a) finds that the attorney is unable to satisfactorily and adequately perform the duties of prosecuting a criminal case; and
(b) recommends that the attorney seek additional legal assistance.

Amended by Chapter 24, 2018 General Session

17-18a-602 Deputy attorneys.

(1) The attorney may employ a deputy attorney to perform the duties of public prosecutor or civil counsel.

(2)

(a) Subject to the approval of the county attorney, the district attorney may cross deputize a county deputy attorney as a deputy district attorney.

(b) Subject to the approval of the district attorney, the county attorney may cross deputize a deputy district attorney as a deputy county attorney.

(3) The county attorney may specially deputize, for a limited time or limited purpose, an attorney licensed to practice law in the state and in good standing with the Utah State Bar as a deputy to assist in any public prosecutor or civil counsel duties specified in the special deputization.

Enacted by Chapter 237, 2013 General Session

17-18a-603 Legislative functions.

The attorney:

(1) may review a state statute;

(2) shall review each county ordinance;

(3) shall call to the attention of the state Legislature or the county legislative body any defect in the operation of the law; and

(4) shall suggest and assist in presenting an amendment to correct the defect.

Enacted by Chapter 237, 2013 General Session

17-18a-604 Other duties.

The attorney shall perform each duty and responsibility of public prosecutor and civil counsel as provided by statute or ordinance.

Enacted by Chapter 237, 2013 General Session

17-18a-605 Prohibited acts.

(1) Within the state, the attorney may not consult with or otherwise represent a person charged with a crime, misdemeanor, or breach of a criminal statute or ordinance.

(2) A public prosecutor may not prosecute or dismiss in the name of the state a case in which the public prosecutor has previously acted as legal counsel for the accused.

(3) A public prosecutor may not after the filing of an indictment or information and without the consent of the court:

(a) compromise a prosecution; or

(b) enter a plea of nolle prosequi.

Enacted by Chapter 237, 2013 General Session

Part 7

Prosecution District

17-18a-701 Creation of a prosecution district.

A county legislative body may, by ordinance, create a countywide prosecution district.

Enacted by Chapter 237, 2013 General Session

17-18a-702 Multicounty prosecution district.

(1)

(a) Subject to Subsection (2), two or more counties, whether or not contiguous, may enter into an agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, to create and maintain a prosecution district.

(b) A prosecution district described in Subsection (1)(a) shall include all of the area within the boundaries of each county party to the agreement.

(2) A county may not enter into an agreement to create a multicounty prosecution district unless each county entering into the agreement is located within a single judicial district, as described in Section 78A-1-102, with the other party counties.

Enacted by Chapter 237, 2013 General Session

17-18a-703 Dissolution of prosecution district.

(1) A county legislative body of a prosecution district described in Section 17-18a-701, or the legislative bodies of multiple counties within a multicounty prosecution district described in Section 17-18a-702, may not dissolve the prosecution district or multicounty prosecution district, respectively, during the term of office of an elected or appointed district attorney.

(2) Each county legislative body shall ensure that an ordinance dissolving a prosecution district within a single county or an interlocal agreement dissolving a prosecution district within multiple counties:

(a) is enacted before February 1 of the year in which the regular general election, as defined in Section 20A-1-102, is held to elect an attorney; and

(b) takes effect on the first Monday in January after the year in which the attorney is elected.

Enacted by Chapter 237, 2013 General Session

Part 8
Ethical Responsibilities

17-18a-801 Public prosecutor's ethical duties.

An attorney exercising public prosecutor duties under this chapter:

(1) is a lawyer representing an organization as a client under the Rules of Professional Conduct, Rule 1.13;

(2) represents the state as an organizational client;

(3) is considered the representative of the state; and

(4) is empowered to make commitments for and decisions on behalf of the state.

Enacted by Chapter 237, 2013 General Session

17-18a-802 Representation by civil counsel -- County is client.

(1)
(a) An attorney acting as civil counsel under this chapter represents an organization as a client in accordance with Rules of Professional Conduct, Rule 1.13.
(b) The county is the client organization described in Subsection (1)(a).

(2) The attorney:
(a) does not represent a county commission, county agency, county board, county council, county officer, or county employee;
(b) counsels with the county regarding civil matters; and
(c) receives direction from the county through the county elected officers in accordance with the officers' duties and powers in accordance with law.

(3) Notwithstanding Subsection (2)(a), the attorney may represent an employee named as a party in litigation:
(a) with the approval of the county executive; and
(b) if permitted by law and the Rules of Professional Conduct.

Enacted by Chapter 237, 2013 General Session

17-18a-803 License suspended -- Vacancy.

If the attorney is suspended or disbarred from the practice of law in the state, the attorney's office is vacant immediately upon suspension or disbarment.

Enacted by Chapter 237, 2013 General Session

Chapter 19a
County Auditor

Part 1
General Provisions

17-19a-102 Definitions.

As used in this chapter:

(1) "Account" or "accounting" means:
(a) the systematic recording, classification, or summarizing of a financial transaction or event; and
(b) the interpretation or presentation of the result of an action described in Subsection (1)(a).

(2)
(a) "Accounting services" means the creation, modification, or deletion of transactions and records in a financial accounting system, including the preparation of a county's annual financial report.
(b) "Accounting services" does not include the creation of a purchase order.

(3) "Audit" or "auditing" means an examination that is a formal analysis of a county account or county financial record:
(a) to verify accuracy, completeness, or compliance with an internal control;

(b) to give a fair presentation of a county's financial status; and
(c) that conforms to the uniform classification of accounts established by the state auditor.
(4) "Book" means a financial record of the county, regardless of a record's format.
(5)
(a) "Budget" or "budgeting" means the preparation or presentation of a proposed or tentative budget as provided in Chapter 36, Uniform Fiscal Procedures Act for Counties.
(b) "Budget" or "budgeting" includes:
(i) a revenue projection;
(ii) a budget request compilation; or
(iii) the performance of an activity described in Subsection (5)(b)(i) or (ii).
(6)
(a) "Claim" means under the color of law:
(i) a demand presented for money or damages; or
(ii) a cause of action presented for money or damages.
(b) "Claim" does not mean a routine, uncontested, or regular payment, including a bill, purchase, or payroll.
(7)
(a) "County auditor" means the county officer elected as the county auditor under Section 17-53-101.
(b) "County auditor" includes a person given the title of county controller under Subsection 17-19a-202(6).
(8) "County executive" means the elected chief executive officer of a county.
(9) "Performance audit" means an assessment of whether a county office, officer, department, division, court, or entity, or any related county program is:
(a) managing public resources and exercising authority in compliance with law and policy;
(b) achieving objectives and desired outcomes; and
(c) providing services effectively, efficiently, economically, ethically, and equitably.

Amended by Chapter 178, 2023 General Session

Part 2
Powers and Duties

17-19a-201 Seal.
(1) The county legislative body shall furnish the auditor a seal in accordance with Subsection (2).
(2) The seal shall contain or be impressed with:
(a) the name of the county; and
(b) "State of Utah, County Auditor."

Enacted by Chapter 17, 2012 General Session

17-19a-202 Duties and services.
A county auditor shall perform:
(1) in accordance with Section 17-19a-205, an accounting duty or service described in this chapter or otherwise required by law;
(2) an auditing duty or service described in this chapter or otherwise required by law; and

(3) other duties as may be required by law.
(4) A county auditor may conduct, in relation to any county office, officer, department, division, court, or entity, as the county auditor deems necessary, the following duties and services:
  (a) financial audits;
  (b) attestation-level examinations, reviews, and agreed-upon procedures engagements or reviews of financial statements;
  (c) subject to Section 17-19a-206, performance audits;
  (d) subject to Section 17-19a-205, accounting services; and
  (e) other duties as required by law.
(5) In a county of the first class, the county auditor shall conduct the services under Subsections (4)(a) through (c) in accordance with generally accepted government auditing standards.
(6) A county legislative body may change the title of county auditor to county controller for a county auditor's office that predominantly performs accounting services.
(7) The county auditor may not conduct the services described in Subsections (4)(a) through (c) with respect to the auditor's own office, accounts, or financial records.
(8) Nothing in this chapter limits a county legislative body's authority under Section 17-53-212 or a county executive's authority under Section 17-53-303.

Amended by Chapter 178, 2023 General Session

17-19a-204 Auditing services.
(1)
  (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), a county auditor is authorized to audit the financial records and accounts of a:
    (i) county office;
    (ii) county department;
    (iii) county division;
    (iv) county justice court; or
    (v) any other county entity.
  (b) The county auditor may not audit the auditor's own office, including any of the county auditor's financial records or accounts.
(2) The county auditor shall perform an audit:
  (a) as needed, as defined by good management practices and the standards of the profession; and
  (b) based on the auditor's professional judgement, taking into account considerations related to risk and materiality.
(3) Nothing in this section may be construed to affect a county legislative body's authority under Section 17-53-212 or a county executive's authority under Section 17-53-303.

Enacted by Chapter 17, 2012 General Session

17-19a-205 Accounting services.
(1) Except as provided in Subsections (2) and (3), the county auditor shall provide accounting services for the county.
(2) For a county operating under the county executive-council form of government as described in Section 17-52a-203, the county council may, by ordinance, delegate accounting services provided for or executed on behalf of the entire county:
  (a) to the county executive; or

(b) to an office's or department's officer or director.
(3) For a county operating under the council-manager form of county government as described in Section 17-52a-204, if the county auditor provides preapproval or postpayment review for all payments by the county, the county council may by ordinance passed on or before December 31, 2021, delegate accounting services provided for or executed on behalf of the entire county:
(a) to the county manager; or
(b) to an office's or department's officer or director.
(4) If a county council delegates the provision of accounting services in accordance with Subsection (2) or (3):
(a) the county council shall make the delegation in accordance with good management practice to foster effectiveness, efficiency, and the adequate protection of a county asset;
(b) the county council shall make the delegation by considering appropriate checks and balances within county government; and
(c) the entity that is selected to provide accounting services shall prepare the tentative budget as provided in Chapter 36, Uniform Fiscal Procedures Act for Counties.

Amended by Chapter 288, 2022 General Session

17-19a-206 Performance audit services.
(1) In a county of the first class, the county auditor shall conduct a performance audit:
(a) as the county auditor deems appropriate, taking into account:
(i) the standards of the profession;
(ii) the county auditor's professional judgment; and
(iii) the county auditor's assessment of risk and materiality; or
(b) as requested and engaged by the county legislative body or county executive, in accordance with the following:
(i) the county legislative body or county executive shall establish the goals and nature of the performance audit;
(ii) the county auditor shall conduct the audit in a manner consistent with the county auditor's professional judgment and statutory duties; and
(iii) the county legislative body or county executive and the county auditor shall agree upon the prioritization and timing of the performance audit, with terms that are consistent with the county auditor's statutory duties and available resources.
(2)
(a) In a county of the second through sixth class, the county auditor shall conduct a performance audit under the direction and supervision of the county legislative body or county executive.
(b) The county legislative body or county executive shall establish the goals and nature of a performance audit conducted under Subsection (2)(a).
(3) A performance audit conducted under this section may include an assessment of the following:
(a) the honesty and integrity of financial and other affairs;
(b) the accuracy and reliability of financial and management reports;
(c) the adequacy of financial controls to safeguard public funds;
(d) the management and staff adherence to statute, ordinance, policies, and legislative intent;
(e) the economy, efficiency, and effectiveness of operational performance;
(f) the accomplishment of intended objectives; and
(g) whether management, financial, and information systems are adequate and effective.

Amended by Chapter 178, 2023 General Session

17-19a-207 Management of financial records -- Disposal of records.

(1) A county auditor shall:
  (a) maintain the books of the county in such a manner as will show the amount of receipts from and disbursement of a county office, department, division, or other county entity;
  (b) keep accounts current with the county treasurer;
  (c) preserve a document, book, record, or paper that the county legislative body requires the auditor to keep in the auditor's office; and
  (d) make an item described in Subsection (1)(c) available for public inspection during office hours.
(2) The county auditor shall, in accordance with Title 63G, Chapter 2, Government Records Access and Management Act, remove from the auditor's files and destroy or otherwise dispose of:
  (a) fee statements of a county officer;
  (b) county warrants; and
  (c) claims against the county.

Enacted by Chapter 17, 2012 General Session

17-19a-208 Reporting -- State treasurer -- County legislative body.

(1) On or before the last day of each month, the county finance officer shall submit a report to the state treasurer regarding the collection, care, and disbursement of state money by the county during the preceding month.
(2) The county auditor and the county treasurer shall, as required by the county legislative body, make a joint report to the county executive and the county legislative body accounting for the financial condition of the county.
(3) If a county auditor determines that a county office, officer, department, division, court, or entity has not implemented a county auditor's prior recommendation in connection with a previous financial audit, performance audit, examination, or review, the county auditor shall notify the county legislative body that the entity has not implemented the recommendation.

Amended by Chapter 178, 2023 General Session

Part 3
Payments and Warrants

17-19a-301 Payments and warrants.

(1)
  (a) Subject to Subsection (1)(b), if a debt or demand against a county is fixed by law, the debt or demand shall be paid by:
    (i) subject to Subsection (2)(a), a warrant drawn by the county auditor or the county treasurer; or
    (ii) subject to Subsection (2)(b), a check or other payment mechanism as may be adopted in accordance with Chapter 36, Uniform Fiscal Procedures Act for Counties.
  (b) Subsection (1)(a) does not apply to a debt or demand against the county that is, in accordance with law, audited by another person or tribunal.
(2)

(a) The county auditor shall:
(i) distinctly specify on a warrant the liability for which the warrant is made and when the liability accrued; and
(ii) notify the county treasurer:
(A) as described in Subsection (3)(b), of the date, amount, payee of, and number assigned to a warrant; and
(B) of the aggregate amount of all contemporaneous payments by warrant.
(b) The county auditor shall notify the county treasurer and county executive:
(i) as described in Subsection (3)(b), of the amount and payee of all payments made by check or other payment mechanism;
(ii) as described in Subsection (3)(b), the date of and number assigned to a check or other payment mechanism; and
(iii) the aggregate amount of a contemporaneous payment.
(3)
(a) As used in this Subsection (3), "remuneration" means a warrant, check, or other payment mechanism.
(b) For a remuneration issued by the county auditor, the auditor shall:
(i) number each remuneration consecutively, commencing annually on the first day of January; and
(ii) state on the remuneration:
(A) the number of the remuneration;
(B) the date of payment;
(C) the amount of the payment made;
(D) the name of the person to whom payable; and
(E) the purpose for which the remuneration was made.
(4) The county auditor shall dispose of a payment not presented for collection in accordance with Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act.
(5) The county legislative body may delegate by ordinance the processing of payments and warrants in accordance with Section 17-19a-205.

Enacted by Chapter 17, 2012 General Session

Part 4
Investigations

17-19a-401 County auditor investigative powers -- Report of findings.
(1)
(a) A county auditor:
(i) may conduct an investigation of an issue or action associated with or related to the auditor's statutory duties, including investigating a book or account of a county office, officer, department, division, court, or entity; and
(ii) may not conduct an investigation of an issue or action that is not associated with or related to the auditor's statutory duties.
(b) A county officer, employee, or other county administrative entity shall grant the county auditor complete and free access to a book requested by the county auditor in accordance with Subsection (1)(a)(i).

(c) A county auditor, with the assistance of the county or district attorney, may:
(i) administer an oath or affirmation; or
(ii) issue an administrative subpoena for a witness or document necessary to the performance of the auditor's statutory duties.
(2) If the county auditor, after a complete investigation, finds that a book or account of a county office, officer, department, division, court, or entity is not kept in accordance to law, or that an office, officer, department, division, court, or entity has made an incorrect or improper financial report, the county auditor shall prepare a report of the auditor's findings and submit a copy of the report to the county executive.
(3) If a county auditor, after a complete investigation, finds that a justice court judge has not kept a book or account according to law, or that the justice court judge has made an incorrect or improper financial report, the auditor shall prepare a report of the auditor's findings and submit a copy of the report to the state court administrator, the county executive, and the county legislative body.

Amended by Chapter 178, 2023 General Session

Chapter 20
County Clerk

17-20-1 County clerk -- District court clerk duties.

The county clerk is the clerk of the legislative body of the county. The clerk shall act as clerk of the district court in secondary counties of the state district court administrative system and those counties not in the system, and shall perform the duties listed in Section 78A-5-108.

Amended by Chapter 3, 2008 General Session

17-20-1.5 Clerk of county legislative body.

The county clerk is the clerk of the county legislative body.

Renumbered and Amended by Chapter 133, 2000 General Session

17-20-1.7 Clerk's duties.

The clerk shall:
(1) record all proceedings of the county legislative body;
(2) make full entries of all resolutions and decisions of the county legislative body on all questions concerning the county;
(3) record the vote of each member on any question upon which there is a division;
(4) prepare and certify duplicate lists of all claims, showing the amount and date of each claim or order and the date of the allowance or rejection of the claim, which lists shall be countersigned by the county executive;
(5) deliver to and leave with the county auditor one of the lists referred to in Subsection (4) and deliver to and leave with the county treasurer the other list;
(6) file and preserve the reports of the county officers to the county legislative body;

(7) preserve and file all accounts acted upon by the county legislative body, except such as are necessarily kept by the auditor;
(8) preserve and file all petitions and applications for franchises, and record the action of the county legislative body on them;
(9) authenticate with the clerk's signature and the seal of the county the proceedings of the county legislative body if the proceedings are ordered published;
(10) authenticate with the clerk's signature and the seal of the county all ordinances or laws passed by the county legislative body, and record them at length in the ordinance book;
(11) record all orders levying taxes;
(12) keep at the clerk's office all county books, records, and accounts that the clerk is required by law to keep and keep them open at all times during regular business hours for public inspection; and
(13) perform all other duties required by law or by any rule or order of the county legislative body.

Renumbered and Amended by Chapter 133, 2000 General Session

17-20-3 County clerk -- Record of notaries public.

The county clerk of each county receiving certifications of notaries public from the lieutenant governor shall keep and maintain an indexed record for that purpose, showing the names of all persons holding notarial commissions, with the dates of issuance and expiration.

Amended by Chapter 136, 2003 General Session

17-20-4 Duties of county clerk.

A county clerk shall:
(1) establish policies to issue all marriage licenses and keep a register of marriages as provided by law;
(2) establish policies to ensure that the county clerk, or a designee of the county clerk who is willing, is available during business hours to solemnize a legal marriage for which a marriage license has been issued;
(3) execute under the clerk's seal and in the name of and for the county, all deeds and conveyances of all real estate conveyed by the county;
(4) take and certify acknowledgments and administer oaths;
(5) keep a fee book as provided by law; and
(6) take charge of and safely keep the seal of the county, and keep other records and perform other duties as may be prescribed by law.

Amended by Chapter 46, 2015 General Session

17-20-5 Report of election and appointment of officers.

Within 10 days after the day on which a county clerk issues a certificate of election or a certificate of appointment made to fill vacancies in elective county offices, the county clerk shall notify the lieutenant governor of the following:
(1) the name of the county;
(2) the name of the county office to which the individual was elected or appointed;
(3) the date of the election or appointment of the individual;
(4) the date of the expiration of the term for which the individual was elected or appointed;
(5) the date of the certificate of election or appointment; and

(6) the date of the qualification of the individual elected or appointed.

Amended by Chapter 18, 2022 General Session

Chapter 21
Recorder

17-21-1 Recorder -- Document custody responsibility -- Compliance with rules made by the County Recorder Standards Board -- Compliance with county appeal authority.

The county recorder:

(1) is custodian of all recorded documents and records required by law to be recorded;

(2) shall comply with rules made by the County Recorder Standards Board under Section 63C-30-202, including rules that govern:

(a) the protection of recorded documents and records in the county recorder's custody;

(b) the electronic submission of plats, records, and other documents to the county recorder's office;

(c) the protection of privacy interests in the case of documents and records in the county recorder's custody; and

(d) the formatting, recording, and redaction of documents and records in the county recorder's custody;

(3) shall comply with the appeal authority established by the county legislative body in accordance with Section 17-50-340; and

(4) may adopt policies and procedures governing the office of the county recorder that do not conflict with this chapter or rules made by the County Recorder Standards Board under Section 63C-30-202.

Amended by Chapter 413, 2023 General Session

17-21-2 Seal.

The county recorder shall have a seal, to be furnished by the county legislative body, the impression of which shall contain the following words: "State of Utah, County Recorder," together with the name of the county in which the same is to be used.

Amended by Chapter 227, 1993 General Session

17-21-3 Original documents or copies of original documents to be kept by the county.

After accepting a document for recording, receiving the fees for recording it, and completing recording procedures, the recorder shall, only if required by statute, keep the original document or a copy of the original document as a public record in a form sufficient to meet the requirements of this chapter.

Amended by Chapter 85, 1999 General Session

17-21-4 Certified copies.

(1) The county recorder may make and furnish certified photographic copies of any of the records in the office to an interested person who pays the applicable fees and charges.

(2) The county recorder shall supply certified copies of any of the records to the county officer for the officer's official use without the payment of any fee.

Amended by Chapter 85, 1999 General Session

17-21-5 Receipts for documents received for record.

Upon recording an instrument, the recorder shall, if requested, give a receipt to a person presenting an instrument for recording.

Amended by Chapter 85, 1999 General Session

17-21-6 General duties of recorder -- Records and indexes.

(1) Each recorder shall:

(a) keep an entry record, in which the recorder shall, upon acceptance and recording of any instrument, enter the instrument in the order of its recording, the names of the parties to the instrument, its date, the hour, the day of the month and the year of recording, and a brief description, and endorse upon each instrument a number corresponding with the number of the entry;

(b) keep a grantors' index, in which the recorder shall index deeds and final judgments or decrees partitioning or affecting the title to or possession of real property, which shall show the entry number of the instrument, the name of each grantor in alphabetical order, the name of the grantee, the date of the instrument, the time of recording, the kind of instrument, the book and page, and a brief description;

(c) keep a grantees' index, in which the recorder shall index deeds and final judgments or decrees partitioning or affecting the title to or possession of real property, which shall show the entry number of the instrument, the name of each grantee in alphabetical order, the name of the grantor, the date of the instrument, the time of recording, the kind of instrument, the book and page, and a brief description;

(d) keep a mortgagors' index, in which the recorder shall enter all mortgages, deeds of trust, liens, and other instruments in the nature of an encumbrance upon real estate, which shall show the entry number of the instrument, the name of each mortgagor, debtor, or person charged with the encumbrance in alphabetical order, the name of the mortgagee, lien holder, creditor, or claimant, the date of the instrument, the time of recording, the instrument, consideration, the book and page, and a brief description;

(e) keep a mortgagees' index, in which the recorder shall enter all mortgages, deeds of trust, liens, and other instruments in the nature of an encumbrance upon real estate, which shall show the entry number of the instrument, the name of each mortgagee, lien holder, creditor, or claimant, in alphabetical order, the name of the mortgagor or person charged with the encumbrance, the date of the instrument, the time of recording, the kind of instrument, the consideration, the book and page, and a brief description;

(f) subject to Subsection (4), keep a tract index, which shall show by description every instrument recorded, the date and the kind of instrument, the time of recording, and the book and page and entry number;

(g) keep an index of recorded maps, plats, and subdivisions;

(h) keep an index of powers of attorney showing the date and time of recording, the book, the page, and the entry number;

(i) keep a miscellaneous index, in which the recorder shall enter all instruments of a miscellaneous character not otherwise provided for in this section, showing the date of

recording, the book, the page, the entry number, the kind of instrument, from, to, and the parties;

(j) keep an index of judgments showing the judgment debtors, the judgment creditors, the amount of judgment, the date and time of recording, the satisfaction, and the book, the page, and the entry number;

(k) keep a general recording index in which the recorder shall index all executions and writs of attachment, and any other instruments not required by law to be spread upon the records, and in separate columns the recorder shall enter the names of the plaintiffs in the execution and the names of the defendants in the execution;

(l) keep an index of water right numbers that are included on an instrument recorded on or after May 13, 2014, showing the date and time of recording, the book and the page or the entry number, and the kind of instrument; and

(m) beginning January 1, 2025:

(i) maintain a system that allows a property owner to receive, upon the property owner's election, an electronic notice when the county recorder records a deed or mortgage, as defined in Section 70D-1-102, on the property owner's real property; and

(ii) if a property owner elects to receive electronic notice as described in Subsection (1)(m)(i), within 30 days after the day on which the county recorder records a deed or a mortgage as defined in Section 70D-1-102 on real property, provide an electronic notice of the recording to each property owner.

(2) Upon request, a county recorder may provide the notice described in Subsection (1)(m)(ii) to a property owner by a means other than electronic.

(3) Subsection (1)(m) applies only to real property for which the county treasurer provides a tax notice described in Section 59-2-1317.

(4) The recorder shall alphabetically arrange the indexes required by this section and keep a reverse index.

(5)

(a) The tract index required by Subsection (1)(f) shall be kept so that it shows a true chain of title to each tract or parcel, together with each encumbrance on the tract or parcel, according to the records of the office.

(b) A recorder shall abstract an instrument in the tract index unless:

(i) the instrument is required to contain a legal description under Section 17-21-20 or Section 57-3-105 and does not contain that legal description; or

(ii) the instrument contains errors, omissions, or defects to the extent that the tract or parcel to which the instrument relates cannot be determined.

(c) If a recorder abstracts an instrument in the tract index or another index required by this section, the recorder may:

(i) use a tax parcel number;

(ii) use a site address;

(iii) reference to other instruments of record recited on the instrument; or

(iv) reference another instrument that is recorded concurrently with the instrument.

(d) A recorder is not required to go beyond the face of an instrument to determine the tract or parcel to which an instrument may relate.

(e) A person may not bring an action against a recorder for injuries or damages suffered as a result of information contained in an instrument recorded in a tract index or other index that is required by this section despite errors, omissions, or defects in the instrument.

(f) The fact that a recorded instrument described in Subsection (3)(e) is included in the tract index does not cure a failure to give public notice caused by an error, omission, or defect.

(g) A document that is indexed in all or part of the indexes required by this section shall give constructive notice.
(6) Nothing in this section prevents the recorder from using a single name index if that index includes all of the indexes required by this section.

Amended by Chapter 430, 2024 General Session

17-21-9 Indexing of deeds and other instruments.

Deeds and other instruments affecting real estate made by a United States marshal, a sheriff, master in chancery, special commissioner, executor, administrator, guardian, trustee, or other person acting in behalf of another shall be indexed in the name of the person whose land is sold or affected as grantor.

Amended by Chapter 85, 1999 General Session

17-21-10 Judgments affecting real estate.

(1) A county recorder shall record for real property, any part of which is located in the county:
(a) a judgment affecting the real property;
(b) a release, assignment, renewal, or extension of a judgment lien affecting the real property; or
(c) a certified copy of a final judgment or decree partitioning or affecting the title or possession of the real property.
(2) A document recorded in accordance with this section is subject to the requirements of Section 57-3-106.

Amended by Chapter 88, 2011 General Session

17-21-11 Notice given by recording.

(1) Each certified copy from the time of recording gives notice to all persons of the contents of the recorded document.
(2) Subsequent purchasers, mortgagees, and lien holders purchase and encumber with the same notice and effect as if the certified copy was the original document.

Amended by Chapter 85, 1999 General Session

17-21-12 Recording procedures -- Endorsements of entry number required on documents.

(1) When a document is accepted by the recorder's office for recording, the recorder shall:
(a) endorse upon the first page of the document an entry number and the time when the document was accepted, noting the year, month, day, hour, and minute of its reception, and the amount of fees for recording it; and
(b) record the document during office hours in the order it was accepted.
(2) Each county recorder shall place an entry number or a book and page reference on each page of a document that the recorder accepts for recording only if the original document or a copy of the document is kept as a public record under Section 17-21-3.
(3)
(a) A county recorder may endorse each document that the recorder accepts for recording with a book and page reference.
(b) If a county recorder elects not to endorse a document with a book and page reference, the book and page reference may be omitted:

(i) in each index required by statute; and
(ii) on each document presented for recording that is required to recite recording data.
(4) Subject to Section 17-21-3, the county recorder shall return the document to the person that the recorder considers appropriate.

Amended by Chapter 97, 2008 General Session

17-21-12.5 Redacting personal information.
(1) As used in this section, "personal information" means:
(a) a signature;
(b) the first five digits of a social security number; or
(c) the month and day of the month of a birth date.
(2)
(a) An individual may request, in accordance with Subsection (3), to have the county recorder create a redacted version of a previously recorded instrument.
(b) The redacted version of a previously recorded instrument will, in accordance with this section, reflect redactions of the individual's personal information.
(3) A request under Subsection (2)(a) shall:
(a) be in writing;
(b) include payment of the fee under Subsection (6); and
(c) identify the location of the personal information in the county recorder's records by:
(i) entry number and page number; or
(ii) book and page number.
(4) If an individual makes a request in accordance with Subsection (3), the county recorder shall:
(a) create a copy of the originally recorded instrument of record for the purpose of creating a redacted version of the originally recorded instrument;
(b) on the copy of the originally recorded instrument created under Subsection (4)(a):
(i) redact the personal information, ensuring that the originally recorded instrument is not altered or changed;
(ii) indicate:
(A) the date and time that the redaction occurred; and
(B) that the originally recorded instrument remains on file with the county recorder's office; and
(c) make the redacted copy of the originally recorded instrument accessible and available for inspection.
(5) The county recorder shall produce or provide access to the originally recorded instrument of record if:
(a) the individual requesting a copy of the originally recorded instrument is:
(i) the individual whose personal information was redacted on the copy of the originally recorded instrument;
(ii) if the instrument is a trust deed, a beneficiary of the trust deed;
(iii) acting on behalf of a title company that has a valid business license issued by the state or a political subdivision of the state; or
(iv) an attorney that has a valid license from the Utah State Bar;
(b) the county recorder is responding to a valid subpoena;
(c) the county recorder is responding to a valid request under Title 63G, Chapter 2, Government Records Access and Management Act; or

(d) a court of competent jurisdiction orders the county recorder to produce the originally recorded instrument.

(6) The county recorder may charge a fee, in accordance with Section 17-21-18.5, for costs related to redacting personal information.

Enacted by Chapter 165, 2023 General Session

17-21-14 Military records -- Evidence.

(1) Upon presentation, the county recorder shall:

(a) record, free of charge, discharges from the military, naval, or marine service of the United States, and any and all orders, citations, and decorations of honor relating to a person while the person was in the military, naval, or marine service of the United States; and

(b) furnish, free of charge, certified copies of any of those records to the person to whom they relate and to the father, mother, brothers, sisters, or any lineal descendant of that person.

(2) Those certified copies may be read in evidence with the same effect as the original in any action or proceeding before any court, commission, or other tribunal in this state.

Amended by Chapter 85, 1999 General Session

17-21-16 Acknowledgments and administrations of oaths.

County recorders may take and certify acknowledgments and administer oaths.

No Change Since 1953

17-21-17 Prohibited acts.

(1)

(a) Upon acceptance of an instrument entitled to be recorded, the recorder may not:

(i) record the instrument in any manner other than the manner required by this chapter; or

(ii) alter, change, obliterate, or insert any new matter in any instrument of record.

(b) In accordance with Section 17-21-12.5, a county recorder may redact personal information from a copy of an originally recorded instrument.

(2) A recorder does not violate this section by:

(a) denying access to:

(i) an instrument of record that has been classified as private under Section 63G-2-302;

(ii) a portion of an instrument of record that has been classified as private under Section 63G-2-302; or

(iii) subject to Section 17-21-12.5, an originally recorded instrument of record for which a redacted copy exists and is accessible under Section 17-21-12.5; or

(b) placing an endorsement, reference, or other note on a document in the course of the recorder's work.

Amended by Chapter 165, 2023 General Session

17-21-18 Fees must be paid in advance.

The recorder may not record any instrument, furnish any copies, or provide any service connected with the office, until the fees prescribed by law have been paid or have been authorized to be paid electronically.

Amended by Chapter 191, 2018 General Session

17-21-18.5 Fees of county recorder -- Electronic recording of instruments.

(1) The county recorder shall receive the following fees:
  (a) for recording any instrument, not otherwise provided for, other than bonds of public officers, $40;
  (b) for recording any instrument, including those provided for under Title 70A, Uniform Commercial Code, other than bonds of public officers, and not otherwise provided for, $40, and if an instrument contains more than 10 descriptions, $2 for each additional description;
  (c) for recording mining location notices and affidavits of labor affecting mining claims, $40;
  (d) for an affidavit or proof of labor which contains more than 10 mining claims, $2 for each additional mining claim; and
  (e) for redacting personal information pursuant to Section 17-21-12.5, $5.

(2)
  (a) Each county recorder shall record the mining rules of the several mining districts in each county without fee.
  (b) Certified copies of these records shall be received in all tribunals and before all officers of this state as prima facie evidence of the rules.

(3) The county recorder shall receive the following fees:
  (a) for copies of any record or document, a reasonable fee as determined by the county legislative body;
  (b) for each certificate under seal, $5;
  (c) for recording any plat, $50 for each sheet and $2 for each lot or unit designation;
  (d) for taking and certifying acknowledgments, including seal, $5 for one name and $2 for each additional name;
  (e) for recording any license issued by the Division of Professional Licensing, $40; and
  (f) for recording a federal tax lien, $40, and for the discharge of the lien, $40.

(4) A county recorder may not charge more than one recording fee for each instrument, regardless of whether the instrument bears multiple descriptive titles or includes one or more attachments as part of the instrument.

(5)
  (a) Beginning on or before January 1, 2022, each county shall accept and provide for the electronic recording of instruments.
  (b) Beginning on or before January 1, 2023, each county shall:
    (i) provide for the electronic recording of a plat; and
    (ii) accept an electronic document for the recording of a plat.

(6) The county may determine and collect a fee for all services not enumerated in this section.

(7) A county recorder may not be required to collect a fee for services that are unrelated to the county recorder's office.

Amended by Chapter 165, 2023 General Session

17-21-19 Records open to inspection -- Copies.

(1) All instruments of record and all indexes required by this chapter are open to public inspection during office hours, except:
  (a) those instruments classified as private under Section 63G-2-302; and

(b) those instruments with respect to which a redaction of personal information has occurred under Section 17-21-12.5, if the redacted copy of the instrument is open to public inspection during office hours.

(2) Upon payment of the applicable fee, a person may obtain copies of a public record.

Amended by Chapter 165, 2023 General Session

17-21-20 Recording required -- Recorder may impose requirements on documents to be recorded -- Prerequisites -- Additional fee for noncomplying documents -- Recorder may require tax serial number -- Exceptions -- Requirements for recording final local entity plat.

(1) Subject to Subsections (2), (3), and (4), a county recorder shall record each paper, notice, and instrument required by law to be recorded in the office of the county recorder unless otherwise provided.

(2) Subject to Chapter 21a, Uniform Real Property Electronic Recording Act, each document that is submitted for recording to a county recorder's office shall:

(a) unless otherwise provided by law, be an original or certified copy of the document;

(b) be in English or be accompanied by an accurate English translation of the document;

(c) contain a brief title, heading, or caption on the first page stating the nature of the document;

(d) except as otherwise provided by statute, contain the legal description of the property that is the subject of the document in accordance with Subsection 57-3-105(4);

(e) comply with the requirements of Section 17-21-25 and Subsections 57-3-105(1) and (2);

(f) except as otherwise provided by statute, be notarized with the notary stamp with the seal legible; and

(g) have original signatures.

(3)

(a) Subject to Chapter 21a, Uniform Real Property Electronic Recording Act, a county recorder may require that each paper, notice, and instrument submitted for recording in the county recorder's office:

(i) be on white paper that is 8-1/2 inches by 11 inches in size;

(ii) have a margin of one inch on the left and right sides and at the bottom of each page;

(iii) have a space of 2-1/2 inches down and 4-1/2 inches across the upper right corner of the first page and a margin of one inch at the top of each succeeding page;

(iv) not be on sheets of paper that are continuously bound together at the side, top, or bottom;

(v) not contain printed material on more than one side of each page;

(vi) be printed in black ink and not have text smaller than seven lines of text per vertical inch; and

(vii) be sufficiently legible to make certified copies.

(b) A county recorder who intends to establish requirements under Subsection (3)(a) shall first:

(i) provide formal notice of the requirements; and

(ii) establish and publish an effective date for the requirements that is at least three months after the formal notice under Subsection (3)(b)(i).

(4)

(a) To facilitate the abstracting of an instrument to which a tax identification number is assigned, a county recorder may require that the applicable tax identification number of each parcel described in the instrument be noted on the instrument before the county recorder accepts the instrument for recording.

(b) If a county recorder requires the applicable tax identification number to be on an instrument before the instrument may be recorded:

(i) the county recorder shall post a notice of that requirement in a conspicuous place at the recorder's office;
(ii) the tax identification number may not be considered to be part of the legal description and may be indicated on the margin of the instrument; and
(iii) an error in the tax identification number does not affect the validity of the instrument or effectiveness of the recording.
(5) Subsections (2), (3), and (4) do not apply to:
(a) a map or plat;
(b) a certificate or affidavit of death that a government agency issues;
(c) a military discharge or other record that a branch of the United States military service issues;
(d) a document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury;
(e) a document submitted for recording that has been filed with a court and conforms to the formatting requirements established by the court; or
(f) a document submitted for recording that is in a form required by law.
(6)
(a) As used in this Subsection (6):
(i) "Boundary action" has the same meaning as defined in Section 17-23-20.
(ii) "Local entity" has the same meaning as defined in Section 67-1a-6.5.
(b) A person may not submit to a county recorder for recording a plat depicting the boundary of a local entity as the boundary exists as a result of a boundary action, unless:
(i) the plat has been approved under Section 17-23-20 by the county surveyor as a final local entity plat, as defined in Section 17-23-20; and
(ii) the person also submits for recording:
(A) the original notice of an impending boundary action, as defined in Section 67-1a-6.5, for the boundary action for which the plat is submitted for recording;
(B) the original applicable certificate, as defined in Section 67-1a-6.5, issued by the lieutenant governor under Section 67-1a-6.5 for the boundary action for which the plat is submitted for recording; and
(C) each other document required by statute to be submitted for recording with the notice of an impending boundary action and applicable certificate.
(c) Promptly after recording the documents described in Subsection (6)(b) relating to a boundary action, but no later than 10 days after recording, the county recorder shall send a copy of all those documents to the State Tax Commission.

Amended by Chapter 420, 2022 General Session

17-21-21 Ownership plats -- Use of geographic information systems or computer systems.
(1) The county recorder shall prepare and keep ownership plats drawn to a convenient scale, which show the record owners of each tract of land in the county, together with the dimensions of the tract.
(2) The county recorder may not be required to:
(a) show ownership of timeshare units or timeshare estates on ownership plats; or
(b) show lot or unit ownership on subdivisions or condominium plats or other ownership plats if that information is available through computer systems or other indexes.
(3) Nothing in this chapter precludes the use of geographic information systems or computer systems by the recorder if the systems include all of the information required by this section.

Amended by Chapter 241, 2001 General Session

17-21-22 Annual revision -- Reporting changes in ownership to county assessors -- Use of geographic information systems or computer systems.

(1) The county recorder shall:

(a) each year, prepare copies of ownership plats and descriptions, showing record owners at noon on January 1;

(b) on or before January 30 of each year, transmit the copies to the county assessor;

(c) report all changes in recorded ownership of real property made during the first seven months of each calendar year to the county assessor not later than August 15 of that year;

(d) for the remainder of the calendar year, report the changes in the ownership of real property that are recorded in the county recorder's office each month on or before the 15th day of the month following the month in which the changes were recorded;

(e) transmit the changes of ownership on appropriate forms that show the current owner's name and a full legal description of the property conveyed; and

(f) where only a part of the grantor's property is conveyed, transmit an additional form showing a full legal description of the portion retained.

(2) Nothing in this chapter precludes the use of geographic information systems or computer systems by the recorder if the systems include all of the information required by this section.

Amended by Chapter 291, 2002 General Session

17-21-25 Names of persons signing to be typed or printed on instruments presented for recording.

(1)

(a) Each instrument presented to the county recorder for recording shall have typed or printed on it the name of each person whose signature appears on the instrument whose name is required to be indexed.

(b) The person's typed or printed name shall appear just beneath that person's signature.

(2) The requirements of Subsection (1) do not affect the legality of the instrument to be recorded.

Amended by Chapter 38, 2006 General Session

Chapter 21a
Uniform Real Property Electronic Recording Act

Part 1
General Provisions

17-21a-101 Title.

(1) This chapter is known as the "Uniform Real Property Electronic Recording Act."

(2) This part is known as "General Provisions."

Enacted by Chapter 89, 2014 General Session

17-21a-102 Definitions.

As used in this chapter:
(1) "Commission" means the Utah Electronic Recording Commission established in Section 17-21a-302.
(2) "Document" means information that is:
(a) inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and
(b) eligible to be recorded in the land records maintained by the county recorder.
(3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
(4) "Electronic document" means a document that is received by the county recorder in an electronic form.
(5) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.
(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Enacted by Chapter 89, 2014 General Session

Part 2
Electronic Documents

17-21a-201 Title.
This part is known as "Electronic Documents."

Enacted by Chapter 89, 2014 General Session

17-21a-202 Validity of electronic documents.
(1) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying this chapter.
(2) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.
(3)
(a) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature.
(b) A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

Enacted by Chapter 89, 2014 General Session

17-21a-203 Recording of documents.

(1) As used in this section, "paper document" means a document that is received by the county recorder in a form that is not electronic.

(2) A county recorder:

(a) who implements any of the functions listed in this section shall do so in compliance with standards established by the Utah Electronic Recording Commission created in Section 17-21a-301;

(b) may receive, index, store, archive, and transmit electronic documents;

(c) may provide for access to, and for search and retrieval of, documents and information by electronic means;

(d) who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index;

(e) may convert paper documents accepted for recording into electronic form;

(f) may convert into electronic form information recorded before the county recorder began to record electronic documents;

(g) may accept electronically any fee that the county recorder is authorized to collect; and

(h) may agree with other officials of a state or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees.

Enacted by Chapter 89, 2014 General Session

Part 4
Relationship to Other Laws

17-21a-401 Title.

This part is known as "Relationship to Other Laws."

Enacted by Chapter 89, 2014 General Session

17-21a-402 Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Enacted by Chapter 89, 2014 General Session

17-21a-403 Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Sec. 7001, et seq.) but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. Sec. 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. Sec. 7003(b)).

Enacted by Chapter 89, 2014 General Session

Chapter 22
Sheriff

17-22-1 "Process," "notice," defined.

"Process" as used in this chapter includes all writs, warrants, summonses and orders of the courts of justice or judicial officers. "Notice" includes all papers and orders, except process, required to be served in any proceeding before any court, board, commission or officer, or when required by law to be served independently of such proceedings.

No Change Since 1953

17-22-1.5 County sheriff qualifications.

(1) Each person filing a declaration of candidacy for the office of county sheriff shall submit to the county clerk, at the time of filing a declaration of candidacy, a certificate issued by the Peace Officer Standards and Training Division created under Section 53-6-103 stating that the candidate has:
  (a)
    (i) successfully met the standards and training requirements established for peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
    (ii) met the waiver requirements in Section 53-6-206; and
  (b) met the qualifications to be certified as a law enforcement officer, as defined in Section 53-13-103.
(2) In addition to the general qualifications required of county officers by Title 17, Chapter 16, County Officers, each county sheriff shall:
  (a) at the time of taking office:
    (i)
      (A) have successfully met the standards and training requirements established for peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
      (B) have met the waiver requirements in Section 53-6-206; and
    (ii) be qualified to be certified as:
      (A) a law enforcement officer, as defined in Section 53-13-103; and
      (B) if the person is elected to the office of county sheriff in any election held after the 2008 general election:
        (I) a correctional officer, as defined in Section 53-13-104; or
        (II) a correctional facility manager by having successfully completed a correctional facility management course that is offered by a certified academy in both an online web-based format and in a classroom format and that is approved by the Peace Officer Standards and Training Council created in Section 53-6-106;
  (b) satisfactorily complete annual certified training as required in Section 53-13-103; and
  (c) after certification as provided in Subsection (2)(a), remain certified during the sheriff's term of office as:
    (i) a law enforcement officer; and
    (ii) if the person is elected to the office of county sheriff in any election held after the 2008 general election:
      (A) a correctional officer; or

(B) a correctional facility manager by having completed a correctional facility management course approved by the Peace Officer Standards and Training Council.

(3) If a sheriff resigns, retires, dies, or otherwise does not complete the term of office, the person appointed to serve for the remainder of the term shall within 60 days after the date of appointment complete the training and exam required under Subsection (2)(a)(ii)(B).

(4) The county legislative body shall declare the office of sheriff to be vacant if at any time the incumbent sheriff fails to meet the qualifications for office under Subsection (2).

Amended by Chapter 58, 2011 General Session

17-22-2 Sheriff -- General duties.

(1) The sheriff shall:

(a) preserve the peace;

(b) make all lawful arrests;

(c) attend in person or by deputy the Supreme Court and the Court of Appeals when required or when the court is held within his county, all courts of record, and court commissioner and referee sessions held within his county, obey their lawful orders and directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;

(d) upon request of the juvenile court, aid the court in maintaining order during hearings and transport a minor to and from youth corrections facilities, other institutions, or other designated places;

(e) attend county justice courts if the judge finds that the matter before the court requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his custody, or for the custody of jurors;

(f) command the aid of as many inhabitants of the sheriff's county as the sheriff considers necessary in the execution of these duties;

(g) take charge of and keep the county jail and the jail prisoners;

(h) receive and safely keep all persons committed to the sheriff's custody, file and preserve the commitments of those persons in custody, and record the name, age, place of birth, and description of each person committed;

(i) release on the record all attachments of real property when the attachment the sheriff receives has been released or discharged;

(j) endorse on all process and notices the year, month, day, hour, and minute of reception, and, upon payment of fees, issue a certificate to the person delivering process or notice showing the names of the parties, title of paper, and the time of receipt;

(k) serve all process and notices as prescribed by law;

(l) if the sheriff makes service of process or notice, certify on the process or notices the manner, time, and place of service, or, if the sheriff fails to make service, certify the reason upon the process or notice, and return them without delay;

(m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public land within his county;

(n) perform as required by any contracts between the county and private contractors for management, maintenance, operation, and construction of county jails entered into under the authority of Section 17-53-311;

(o) for the sheriff of a county of the second through sixth class that enters into an interlocal agreement for law enforcement service under Title 11, Chapter 13, Interlocal Cooperation Act, provide law enforcement service as provided in the interlocal agreement;

(p) manage and direct search and rescue services in his county, including emergency medical responders and other related incident response activities;
(q) obtain saliva DNA specimens as required under Section 53-10-404;
(r) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender;
(s) as applicable, select a representative of law enforcement to serve as a member of a child protection team, as defined in Section 80-1-102;
(t) appoint a county security chief in accordance with Section 53-22-103 and ensure the county security chief fulfills the county security chief's duties; and
(u) perform any other duties that are required by law.

(2)
(a) Violation of Subsection (1)(j) is a class C misdemeanor.
(b) Violation of any other subsection under Subsection (1) is a class A misdemeanor.

(3)
(a) As used in this Subsection (3):
(i) "Police interlocal entity" means the same as that term is defined in Sections 17-30-3 and 17-30a-102.
(ii) "Police special district" means the same as that term is defined in Section 17-30-3.
(b) Except as provided in Subsections (3)(c) and 11-13-202(4), a sheriff in a county which includes within its boundary a police special district or police interlocal entity, or both:
(i) serves as the chief executive officer of each police special district and police interlocal entity within the county with respect to the provision of law enforcement service within the boundary of the police special district or police interlocal entity, respectively; and
(ii) is subject to the direction of the police special district board of trustees or police interlocal entity governing body, as the case may be, as and to the extent provided by agreement between the police special district or police interlocal entity, respectively, and the sheriff.
(c) Notwithstanding Subsection (3)(b), and except as provided in Subsection 11-13-202(4), if a police interlocal entity or police special district enters an interlocal agreement with a public agency, as defined in Section 11-13-103, for the provision of law enforcement service, the sheriff:
(i) does not serve as the chief executive officer of any interlocal entity created under that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief executive officer; and
(ii) shall provide law enforcement service under that interlocal agreement as provided in the agreement.

Amended by Chapter 21, 2024 General Session

17-22-2.5 Fees of sheriff.

(1)
(a) The legislative body of a county may set a fee for a service described in this section and charged by the county sheriff:
(i) in an ordinance adopted under Section 17-53-223; and
(ii) in an amount reasonably related to, but not exceeding, the actual cost of providing the service.
(b) If the legislative body of a county does not under Subsection (1)(a) set a fee charged by the county sheriff, the sheriff shall charge a fee in accordance with Subsections (2) through (7).

(2) Unless under Subsection (1) the legislative body of a county sets a fee amount for a fee described in this Subsection (2), the sheriff shall charge the following fees:
(a) for serving a notice, rule, order, subpoena, garnishment, summons, or summons and complaint, or garnishee execution, or other process by which an action or proceeding is commenced, on each defendant, including copies when furnished by plaintiff, $20;
(b) for taking or approving a bond or undertaking in any case in which he is authorized to take or approve a bond or undertaking, including justification, $5;
(c) for a copy of any writ, process or other paper when demanded or required by law, for each folio, 50 cents;
(d) for serving an attachment on property, or levying an execution, or executing an order of arrest or an order for the delivery of personal property, including copies when furnished by plaintiff, $50;
(e) for taking and keeping possession of and preserving property under attachment or execution or other process, the amount the court orders to a maximum of $15 per day;
(f) for advertising property for sale on execution, or any judgment, or order of sale, exclusive of the cost of publication, $15;
(g) for drawing and executing a sheriff's deed or a certificate of redemption, exclusive of acknowledgment, $15, to be paid by the grantee;
(h) for recording each deed, conveyance, or other instrument affecting real estate, exclusive of the cost of recording, $10, to be paid by the grantee;
(i) for serving a writ of possession or restitution, and putting any person entitled to possession into possession of premises, and removing occupant, $50;
(j) for holding each trial of right of property, to include all services in the matter, except mileage, $35;
(k) for conducting, postponing, or canceling a sale of property, $15;
(l) for transporting a prisoner to and from prison to attend court proceedings in a civil case, $2.50 for each mile necessarily traveled, up to a maximum of 100 miles;
(m) for receiving and paying over money on execution or other process, as follows:
(i) if the amount collected does not exceed $1,000, 2% of this amount, with a minimum of $1; and
(ii) if the amount collected exceeds $1,000, 2% on the first $1,000 and 1-1/2% on the balance; and
(n) for executing in duplicate a certificate of sale, exclusive of filing it, $10.
(3) The fees allowed by Subsection (2)(f) for the levy of execution and for advertising shall be collected from the judgment debtor as part of the execution in the same manner as the sum directed to be made.
(4) When serving an attachment on property, an order of arrest, or an order for the delivery of personal property, the sheriff may only collect traveling fees for the distance actually traveled beyond the distance required to serve the summons if the attachment or those orders:
(a) accompany the summons in the action; and
(b) may be executed at the time of the service of the summons.
(5)
(a)
(i) When traveling generally to serve notices, orders, process, or other papers, the sheriff may receive, except as otherwise provided under Subsection (1)(a), $2.50 for each mile necessarily traveled, in going only, computed from the courthouse for each person served, to a maximum of 100 miles.

(ii) When transmitting notices, orders, process, or other papers by mail, the sheriff may receive, except as otherwise provided under Subsection (1)(a), $2.50 for each mile necessarily traveled, in going only, computed from the post office where received for each person served, to a maximum of 100 miles.

(b) The sheriff may only charge one mileage fee if any two or more papers are required to be served in the same action or proceeding at the same time and at the same address.

(c) If it is necessary to make more than one trip to serve any notice, order, process, or other paper, the sheriff may not collect more than two additional mileage charges.

(6)

(a) For transporting a patient to the Utah State Hospital or to or from a hospital or a mental health facility, as defined in Section 26B-5-301, when the cost of transportation is payable by private individuals, the sheriff may collect, except as otherwise provided under Subsection (1)(a), $2.50 for each mile necessarily traveled, in going only, to a maximum of 100 miles.

(b) If the sheriff requires assistance to transport the person, the sheriff may also charge the actual and necessary cost of that assistance.

(7)

(a) Subject to Subsection (7)(b), for obtaining a saliva DNA specimen under Section 53-10-404, the sheriff shall collect the fee of $150 in accordance with Section 53-10-404.

(b) The fee amount described in Subsection (7)(a) may not be changed by a county legislative body under Subsection (1).

Amended by Chapter 327, 2023 General Session
Amended by Chapter 497, 2023 General Session

17-22-3 Transfer of prisoners to state prison.

The sheriff of the county in which a criminal is sentenced to confinement in the state prison, or is sentenced to death, shall cause such convict to be removed from the county jail within five days after the sentence and conveyed to the state prison and delivered to the warden thereof.

No Change Since 1953

17-22-4 Jails -- Sheriff as keeper -- Use.

(1) The common jails in the several counties shall be kept by the sheriffs, and shall be used for:

(a) the detention of persons committed to jail to secure their attendance as witnesses in criminal cases;

(b) the detention of persons charged with crime and committed for trial;

(c) the confinement of persons committed for contempt, or upon civil process, or by other authority of law; and

(d) the confinement of persons sentenced to imprisonment upon conviction of crime.

(2) If the county executive contracts with a private contractor to manage, maintain, operate, or construct county jail facilities, the sheriff shall perform whatever obligations are imposed upon him by that contract.

Amended by Chapter 227, 1993 General Session

17-22-5 Sheriff's classification of jail inmates -- Classification criteria -- Alternative incarceration programs -- Limitation.

(1) As used in this section, "living area" means the same as that term is defined in Section 64-13-7.

(2)
(a) Except as provided in Subsections (5) and (6), the sheriff shall adopt and implement written policies for admission of inmates to the county jail and the classification of individuals incarcerated in the jail which shall provide for the separation of prisoners by gender and by such other factors as may reasonably provide for the safety and well-being of inmates and the community.
(b) To the extent authorized by law, any written admission policies adopted and implemented under this Subsection (2) shall be applied equally to all entities using the county correctional facilities.
(3) Except as provided in Subsections (5) and (6), each county sheriff shall assign inmates to a facility or section of a facility based on classification criteria that the sheriff develops and maintains.
(4)
(a) Except as provided in Subsection (6), a county sheriff may develop and implement alternative incarceration programs that may involve housing an inmate in a jail facility.
(b) An inmate housed under an alternative incarceration program under Subsection (4)(a) shall be considered to be in the full custody and control of the sheriff for purposes of Sections 76-8-309 and 76-8-309.3.
(c) An inmate may not be placed in an alternative incarceration program under Subsection (4)(a) unless:
(i) the jail facility is at maximum operating capacity, as established under Section 17-22-5.5; or
(ii) ordered by the court.
(5) A jail facility shall comply with the same requirements as the Department of Corrections described in Subsections 64-13-7(4), (5), and (6) when assigning an inmate to a living area, including the reporting requirements in Subsections 64-13-45(2)(d) and (e).
(6) This section does not authorize a sheriff to modify provisions of a contract with the Department of Corrections to house in a county jail inmates sentenced to the Department of Corrections.

Amended by Chapter 96, 2024 General Session
Amended by Chapter 187, 2024 General Session
Amended by Chapter 341, 2024 General Session

17-22-5.5 Sheriff's classification of jail facilities -- Maximum operating capacity of jail facilities -- Transfer or release of prisoners -- Limitation -- Records regarding release.
(1)
(a) Except as provided in Subsection (4), a county sheriff shall determine:
(i) subject to Subsection (1)(b), the classification of each jail facility or section of a jail facility under the sheriff's control;
(ii) the nature of each program conducted at a jail facility under the sheriff's control; and
(iii) the internal operation of a jail facility under the sheriff's control.
(b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any applicable zoning ordinance or conditional use permit of the county or municipality.
(2) Except as provided in Subsection (4), each county sheriff shall:
(a) with the approval of the county legislative body, establish a maximum operating capacity for each jail facility under the sheriff's control, based on facility design and staffing; and
(b) upon a jail facility reaching the jail facility's maximum operating capacity:
(i) transfer prisoners to another appropriate facility:
(A) under the sheriff's control; or

(B) available to the sheriff by contract;
(ii) release prisoners:
(A) to a supervised release program, according to release criteria established by the sheriff; or
(B) to another alternative incarceration program developed by the sheriff; or
(iii) admit prisoners in accordance with law and a uniform admissions policy imposed equally upon all entities using the county jail.
(3)
(a) The sheriff shall keep records of the release status and the type of release program or alternative incarceration program for any prisoner released under Subsection (2)(b)(ii).
(b) The sheriff shall make these records available upon request to the Department of Corrections, the Judiciary, and the Commission on Criminal and Juvenile Justice.
(4) This section may not be construed to authorize a sheriff to modify provisions of a contract with the Department of Corrections to house in a county jail an individual sentenced to the Department of Corrections.
(5) Regardless of whether a jail facility has reached the jail facility's maximum operating capacity under Subsection (2), a sheriff may release an individual from a jail facility in accordance with Section 77-20-203 or 77-20-204.

Amended by Chapter 16, 2024 General Session

17-22-5.5 Sheriff's classification of jail facilities -- Maximum operating capacity of jail facilities -- Transfer or release of prisoners -- Limitation -- Records regarding release.
(1)
(a) Except as provided in Subsection (4), a county sheriff shall determine:
(i) subject to Subsection (1)(b), the classification of each jail facility or section of a jail facility under the sheriff's control;
(ii) the nature of each program conducted at a jail facility under the sheriff's control; and
(iii) the internal operation of a jail facility under the sheriff's control.
(b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any applicable zoning ordinance or conditional use permit of the county or municipality.
(2) Except as provided in Subsection (4), each county sheriff shall:
(a) with the approval of the county legislative body, establish a maximum operating capacity for each jail facility under the sheriff's control, based on facility design and staffing; and
(b) upon a jail facility reaching the jail facility's maximum operating capacity:
(i) transfer prisoners to another appropriate facility:
(A) under the sheriff's control; or
(B) available to the sheriff by contract;
(ii) release prisoners:
(A) to a supervised release program, according to release criteria established by the sheriff; or
(B) to another alternative incarceration program developed by the sheriff; or
(iii) admit prisoners in accordance with law and a uniform admissions policy imposed equally upon all entities using the county jail.
(3)
(a) The sheriff shall keep records of the release status and the type of release program or alternative incarceration program for any prisoner released under Subsection (2)(b)(ii).

(b) The sheriff shall make these records available upon request to the Department of Corrections, the Judiciary, and the Commission on Criminal and Juvenile Justice.
(4) This section may not be construed to authorize a sheriff to modify provisions of a contract with the Department of Corrections to house in a county jail an individual sentenced to the Department of Corrections.
(5) Regardless of whether a jail facility has reached the jail facility's maximum operating capacity under Subsection (2), a sheriff may release an individual from a jail facility in accordance with Section 77-20-203 or 77-20-204.
(6) The sheriff of a county of the first class is encouraged to open and operate all sections of a jail facility within the county that is not being used to full capacity.

Amended by Chapter 419, 2024 General Session

17-22-5.6 Probation supervision -- Violation of probation -- Detention -- Hearing.
(1) As used in this section:
(a) "Probationer" means an individual on probation under the supervision of the county sheriff.
(b)
(i) "Qualifying domestic violence offense" means the same as that term is defined in Subsection 77-36-1.1(4).
(ii) "Qualifying domestic violence offense" does not include criminal mischief as described in Section 76-6-106.
(c) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
(2) A county sheriff shall ensure that the court is notified of violations of the terms and conditions of a probationer's probation when the county sheriff determines that:
(a) incarceration is recommended as a sanction;
(b) a graduated and evidence-based response is not an appropriate response to the offender's violation and recommends revocation of probation; or
(c) there is probable cause that the conduct that led to a violation of probation is:
(i) a violent felony; or
(ii) a qualifying domestic violence offense.
(3) A county sheriff may take custody of, and detain, a probationer for a maximum of 72 hours, excluding weekends and holidays, if there is probable cause to believe that the probationer has committed a violation of probation.
(4) A county sheriff may not detain a probationer or parolee for longer than 72 hours without obtaining a warrant issued by the court.
(5) If the county sheriff detains a probationer under Subsection (3), the county sheriff shall ensure the proper court is notified.
(6) A written order from the county sheriff is sufficient authorization for a peace officer to incarcerate a probationer if the county sheriff has determined that there is probable cause to believe that the probationer has violated the conditions of probation.
(7) If a probationer commits a violation outside of the jurisdiction of the county sheriff supervising the probationer, the arresting law enforcement agency is not required to hold or transport the probationer to the county sheriff.
(8) This section does not require the county sheriff to release a probationer who is being held for something other than a probation violation, including a warrant issued for new criminal conduct or a new conviction where the individual is sentenced to incarceration.

Enacted by Chapter 16, 2024 General Session

17-22-6 Service of process on prisoners -- Penalty.

(1) A sheriff or jailer upon whom a paper in a judicial proceeding directed to a prisoner in the sheriff's or jailer's custody is served shall forthwith deliver the paper to the prisoner, with a note thereon of the time of its service.

(2) A sheriff or jailer who neglects to comply with Subsection (1) is liable to the prisoner for all damages occasioned by that neglect.

Amended by Chapter 297, 2011 General Session

17-22-7 Special guards for jail.

The sheriff when necessary may with the assent of the county executive employ a temporary guard for the protection of the county jail, or for the safekeeping of prisoners, and the expenses thereof shall be a county charge.

Amended by Chapter 227, 1993 General Session

17-22-8 Care of prisoners -- Funding of services -- Private contractor.

(1) As used in this section, "medication assisted treatment plan" means a prescription plan to use buprenorphine, methadone, or naltrexone to treat substance use withdrawal symptoms or an opioid use disorder.

(2) Except as provided in Subsection (7), a sheriff shall:

(a) receive each individual committed to jail by competent authority;

(b) provide each prisoner with necessary food, clothing, and bedding in the manner prescribed by the county legislative body;

(c) provide each prisoner medical care when:

(i) the prisoner's symptoms evidence a serious disease or injury;

(ii) the prisoner's disease or injury is curable or may be substantially alleviated; and

(iii) the potential for harm to the person by reason of delay or the denial of medical care would be substantial;

(d) provide each prisoner, as part of the intake process, with the option of continuing any of the following medically prescribed methods of contraception:

(i) an oral contraceptive;

(ii) an injectable contraceptive;

(iii) a patch;

(iv) a vaginal ring; or

(v) an intrauterine device, if the prisoner was prescribed the intrauterine device because the prisoner experiences serious and persistent adverse effects when using the methods of contraception described in Subsections (2)(d)(i) and (ii); and

(e) cooperate with medical personnel to continue a medication assisted treatment plan for an inmate if the inmate was an active client before arrest and commitment.

(3) A sheriff may provide the generic form of a contraceptive described in Subsection (2)(d)(i) or (ii).

(4) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is pregnant or in postpartum recovery, including the reporting requirements in Subsection 64-13-45(2)(c).

(5)

(a) Except as provided in Section 17-22-10 and Subsection (5)(b), the expense incurred in providing the services required by this section to prisoners shall be paid from the county treasury.
(b) The expense incurred in providing the services described in Subsection (2)(d) to prisoners shall be paid by the Department of Health and Human Services.
(6) A medication used for a medication assisted treatment plan under Subsection (2)(e):
(a) shall be administered to an inmate in accordance with the inmate's prescription under the direction of the sheriff;
(b) may be paid for by a county; and
(c) may be left or stored at a jail at the discretion of the sheriff.
(7) If the county executive contracts with a private contractor to provide the services required by this section, the sheriff shall provide only those services required of the sheriff by the contract between the county and the private contractor.

Amended by Chapter 119, 2023 General Session
Amended by Chapter 420, 2023 General Session

17-22-8.1 Disclosure of detainee medical clearance.
(1) A health care provider, as defined in Section 78B-3-403, who provides health care to a detainee before the detainee is booked into a county jail by a competent authority, is authorized to disclose to the competent authority whether a detainee is medically cleared for incarceration.
(2) The disclosure under Subsection (1) shall be in writing if requested by the competent authority.

Enacted by Chapter 272, 2014 General Session

17-22-9 Federal prisoners.
Persons convicted of crime in any of the courts of the United States in the state of Utah as well as prisoners held to answer before such courts for a violation of any of the laws of the United States shall be received and held in the jail of any county under the same regulations and laws governing prisoners held under the authority of this state, and upon such terms as to compensation as may be agreed upon by the county and the United States.

No Change Since 1953

17-22-9.5 Citizenship determination of incarcerated persons.
(1) The sheriff shall make a reasonable effort to determine the citizenship status of a person charged with a felony or driving under the influence under Section 41-6a-502 when the person is confined to the county jail for a period of time.
(2) If the confined person is a foreign national, the sheriff shall make a reasonable effort to verify that the person:
(a) has been lawfully admitted into the United States; and
(b) the person's lawful status has not expired.
(3)
(a) If the sheriff cannot verify the confined person's lawful status from documents in the person's possession, the sheriff shall attempt to verify that status within 48 hours of the person's confinement at the jail through contacting:
(i) the Law Enforcement Support Center of the United States Department of Homeland Security; or

(ii) an office or agency designated for citizenship status verification by the United States Department of Homeland Security.

(b) The sheriff shall notify the United States Department of Homeland Security of a person whose lawful citizenship status cannot be verified under Subsection (2) or (3)(a).

(4) It is a rebuttable presumption for the purpose of determining the grant or issuance of a bond that a person who is verified under this section as a foreign national not lawfully admitted into the United States is at risk of flight.

Enacted by Chapter 26, 2008 General Session

17-22-10 Prisoners under civil process.

Whenever a person is committed upon process in a civil action or proceeding, except when the state is a party thereto, the sheriff is not bound to receive such person unless security is given on the part of the party at whose instance the process is issued, by deposit of money, to meet the expenses of necessary food, clothing and bedding for the committed person, or to detain such person any longer than the expenses are provided for. This section does not apply to cases where a party is committed as a punishment for disobedience to the mandates, process, writs or orders of court.

Amended by Chapter 365, 2024 General Session

17-22-11 Return of process.

When process or notice is returnable, the sheriff may enclose such process or notice in an envelope addressed to the officer or person from whom the same emanated, and deposit it in the post office, prepaying the postage.

Amended by Chapter 365, 2024 General Session

17-22-12 Return of process as prima facie evidence.

The return of the sheriff upon process or notice is prima facie evidence of the facts in such return stated.

No Change Since 1953

17-22-13 Failure or delay in making return on process -- Penalty.

If a sheriff does not return without delay a process or notice in the sheriff's possession with the necessary endorsement thereon, the sheriff is liable to the party aggrieved for all damages sustained by the aggrieved party.

Amended by Chapter 365, 2024 General Session

17-22-14 Failure to levy execution -- Penalty.

If the sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or the creditor's attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ which is liable to be levied upon and sold, the sheriff shall be liable to the creditor for the value of such property.

Amended by Chapter 365, 2024 General Session

17-22-15 Neglect or refusal to pay over money -- Penalty.

If the sheriff neglects or refuses to pay over on demand to the person entitled thereto any money which may come into the sheriff's hands by virtue of the sheriff's office, after deducting all legal fees, the amount thereof with 25% damages and interest at the rate of 1% per month from the time of demand may be recovered by such person; provided, that such sheriff may pay such money into the court or to the clerk thereof issuing the writ or process upon which such money is collected or received and from the time of such payment the sheriff shall be relieved of all liability therefor, unless the detention is shown to have been wrongful.

Amended by Chapter 365, 2024 General Session

17-22-16 Declaring office vacant.

When the sheriff is committed for not paying over money received by the sheriff by virtue of the sheriff's office and remains committed for 60 days the sheriff's office is vacant.

Amended by Chapter 365, 2024 General Session

17-22-17 Escapes -- Sheriff's liability.

A sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

(1) When the arrest is upon an order to hold to bail or upon a surrender in exoneration of bail before judgment the sheriff is liable to the plaintiff as bail.

(2) When the arrest is on an execution or commitment to enforce the payment of money the sheriff is liable for the amount expressed in the execution or commitment.

(3) When the arrest is on an execution or commitment other than to enforce the payment of money the sheriff is liable for the actual damages sustained.

(4) Upon being sued for damages for an escape or rescue the sheriff may introduce evidence in mitigation and exculpation.

Amended by Chapter 365, 2024 General Session

17-22-18 Rescues -- Sheriff's liability.

The sheriff is liable for the rescue of a person arrested in a civil action equally as for an escape.

Amended by Chapter 365, 2024 General Session

17-22-19 Action for escape or rescue -- Defenses.

An action cannot be maintained against the sheriff for a rescue or for an escape of a person arrested upon an execution or commitment, if after that person's rescue or escape and before the commencement of the action the prisoner returns to the jail or is retaken by the sheriff or by any other person.

Amended by Chapter 365, 2024 General Session

17-22-20 Only written directions to sheriff binding.

No direction or authority by a party or the party's attorney to the sheriff in respect to the execution of process or the return thereof or to any act or omission relating thereto is available to

discharge or excuse the sheriff from liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party or by the party, if the party has no attorney.

Amended by Chapter 365, 2024 General Session

17-22-21 Process justifies sheriff's action.

A sheriff is justified in the execution of, and shall execute, all process, writs and orders regular on their face and issued by competent authority.

Amended by Chapter 297, 2011 General Session

17-22-22 Process to be exhibited.

The officer executing process shall then, and at all times subsequent as long as the officer retains it, upon request show the same, with all papers attached, to any interested person.

Amended by Chapter 297, 2011 General Session

17-22-23 Crier of court.

The sheriff in attendance upon court shall, if required by the court, act as crier for the court, call the parties and witnesses and other persons bound to appear at the court, and make proclamation of the opening and adjournment of court and of any other matter under its direction.

Amended by Chapter 297, 2011 General Session

17-22-24 Service of papers, other than process, on sheriff -- Powers of successor.

Service upon the sheriff of a paper other than process may be made by delivering it or a copy thereof to the sheriff or to one of the sheriff's deputies or to a person in charge of the sheriff's office during office hours, or, if no such person is there, by leaving it in a conspicuous place in the office. When any process remains with the sheriff unexecuted, in whole or in part, at the time of the sheriff's death, resignation of office or at the expiration of the sheriff's office such process shall be executed by the sheriff's successor in office; and when the sheriff sells real estate under and by virtue of an execution or order of court the sheriff or the sheriff's successor in office shall execute and deliver to the purchaser all such deeds and conveyances as are required by law and necessary for that purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the sheriff who made the sale.

Amended by Chapter 365, 2024 General Session

17-22-25 Service of process on sheriff -- When constable to act.

In cases where it appears in any court of record that the sheriff is a party, or where an affidavit is filed with the clerk of the court stating partiality, prejudice, consanguinity or interest on the part of the sheriff, the clerk of the court shall direct process to any constable of the county, whose duty it shall be to execute it in the same manner as if the constable were sheriff.

Amended by Chapter 365, 2024 General Session

17-22-26 Sheriff -- Process on behalf of state -- Fees.

(1) The sheriff shall without fee serve and return all process in criminal cases to which the state is a party, that are lawfully issued by any court of the state, except as otherwise provided by law.
(2) If the process issues from a court outside of his county, he is entitled to his actual expenses necessarily incurred. The expenses shall be paid by the county where the process was issued.

Amended by Chapter 152, 1988 General Session

17-22-27 Sheriff -- Assignment of court bailiffs -- Contract and costs.

(1) The sheriff shall assign law enforcement officers or special function officers, as defined under Sections 53-13-103 and 53-13-105, to serve as court bailiffs and security officers in the courts of record and county justice courts as required by the rules of the Judicial Council.
(2)
  (a) The state court administrator shall enter into a contract with the county sheriff for bailiffs and building security officers for the district and juvenile courts within the county. The contract may not exceed amounts appropriated by the Legislature for that purpose. The county shall assume costs related to security administration, supervision, travel, equipment, and training of bailiffs.
  (b) The contract shall specify the agreed services, costs of services, and terms of payment.
  (c) If the court is located in the same facility as a state or local law enforcement agency and the county sheriff's office is not in close proximity to the court, the state court administrator in consultation with the sheriff may enter into a contract with the state or local law enforcement agency for bailiff and security services subject to meeting all other requirements of this section. If the services are provided by another agency, the county sheriff shall have no responsibility for the services under this section.
(3)
  (a) At the request of the court, the sheriff may appoint as a law clerk bailiff graduates of a law school accredited by the American Bar Association to provide security and legal research assistance. Any law clerk who is also a bailiff shall meet the requirements of Subsection (1) of this section.
  (b) The sheriff may appoint a law clerk bailiff by contract for a period not to exceed two years, who shall be exempt from the deputy sheriff merit service commission.

Amended by Chapter 297, 2011 General Session

17-22-28 Maintaining order -- Imposing restitution.

(1) If a prisoner commits an act of violence against another person, attempts to damage jail property, attempts to escape, or refuses to obey a lawful order and reasonable command, an officer or other employee of the jail may use all reasonable means under the circumstances, including the use of a weapon, to defend himself, defend another, protect jail property, prevent escape, or enforce compliance with a lawful order and reasonable command.
(2) A jail may request restitution from a prisoner for damaging jail property as part of an administrative disciplinary hearing. To enforce restitution, a jail may withdraw money from or place a hold on a prisoner's account.

Enacted by Chapter 94, 1996 General Session

17-22-29 Notice to county jail facilities.

(1) Before an order is entered granting visitation or correspondence between a person and a prisoner, the moving party shall provide notice to the facility administrator.
(2) The court shall:
(a) provide an opportunity to the facility representative to respond before the order is granted; and
(b) consider facility policy.

Enacted by Chapter 237, 1996 General Session

17-22-30 Prohibition on providing copy of booking photograph -- Statement required -- Victim access -- Criminal liability for false statement -- Remedy for failure to remove or delete.

(1) As used in this section:
(a) "Booking photograph" means a photograph or image of an individual that is generated:
(i) for identification purposes; and
(ii) when the individual is booked into a county jail.
(b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or website that requires the payment of a fee or other consideration in order to remove or delete a booking photograph from the publication or website.
(2)
(a) A sheriff may not provide a copy of a booking photograph in any format to a person requesting a copy of the booking photograph if:
(i) the booking photograph will be placed in a publish-for-pay publication or posted to a publish-for-pay website; or
(ii) the booking photograph is a protected record under Subsection 63G-2-305 (80).
(b)
(i) A sheriff shall display a copy of a booking photograph to a person requesting to view the booking photograph if the person making the request:
(A)
(I) is an alleged victim of a crime that resulted in the creation of the booking photograph; and
(II) subject to Utah Rules of Evidence, Rule 617, the prosecuting agency with jurisdiction consents; or
(B) if an alleged victim is deceased or incapacitated, is an immediate family member, guardian, or conservator of an alleged victim of the crime that resulted in the creation of the booking photograph.
(ii) A person entitled to view a booking photograph under Subsection (2)(b)(i) is not permitted to:
(A) retain the booking photograph;
(B) make a copy, take a picture of, or otherwise reproduce the booking photograph; or
(C) disseminate or distribute the booking photograph.
(3)
(a) A person who requests a copy of a booking photograph from a sheriff shall, at the time of making the request, submit a statement signed by the person affirming that the booking photograph will not be placed in a publish-for-pay publication or posted to a publish-for-pay website.
(b) A person who submits a false statement under Subsection (3)(a) is subject to criminal liability as provided in Section 76-8-504.
(4)

(a) Except as provided in Subsection (5), a publish-for-pay publication or a publish-for-pay website shall remove and destroy a booking photograph of an individual who submits a request for removal and destruction within 30 calendar days after the day on which the individual makes the request.
(b) A publish-for-pay publication or publish-for-pay website described in Subsection (4)(a) may not condition removal or destruction of the booking photograph on the payment of a fee in an amount greater than $50.
(c) If the publish-for-pay publication or publish-for-pay website described in Subsection (4)(a) does not remove and destroy the booking photograph in accordance with Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable for:
(i) all costs, including reasonable attorney fees, resulting from any legal action the individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay website to remove and destroy the booking photograph; and
(ii) a civil penalty of $50 per day for each day after the 30-day deadline described in Subsection (4)(a) on which the booking photograph is visible or publicly accessible in the publish-for-pay publication or on the publish-for-pay website.
(5)
(a) A publish-for-pay publication or a publish-for-pay website shall remove and destroy a booking photograph of an individual who submits a request for removal and destruction within seven calendar days after the day on which the individual makes the request if:
(i) the booking photograph relates to a criminal charge:
(A) on which the individual was acquitted or not prosecuted; or
(B) that was expunged, vacated, or pardoned; and
(ii) the individual submits, in relation to the request, evidence of a disposition described in Subsection (5)(a)(i).
(b) If the publish-for-pay publication or publish-for-pay website described in Subsection (5)(a) does not remove and destroy the booking photograph in accordance with Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable for:
(i) all costs, including reasonable attorney fees, resulting from any legal action that the individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay website to remove and destroy the booking photograph; and
(ii) a civil penalty of $100 per day for each day after the seven-day deadline described in Subsection (5)(a) on which the booking photograph is visible or publicly accessible in the publish-for-pay publication or on the publish-for-pay website.
(c) An act of a publish-for-pay publication or publish-for-pay website described in Subsection (5)(a) that seeks to condition removal or destruction of the booking photograph on the payment of any fee or amount constitutes theft by extortion under Section 76-6-406.

Amended by Chapter 135, 2024 General Session
Amended by Chapter 344, 2024 General Session

17-22-31 Sheriff -- Primary law enforcement authority.

The sheriff is the primary law enforcement authority of state law on federal land except as otherwise assigned by law to the authority of a state or municipal law enforcement agency.

Enacted by Chapter 333, 2014 General Session

17-22-32 County jail reporting requirements.

(1) As used in this section:
(a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
(b)
(i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of a county jail.
(ii) "In-custody death" includes an inmate death that occurs while the inmate is:
(A) being transported for medical care; or
(B) receiving medical care outside of a county jail.
(c) "Inmate" means an individual who is processed or booked into custody or housed in a county jail in the state.
(d) "Opiate" means the same as that term is defined in Section 58-37-2.
(2) Each county jail shall submit a report to the commission before June 15 of each year that includes, for the preceding calendar year:
(a) the average daily inmate population each month;
(b) the number of inmates in the county jail on the last day of each month who identify as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity published by the Untied States Federal Bureau of Investigation;
(c) the number of inmates booked into the county jail;
(d) the number of inmates held in the county jail each month on behalf of each of the following entities:
(i) the Bureau of Indian Affairs;
(ii) a state prison;
(iii) a federal prison;
(iv) the United States Immigration and Customs Enforcement;
(v) any other entity with which a county jail has entered a contract to house inmates on the entity's behalf;
(e) the number of inmates that are denied pretrial release and held in the custody of the county jail while the inmate awaited final disposition of the inmate's criminal charges;
(f) for each inmate booked into the county jail:
(i) the name of the agency that arrested the inmate;
(ii) the date and time the inmate was booked into and released from the custody of the county jail;
(iii) if the inmate was released from the custody of the county jail, the reason the inmate was released from the custody of the county jail;
(iv) if the inmate was released from the custody of the county jail on a financial condition, whether the financial condition was set by a county sheriff or a court;
(v) the number of days the inmate was held in the custody of the county jail before disposition of the inmate's criminal charges;
(vi) whether the inmate was released from the custody of the county jail before final disposition of the inmate's criminal charges; and
(vii) the state identification number of the inmate;
(g) the number of in-custody deaths that occurred at the county jail;
(h) for each in-custody death:
(i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or disability, if any, of the deceased;
(ii) the date, time, and location of death;

(iii) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and

(iv) a brief description of the circumstances surrounding the death;

(i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(g);

(j) the county jail's policy for notifying an inmate's next of kin after the inmate's in-custody death;

(k) the county jail policies, procedures, and protocols:

(i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates;

(ii) that relate to the county jail's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and

(iii) that relate to screening, assessment, and treatment of an inmate for a substance use or mental health disorder; and

(l) any report the county jail provides or is required to provide under federal law or regulation relating to inmate deaths.

(3)

(a) Subsection (2) does not apply to a county jail if the county jail:

(i) collects and stores the data described in Subsection (2); and

(ii) enters into a memorandum of understanding with the commission that allows the commission to access the data described in Subsection (2).

(b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include a provision to protect any information related to an ongoing investigation and comply with all applicable federal and state laws.

(c) If the commission accesses data from a county jail in accordance with Subsection (3)(a), the commission may not release a report prepared from that data, unless:

(i) the commission provides the report for review to:

(A) the county jail; and

(B) any arresting agency that is named in the report; and

(ii)

(A) the county jail approves the report for release;

(B) the county jail reviews the report and prepares a response to the report to be published with the report; or

(C) the county jail fails to provide a response to the report within four weeks after the day on which the commission provides the report to the county jail.

(4) The commission shall:

(a) compile the information from the reports described in Subsection (2);

(b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law;

(c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee and the Utah Substance Use and Mental Health Advisory Committee before November 1 of each year; and

(d) submit the compilation to the protection and advocacy agency designated by the governor before November 1 of each year.

(5) The commission may not provide access to or use a county jail's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.

(6) A report including only the names and causes of death of deceased inmates and the facility in which they were being held in custody shall be made available to the public.

Amended by Chapter 245, 2024 General Session

17-22-33 Commissary account disclosure requirements.

(1) As used in this section:
(a) "Commissary account" means an account from which an inmate may withdraw money, deposited by the inmate or another individual, to purchase discretionary items for sale by a correctional facility.
(b) "Commissary purchase" means a transaction initiated by an inmate by which the inmate obtains an item or items offered for sale by the correctional facility in exchange for money withdrawn from the inmate's commissary account.
(c) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
(d) "Inmate" means an individual in the custody of a correctional facility for criminal charges or a criminal conviction.
(2) A correctional facility that employs a policy or practice by which the correctional facility withdraws money from an inmate's commissary account, for any purpose other than a commissary purchase, must disclose that policy or practice to the inmate or any other individual seeking to make a deposit of money into the inmate's commissary account before the correctional facility may accept and deposit the money into the inmate's commissary account.

Enacted by Chapter 65, 2020 General Session

17-22-34 Suicide Deterrence Grant Program -- Rulemaking.

(1) As used in this section:
(a) "Department" means the Department of Public Safety.
(b) "Grant" means a grant awarded under this section.
(c) "Program" means the Suicide Deterrence Grant Program created in this section.
(d) "Suicide barrier" means a barrier installed on an upper level of a building to prevent an individual from falling.
(2)
(a) There is created within the department the Suicide Deterrence Grant Program.
(b) The purpose of the program is to award grants to county jails for materials to construct and install suicide barriers.
(3)
(a) A county jail that submits a proposal for a grant to the department shall include in the proposal:
(i) a statement describing the need for suicide barriers in the county jail;
(ii) the amount and type of material to be used in constructing the suicide barriers;
(iii) a plan for installation of the suicide barriers;
(iv) any funding sources in addition to the grant for the proposal;
(v) any existing or planned partnerships between the county jail and another entity to implement the proposal; and
(vi) other information the department determines necessary to evaluate the proposal.
(b) When evaluating a proposal for a grant, the department shall consider:
(i) the likelihood the proposal will accomplish the purpose described in Subsection (2);
(ii) the cost of the proposal;

(iii) the extent to which additional funding sources or existing or planned partnerships may benefit the proposal; and
(iv) the viability and sustainability of the proposal.
(4) Subject to Subsection (3), the department may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:
(a) eligibility criteria for a grant;
(b) the form and process for submitting a proposal to the department for a grant;
(c) the method and formula for determining a grant amount; and
(d) reporting requirements for a grant recipient.

Enacted by Chapter 152, 2023 General Session

Chapter 23
County Surveyor

17-23-1 County surveyor to be elected -- Requirement to be licensed land surveyor -- Authority to contract with licensed land surveyor if no elected county surveyor -- County surveyor duties.
(1)
(a) The office of the county surveyor in each county shall be filled by election and, except as provided in Subsection (1)(b), the county surveyor shall be a licensed professional land surveyor in the state.
(b) In a county where the office of county surveyor is consolidated with another elected office, all county surveying work shall be performed by a licensed professional land surveyor.
(c) In a county where there is no elected county surveyor:
(i) the county executive or legislative body may, consistent with Section 17-53-313, contract with a licensed professional land surveyor to perform those duties;
(ii) all county survey work shall be done by a licensed land surveyor;
(iii) the county recorder shall assume and perform all statutory functions and duties of the county surveyor related to the retention and maintenance of survey records;
(iv) the recorder's office shall act as the county surveyor's office only for the purpose of accepting, retaining, and managing county survey records;
(v) the county shall furnish sufficient office space, furniture, stationery, and record books necessary for the county recorder's office to fulfill its functions and duties under Subsection (1)(c)(iv); and
(vi) for purposes of this chapter, "county surveyor" means:
(A) for purposes of the retention and management of county survey records, the county recorder; and
(B) except as provided in Subsection (1)(c)(vi)(A), the licensed land surveyor under contract with the county to perform county surveyor duties.
(2) The county surveyor shall execute:
(a) all orders directed to the surveyor by any court; and
(b) all orders of survey required by the county executive or county legislative body.
(3)
(a) The surveyor of each county shall:
(i) advise the county executive and county legislative body regarding all surveying work;

(ii) perform or arrange for the performance of all surveying work for the county;
(iii) permanently keep at county government offices at the county seat a fair and accurate record of all surveys made, including legal descriptions and geographic coordinates, all surveys received pursuant to Section 17-23-17, and all corner files received pursuant to Section 17-23-17.5;
(iv) number progressively all surveys received and state by whom and for whom the surveys were made;
(v) deliver a copy of any survey to any person or court requiring the survey after the payment of the fee established by the county legislative body;
(vi) ensure that all surveys of legal subdivisions of sections are made according to the United States Manual of Surveying Instructions in effect at the time the survey is completed;
(vii) verify the correctness of or establish correct coordinates for all survey reference monuments set in place and shown on all subdivision maps and plats which have a spatial relationship with any section or quarter section corner; and
(viii) perform other duties required by law.
(b) In arranging for the performance of surveying work for the county under Subsection (3)(a)(ii), a surveyor may comply with Section 17-53-313.
(4)
(a) The county surveyor or his designee shall establish all corners of government surveys and reestablish all corners of government surveys where corners have been destroyed and where witness markers or other evidences of the government corners remain so that the corners established by government survey can be positively located.
(b) The corners shall be reestablished in the manner provided in Section 17-23-13 for establishing corners.
(c) The county surveyor shall keep a separate record of the established and reestablished corners of government surveys, giving the date and names of persons present and shall provide those records to his successor when he vacates his office.
(d) Established or reestablished corners shall be recognized as the legal and permanent corners.
(5) The county executive or legislative body may direct the county surveyor or his staff to perform engineering and architectural work if the county surveyor or his staff is qualified and licensed to perform that work.

Amended by Chapter 241, 2001 General Session

17-23-2 Office furnishings and supplies -- Filing and indexing fees -- Records remain county property.

(1) The county shall furnish an office, furniture, and all stationery and record books necessary for the surveyor's office.
(2) The county legislative body, by ordinance or resolution, may establish the fee to be collected by the county for filing and indexing a map of a survey. Fees for filing of maps under Section 17-23-17 shall be governed by Section 17-23-19.
(3) All records, maps, plats, profiles, calculations, and field notes of all surveys made by the county surveyor in an official capacity during the surveyor's term of office, or by persons designated by the surveyor to do survey work on behalf of the county, or maps of a survey filed under Section 17-23-17, shall be the property of the county, open to the inspection of any person, and shall be delivered by the surveyor to a successor in office.

Amended by Chapter 241, 2001 General Session

17-23-3 Seal.

The county surveyor shall have a seal, to be furnished by the county, the impression of which shall contain the following words: "State of Utah, County Surveyor," together with the name of the county in which the same is to be used.

Amended by Chapter 241, 2001 General Session

17-23-5 Maps for county or county officers.

(1) Except as provided in Subsection (2), each county surveyor shall:
  (a) trace, blueprint, or otherwise make all maps necessary for the county or any county officer; and
  (b) file those maps and all data obtained by the surveyor from other sources in the surveyor's office.
(2) Subsection (1) does not apply to an ownership plat that the county recorder is required under Section 17-21-21 to prepare and keep.

Amended by Chapter 241, 2001 General Session

17-23-7 Survey by direction of court -- Compensation.

When land, the title to which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the surveyor of any county in which any part of the land is situated. The court order shall also provide for reasonable compensation for said services.

Amended by Chapter 33, 1961 General Session

17-23-12 Additional powers.

The county surveyor may:
(1) administer oaths or affirmations necessary to legally establish roads and other surveys;
(2) take evidence from any person who may have information to prove any point material to a survey or whenever necessary in the discharge of his official duties; and
(3) establish procedures and guidelines to govern the electronic submission of plats, records, and other documents to the county surveyor's office consistent with Title 46, Chapter 4, Uniform Electronic Transactions Act.

Amended by Chapter 211, 2003 General Session

17-23-13 Setting monuments.

(1)
  (a) When establishing a section, quarter-section, or center corners, the county surveyor or his designee shall set a monument of durable quality.
  (b) Wherever the nature of the ground will not allow the setting of a monument at the exact corner as described, then a witness monument shall be set.
(2)
  (a) Whenever possible, section corners and quarter-section corners shall be witnessed by at least four references of durable quality.

(b) All references shall be carefully described, and their bearings and distances noted in the report.

Enacted by Chapter 29, 1987 General Session

17-23-14 Disturbed corners -- County surveyor to be notified -- Coordination with certain state agencies.

(1) As used in this section:

(a)

(i) "Construction" means:

(A) the preparation of an area for a building or structure, including demolition, site clearance, exploration, drilling, boring, and excavation; and

(B) the carrying out of any building, civil engineering, or engineering work for the assembly or maintenance of any building or structure.

(ii) "Construction" does not mean normal maintenance of a roadway and related infrastructure that does not require construction drawings.

(b) "Corner" means the same as that term is defined in Section 17-23-17.5.

(c) "Government survey monument" means a monument that:

(i) a government entity maintains; or

(ii) the county surveyor sets in accordance with Section 17-23-13.

(d) "Monument" means the same as that term is defined in Section 17-23-17.5.

(e) "Public land survey government corner" means:

(i) a corner that the county surveyor establishes or reestablishes under Subsection 17-23-1(4);

(ii) a section corner, quarter section corner, or other corner that a government survey establishes; or

(iii) a public land survey corner as that term is defined in Section 17-23-17.5.

(f) "Structure" means any organization of parts, production, or pieces artificially built up or joined together to preserve or alter any natural feature, including roads, railways, tunnels, bridges, underground or overground pipelines or cables, river works, drainage works, earthworks, retaining walls, walls, dams, tanks, towers, and fences.

(2) A person who finds it necessary to disturb any established government survey monument or public land survey government corner location for any reason, including the improvement of a road, shall notify the county surveyor at least five business days before the day on which the person disturbs the government survey monument or public land survey government corner location.

(3)

(a) A county legislative body may enact an ordinance requiring a person to obtain a permit before performing construction work within 30 feet of an established government survey monument or public land survey government corner location.

(b) A county legislative body shall ensure that an ordinance described in Subsection (3)(a) provides for an exemption from the permitting requirement in the event of an emergency situation that poses a threat to public health or safety.

(c)

(i) A county may charge a fee for a permit described in Subsection (3)(a), in accordance with this Subsection (3)(c).

(ii) The fee described in Subsection (3)(c)(i) may not exceed $400 per government survey monument or public land survey government corner location.

(iii) If, after completion of the construction work, the government survey monument or public land survey government corner location is undisturbed, the county shall disburse a partial fee refund of $250 to the permit holder.

(iv) If the construction work disturbs the government survey monument or public land survey government corner location related to the permit:

(A) the permit holder is responsible for the necessary construction work and installation of the government survey monument or public land survey government corner location; and

(B) the county shall provide to the permit holder the necessary brass monument, ring, and lid for the permit holder's work described in Subsection (3)(c)(iv)(A).

(d) A county shall provide a system allowing a person to apply electronically for and the county to approve or deny electronically a permit described in Subsection (3)(a).

(4) A person may not perform any construction work within 30 feet of a government survey monument or public land survey government corner location unless the person obtains any permit the county requires before beginning construction work within 30 feet of the government survey monument or public land survey government corner location, together with any additional permits that applicable law may require.

(5) A person who produces drawings or plans for construction work to be performed within 30 feet of a government survey monument or public land survey government corner location shall show, on the face of the drawings or plans:

(a) the government survey monument or public land survey government corner location; and

(b) an accompanying note exhibiting compliance with Subsections (2) and (4).

(6) A person who finds a monument that needs rehabilitation shall notify the county surveyor within five business days after the day on which the person finds the monument.

(7) The county surveyor or the county surveyor's designee shall:

(a) consistent with federal law or rule, reconstruct or rehabilitate the monument for the corner by lowering and witnessing the corner or placing another monument and witness over the existing monument so that the monument:

(i) is left in a physical condition to remain as permanent a monument as is reasonably possible; and

(ii) may be reasonably located at all times in the future; and

(b) file the record of each reconstruction or rehabilitation in accordance with Subsection (7)(a).

(8)

(a) The county may, by ordinance, establish a civil penalty for a violation of:

(i) any provision of Subsection (4) or (5); or

(ii) any ordinance that the county adopts under Subsection (3).

(b) It is a defense to the civil penalty described in Subsection (8)(a) that the violation related to an emergency situation that posed a threat to public health or safety.

Amended by Chapter 22, 2019 General Session

17-23-15 Removal, destruction, or defacement of monuments or corners as infraction -- Costs.

(1) A person may not willfully or negligently remove, destroy, or deface any government survey monument, corner, or witness corner.

(2) Any person who violates this section is guilty of an infraction and is additionally responsible for:

(a) the costs of any necessary legal action;

(b) the costs of reestablishing the survey monument, corner, or witness corner; and

(c) any civil penalty that the county establishes for a violation of:

(i) any provision of this section; or
(ii) any ordinance that the county adopts under Section 17-23-14.

Amended by Chapter 22, 2019 General Session

17-23-16 Resurveys.

In the resurvey of lands surveyed under the authority of the United States, the county surveyor or the county surveyor's designee shall observe the following rules:
(1) Section and quarter-section corners, and all other corners established by the government survey, shall stand as the true corner.
(2) Missing corners shall be reestablished at the point where existing evidence would indicate the original corner was located by the government survey.
(3) In all cases, missing corners shall be reestablished with reference to the United States Manual of Surveying Instructions.

Amended by Chapter 297, 2011 General Session

17-23-17 Map of boundary survey -- Procedure for filing -- Contents -- Marking of monuments -- Record of corner changes -- Penalties.

(1) As used in this section:
(a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.
(b) "Township" means a term used in the context of identifying a geographic area in common surveyor practice.
(2)
(a)
(i) Each land surveyor making a boundary survey of lands within this state to establish or reestablish a boundary line or to obtain data for constructing a map or plat showing a boundary line shall file a map of the survey that meets the requirements of this section with the county surveyor or designated office within 90 days of the establishment or reestablishment of a boundary.
(ii) A land surveyor who fails to file a map of the survey as required by Subsection (2)(a)(i) is guilty of an infraction.
(iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a separate violation.
(b) The county surveyor or designated office shall file and index the map of the survey.
(c) The map shall be a public record in the office of the county surveyor or designated office.
(3) This type of map shall show:
(a) the location of survey by quarter section and township and range;
(b) the date of survey;
(c) the scale of drawing and north point;
(d) the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision;
(e) all measured bearings, angles, and distances separately indicated from those of record;
(f) a written boundary description of property surveyed;
(g) all monuments set and their relation to older monuments found;

(h) a detailed description of monuments found and monuments set, indicated separately;
(i) the surveyor's seal or stamp; and
(j) the surveyor's business name and address.
(4)
(a) The map shall contain a written narrative that explains and identifies:
(i) the purpose of the survey;
(ii) the basis on which the lines were established; and
(iii) the found monuments and deed elements that controlled the established or reestablished lines.
(b) If the narrative is a separate document, it shall contain:
(i) the location of the survey by quarter section and by township and range;
(ii) the date of the survey;
(iii) the surveyor's stamp or seal; and
(iv) the surveyor's business name and address.
(c) The map and narrative shall be referenced to each other if they are separate documents.
(5) The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.
(6)
(a) Any monument set by a licensed professional land surveyor to mark or reference a point on a property or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.
(b) If the monument is set by a licensed land surveyor who is a public officer, it shall be marked with the official title of the office.
(7)
(a) If, in the performance of a survey, a surveyor finds or makes any changes to the section corner or quarter-section corner, or their accessories, the surveyor shall complete and submit to the county surveyor or designated office a record of the changes made.
(b) The record shall be submitted within 45 days of the corner visits and shall include the surveyor's seal, business name, and address.
(8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the license of any land surveyor who fails to comply with the requirements of this section, according to the procedures set forth in Title 58, Chapter 1, Division of Professional Licensing Act.
(9) Each federal or state agency, board, or commission, special district, special service district, or municipal corporation that makes a boundary survey of lands within this state shall comply with this section.

Amended by Chapter 438, 2024 General Session

17-23-17.5 Corner perpetuation and filing -- Definitions -- Establishment of corner file -- Preservation of map records -- Filing fees -- Exemptions.

(1) As used in this section:
(a) "Accessory to a corner" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.
(b) "Corner," unless otherwise qualified, means a property corner, a property controlling corner, a public land survey corner, or any combination of these.

(c) "Geographic coordinates" means mathematical values that designate a position on the earth relative to a given reference system. Coordinates shall be established pursuant to Title 57, Chapter 10, Utah Coordinate System.
(d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.
(e) "Monument" means an accessory that is presumed to occupy the exact position of a corner.
(f) "Property controlling corner" means a public land survey corner or any property corner which does not lie on a property line of the property in question, but which controls the location of one or more of the property corners of the property in question.
(g) "Property corner" means a geographic point of known geographic coordinates on the surface of the earth, and is on, a part of, and controls a property line.
(h) "Public land survey corner" means any corner actually established and monumented in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the land to a private person from the United States government.
(i) "Reference monument" means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded and which serves to witness the corner.
(j) "Township" means a term used in the context of identifying a geographic area in common surveyor practice.

(2)
(a) Any land surveyor making a boundary survey of lands within this state and utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the county where the corner is situated, a written record to be known as a corner file for every public land survey corner and accessory to the corner which is used as control in any survey by the surveyor, unless the corner and its accessories are already a matter of record in the county.
(b) Where reasonably possible, the corner file shall include the geographic coordinates of the corner.
(c) A surveyor may file a corner record as to any property corner, reference monument, or accessory to a corner.
(d) Corner records may be filed concerning corners used before the effective date of this section.

(3) The county surveyor of the county containing the corners shall have on record as part of the official files maps of each township within the county, the bearings and lengths of the connecting lines to government corners, and government corners looked for and not found.
(4) The county surveyor shall make these records available for public inspection at the county facilities during normal business hours.
(5) Filing fees for corner records shall be established by the county legislative body consistent with existing fees for similar services. All corners, monuments, and their accessories used prior to the effective date of this section shall be accepted and filed with the county surveyor without requiring the payment of the fees.
(6) When a corner record of a public land survey corner is required to be filed under the provisions of this section and the monument needs to be reconstructed or rehabilitated, the land surveyor shall contact the county surveyor in accordance with Section 17-23-14.
(7) A corner record may not be filed unless it is signed by a land surveyor.
(8) All filings relative to official cadastral surveys of the Bureau of Land Management of the United States of America performed by authorized personnel shall be exempt from filing fees.

Amended by Chapter 438, 2024 General Session

17-23-18 Amendment of survey maps or narratives by affidavit of corrections.

(1) Any survey map or narrative filed under the provisions of this chapter may be amended by an affidavit of corrections:
  (a) to show any courses or distances omitted from the map or narrative;
  (b) to correct an error in the description of the real property shown on the map or narrative; or
  (c) to correct any other errors or omissions where the error or omission is ascertainable from the data shown on the map or narrative as recorded.

(2)
  (a) The affidavit of correction shall be prepared by the licensed professional land surveyor who filed the map or narrative.
  (b) In the event of the death, disability, or retirement from practice of the surveyor who filed the map or narrative, the county surveyor may prepare the affidavit of correction.
  (c) The affidavit shall set forth in detail the corrections made.
  (d) The seal and signature of the licensed professional land surveyor filing the affidavit of correction shall be affixed to the affidavit.

(3) The county surveyor having jurisdiction of the map or narrative shall certify that the affidavit of correction has been examined and that the changes shown on the map or narrative are changes permitted under this section.

(4) Nothing in this section permits changes in courses or distances for the purpose of redesigning parcel configurations.

Amended by Chapter 211, 2003 General Session

17-23-19 County permitted to establish Public Land Corner Preservation Fund -- Use of fund -- Fee schedule for filing maps.

(1) The county legislative body may establish by ordinance a fund to be known as the Public Land Corner Preservation Fund. Money generated for the fund shall be used only to pay expenses incurred and authorized by the county surveyor in the establishment, reestablishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under Title 17, Chapter 23, County Surveyor, and Title 57, Chapter 10, Utah Coordinate System.

(2) The county legislative body may by ordinance establish a fee schedule for filing maps in the county surveyor's office of surveys filed under Section 17-23-17, subdivisions, road dedication plats, and other property plats. All money collected under this subsection shall be deposited with the county treasurer to be credited to the Public Land Corner Preservation Fund.

Amended by Chapter 189, 2014 General Session

17-23-20 Final plats of local entity boundary actions -- County surveyor approval of final plat -- Plat requirements.

(1) As used in this section:
  (a) "Approving authority" means the person or body required under applicable statute to submit to the lieutenant governor a notice of an impending boundary action, as defined in Section 67-1a-6.5.
  (b)

(i) "Boundary action" means any action that establishes, modifies, or eliminates the boundary of a local entity, including incorporation or creation, annexation, withdrawal or disconnection, consolidation, division, boundary adjustment, and dissolution.

(ii) "Boundary action" does not include the determination of the true location of a county boundary under Section 17-50-105.

(c) "Final local entity plat" means a plat that meets the requirements of Subsection (4).

(d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

(2) Upon request and in consultation with the county recorder, the county surveyor of each county in which property depicted on a plat is located shall determine whether the plat is a final local entity plat.

(3)

(a) If a county surveyor determines that a plat meets the requirements of Subsection (4), the county surveyor shall approve the plat as a final local entity plat.

(b) The county surveyor shall indicate the approval of a plat as a final local entity plat on the face of the final local entity plat.

(4) A plat may not be approved as a final local entity plat unless the plat:

(a) contains a graphical illustration depicting:

(i) in the case of a proposed creation or incorporation of a local entity, the boundary of the proposed local entity;

(ii) in the case of a proposed annexation of an area into an existing local entity, the boundary of the area proposed to be annexed;

(iii) in the case of a proposed adjustment of a boundary between local entities, the boundary of the area that the boundary adjustment proposes to move from inside the boundary of one local entity to inside the boundary of another local entity;

(iv) in the case of a proposed withdrawal or disconnection of an area from a local entity, the boundary of the area that is proposed to be withdrawn or disconnected;

(v) in the case of a proposed consolidation of multiple local entities, the boundary of the proposed consolidated local entity; and

(vi) in the case of a proposed division of a local entity into multiple local entities, the boundary of each new local entity created by the proposed division;

(b) is created on reproducible material that is:

(i) permanent in nature; and

(ii) the size and type specified by the county recorder;

(c) is drawn to a scale so that all data are legible;

(d) contains complete and accurate boundary information, including, as appropriate, calls along existing boundary lines, sufficient to enable:

(i) the county surveyor to establish the boundary on the ground, in the event of a dispute about the accurate location of the boundary; and

(ii) the county recorder to identify, for tax purposes, each tract or parcel included within the boundary;

(e) depicts a name for the plat, approved by the county recorder, that is sufficiently unique to distinguish the plat from all other recorded plats in the county;

(f) contains:

(i) the name of the local entity whose boundary is depicted on the plat;

(ii) the name of each county within which any property depicted on the plat is located;

(iii) the date that the plat was prepared;

(iv) a north arrow and legend;

(v) a signature block for:

(A) the signatures of:
(I) the professional land surveyor who prepared the plat; and
(II) the local entity's approving authority; and
(B) the approval of the county surveyor; and
(vi) a three-inch by three-inch block in the lower right hand corner for the county recorder's use when recording the plat;
(g) has been certified and signed by a professional land surveyor licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; and
(h) has been reviewed and signed by the approving authority of the local entity whose boundary is depicted on the plat.
(5) The county surveyor may charge and collect a reasonable fee for the costs associated with:
(a) the process of determining whether a plat is a final local entity plat; and
(b) the approval of a plat as a final local entity plat.

Enacted by Chapter 350, 2009 General Session

Chapter 24
County Treasurer

17-24-1 General duties of treasurer.

The county treasurer shall:
(1) receive all money belonging to the county and all other money by law directed to be paid to the treasurer, including proceeds of bonds, notes, or other evidences of indebtedness issued under Title 11, Chapter 14, Local Government Bonding Act;
(2) deposit and invest all money received under Title 51, Chapter 7, State Money Management Act;
(3) keep a record of the receipts and expenditures of all such money;
(4) disburse county money:
(a) on a county warrant issued by the county auditor; or
(b) subject to Section 17-19a-301, by a county check or such other payment mechanism as may be adopted pursuant to Chapter 36, Uniform Fiscal Procedures Act for Counties;
(5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13, Collection of Taxes;
(6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have been reassigned to the treasurer in an ordinance adopted under Section 17-16-5.5;
(7) provide the notice required under Section 10-11-4 or 17B-1-902; and
(8) perform other duties that are required by law or ordinance.

Amended by Chapter 460, 2017 General Session

17-24-4 Payment of warrants, checks, or other instruments.

(1) When a warrant is presented for payment and there is money in the treasury, the treasurer shall pay it.
(2) Upon receiving the notice from the county auditor under Section 17-19a-301 and if there is adequate money in the treasury, the treasurer shall, by check or other payment mechanism, make any payment not already paid by warrant.

(3) Notwithstanding Subsections (1) and (2), the treasurer has no obligation to pay any warrant or to issue any check or other payment instrument before receiving the certified list under Subsection 17-20-1.7(4).

Amended by Chapter 17, 2012 General Session

17-24-5 Payment of warrants in order presented -- Nonpayment of warrants -- Interest.

The county treasurer shall pay all warrants in the order presented and as funds are available. When any warrant is presented to the treasurer for payment and is not paid for want of funds, the warrant shall bear interest at the rate of 5% per annum until paid.

Amended by Chapter 212, 1996 General Session

17-24-11 Monthly reconciliations with auditor.

The county treasurer shall reconcile with the county auditor by the last day of each month for the preceding month.

Amended by Chapter 212, 1996 General Session

17-24-12 Reports to county executive or legislative body.

Each county treasurer shall make a detailed report whenever required so to do by the county executive or by the legislative body at any of their regular or special meetings of all money received by the treasurer, and of disbursements thereof, and of all other proceedings in the treasurer's office so that the receipts into the treasury and the amount of disbursements shall clearly and distinctly appear.

Amended by Chapter 241, 2001 General Session

17-24-19 Examination of records.

The books, accounts, and vouchers of the treasurer are at all times subject to the inspection and examination of the county executive and county legislative body, the county attorney, the district attorney, the county auditor, and the grand jury.

Amended by Chapter 38, 1993 General Session
Amended by Chapter 227, 1993 General Session

17-24-21 Seal of county treasurers.

The county treasurer of each county shall have an official seal to be provided by the county legislative body with which to authenticate his official acts and records. It shall have inscribed thereon the words "County Treasurer -- Official Seal" and the name of the county in which the treasurer holds office.

Amended by Chapter 227, 1993 General Session

Chapter 25
Powers and Duties of Constables

17-25-1 General powers and duties.

(1) A constable shall:
  (a) attend the justice courts within the constable's city or county when required by contract or court order; and
  (b) execute, serve, and return all process directed or delivered to the constable by a judge of the justice court serving the city or county, or by any competent authority within the limits of this section.
(2) A constable may:
  (a) serve any process throughout the state; and
  (b) carry out all other functions associated with a constable.
(3) A constable shall serve exclusively as an agent for:
  (a) the state, city, or county that has a contract with the constable; or
  (b) the court authorizing or directing the constable.
(4) Except as otherwise provided in this part, a constable may not serve as an agent, or be deemed to be serving as an agent, for a person that is not described in Subsection (3).

Amended by Chapter 158, 2024 General Session

17-25-2 Fees for constables -- Civil.

(1) Constables may for their own use collect as compensation in civil matters the same fees as those specified for sheriffs in Section 17-22-2.5.
(2) Constable fees that exceed the amounts in Section 17-22-2.5 are recoverable:
  (a) by the constable only if he has received prior approval for the increased fee from the party requesting the service; and
  (b) by prevailing party as a cost of the action only if the court finds the service and increased fee are justifiable.

Renumbered and Amended by Chapter 46, 2001 General Session

17-25-3 Fees for constables -- Criminal.

(1)
  (a) In criminal matters constables shall be paid for each copy of a summons, subpoena, notice, court order, or other criminal paper, except a warrant of arrest;
    (i) $5 for each defendant served; and
    (ii) mileage of $1 per mile for each mile necessarily traveled in going only, to be computed from either the courthouse, or when transmitted by mail, from the post office where received.
  (b) If more than one trip is necessary to serve, or diligently attempt to serve, service of process, mileage charges for more than two trips may be collected only if the party requesting the service of process has approved the additional mileage charges.
  (c) Each charge shall be individually documented on the affidavit of return of service.
(2) Lower charges may be established by contract for services under this section.
(3) If a constable serves process in a county other than the county where the process originated, travel expenses may not exceed the fee that would be charged if served by the sheriff of that county.
(4)

(a) For each mile traveled for the purpose of serving, or to diligently attempt service of, a warrant of arrest, both in going to and returning from defendant's address, a fee of $1 may be charged.
(b) If more than one trip is necessary to serve, or diligently attempt to serve, a warrant of arrest, no more than two additional mileage charges may be collected.
(c) Each charge shall be individually documented on the affidavit of return of service.
(5) For arresting each prisoner and bringing him into court, or otherwise satisfying a warrant, a fee of $15 may be charged.

Renumbered and Amended by Chapter 46, 2001 General Session

17-25-4 Constables' fees in criminal cases -- Procedure.

Accounts against the county filed by constables for services in criminal cases shall be certified as correct by the county attorney or district attorney and shall be presented to the auditor. The county legislative body may reject such bills in all causes or proceedings in which the county attorney or district attorney has not in writing authorized the issuance of the warrant of arrest.

Renumbered and Amended by Chapter 46, 2001 General Session

17-25-5 Contracts for constable services.

(1) The governing body of a municipality or county where a justice court exists may contract with a constable to provide services in criminal cases for the contracting governmental entity by a method and for an amount mutually agreed upon.
(2)
(a) A contract between a governing body and a constable, including a contract described in Subsection (1), may not exceed four years.
(b) A contract described in Subsection (2)(a) may be renewed or extended for a period not to exceed four years.

Amended by Chapter 48, 2012 General Session

17-25-6 Identification of constables -- Uniform requirements.

(1) While performing a duty described in Section 17-25-1, a constable shall prominently display a badge or other visible form of credentials and identification identifying:
(a) a person as a constable;
(b) the person's name; and
(c) the county or municipality for which the constable is appointed.
(2) If a constable serves process, the constable shall:
(a) verbally communicate to the person being served that the constable is a constable; and
(b) print on the first page of each document served:
(i) the constable's name and identification as a constable;
(ii) the county or municipality for which the constable is appointed; and
(iii) a business phone number for the constable.
(3) If a constable wears a uniform, the uniform shall be clearly marked with the word "constable" on the uniform shirt and, if applicable, the jacket.

Amended by Chapter 48, 2012 General Session

Chapter 25a
Appointment and Authority of Constables

17-25a-1 Constables -- Nomination -- Appointment -- Authority.

(1)
(a)
(i) The legislative governing bodies of counties and cities shall determine whether to appoint constables.
(ii) If a county or city decides to appoint constables, the county or city shall nominate and appoint constables in accordance with this chapter.
(b)
(i) Notwithstanding Subsection (1)(a), a constable holding office on July 1, 2019, may complete the constable's term.
(ii) A constable shall serve any subsequent terms the constable may serve in accordance with this chapter.
(2) To nominate a constable, the legislative body of a county of the first or second class or the legislative body of a city of the first or second class shall establish a nominating commission.
(a) The county nominating commission shall consist of:
(i) one member of the county legislative governing body or the member's designee;
(ii) one judge or the judge's designee;
(iii) the county attorney or the county attorney's designee;
(iv) the district attorney or the district attorney's designee;
(v) the sheriff of the county or the sheriff's designee; and
(vi) one private citizen.
(b) The city nominating commission shall consist of:
(i) one member of the city legislative governing body;
(ii) one judge;
(iii) the city attorney;
(iv) the chief of police; and
(v) one private citizen.
(c) The nominating commission described in this Subsection (2) shall review each applicant's credentials and, by majority vote, recommend to the legislative governing body of the county or city the nominees the nominating commission finds most qualified.
(d) The county or city legislative governing body shall either appoint or reject any nominee that the nominating commission recommends under Subsection (2)(c).
(3) The legislative body of a county of the third, fourth, fifth, or sixth class or the legislative body of a city of the third, fourth, or fifth class may appoint a constable on a recommendation from:
(a) the county sheriff and the county attorney; or
(b) the chief of police.
(4) A county or city legislative governing body that appoints a constable under this section may withdraw the authority of the constable for cause, including if the constable's peace officer certification is suspended or revoked under Section 53-6-211.

Amended by Chapter 218, 2019 General Session

17-25a-2 Constable -- Qualifications -- Duties.

(1) To qualify as a constable, a person shall be certified as a special function peace officer in the state.
(2) A constable shall:
  (a) avoid all conflicts of interest; and
  (b) maintain a public office and be accessible to the public and to the court during the hours the court is open.

Enacted by Chapter 44, 1990 General Session

17-25a-3 County and city constables -- Terms -- Authority -- Deputies.
(1)
  (a) Constables appointed by a county or city are appointed for terms of six years and may serve more than one term if reappointed by the appointing body.
  (b) Notwithstanding the law in place at the time a constable was appointed, the term of a constable appointed on or after July 1, 2018, expires six years after the day on which the term began.
(2)
  (a) Constables serving process outside the county in which they are appointed shall contact the sheriff's office or police department of the jurisdiction prior to serving executions or seizing any property.
  (b) A constable or deputy constable shall notify the agency of jurisdiction by contacting the sheriff's office or police department of jurisdiction before serving a warrant of arrest.
(3) The appointed constable may, upon approval of the appointing county or city, employ and deputize persons who are certified as special function peace officers to function as deputy constables.
(4) If the county or city appointing body withdraws the authority of a constable, the authority of all deputy constables is also withdrawn.
(5) If the authority of a constable or deputy constable is withdrawn, notification of the Peace Officer Standards and Training Division of the Department of Public Safety shall be made pursuant to Section 53-6-209.

Amended by Chapter 218, 2019 General Session

17-25a-4 Rates recoverable -- Exception.
(1) The rates recoverable through court action for service of process by a constable are governed by Section 17-22-2.5, 17-25-3, or 17-25-5 when applicable.
(2) Constable fees that exceed the amounts in Section 17-22-2.5 are recoverable in court:
  (a) by the constable only if he has received prior approval for the increased fee from the party requesting the service; and
  (b) by a prevailing party as a cost of the action only if the court finds the service and increased fee are justifiable.

Amended by Chapter 46, 2001 General Session

Chapter 26
County Hospitals

17-26-1 Jurisdiction transferred to commissioners.

All county hospitals established under Chapter 106, Laws of 1917, shall hereafter be under the jurisdiction of the county legislative body, and the office of trustees therefor is abolished.

Amended by Chapter 227, 1993 General Session

Chapter 27a
County Land Use, Development, and Management Act

Part 1
General Provisions

17-27a-101 Title.

This chapter is known as the "County Land Use, Development, and Management Act."

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-102 Purposes -- General land use authority -- Limitations.

(1)

(a) The purposes of this chapter are to:

(i) provide for the health, safety, and welfare;

(ii) promote the prosperity;

(iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of each county and each county's present and future inhabitants and businesses;

(iv) protect the tax base;

(v) secure economy in governmental expenditures;

(vi) foster the state's agricultural and other industries;

(vii) protect both urban and nonurban development;

(viii) protect and ensure access to sunlight for solar energy devices;

(ix) provide fundamental fairness in land use regulation;

(x) facilitate orderly growth and allow growth in a variety of housing types; and

(xi) protect property values.

(b) Subject to Subsection (4) and Section 11-41-103, to accomplish the purposes of this chapter, a county may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the county considers necessary or appropriate for the use and development of land within the unincorporated area of the county or a designated mountainous planning district, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:

(i) uses;

(ii) density;

(iii) open spaces;

(iv) structures;

(v) buildings;

(vi) energy-efficiency;

(vii) light and air;

(viii) air quality;
(ix) transportation and public or alternative transportation;
(x) infrastructure;
(xi) street and building orientation and width requirements;
(xii) public facilities;
(xiii) fundamental fairness in land use regulation; and
(xiv) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

(2) Each county shall comply with the mandatory provisions of this part before any agreement or contract to provide goods, services, or municipal-type services to any storage facility or transfer facility for high-level nuclear waste, or greater than class C radioactive waste, may be executed or implemented.

(3)
(a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.
(b) A county may enact an ordinance, resolution, or rule that regulates surface activity incident to an oil and gas activity if the county demonstrates that the regulation:
(i) is necessary for the purposes of this chapter;
(ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
(iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.

(4)
(a) This Subsection (4) applies to development agreements entered into on or after May 5, 2021.
(b) A provision in a county development agreement is unenforceable if the provision requires an individual or an entity, as a condition for issuing building permits or otherwise regulating development activities within an unincorporated area of the county, to initiate a process for a municipality to annex the unincorporated area in accordance with Title 10, Chapter 2, Part 4, Annexation.
(c) Subsection (4)(b) does not affect or impair the enforceability of any other provision in the development agreement.

Amended by Chapter 307, 2022 General Session

17-27a-103 Definitions.

As used in this chapter:

(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.
(2) "Adversely affected party" means a person other than a land use applicant who:
(a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
(b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
(3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner, property owner's association, public utility, or the Department of Transportation, if:

(a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
(b) the entity has filed with the county a copy of the entity's general or long-range plan; or
(c) the entity has filed with the county a request for notice during the same calendar year and before the county provides notice to an affected entity in compliance with a requirement imposed under this chapter.

(4) "Affected owner" means the owner of real property that is:
(a) a single project;
(b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and
(c) determined to be legally referable under Section 20A-7-602.8.

(5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(7)
(a) "Charter school" means:
(i) an operating charter school;
(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
(iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
(b) "Charter school" does not include a therapeutic school.

(8) "Chief executive officer" means the person or body that exercises the executive powers of the county.

(9) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(10) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:
(a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
(b) Utah Constitution, Article I, Section 22.

(11) "County utility easement" means an easement that:
(a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a utility easement;
(b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;
(c) the county or the county's affiliated governmental entity owns or creates; and
(d)
(i) either:
(A) no person uses or occupies; or
(B) the county or the county's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines; or
(ii) a person uses or occupies with or without an authorized franchise or other agreement with the county.

(12) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
(13) "Development activity" means:
(a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
(b) any change in use of a building or structure that creates additional demand and need for public facilities; or
(c) any change in the use of land that creates additional demand and need for public facilities.
(14)
(a) "Development agreement" means a written agreement or amendment to a written agreement between a county and one or more parties that regulates or controls the use or development of a specific area of land.
(b) "Development agreement" does not include an improvement completion assurance.
(15)
(a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.
(b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. Sec. 802.
(16) "Educational facility":
(a) means:
(i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;
(ii) a structure or facility:
(A) located on the same property as a building described in Subsection (16)(a)(i); and
(B) used in support of the use of that building; and
(iii) a building to provide office and related space to a school district's administrative personnel; and
(b) does not include:
(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
(A) not located on the same property as a building described in Subsection (16)(a)(i); and
(B) used in support of the purposes of a building described in Subsection (16)(a)(i); or
(ii) a therapeutic school.
(17) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.
(18) "Flood plain" means land that:
(a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
(b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.
(19) "Gas corporation" has the same meaning as defined in Section 54-2-1.
(20) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of:

(a) the unincorporated land within the county; or
(b) for a mountainous planning district, the land within the mountainous planning district.
(21) "Geologic hazard" means:
(a) a surface fault rupture;
(b) shallow groundwater;
(c) liquefaction;
(d) a landslide;
(e) a debris flow;
(f) unstable soil;
(g) a rock fall; or
(h) any other geologic condition that presents a risk:
(i) to life;
(ii) of substantial loss of real property; or
(iii) of substantial damage to real property.
(22) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.
(23) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility system.
(24) "Identical plans" means building plans submitted to a county that:
(a) are clearly marked as "identical plans";
(b) are substantially identical building plans that were previously submitted to and reviewed and approved by the county; and
(c) describe a building that:
(i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;
(ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;
(iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved by the county; and
(iv) does not require any additional engineering or analysis.
(25) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.
(26) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a county to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:
(a) recording a subdivision plat; or
(b) development of a commercial, industrial, mixed use, or multifamily project.
(27) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:
(a) complies with the county's written standards for design, materials, and workmanship; and
(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
(28) "Improvement warranty period" means a period:
(a) no later than one year after a county's acceptance of required landscaping; or
(b) no later than one year after a county's acceptance of required infrastructure, unless the county:
(i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:
(A) of prior poor performance by the applicant; or
(B) that the area upon which the infrastructure will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil.

(29) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:
(a) is required for human consumption; and
(b) an applicant must install:
(i) in accordance with published installation and inspection specifications for public improvements; and
(ii) as a condition of:
(A) recording a subdivision plat;
(B) obtaining a building permit; or
(C) developing a commercial, industrial, mixed use, condominium, or multifamily project.

(30) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:
(a) runs with the land; and
(b)
(i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

(31) "Interstate pipeline company" means a person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

(32) "Intrastate pipeline company" means a person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

(33) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(34) "Land use application":
(a) means an application that is:
(i) required by a county; and
(ii) submitted by a land use applicant to obtain a land use decision; and
(b) does not mean an application to enact, amend, or repeal a land use regulation.

(35) "Land use authority" means:
(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or
(b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

(36) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:
(a) a land use permit;
(b) a land use application; or
(c) the enforcement of a land use regulation, land use permit, or development agreement.

(37) "Land use permit" means a permit issued by a land use authority.

(38) "Land use regulation":
(a) means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land;
(b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

(c) does not include:
(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
(ii) a temporary revision to an engineering specification that does not materially:
(A) increase a land use applicant's cost of development compared to the existing specification; or
(B) impact a land use applicant's use of land.
(39) "Legislative body" means the county legislative body, or for a county that has adopted an alternative form of government, the body exercising legislative powers.
(40) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.
(41)
(a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 17-27a-608:
(i) whether or not the lots are located in the same subdivision; and
(ii) with the consent of the owners of record.
(b) "Lot line adjustment" does not mean a new boundary line that:
(i) creates an additional lot; or
(ii) constitutes a subdivision or a subdivision amendment.
(c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of Transportation.
(42) "Major transit investment corridor" means public transit service that uses or occupies:
(a) public transit rail right-of-way;
(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:
(i) a public transit district as defined in Section 17B-2a-802; or
(ii) an eligible political subdivision as defined in Section 59-12-2219.
(43) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
(44) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.
(45) "Mountainous planning district" means an area designated by a county legislative body in accordance with Section 17-27a-901.
(46) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses incurred in:
(a) verifying that building plans are identical plans; and
(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.
(47) "Noncomplying structure" means a structure that:
(a) legally existed before the structure's current land use designation; and
(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.
(48) "Nonconforming use" means a use of land that:
(a) legally existed before the current land use designation;
(b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

(49) "Official map" means a map drawn by county authorities and recorded in the county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) has been adopted as an element of the county's general plan.

(50) "Parcel" means any real property that is not a lot.

(51)

(a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

(i) none of the property identified in the agreement is a lot; or

(ii) the adjustment is to the boundaries of a single person's parcels.

(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:

(i) creates an additional parcel; or

(ii) constitutes a subdivision.

(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department of Transportation.

(52) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(53) "Plan for moderate income housing" means a written document adopted by a county legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the county;

(b) an estimate of the need for moderate income housing in the county for the next five years;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) a description of the county's program to encourage an adequate supply of moderate income housing.

(54) "Planning advisory area" means a contiguous, geographically defined portion of the unincorporated area of a county established under this part with planning and zoning functions as exercised through the planning advisory area planning commission, as provided in this chapter, but with no legal or political identity separate from the county and no taxing authority.

(55) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 17-27a-603 or 57-8-13.

(56) "Potential geologic hazard area" means an area that:

(a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or

(b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

(57) "Public agency" means:

(a) the federal government;

(b) the state;
(c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or
(d) a charter school.
(58) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
(59) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.
(60) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.
(61) "Receiving zone" means an unincorporated area of a county that the county designates, by ordinance, as an area in which an owner of land may receive a transferable development right.
(62) "Record of survey map" means a map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
(63) "Residential facility for persons with a disability" means a residence:
(a) in which more than one person with a disability resides; and
(b) which is licensed or certified by the Department of Health and Human Services under:
(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
(64) "Residential roadway" means a public local residential road that:
(a) will serve primarily to provide access to adjacent primarily residential areas and property;
(b) is designed to accommodate minimal traffic volumes or vehicular traffic;
(c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
(d) has a posted speed limit of 25 miles per hour or less;
(e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
(f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
(g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
(65) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
(a) parliamentary order and procedure;
(b) ethical behavior; and
(c) civil discourse.
(66) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
(67) "Sending zone" means an unincorporated area of a county that the county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.
(68) "Site plan" means a document or map that may be required by a county during a preliminary review preceding the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.
(69)

(a) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts.
(b) "Special district" includes a governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
(70) "Specified public agency" means:
(a) the state;
(b) a school district; or
(c) a charter school.
(71) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.
(72) "State" includes any department, division, or agency of the state.
(73)
(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
(b) "Subdivision" includes:
(i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
(ii) except as provided in Subsection (73)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
(c) "Subdivision" does not include:
(i) a bona fide division or partition of agricultural land for agricultural purposes;
(ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 17-27a-523 if no new lot is created;
(iii) a recorded document, executed by the owner of record:
(A) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
(B) joining a lot to a parcel;
(iv) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
(A) an electrical transmission line or a substation;
(B) a natural gas pipeline or a regulation station; or
(C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
(v) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608 if:
(A) no new dwelling lot or housing unit will result from the adjustment; and
(B) the adjustment will not violate any applicable land use ordinance;
(vi) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
(A) is in anticipation of future land use approvals on the parcel or parcels;
(B) does not confer any land use approvals; and
(C) has not been approved by the land use authority;
(vii) a parcel boundary adjustment;
(viii) a lot line adjustment;

(ix) a road, street, or highway dedication plat;
(x) a deed or easement for a road, street, or highway purpose; or
(xi) any other division of land authorized by law.

(74)
(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 17-27a-608 that:
(i) vacates all or a portion of the subdivision;
(ii) alters the outside boundary of the subdivision;
(iii) changes the number of lots within the subdivision;
(iv) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
(v) alters a common area or other common amenity within the subdivision.
(b) "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

(75) "Substantial evidence" means evidence that:
(a) is beyond a scintilla; and
(b) a reasonable mind would accept as adequate to support a conclusion.

(76) "Suspect soil" means soil that has:
(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
(b) bedrock units with high shrink or swell susceptibility; or
(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

(77) "Therapeutic school" means a residential group living facility:
(a) for four or more individuals who are not related to:
(i) the owner of the facility; or
(ii) the primary service provider of the facility;
(b) that serves students who have a history of failing to function:
(i) at home;
(ii) in a public school; or
(iii) in a nonresidential private school; and
(c) that offers:
(i) room and board; and
(ii) an academic education integrated with:
(A) specialized structure and supervision; or
(B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

(78) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

(79) "Unincorporated" means the area outside of the incorporated area of a municipality.

(80) "Water interest" means any right to the beneficial use of water, including:
(a) each of the rights listed in Section 73-1-11; and
(b) an ownership interest in the right to the beneficial use of water represented by:
(i) a contract; or
(ii) a share in a water company, as defined in Section 73-3-3.5.

(81) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Amended by Chapter 464, 2024 General Session

17-27a-104 County standards.
(1) This chapter does not prohibit a county from adopting the county's own land use standards.
(2) Notwithstanding Subsection (1), a county may not impose a requirement, regulation, condition, or standard that conflicts with a provision of this chapter, other state law, or federal law.

Amended by Chapter 384, 2019 General Session

Part 2
Notice

17-27a-201 Required notice.
(1) At a minimum, each county shall provide actual notice or the notice required by this part.
(2) A county may by ordinance require greater notice than required under this part.

Enacted by Chapter 254, 2005 General Session

17-27a-202 Applicant notice -- Waiver of requirements.
(1) For each land use application, the county shall:
  (a) notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
  (b) provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
  (c) notify the applicant of any final action on a pending application.
(2) If a county fails to comply with the requirements of Subsection (1)(a) or (b) or both, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

Amended by Chapter 257, 2006 General Session

17-27a-203 Notice of intent to prepare a general plan or comprehensive general plan amendments in certain counties.
(1) Before preparing a proposed general plan or a comprehensive general plan amendment, each county of the first or second class shall provide 10 calendar days notice of the county's intent to prepare a proposed general plan or a comprehensive general plan amendment:
  (a) to each affected entity;
  (b) to the Utah Geospatial Resource Center created in Section 63A-16-505;
  (c) to the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and
  (d) for the county, as a class A notice under Section 63G-30-102, for at least 10 days.
(2) Each notice under Subsection (1) shall:
  (a) indicate that the county intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;

(b) describe or provide a map of the geographic area that will be affected by the general plan or amendment;
(c) be sent by mail, e-mail, or other effective means;
(d) invite the affected entities to provide information for the county to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:
(i) impacts that the use of land proposed in the proposed general plan or amendment may have; and
(ii) uses of land within the county that the affected entity is considering that may conflict with the proposed general plan or amendment; and
(e) include the address of an Internet website, if the county has one, and the name and telephone number of an individual where more information can be obtained concerning the county's proposed general plan or amendment.

Amended by Chapter 435, 2023 General Session

17-27a-204 Notice of public hearings and public meetings to consider general plan or modifications.

(1) A county shall provide:
(a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
(b) notice of each public meeting on the subject.
(2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar days before the public hearing and shall be:
(a) published for the county, as a class A notice under Section 63G-30-102, for at least 10 days; and
(b) mailed to each affected entity.
(3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be published for the county, as a class A notice under Section 63G-30-102, for at least 24 hours.

Amended by Chapter 435, 2023 General Session

17-27a-205 Notice of public hearings and public meetings on adoption or modification of land use regulation.

(1) Each county shall give:
(a) notice of the date, time, and place of the first public hearing to consider the adoption or modification of a land use regulation; and
(b) notice of each public meeting on the subject.
(2) Each notice of a public hearing under Subsection (1)(a) shall be:
(a) mailed to each affected entity at least 10 calendar days before the public hearing; and
(b) published for the area affected by the land use ordinance changes, as a class B notice under Section 63G-30-102, for at least 10 calendar days before the day of the public hearing.
(3) In addition to the notice requirements described in Subsections (1) and (2), for any proposed modification to the text of a zoning code, the notice posted in accordance with Subsection (2) shall:
(a) include a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; and
(b) be provided to any person upon written request.

(4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the hearing and shall be published for the county, as a class A notice under Section 63G-30-102, for at least 24 hours.

(5)

(a) A county shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.

(b) The notice shall:

(i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;

(ii) state the current zone in which the real property is located;

(iii) state the proposed new zone for the real property;

(iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;

(v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;

(vi) state the address where the property owner should file the protest;

(vii) notify the property owner that each written objection filed with the county will be provided to the county legislative body; and

(viii) state the location, date, and time of the public hearing described in Section 17-27a-502.

(c) If a county mails notice to a property owner under Subsection (2)(b) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (5) may be included in or part of the notice described in Subsection (2)(b) rather than sent separately.

Amended by Chapter 435, 2023 General Session

17-27a-206 Third party notice -- High priority transportation corridor notice.

(1)

(a) If a county requires notice to adjacent property owners, the county shall:

(i) mail notice to the record owner of each parcel within parameters specified by county ordinance; or

(ii) post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.

(b) If a county mails notice to third party property owners under Subsection (1), it shall mail equivalent notice to property owners within an adjacent jurisdiction.

(2)

(a) As used in this Subsection (2), "high priority transportation corridor" means a transportation corridor identified as a high priority transportation corridor under Section 72-5-403.

(b) The Department of Transportation may request, in writing, that a county provide the department with electronic notice of each land use application received by the county that may adversely impact the development of a high priority transportation corridor.

(c) If the county receives a written request as provided in Subsection (2)(b), the county shall provide the Department of Transportation with timely electronic notice of each land use application that the request specifies.

(3)

(a) A large public transit district, as defined in Section 17B-2a-802, may request, in writing, that a county provide the large public transit district with electronic notice of each land use application received by the county that may impact the development of a major transit investment corridor.
(b) If the county receives a written request as provided in Subsection (3)(a), the county shall provide the large public transit district with timely electronic notice of each land use application that the request specifies.

Amended by Chapter 377, 2020 General Session

17-27a-207 Notice for an amendment to a subdivision -- Notice for vacation of or change to street.

(1)
(a) For an amendment to a subdivision, each county shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (1)(b).
(b) At least 10 calendar days before the public meeting, the notice required under Subsection (1)(a) shall be:
(i) mailed and addressed to the record owner of each parcel within specified parameters of that property; or
(ii) posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

(2) Each county shall provide notice as required by Section 17-27a-208 for a subdivision that involves a vacation, alteration, or amendment of a street.

Amended by Chapter 338, 2009 General Session

17-27a-208 Hearing and notice for petition to vacate a public street.

(1) For any petition to vacate some or all of a public street or county utility easement, the legislative body shall:
(a) hold a public hearing; and
(b) give notice of the date, place, and time of the hearing, as provided in Subsection (2).

(2) At least 10 days before the public hearing under Subsection (1)(a), the legislative body shall ensure that the notice required under Subsection (1)(b) is:
(a) published for the county, as a class A notice under Section 63G-30-102, for at least 10 days;
(b) provided to the owner of each parcel that is accessed by the public street or county utility easement; and
(c) mailed to each affected entity.

Amended by Chapter 435, 2023 General Session

17-27a-209 Notice challenge.

If notice given under authority of this part is not challenged under Section 17-27a-801 within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

Enacted by Chapter 254, 2005 General Session

17-27a-210 Notice to county when a private institution of higher education is constructing student housing.

(1) Each private institution of higher education that intends to construct student housing on property owned by the institution shall provide written notice of the intended construction, as provided in Subsection (2), before any funds are committed to the construction, if any of the proposed student housing buildings is within 300 feet of privately owned residential property.

(2) Each notice under Subsection (1) shall be provided to the legislative body and, if applicable, the mayor of:

(a) the county in whose unincorporated area or the mountainous planning district area the privately owned residential property is located; or

(b) the municipality in whose boundaries the privately owned residential property is located.

(3) At the request of a county or municipality that is entitled to notice under this section, the institution and the legislative body of the affected county or municipality shall jointly hold a public hearing to provide information to the public and receive input from the public about the proposed construction.

Amended by Chapter 465, 2015 General Session

17-27a-211 Canal owner or operator -- Notice to county.

(1) A canal company or a canal operator shall ensure that each county in which the canal company or canal operator owns or operates a canal has on file, regarding the canal company or canal operator:

(a) a current mailing address and phone number;

(b) a contact name; and

(c) a general description of the location of each canal owned or operated by the canal owner or canal operator.

(2) If the information described in Subsection (1) changes after a canal company or a canal operator has provided the information to the county, the canal company or canal operator shall provide the correct information within 30 days of the day on which the information changes.

Amended by Chapter 410, 2017 General Session
Amended by Chapter 428, 2017 General Session

17-27a-212 Notice for an amendment to public improvements in a subdivision or development.

Before implementing an amendment to adopted specifications for public improvements that apply to a subdivision or a development, a county shall:

(1) hold a public hearing;

(2) mail a notice 30 days or more before the date of the public hearing to:

(a) each person who has submitted a land use application for which the land use authority has not issued a land use decision; and

(b) each person who makes a written request to receive a copy of the notice; and

(3) allow each person who receives a notice in accordance with Subsection (2) to provide public comment in writing before the public hearing or in person during the public hearing.

Amended by Chapter 355, 2022 General Session

17-27a-213 Hearing and notice procedures for modifying sign regulations.

(1)
(a) Prior to any hearing or public meeting to consider a proposed land use regulation or land use application modifying sign regulations for an illuminated sign within any unified commercial development, as defined in Section 72-7-504.6, or within any planned unit development, a county shall give written notice of the proposed illuminated sign to:
(i) each property owner within a 500 foot radius of the sign site;
(ii) a municipality or county within a 500 foot radius of the sign site; and
(iii) any outdoor advertising permit holder described in Subsection 72-7-506(2)(b).
(b) The notice described in Subsection (1)(a) shall include the schedule of public meetings at which the proposed changes to land use regulations or land use application will be discussed.
(2) A county shall require the property owner or applicant to commence in good faith the construction of the commercial or industrial development within one year after the installation of the illuminated sign.

Enacted by Chapter 235, 2019 General Session

Part 3
General Land Use Provisions

17-27a-301 Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Planning advisory area planning commission -- Compensation.
(1)
(a) Except as provided in Subsection (1)(b), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a planning advisory area.
(b) Subsection (1)(a) does not apply if all of the county is included within any combination of:
(i) municipalities;
(ii) planning advisory areas each with a separate planning commission; and
(iii) mountainous planning districts.
(c)
(i) Notwithstanding Subsection (1)(a), a county that designates a mountainous planning district shall enact an ordinance, subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over the entire mountainous planning district.
(ii) A planning commission described in Subsection (1)(c)(i) has jurisdiction subject to a local health department exercising the local health department's authority in accordance with Title 26A, Chapter 1, Local Health Departments, and a municipality exercising the municipality's authority in accordance with Section 10-8-15.
(iii) The ordinance shall require that members of the planning commission be appointed by the county executive with the advice and consent of the county legislative body.
(2)
(a) Notwithstanding Subsection (1)(b), the county legislative body of a county of the first or second class that includes more than one planning advisory area each with a separate planning commission may enact an ordinance that:
(i) dissolves each planning commission within the county; and
(ii) establishes a countywide planning commission that has jurisdiction over:
(A) each planning advisory area within the county; and

(B) the unincorporated areas of the county not within a planning advisory area.

(b) A countywide planning commission established under Subsection (2)(a) shall assume the duties of each dissolved planning commission.

(3)

(a) The ordinance described in Subsection (1)(a) or (c) or (2)(a) shall define:

(i) the number and terms of the members and, if the county chooses, alternate members;

(ii) the mode of appointment;

(iii) the procedures for filling vacancies and removal from office;

(iv) the authority of the planning commission;

(v) subject to Subsection (3)(b), the rules of order and procedure for use by the planning commission in a public meeting; and

(vi) other details relating to the organization and procedures of the planning commission.

(b) Subsection (3)(a)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(4)

(a)

(i) If the county establishes a planning advisory area planning commission, the county legislative body shall enact an ordinance that defines:

(A) appointment procedures;

(B) procedures for filling vacancies and removing members from office;

(C) subject to Subsection (4)(a)(ii), the rules of order and procedure for use by the planning advisory area planning commission in a public meeting; and

(D) details relating to the organization and procedures of each planning advisory area planning commission.

(ii) Subsection (4)(a)(i)(C) does not affect the planning advisory area planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(b) The planning commission for each planning advisory area shall consist of seven members who shall be appointed by:

(i) in a county operating under a form of government in which the executive and legislative functions of the governing body are separated, the county executive with the advice and consent of the county legislative body; or

(ii) in a county operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body.

(c)

(i) Members shall serve four-year terms and until their successors are appointed and qualified.

(ii) Notwithstanding the provisions of Subsection (4)(c)(i), members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each year.

(d)

(i) Each member of a planning advisory area planning commission shall be a registered voter residing within the planning advisory area.

(ii) Subsection (4)(d)(i) does not apply to a member described in Subsection (5)(a) if that member was, prior to May 12, 2015, authorized to reside outside of the planning advisory area.

(5)

(a) A member of a planning commission who was elected to and served on a planning commission on May 12, 2015, shall serve out the term to which the member was elected.

(b) Upon the expiration of an elected term described in Subsection (5)(a), the vacant seat shall be filled by appointment in accordance with this section.
(6) Upon the appointment of all members of a planning advisory area planning commission, each planning advisory area planning commission under this section shall begin to exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or planning advisory area planning and zoning board.
(7) The legislative body may authorize a member of a planning commission to receive per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

Amended by Chapter 363, 2021 General Session

17-27a-302 Planning commission powers and duties -- Training requirements.
(1) Each countywide, planning advisory area, or mountainous planning district planning commission shall, with respect to the unincorporated area of the county, the planning advisory area, or the mountainous planning district, review and make a recommendation to the county legislative body for:
(a) a general plan and amendments to the general plan;
(b) land use regulations, including:
(i) ordinances regarding the subdivision of land within the county; and
(ii) amendments to existing land use regulations;
(c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
(d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
(e) application processes that:
(i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
(ii) shall protect the right of each:
(A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority;
(B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate appeal authority; and
(C) participant to be heard in each public hearing on a contested application.
(2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 17-27a-404.
(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.
(4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.
(5) Nothing in this section limits the right of a county to initiate or propose the actions described in this section.
(6)
(a)
(i) This Subsection (6) applies to a county that:
(A) is a county of the first, second, or third class; and

(B) has a population in the county's unincorporated areas of 5,000 or more.
(ii) The population figure described in Subsection (6)(a)(i) shall be derived from:
(A) the most recent official census or census estimate of the United States Census Bureau; or
(B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of the Utah Population Committee.
(b) A county described in Subsection (6)(a)(i) shall ensure that each member of the county's planning commission completes four hours of annual land use training as follows:
(i) one hour of annual training on general powers and duties under Title 17, Chapter 27a, County Land Use, Development, and Management Act; and
(ii) three hours of annual training on land use, which may include:
(A) appeals and variances;
(B) conditional use permits;
(C) exactions;
(D) impact fees;
(E) vested rights;
(F) subdivision regulations and improvement guarantees;
(G) land use referenda;
(H) property rights;
(I) real estate procedures and financing;
(J) zoning, including use-based and form-based; and
(K) drafting ordinances and code that complies with statute.
(c) A newly appointed planning commission member may not participate in a public meeting as an appointed member until the member completes the training described in Subsection (6)(b)(i).
(d) A planning commission member may qualify for one completed hour of training required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.
(e) A county shall provide the training described in Subsection (6)(b) through:
(i) county staff;
(ii) the Utah Association of Counties; or
(iii) a list of training courses selected by:
(A) the Utah Association of Counties; or
(B) the Division of Real Estate created in Section 61-2-201.
(f) A county shall, for each planning commission member:
(i) monitor compliance with the training requirements in Subsection (6)(b); and
(ii) maintain a record of training completion at the end of each calendar year.

Amended by Chapter 385, 2021 General Session

17-27a-303 Entrance upon land.

A county may enter upon any land at reasonable times to make examinations and surveys pertinent to the:
(1) preparation of its general plan; or
(2) preparation or enforcement of its land use ordinances.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-304 State and federal property.

Unless otherwise provided by law, nothing contained in this chapter may be construed as giving a county jurisdiction over property owned by the state or the United States.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-305 Other entities required to conform to county's land use ordinances -- Exceptions -- School districts, charter schools, home-based microschools, and micro-education entities -- Submission of development plan and schedule.

(1)
(a) Each county, municipality, school district, charter school, special district, special service district, and political subdivision of the state shall conform to any applicable land use ordinance of any county when installing, constructing, operating, or otherwise using any area, land, or building situated within a mountainous planning district or the unincorporated portion of the county, as applicable.
(b) In addition to any other remedies provided by law, when a county's land use ordinance is violated or about to be violated by another political subdivision, that county may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

(2)
(a) Except as provided in Subsection (3), a school district or charter school is subject to a county's land use ordinances.
(b)
(i) Notwithstanding Subsection (3), a county may:
(A) subject a charter school to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
(B) impose regulations upon the location of a project that are necessary to avoid unreasonable risks to health or safety, as provided in Subsection (3)(f).
(ii) The standards to which a county may subject a charter school under Subsection (2)(b)(i) shall be objective standards only and may not be subjective.
(iii) Except as provided in Subsection (7)(d), the only basis upon which a county may deny or withhold approval of a charter school's land use application is the charter school's failure to comply with a standard imposed under Subsection (2)(b)(i).
(iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an obligation to comply with a requirement of an applicable building or safety code to which it is otherwise obligated to comply.

(3) A county may not:
(a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, county building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;
(b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;
(c) require a district or charter school to pay fees not authorized by this section;

(d) provide for inspection of school construction or assess a fee or other charges for inspection, unless the school district or charter school is unable to provide for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent;
(e) require a school district or charter school to pay any impact fee for an improvement project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;
(f) impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety; or
(g) for a land use or a structure owned or operated by a school district or charter school that is not an educational facility but is used in support of providing instruction to pupils, impose a regulation that:
(i) is not imposed on a similar land use or structure in the zone in which the land use or structure is approved; or
(ii) uses the tax exempt status of the school district or charter school as criteria for prohibiting or regulating the land use or location of the structure.
(4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the siting of a new school with the county in which the school is to be located, to:
(a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and
(b) maximize school, student, and site safety.
(5) Notwithstanding Subsection (3)(d), a county may, at its discretion:
(a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and
(b) provide recommendations based upon the walk-through.
(6)
(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
(i) a county building inspector;
(ii)
(A) for a school district, a school district building inspector from that school district; or
(B) for a charter school, a school district building inspector from the school district in which the charter school is located; or
(iii) an independent, certified building inspector who isnot an employee of the contractor, licensed to perform the inspection that the inspector is requested to perform, andapproved bya county building inspector or:
(A) for a school district, a school district building inspector from that school district; or
(B) for a charter school, a school district building inspector from the school district in which the charter school is located.
(b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.
(c) If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and county building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.
(7)
(a) A charter school, home-based microschool, or micro-education entity shall be considered a permitted use in all zoning districts within a county.

(b) Each land use application for any approval required for a charter school, home-based microschool, or micro-education entity, including an application for a building permit, shall be processed on a first priority basis.

(c) Parking requirements for a charter school or micro-education entity may not exceed the minimum parking requirements for schools or other institutional public uses throughout the county.

(d) If a county has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school or micro-education entity may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school or micro-education entity provides a waiver.

(e)

(i) A school district , charter school, or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from:

(A) the state superintendent of public instruction, as provided in Subsection 53E-3-706(3), if the school district, charter school, or micro-education entity used an independent building inspector for inspection of the school building; or

(B) a county official with authority to issue the certificate, if the school district, charter school, or micro-education entity used a county building inspector for inspection of the school building.

(ii) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of Subsection 53E-3-706(3)(a)(ii).

(iii) A charter school or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from a school district official with authority to issue the certificate, if the charter school or micro-education entity used a school district building inspector for inspection of the school building.

(iv) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under Subsection 53E-3-706(3) or a school district official with authority to issue the certificate shall be considered to satisfy any county requirement for an inspection or a certificate of occupancy.

(f)

(i) A micro-education entity may operate a facility that meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a).

(ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i):

(A) may have up to 100 students in the facility; and

(B) shall have enough space for at least 20 net square feet per student;

(g) A micro-education entity may operate a facility that is subject to and complies with the same occupancy requirements as a Class B Occupancy as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if:

(i) the facility has a code compliant fire alarm system and carbon monoxide detection system;

(ii)

(A) each classroom in the facility has an exit directly to the outside at the level of exit discharge; or

(B) the structure has a code compliant fire sprinkler system;

(iii) the facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet; and

(iv) the facility has enough space for at least 20 net square feet per student.

(h)
(i) A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling, except that the home-based microschool shall have enough space for at least 35 square feet per student.
(ii) If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code, as incorporated in Section 15A-1-210.

(8)
(a) A specified public agency intending to develop its land shall submit to the land use authority a development plan and schedule:
(i) as early as practicable in the development process, but no later than the commencement of construction; and
(ii) with sufficient detail to enable the land use authority to assess:
(A) the specified public agency's compliance with applicable land use ordinances;
(B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c), (d), (e), and (g) caused by the development;
(C) the amount of any applicable fee described in Section 17-27a-509;
(D) any credit against an impact fee; and
(E) the potential for waiving an impact fee.
(b) The land use authority shall respond to a specified public agency's submission under Subsection (8)(a) with reasonable promptness in order to allow the specified public agency to consider information the municipality provides under Subsection (8)(a)(ii) in the process of preparing the budget for the development.

(9) Nothing in this section may be construed to:
(a) modify or supersede Section 17-27a-304; or
(b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. 12102, or any other provision of federal law.

(10) Nothing in Subsection (7) prevents a political subdivision from:
(a) requiring a home-based microschool or micro-education entity to comply with local zoning and land use regulations that do not conflict with this section, including:
(i) parking;
(ii) traffic; and
(iii) hours of operation;
(b) requiring a home-based microschool or micro-education entity to obtain a business license;
(c) enacting county ordinances and regulations consistent with this section;
(d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
(e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

(11) Notwithstanding any other provision of law, the proximity restrictions that apply to community locations do not apply to a micro-education entity.

Amended by Chapter 464, 2024 General Session

17-27a-306 Planning advisory areas -- Notice of hearings.

(1)

(a) A planning advisory area may be established as provided in this Subsection (1).

(b) A planning advisory area may not be established unless the area to be included within the proposed planning advisory area:

(i) is unincorporated;

(ii) is contiguous; and

(iii)

(A) contains:

(I) at least 20% but not more than 80% of:

(Aa) the total private land area in the unincorporated county; or

(Bb) the total value of locally assessed taxable property in the unincorporated county; or

(II)

(Aa) in a county of the second or third class, at least 5% of the total population of the unincorporated county, but not less than 300 residents; or

(Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population of the unincorporated county; or

(B) has been declared by the United States Census Bureau as a census designated place.

(c)

(i) The process to establish a planning advisory area is initiated by the filing of a petition with the clerk of the county in which the proposed planning advisory area is located.

(ii) A petition to establish a planning advisory area may not be filed if it proposes the establishment of a planning advisory area that includes an area within a proposed planning advisory area in a petition that has previously been certified under Subsection (1)(g), until after the canvass of an election on the proposed planning advisory area under Subsection (1)(j).

(d) A petition under Subsection (1)(c) to establish a planning advisory area shall:

(i) be signed by the owners of private real property that:

(A) is located within the proposed planning advisory area;

(B) covers at least 10% of the total private land area within the proposed planning advisory area; and

(C) is equal in value to at least 10% of the value of all private real property within the proposed planning advisory area;

(ii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be established as a planning advisory area;

(iii) indicate the typed or printed name and current residence address of each owner signing the petition;

(iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;

(v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and

(vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to establish a planning advisory area.

(e) Subsection 10-2a-102(3) applies to a petition to establish a planning advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal Incorporation.

(f)

(i) Within seven days after the filing of a petition under Subsection (1)(c) proposing the establishment of a planning advisory area in a county of the second class, the county clerk shall provide notice of the filing of the petition to:

(A) each owner of real property owning more than 1% of the assessed value of all real property within the proposed planning advisory area; and

(B) each owner of real property owning more than 850 acres of real property within the proposed planning advisory area.

(ii) A property owner may exclude all or part of the property owner's property from a proposed planning advisory area in a county of the second class:

(A) if:

(I)

(Aa)

(Ii) the property owner owns more than 1% of the assessed value of all property within the proposed planning advisory area;

(IIii) the property is nonurban; and

(IIIiii) the property does not or will not require municipal provision of municipal-type services; or

(Bb) the property owner owns more than 850 acres of real property within the proposed planning advisory area; and

(II) exclusion of the property will not leave within the planning advisory area an island of property that is not part of the planning advisory area; and

(B) by filing a notice of exclusion within 10 days after receiving the clerk's notice under Subsection (1)(f)(i).

(iii)

(A) The county legislative body shall exclude from the proposed planning advisory area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

(B) If the county legislative body excludes property from a proposed planning advisory area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the exclusion, send written notice of its action to the contact sponsor.

(g)

(i) Within 45 days after the filing of a petition under Subsection (1)(c), the county clerk shall:

(A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (1)(d); and

(B)

(I) if the clerk determines that the petition complies with the requirements of Subsection (1)(d):

(Aa) certify the petition and deliver the certified petition to the county legislative body; and

(Bb) mail or deliver written notification of the certification to the contact sponsor; or

(II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.

(h)

(i) Within 90 days after a petition to establish a planning advisory area is certified, the county legislative body shall hold a public hearing on the proposal to establish a planning advisory area.

(ii) A public hearing under Subsection (1)(h)(i) shall be:

(A) within the boundary of the proposed planning advisory area; or

(B) if holding a public hearing in that area is not practicable, as close to that area as practicable.

(iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing for the county, as a class A notice under Section 63G-30-102, for at least one week.

(i) Following the public hearing under Subsection (1)(h)(i), the county legislative body shall arrange for the proposal to establish a planning advisory area to be submitted to voters residing within the proposed planning advisory area at the next regular general election that is more than 90 days after the public hearing.

(j) A planning advisory area is established at the time of the canvass of the results of an election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the proposal to establish a planning advisory area voted in favor of the proposal.

(k) An area that is an established township before May 12, 2015:

(i) is, as of May 12, 2015, a planning advisory area; and

(ii)

(A) shall change its name, if applicable, to no longer include the word "township"; and

(B) may use the word "planning advisory area" in its name.

(2) The county legislative body may:

(a) assign to the countywide planning commission the duties established in this part that would have been assumed by a planning advisory area planning commission designated under Subsection (2)(b); or

(b) designate and appoint a planning commission for the planning advisory area.

(3)

(a) An area within the boundary of a planning advisory area may be withdrawn from the planning advisory area as provided in this Subsection (3) or in accordance with Subsection (5)(a).

(b) The process to withdraw an area from a planning advisory area is initiated by the filing of a petition with the clerk of the county in which the planning advisory area is located.

(c) A petition under Subsection (3)(b) shall:

(i) be signed by the owners of private real property that:

(A) is located within the area proposed to be withdrawn from the planning advisory area;

(B) covers at least 50% of the total private land area within the area proposed to be withdrawn from the planning advisory area; and

(C) is equal in value to at least 33% of the value of all private real property within the area proposed to be withdrawn from the planning advisory area;

(ii) state the reason or reasons for the proposed withdrawal;

(iii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be withdrawn from the planning advisory area;

(iv) indicate the typed or printed name and current residence address of each owner signing the petition;

(v) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;

(vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and

(vii) request the county legislative body to withdraw the area from the planning advisory area.

(d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal Incorporation.

(e)

(i) Within 45 days after the filing of a petition under Subsection (3)(b), the county clerk shall:

(A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (3)(c); and

(B)

(I) if the clerk determines that the petition complies with the requirements of Subsection (3)(c):

(Aa) certify the petition and deliver the certified petition to the county legislative body; and

(Bb) mail or deliver written notification of the certification to the contact sponsor; or

(II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.

(f)

(i) Within 60 days after a petition to withdraw an area from a planning advisory area is certified, the county legislative body shall hold a public hearing on the proposal to withdraw the area from the planning advisory area.

(ii) A public hearing under Subsection (3)(f)(i) shall be held:

(A) within the area proposed to be withdrawn from the planning advisory area; or

(B) if holding a public hearing in that area is not practicable, as close to that area as practicable.

(iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing for the area proposed to be withdrawn, as a class B notice under Section 63G-30-102, for at least three weeks before the date of the hearing.

(g)

(i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county legislative body shall make a written decision on the proposal to withdraw the area from the planning advisory area.

(ii) In making its decision as to whether to withdraw the area from the planning advisory area, the county legislative body shall consider:

(A) whether the withdrawal would leave the remaining planning advisory area in a situation where the future incorporation of an area within the planning advisory area or the annexation of an area within the planning advisory area to an adjoining municipality would be economically or practically not feasible;

(B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn area:

(I) whether the proposed subsequent incorporation or withdrawal:

(Aa) will leave or create an unincorporated island or peninsula; or

(Bb) will leave the county with an area within its unincorporated area for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years; and

(II) whether the municipality to be created or the municipality into which the withdrawn area is expected to annex would be or is capable, in a cost effective manner, of providing service to the withdrawn area that the county will no longer provide due to the incorporation or annexation;

(C) the effects of a withdrawal on adjoining property owners, existing or projected county streets or other public improvements, law enforcement, and zoning and other municipal services provided by the county; and

(D) whether justice and equity favor the withdrawal.

(h) Upon the written decision of the county legislative body approving the withdrawal of an area from a planning advisory area, the area is withdrawn from the planning advisory area and the planning advisory area continues as a planning advisory area with a boundary that excludes the withdrawn area.

(4)

(a) A planning advisory area may be dissolved as provided in this Subsection (4).

(b) The process to dissolve a planning advisory area is initiated by the filing of a petition with the clerk of the county in which the planning advisory area is located.

(c) A petition under Subsection (4)(b) shall:

(i) be signed by registered voters within the planning advisory area equal in number to at least 25% of all votes cast by voters within the planning advisory area at the last congressional election;

(ii) state the reason or reasons for the proposed dissolution;

(iii) indicate the typed or printed name and current residence address of each person signing the petition;

(iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;

(v) authorize the petition sponsors to act on behalf of all persons signing the petition for purposes of the petition; and

(vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning advisory area.

(d)

(i) Within 45 days after the filing of a petition under Subsection (4)(b), the county clerk shall:

(A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (4)(c); and

(B)

(I) if the clerk determines that the petition complies with the requirements of Subsection (4)(c):

(Aa) certify the petition and deliver the certified petition to the county legislative body; and

(Bb) mail or deliver written notification of the certification to the contact sponsor; or

(II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.

(e)

(i) Within 60 days after a petition to dissolve the planning advisory area is certified, the county legislative body shall hold a public hearing on the proposal to dissolve the planning advisory area.

(ii) A public hearing under Subsection (4)(e)(i) shall be held:

(A) within the boundary of the planning advisory area; or

(B) if holding a public hearing in that area is not practicable, as close to that area as practicable.

(iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing for the county, as a class A notice under Section 63G-30-102, for three consecutive weeks immediately before the public hearing.

(f) Following the public hearing under Subsection (4)(e)(i), the county legislative body shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters residing within the planning advisory area at the next regular general election that is more than 90 days after the public hearing.

(g) A planning advisory area is dissolved at the time of the canvass of the results of an election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the proposal to dissolve the planning advisory area voted in favor of the proposal.

(5)

(a) If a portion of an area located within a planning advisory area is annexed by a municipality or incorporates, that portion is withdrawn from the planning advisory area.

(b) If a planning advisory area in whole is annexed by a municipality or incorporates, the planning advisory area is dissolved.

Amended by Chapter 435, 2023 General Session

17-27a-308 Land use authority requirements -- Nature of land use decision.

(1) A land use authority shall apply the plain language of land use regulations.

(2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.

(3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

Enacted by Chapter 84, 2017 General Session

Part 4
General Plan

17-27a-401 General plan required -- Content -- Resource management plan -- Provisions related to radioactive waste facility.

(1) To accomplish the purposes of this chapter, a county shall prepare and adopt a comprehensive, long-range general plan:

(a) for present and future needs of the county;
(b)
(i) for growth and development of all or any part of the land within the unincorporated portions of the county; or
(ii) if a county has designated a mountainous planning district, for growth and development of all or any part of the land within the mountainous planning district; and
(c) as a basis for communicating and coordinating with the federal government on land and resource management issues.
(2) To promote health, safety, and welfare, the general plan may provide for:
(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
(b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
(c) the efficient and economical use, conservation, and production of the supply of:
(i) food and water; and
(ii) drainage, sanitary, and other facilities and resources;
(d) the use of energy conservation and solar and clean energy resources;
(e) the protection of urban development;
(f) the protection and promotion of air quality;
(g) historic preservation;
(h) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by an affected entity; and
(i) an official map.
(3)
(a)
(i) The general plan of a specified county, as defined in Section 17-27a-408, shall include a moderate income housing element that meets the requirements of Subsection 17-27a-403(2)(a)(iii).
(ii)
(A) This Subsection (3)(a)(ii) applies to a county that does not qualify as a specified county as of January 1, 2023.
(B) As of January 1, if a county described in Subsection (3)(a)(ii)(A) changes from one class to another or grows in population to qualify as a specified county as defined in Section 17-27a-408, the county shall amend the county's general plan to comply with Subsection (3)(a)(i) on or before August 1 of the first calendar year beginning on January 1 in which the county qualifies as a specified county.
(iii) A county described in Subsection (3)(a)(ii)(B) shall send a copy of the county's amended general plan to the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member.
(b) The general plan shall contain a resource management plan for the public lands, as defined in Section 63L-6-102, within the county.
(c) The resource management plan described in Subsection (3)(b) shall address:
(i) mining;
(ii) land use;
(iii) livestock and grazing;
(iv) irrigation;
(v) agriculture;

(vi) fire management;
(vii) noxious weeds;
(viii) forest management;
(ix) water rights;
(x) ditches and canals;
(xi) water quality and hydrology;
(xii) flood plains and river terraces;
(xiii) wetlands;
(xiv) riparian areas;
(xv) predator control;
(xvi) wildlife;
(xvii) fisheries;
(xviii) recreation and tourism;
(xix) energy resources;
(xx) mineral resources;
(xxi) cultural, historical, geological, and paleontological resources;
(xxii) wilderness;
(xxiii) wild and scenic rivers;
(xxiv) threatened, endangered, and sensitive species;
(xxv) land access;
(xxvi) law enforcement;
(xxvii) economic considerations; and
(xxviii) air.

(d) For each item listed under Subsection (3)(c), a county's resource management plan shall:
(i) establish findings pertaining to the item;
(ii) establish defined objectives; and
(iii) outline general policies and guidelines on how the objectives described in Subsection (3)(d)(ii) are to be accomplished.

(4)
(a)
(i) The general plan shall include specific provisions related to an area within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section 19-3-303.
(ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:
(A) the information identified in Section 19-3-305;
(B) information supported by credible studies that demonstrates that Subsection 19-3-307(2) has been satisfied; and
(C) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.

(b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

(d) The county shall send a certified copy of the ordinance described in Subsection (4)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.
(e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:
(i) comply with Subsection (4)(a) as soon as reasonably possible; and
(ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.
(5) The general plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.
(6) Subject to Subsection 17-27a-403(2), the county may determine the comprehensiveness, extent, and format of the general plan.
(7) If a county has designated a mountainous planning district, the general plan for the mountainous planning district is the controlling plan.
(8) Nothing in this part may be construed to limit the authority of the state to manage and protect wildlife under Title 23A, Wildlife Resources Act.
(9) On or before December 31, 2025, a county that has a general plan that does not include a water use and preservation element that complies with Section 17-27a-403 shall amend the county's general plan to comply with Section 17-27a-403.

Amended by Chapter 53, 2024 General Session

17-27a-402 Information and technical assistance from the state.
(1) A county may request that the state, including any agency, department, division, institution, or official of the state, provide the county with information that would assist the county in creating the county's general plan.
(2) The state or an agency, department, division, institution, or official of the state from which a county has requested information under Subsection (1) shall provide the county with:
(a) the information requested by the county, unless providing the information is prohibited by Title 63G, Chapter 2, Government Records Access and Management Act; and
(b) any other technical assistance or advice the county needs with regards to the county's general plan, without any additional cost to the county.

Repealed and Re-enacted by Chapter 310, 2015 General Session

17-27a-403 Plan preparation.
(1)
(a) The planning commission shall provide notice, as provided in Section 17-27a-203, of the planning commission's intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing the planning commission's recommendation.
(b) The planning commission shall make and recommend to the legislative body a proposed general plan for:
(i) the unincorporated area within the county; or
(ii) if the planning commission is a planning commission for a mountainous planning district, the mountainous planning district.
(c)

(i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.

(ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless the county plan is recommended by the municipal planning commission and adopted by the governing body of the municipality.

(2)

(a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(i) a land use element that:

(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate;

(B) includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(C) is coordinated to integrate the land use element with the water use and preservation element; and

(D) accounts for the effect of land use categories and land uses on water demand;

(ii) a transportation and traffic circulation element that:

(A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;

(B) addresses the county's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce; and

(C) correlates with the population projections, the employment projections, and the proposed land use element of the general plan;

(iii) for a specified county as defined in Section 17-27a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(ii) for implementation; and

(C) includes an implementation plan as provided in Subsection (2)(e);

(iv) a resource management plan detailing the findings, objectives, and policies required by Subsection 17-27a-401(3); and

(v) a water use and preservation element that addresses:

(A) the effect of permitted development or patterns of development on water demand and water infrastructure;

(B) methods of reducing water demand and per capita consumption for future development;

(C) methods of reducing water demand and per capita consumption for existing development; and

(D) opportunities for the county to modify the county's operations to eliminate practices or conditions that waste water.

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
(A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and
(B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life; and
(ii) shall include an analysis of how the county will provide a realistic opportunity for the development of moderate income housing within the planning horizon, including a recommendation to implement three or more of the following moderate income housing strategies:
(A) rezone for densities necessary to facilitate the production of moderate income housing;
(B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
(C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
(D) identify and utilize county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county for the construction or rehabilitation of moderate income housing;
(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
(F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers;
(G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;
(H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
(I) amend land use regulations to allow for single room occupancy developments;
(J) implement zoning incentives for moderate income units in new developments;
(K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;
(L) reduce, waive, or eliminate impact fees related to moderate income housing;
(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
(N) implement a mortgage assistance program for employees of the county, an employer that provides contracted services for the county, or any other public employer that operates within the county;
(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;
(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
(R) create a home ownership promotion zone pursuant to Part 12, Home Ownership Promotion Zone for Counties;
(S) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
(T) create a program to transfer development rights for moderate income housing;
(U) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
(V) develop a moderate income housing project for residents who are disabled or 55 years old or older;
(W) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and
(X) demonstrate implementation of any other program or strategy to address the housing needs of residents of the county who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

(c) If a specified county, as defined in Section 17-27a-408, has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified county shall include as part of the specified county's recommended strategies under Subsection (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

(d) The planning commission shall identify each moderate income housing strategy recommended to the legislative body for implementation by restating the exact language used to describe the strategy in Subsection (2)(b)(ii).

(e) In drafting the land use element, the planning commission shall:
(i) identify and consider each agriculture protection area within the unincorporated area of the county or mountainous planning district;
(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture; and
(iii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.

(f) In drafting the transportation and traffic circulation element, the planning commission shall:
(i)
(A) consider and coordinate with the regional transportation plan developed by the county's region's metropolitan planning organization, if the relevant areas of the county are within the boundaries of a metropolitan planning organization; or
(B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the relevant areas of the county are not within the boundaries of a metropolitan planning organization; and
(ii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.

(g)

(i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to the legislative body the establishment of a five-year timeline for implementing each of the moderate income housing strategies selected by the county for implementation.

(ii) The timeline described in Subsection (2)(g)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the county; and

(B) provide flexibility for the county to make adjustments as needed.

(h) In drafting the water use and preservation element, the planning commission:

(i) shall consider applicable regional water conservation goals recommended by the Division of Water Resources;

(ii) shall consult with the Division of Water Resources for information and technical resources regarding regional water conservation goals, including how implementation of the land use element and water use and preservation element may affect the Great Salt Lake;

(iii) shall notify the community water systems serving drinking water within the unincorporated portion of the county and request feedback from the community water systems about how implementation of the land use element and water use and preservation element may affect:

(A) water supply planning, including drinking water source and storage capacity consistent with Section 19-4-114; and

(B) water distribution planning, including master plans, infrastructure asset management programs and plans, infrastructure replacement plans, and impact fee facilities plans;

(iv) shall consider the potential opportunities and benefits of planning for regionalization of public water systems;

(v) shall consult with the Department of Agriculture and Food for information and technical resources regarding the potential benefits of agriculture conservation easements and potential implementation of agriculture water optimization projects that would support regional water conservation goals;

(vi) shall notify an irrigation or canal company located in the county so that the irrigation or canal company can be involved in the protection and integrity of the irrigation or canal company's delivery systems;

(vii) shall include a recommendation for:

(A) water conservation policies to be determined by the county; and

(B) landscaping options within a public street for current and future development that do not require the use of lawn or turf in a parkstrip;

(viii) shall review the county's land use ordinances and include a recommendation for changes to an ordinance that promotes the inefficient use of water;

(ix) shall consider principles of sustainable landscaping, including the:

(A) reduction or limitation of the use of lawn or turf;

(B) promotion of site-specific landscape design that decreases stormwater runoff or runoff of water used for irrigation;

(C) preservation and use of healthy trees that have a reasonable water requirement or are resistant to dry soil conditions;

(D) elimination or regulation of ponds, pools, and other features that promote unnecessary water evaporation;

(E) reduction of yard waste; and

(F) use of an irrigation system, including drip irrigation, best adapted to provide the optimal amount of water to the plants being irrigated;

(x) may include recommendations for additional water demand reduction strategies, including:

(A) creating a water budget associated with a particular type of development;
(B) adopting new or modified lot size, configuration, and landscaping standards that will reduce water demand for new single family development;
(C) providing one or more water reduction incentives for existing landscapes and irrigation systems and installation of water fixtures or systems that minimize water demand;
(D) discouraging incentives for economic development activities that do not adequately account for water use or do not include strategies for reducing water demand; and
(E) adopting water concurrency standards requiring that adequate water supplies and facilities are or will be in place for new development; and
(xi) shall include a recommendation for low water use landscaping standards for a new:
(A) commercial, industrial, or institutional development;
(B) common interest community, as defined in Section 57-25-102; or
(C) multifamily housing project.
(3) The proposed general plan may include:
(a) an environmental element that addresses:
(i) to the extent not covered by the county's resource management plan, the protection, conservation, development, and use of natural resources, including the quality of:
(A) air;
(B) forests;
(C) soils;
(D) rivers;
(E) groundwater and other waters;
(F) harbors;
(G) fisheries;
(H) wildlife;
(I) minerals; and
(J) other natural resources; and
(ii)
(A) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters;
(B) the regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas;
(C) the prevention, control, and correction of the erosion of soils;
(D) the preservation and enhancement of watersheds and wetlands; and
(E) the mapping of known geologic hazards;
(b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
(i) historic preservation;
(ii) the diminution or elimination of a development impediment as defined in Section 17C-1-102; and
(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
(d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and

expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
(e) recommendations for implementing all or any portion of the general plan, including the adoption of land and water use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
(f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or (3)(a)(i); and
(g) any other element the county considers appropriate.

Amended by Chapter 381, 2024 General Session
Amended by Chapter 431, 2024 General Session

17-27a-404 Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1)
(a) After completing the planning commission's recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.
(b) The planning commission shall provide notice of the public hearing for the county, as a class A notice under Section 63G-30-102, for at least 10 calendar days before the day of the public hearing.
(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.
(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.
(3)
(a) As provided by local ordinance and by Section 17-27a-204, the legislative body shall provide notice of the legislative body's intent to consider the general plan proposal.
(b)
(i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection (3)(b).
(ii) The hearing format shall allow adequate time for public comment at the actual public hearing, and shall also allow for public comment in writing to be submitted to the legislative body for not fewer than 90 days after the date of the public hearing.
(c)
(i) The legislative body shall give notice of the hearing in accordance with this Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are complete.
(ii) Direct notice of the hearing shall be given, in writing, to the governor, members of the state Legislature, executive director of the Department of Environmental Quality, the state planning coordinator, the Resource Development Coordinating Committee, and any other citizens or entities who specifically request notice in writing.
(iii) Public notice shall be given for the county, as a class A notice under Section 63G-30-102, for at least 180 days.
(iv) The notice shall be published to allow reasonable time for interested parties and the state to evaluate the information regarding Subsection 17-27a-401(4), including publication described in Subsection (3)(c)(iii) for 180 days before the date of the hearing to be held under this Subsection (3).

(4)
(a) After the public hearing required under this section, the legislative body may adopt, reject, or make any revisions to the proposed general plan that the legislative body considers appropriate.
(b) The legislative body shall respond in writing and in a substantive manner to all those providing comments as a result of the hearing required by Subsection (3).
(c) If the county legislative body rejects the proposed general plan or amendment, the legislative body may provide suggestions to the planning commission for the planning commission's review and recommendation.
(5) The legislative body shall adopt:
(a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);
(b) a transportation and traffic circulation element as provided in Subsection 17-27a-403(2)(a)(ii);
(c) for a specified county as defined in Section 17-27a-408, a moderate income housing element as provided in Subsection 17-27a-403(2)(a)(iii);
(d) a resource management plan as provided by Subsection 17-27a-403(2)(a)(iv); and
(e) on or before December 31, 2025, a water use and preservation element as provided in Subsection 17-27a-403(2)(a)(v).

Amended by Chapter 435, 2023 General Session

17-27a-405 Effect of general plan -- Coordination with federal government.
(1) Except for the mandatory provisions in Subsection 17-27a-401(4)(b) and Section 17-27a-406, and except as provided in Subsection (3), the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.
(2) The legislative body may adopt an ordinance mandating compliance with the general plan, and shall adopt an ordinance requiring compliance with all provisions of Subsection 17-27a-401(4)(b).
(3)
(a) As used in this Subsection (3), "coordinate with" means an action taken by the federal government on a given matter, pursuant to a federal law, rule, policy, or regulation, to:
(i) work with a county on the matter to achieve a consistent outcome;
(ii) make resource management plans in conjunction with a county on the matter;
(iii) make resource management plans consistent with a county's plans on the matter;
(iv) integrate a county's plans on the matter into the federal government's plans; or
(v) follow a county's plans when contemplating any action on the matter.
(b) If the federal government is required to coordinate with a county or a local government on a matter, the county's general plan is the principle document through which the coordination shall take place.
(c) The federal government is not considered to have coordinated with a county or a local government on a matter unless the federal government has:
(i) kept the county apprised of the federal government's proposed plans, amendments, policy changes, and management actions with regard to the matter;
(ii) worked with the county in developing and implementing plans, policies, and management actions on the matter;
(iii) treated the county as an equal partner in negotiations related to the matter;
(iv) listened to and understood the county's position on the matter to determine whether a conflict exists between the federal government's proposed plan, policy, rule, or action and the county's general plan;

(v) worked with the county in an amicable manner to reconcile any differences or disagreements, to the greatest extent possible under federal law, between the federal government and the county with regards to plans, policies, rules, or proposed management actions that relate to the matter;
(vi) engaged in a good-faith effort to reconcile any conflicts discovered under Subsection (3)(c)(iv) to achieve, to the greatest extent possible under federal law, consistency between the federal government's proposed plan, policy, rule, or action and the county's general plan; and
(vii) given full consideration to a county's general plan to the extent that the general plan addresses the matter.

Amended by Chapter 310, 2015 General Session

17-27a-406 Public uses to conform to general plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-407 Effect of official maps.

(1) Counties may adopt an official map.
(2)
(a) An official map does not:
(i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or
(ii) require a county to immediately acquire property it has designated for eventual use as a public street.
(b) This section does not prohibit a county from:
(i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section 17-27a-507;
(ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or
(iii) requiring the dedication and improvement of a street if the street is found necessary by the county because of a proposed development and if the dedication and improvement is consistent with Section 17-27a-507.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-408 Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.

(1) As used in this section:
(a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.
(b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified county's general plan as provided in Subsection 17-27a-403(2)(g).

(c) "Initial report" means the one-time moderate income housing report described in Subsection (2).
(d) "Moderate income housing strategy" means a strategy described in Subsection 17-27a-403(2)(b)(ii).
(e) "Report" means an initial report or a subsequent report.
(f) "Specified county" means a county of the first, second, or third class, which has a population of more than 5,000 in the county's unincorporated areas.
(g) "Subsequent progress report" means the annual moderate income housing report described in Subsection (3).

(2)
(a) The legislative body of a specified county shall annually submit an initial report to the division.
(b)
(i) This Subsection (2)(b) applies to a county that is not a specified county as of January 1, 2023.
(ii) As of January 1, if a county described in Subsection (2)(b)(i) changes from one class to another or grows in population to qualify as a specified county, the county shall submit an initial plan to the division on or before August 1 of the first calendar year beginning on January 1 in which the county qualifies as a specified county.
(c) The initial report shall:
(i) identify each moderate income housing strategy selected by the specified county for continued, ongoing, or one-time implementation, using the exact language used to describe the moderate income housing strategy in Subsection 17-27a-403(2)(b)(ii); and
(ii) include an implementation plan.

(3)
(a) After the division approves a specified county's initial report under this section, the specified county shall, as an administrative act, annually submit to the division a subsequent progress report on or before August 1 of each year after the year in which the specified county is required to submit the initial report.
(b) The subsequent progress report shall include:
(i) subject to Subsection (3)(c), a description of each action, whether one-time or ongoing, taken by the specified county during the previous 12-month period to implement the moderate income housing strategies identified in the initial report for implementation;
(ii) a description of each land use regulation or land use decision made by the specified county during the previous 12-month period to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified county's efforts to implement the moderate income housing strategies;
(iii) a description of any barriers encountered by the specified county in the previous 12-month period in implementing the moderate income housing strategies;
(iv) the number of residential dwelling units that have been entitled that have not received a building permit as of the submission date of the progress report;
(v) shapefiles, or website links if shapefiles are not available, to current maps and tables related to zoning;
(vi) information regarding the number of internal and external or detached accessory dwelling units located within the specified county for which the specified county:
(A) issued a building permit to construct; or
(B) issued a business license or comparable license or permit to rent;

(vii) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and

(viii) any recommendations on how the state can support the specified county in implementing the moderate income housing strategies.

(c) For purposes of describing actions taken by a specified county under Subsection (3)(b)(i), the specified county may include an ongoing action taken by the specified county prior to the 12-month reporting period applicable to the subsequent progress report if the specified county:

(i) has already adopted an ordinance, approved a land use application, made an investment, or approved an agreement or financing that substantially promotes the implementation of a moderate income housing strategy identified in the initial report; and

(ii) demonstrates in the subsequent progress report that the action taken under Subsection (3)(c)(i) is relevant to making meaningful progress towards the specified county's implementation plan.

(d) A specified county's report shall be in a form:

(i) approved by the division; and

(ii) made available by the division on or before May 1 of the year in which the report is required.

(4) Within 90 days after the day on which the division receives a specified county's report, the division shall:

(a) post the report on the division's website;

(b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified county is located, and, if the unincorporated area of the specified county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and

(c) subject to Subsection (5), review the report to determine compliance with this section.

(5)

(a) An initial report does not comply with this section unless the report:

(i) includes the information required under Subsection (2)(c);

(ii) subject to Subsection (5)(c), demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies; and

(iii) is in a form approved by the division.

(b) A subsequent progress report does not comply with this section unless the report:

(i) subject to Subsection (5)(c), demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies;

(ii) is in a form approved by the division; and

(iii) provides sufficient information for the division to:

(A) assess the specified county's progress in implementing the moderate income housing strategies;

(B) monitor compliance with the specified county's implementation plan;

(C) identify a clear correlation between the specified county's land use decisions and efforts to implement the moderate income housing strategies;

(D) identify how the market has responded to the specified county's selected moderate income housing strategies; and

(E) identify any barriers encountered by the specified county in implementing the selected moderate income housing strategies.

(c)

(i) This Subsection (5)(c) applies to a specified county that has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022.

(ii) In addition to the requirements of Subsections (5)(a) and (b), a report for a specified county described in Subsection (5)(c)(i) does not comply with this section unless the report demonstrates to the division that the specified county:

(A) made plans to implement the moderate income housing strategy described in Subsection 17-27a-403(2)(b)(ii)(Q); and

(B) is in compliance with Subsection 63N-3-603(8).

(6)

(a) A specified county qualifies for priority consideration under this Subsection (6) if the specified county's report:

(i) complies with this section; and

(ii) demonstrates to the division that the specified county made plans to implement five or more moderate income housing strategies.

(b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c), give priority consideration to transportation projects located within the unincorporated areas of a specified county described in Subsection (6)(a) until the Department of Transportation receives notice from the division under Subsection (6)(e).

(c) Upon determining that a specified county qualifies for priority consideration under this Subsection (6), the division shall send a notice of prioritization to the legislative body of the specified county and the Department of Transportation.

(d) The notice described in Subsection (6)(c) shall:

(i) name the specified county that qualifies for priority consideration;

(ii) describe the funds or projects for which the specified county qualifies to receive priority consideration; and

(iii) state the basis for the division's determination that the specified county qualifies for priority consideration.

(e) The division shall notify the legislative body of a specified county and the Department of Transportation in writing if the division determines that the specified county no longer qualifies for priority consideration under this Subsection (6).

(7)

(a) If the division, after reviewing a specified county's report, determines that the report does not comply with this section, the division shall send a notice of noncompliance to the legislative body of the specified county.

(b) A specified county that receives a notice of noncompliance may:

(i) cure each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or

(ii) request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent.

(c) The notice described in Subsection (7)(a) shall:

(i) describe each deficiency in the report and the actions needed to cure each deficiency;

(ii) state that the specified county has an opportunity to:

(A) submit to the division a corrected report that cures each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or

(B) submit to the division a request for an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent; and

(iii) state that failure to take action under Subsection (7)(c)(ii) will result in the specified county's ineligibility for funds and fees owed under Subsection (9).

(d) For purposes of curing the deficiencies in a report under this Subsection (7), if the action needed to cure the deficiency as described by the division requires the specified county to make a legislative change, the specified county may cure the deficiency by making that legislative change within the 90-day cure period.

(e)

(i) If a specified county submits to the division a corrected report in accordance with Subsection (7)(b)(i), and the division determines that the corrected report does not comply with this section, the division shall send a second notice of noncompliance to the legislative body of the specified county.

(ii) A specified county that receives a second notice of noncompliance may request an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent.

(iii) The notice described in Subsection (7)(e)(i) shall:

(A) state that the specified county has an opportunity to submit to the division a request for an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent; and

(B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the specified county's ineligibility for funds under Subsection (9).

(8)

(a) A specified county that receives a notice of noncompliance under Subsection (7)(a) or (7)(e)(i) may request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent.

(b) Within 90 days after the day on which the division receives a request for an appeal, an appeal board consisting of the following three members shall review and issue a written decision on the appeal:

(i) one individual appointed by the Utah Association of Counties;

(ii) one individual appointed by the Utah Homebuilders Association; and

(iii) one individual appointed by the presiding member of the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the specified county is a member.

(c) The written decision of the appeal board shall either uphold or reverse the division's determination of noncompliance.

(d) The appeal board's written decision on the appeal is final.

(9)

(a) A specified county is ineligible for funds and owes a fee under this Subsection (9) if:

(i) the specified county fails to submit a report to the division;

(ii) after submitting a report to the division, the division determines that the report does not comply with this section and the specified county fails to:

(A) cure each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or

(B) request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent;

(iii) after submitting to the division a corrected report to cure the deficiencies in a previously submitted report, the division determines that the corrected report does not comply with this section and the specified county fails to request an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent; or

(iv) after submitting a request for an appeal under Subsection (8), the appeal board issues a written decision upholding the division's determination of noncompliance.

(b) The following apply to a specified county described in Subsection (9)(a) until the division provides notice under Subsection (9)(e):

(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the unincorporated areas of the specified county in accordance with Subsection 72-2-124(6);

(ii) beginning with the report submitted in 2024, the specified county shall pay a fee to the Olene Walker Housing Loan Fund in the amount of $250 per day that the specified county:

(A) fails to submit the report to the division in accordance with this section, beginning the day after the day on which the report was due; or

(B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (7); and

(iii) beginning with the report submitted in 2025, the specified county shall pay a fee to the Olene Walker Housing Loan Fund in the amount of $500 per day that the specified county, for a consecutive year:

(A) fails to submit the report to the division in accordance with this section, beginning the day after the day on which the report was due; or

(B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (7).

(c) Upon determining that a specified county is ineligible for funds under this Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the division shall send a notice of ineligibility to the legislative body of the specified county, the Department of Transportation, the State Tax Commission, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (9)(c) shall:

(i) name the specified county that is ineligible for funds;

(ii) describe the funds for which the specified county is ineligible to receive;

(iii) describe the fee the specified county is required to pay under Subsection (9)(b), if applicable; and

(iv) state the basis for the division's determination that the specified county is ineligible for funds.

(e) The division shall notify the legislative body of a specified county and the Department of Transportation in writing if the division determines that the provisions of this Subsection (9) no longer apply to the specified county.

(f) The division may not determine that a specified county that is required to pay a fee under Subsection (9)(b) is in compliance with the reporting requirements of this section until the specified county pays all outstanding fees required under Subsection (9)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

(10) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Amended by Chapter 381, 2024 General Session
Amended by Chapter 413, 2024 General Session

17-27a-409 State to indemnify county regarding refusal to site nuclear waste -- Terms and conditions.

If a county is challenged in a court of law regarding its decision to deny siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste or its refusal to provide municipal-type services regarding the operation of the storage or transfer facility, the state shall indemnify, defend, and hold the county harmless from any claims or damages, including court costs and attorney fees that are assessed as a result of the county's action, if:

(1) the county has complied with the provisions of Subsection 17-27a-401(4)(b) by adopting an ordinance rejecting all proposals for the siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the boundaries of the county;

(2) the county has complied with Subsection 17-34-1(3) regarding refusal to provide municipal-type services; and

(3) the court challenge against the county addresses the county's actions in compliance with Subsection 17-27a-401(4)(b) or 17-34-1(3).

Amended by Chapter 310, 2015 General Session

Part 5
Land Use Regulations

17-27a-501 Enactment of land use regulation.

(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.

(2)

(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use regulation only by ordinance.

(b) A legislative body may, by ordinance or resolution, enact a land use regulation that imposes a fee.

(3) A land use regulation shall be consistent with the purposes set forth in this chapter.

(4)

(a) A legislative body shall adopt a land use regulation to:

(i) create or amend a zoning district under Subsection 17-27a-503(1)(a); and

(ii) designate general uses allowed in each zoning district.

(b) A land use authority may establish or modify other restrictions or requirements other than those described in Subsection (4)(a), including the configuration or modification of uses or density, through a land use decision that applies criteria or policy elements that a land use regulation establishes or describes.

(5) A county may not adopt a land use regulation, development agreement, or land use decision that restricts the type of crop that may be grown in an area that is:

(a) zoned agricultural; or

(b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

(6) A county land use regulation pertaining to an airport or an airport influence area, as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport Zoning Act.

Amended by Chapter 65, 2023 General Session

17-27a-502 Preparation and adoption of land use regulation.

(1) A planning commission shall:
  (a) provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable, Subsection 17-27a-205(4);
  (b) hold a public hearing on a proposed land use regulation;
  (c) if applicable, consider each written objection filed in accordance with Subsection 17-27a-205(4) prior to the public hearing; and
  (d)
    (i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within:
      (A) all or any part of the unincorporated area of the county; or
      (B) for a mountainous planning district, all or any part of the area in the mountainous planning district; and
    (ii) forward to the legislative body all objections filed in accordance with Subsection 17-27a-205(4).

(2)
  (a) The legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.
  (b) After providing notice as required by Subsection 17-27a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed land use regulation described in Subsection (2)(a):
    (i) as proposed by the planning commission; or
    (ii) after making any revision the legislative body considers appropriate.
  (c) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.

Amended by Chapter 384, 2019 General Session

17-27a-503 Zoning district or land use regulation amendments.

(1) Only a legislative body may amend:
  (a) the number, shape, boundaries, area, or general uses of any zoning district;
  (b) any regulation of or within the zoning district; or
  (c) any other provision of a land use regulation.
(2) A legislative body may not make any amendment authorized by this section unless the legislative body first submits the amendment to the planning commission for the planning commission's recommendation.
(3) A legislative body shall comply with the procedure specified in Section 17-27a-502 in preparing and adopting an amendment to a land use regulation.

Amended by Chapter 384, 2019 General Session

17-27a-504 Temporary land use regulations.

(1)

(a) Except as provided in Subsection 2(b), a county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:
(i) the legislative body makes a finding of compelling, countervailing public interest; or
(ii) the area is unregulated.
(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2)
(a) The legislative body shall establish a period of limited effect for the ordinance not to exceed 180 days.
(b) A county legislative body may not apply the provisions of a temporary land use regulation to the review of a specific land use application if the land use application is impaired or prohibited by proceedings initiated under Subsection 17-27a-508(1)(a)(ii)(B).

(3)
(a) A legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.
(b) A regulation under Subsection (3)(a):
(i) may not exceed 180 days in duration;
(ii) may be renewed, if requested by the Transportation Commission created under Section 72-1-301, for up to two additional 180-day periods by ordinance enacted before the expiration of the previous regulation; and
(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

Amended by Chapter 478, 2023 General Session

17-27a-505 Zoning districts.

(1)
(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
(c) A county may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:
(i) protect life; and
(ii) prevent:
(A) the substantial loss of real property; or
(B) substantial damage to real property.
(d) A county of the second, third, fourth, fifth, or sixth class may not adopt a land use ordinance requiring a property owner to revegetate or landscape a single family dwelling disturbance

area unless the property is located in a flood zone or geologic hazard except as required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to water pollution.

(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zone, but the regulations in one zone may differ from those in other zones.

(3)

(a) There is no minimum area or diversity of ownership requirement for a zone designation.

(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a county decision.

(4) A county may by ordinance exempt from specific zoning district standards a subdivision of land to accommodate the siting of a public utility infrastructure.

Amended by Chapter 327, 2015 General Session
Amended by Chapter 352, 2015 General Session

17-27a-505.5 Limit on single family designation.

(1) As used in this section, "single-family limit" means the number of individuals allowed to occupy each residential unit that is recognized by a land use authority in a zone permitting occupancy by a single family.

(2) A county may not adopt a single-family limit that is less than:

(a) three, if the county has within its unincorporated area:

(i) a state university;

(ii) a private university with a student population of at least 20,000; or

(iii) a mountainous planning district; or

(b) four, for each other county.

Amended by Chapter 102, 2021 General Session

17-27a-506 Conditional uses.

(1)

(a) A county may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance.

(b) A county may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.

(2)

(a)

(i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

(b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.

(3) A land use authority's decision to approve or deny a conditional use is an administrative land use decision.

(4) A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

Amended by Chapter 385, 2021 General Session

17-27a-507 Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

(1) A county may impose an exaction or exactions on development proposed in a land use application, including, subject to Subsection (3), an exaction for a water interest, if:

(a) an essential link exists between a legitimate governmental interest and each exaction; and

(b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

(2) If a land use authority imposes an exaction for another governmental entity:

(a) the governmental entity shall request the exaction; and

(b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.

(3)

(a)

(i) Subject to the requirements of this Subsection (3), a county or, if applicable, the county's culinary water authority shall base any exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base an exaction for a culinary water interest on:

(A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water pursuant to Section 19-4-114; and

(B) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the county.

(iii) A county or culinary water authority may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the county's or culinary water authority's sole discretion, determines there is good cause to do so.

(iv) A county shall make public the methodology used to comply with Subsection (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (3)(a)(ii). A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the county's governing body shall respond with due process.

(v) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on which an exaction for a water interest is based.

(b) A county or its culinary water authority may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).

(4)

(a) If a county plans to dispose of surplus real property under Section 17-50-312 that was acquired under this section and has been owned by the county for less than 15 years, the county shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the county.

(b) A person to whom a county offers to reconvey property under Subsection (4)(a) has 90 days to accept or reject the county's offer.

(c) If a person to whom a county offers to reconvey property declines the offer, the county may offer the property for sale.

(d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.

(5)

(a) A county may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.

(b) Subsection (5)(a) does not apply if a county requires the installation of pavement in excess of 32 feet:

(i) in a vehicle turnaround area;

(ii) in a cul-de-sac;

(iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;

(iv) to address an applicable general or master plan improvement, including transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area;

(v) to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and other similar uses;

(vi) as needed for the installation or location of a utility which is maintained by the county and is considered a transmission line or requires additional roadway width;

(vii) for third-party utility lines that have an easement preventing the installation of utilities maintained by the county within the roadway;

(viii) for utilities over 12 feet in depth;

(ix) for roadways with a design speed that exceeds 25 miles per hour;

(x) as needed for flood and stormwater routing;

(xi) as needed to meet fire code requirements for parking and hydrants; or

(xii) as needed to accommodate street parking.

(c) Nothing in this section shall be construed to prevent a county from approving a road cross section with a pavement width less than 32 feet.

(d)

(i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a residential roadway.

(ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement width in excess of 32 feet may request that the county assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.

(iii) Unless otherwise agreed by the applicant and the county, the panel described in Subsection (5)(d)(ii) shall consist of the following three experts:
(A) one licensed engineer, designated by the county;
(B) one licensed engineer, designated by the land use applicant; and
(C) one licensed engineer, agreed upon and designated by the two designated engineers under Subsections (5)(d)(iii)(A) and (B).
(iv) A member of the panel assembled by the county under Subsection (5)(d)(ii) may not have an interest in the application that is the subject of the appeal.
(v) The land use applicant shall pay:
(A) 50% of the cost of the panel; and
(B) the county's published appeal fee.
(vi) The decision of the panel is a final decision, subject to a petition for review under Subsection (5)(d)(vii).
(vii) Pursuant to Section 17-27a-801, a land use applicant or the county may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

Amended by Chapter 255, 2023 General Session
Amended by Chapter 478, 2023 General Session

Superseded 11/1/2024

17-27a-508 Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1)
(a)
(i) An applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
(A) in effect on the date that the application is complete; and
(B) applicable to the application or to the information shown on the submitted application.
(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:
(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.
(b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:
(i) 180 days have passed since the county initiated the proceedings; and
(ii)
(A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

(B) during the 12 months prior to the county processing the application or multiple applications of the same type, the application is impaired or prohibited under the terms of a temporary land use regulation adopted under Section 17-27a-504.

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

(d) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(e) A county may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a county ordinance in effect on the date that the applicant submits a complete application, subject to Subsection (1)(a)(ii); or

(iii) a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(f) A county may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;

(iv) in the written record evidencing approval of the land use permit or subdivision plat;

(v) in this chapter;

(vi) in a county ordinance; or

(vii) in a county specification for residential roadways in effect at the time a residential subdivision was approved.

(g) Except as provided in Subsection (1)(h) or (i), a county may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or

(ii) in this chapter or the county's ordinances.

(h) A county may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(i) A county may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the county that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

(2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.
(3) A county may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.
(4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.
(5)
(a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:
(i) to the local clerk as defined in Section 20A-7-101; and
(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(4).
(b) Upon delivery of a written notice described in Subsection(5)(a) the following are rescinded and are of no further force or effect:
(i) the relevant land use approval; and
(ii) any land use regulation enacted specifically in relation to the land use approval.
(6)
(a) After issuance of a building permit, a county may not:
(i) change or add to the requirements expressed in the building permit, unless the change or addition is:
(A) requested by the building permit holder; or
(B) necessary to comply with an applicable state building code; or
(ii) revoke the building permit or take action that has the effect of revoking the building permit.
(b) Subsection (6)(a) does not prevent a county from issuing a building permit that contains an expiration date defined in the building permit.

Amended by Chapter 329, 2024 General Session
Amended by Chapter 388, 2024 General Session

Effective 11/1/2024
17-27a-508 Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.
(1)
(a)
(i) An applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
(A) in effect on the date that the application is complete; and
(B) applicable to the application or to the information shown on the submitted application.
(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and

development standards in effect when the applicant submits a complete application and pays all application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the county initiated the proceedings; and

(ii)

(A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

(B) during the 12 months prior to the county processing the application or multiple applications of the same type, the application is impaired or prohibited under the terms of a temporary land use regulation adopted under Section 17-27a-504.

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

(d) Unless a phasing sequence is required in an executed development agreement, a county shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.

(e) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(f) A county may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a county ordinance in effect on the date that the applicant submits a complete application, subject to Subsection (1)(a)(ii); or

(iii) a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(g) A county may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;

(iv) in the written record evidencing approval of the land use permit or subdivision plat;

(v) in this chapter;

(vi) in a county ordinance; or

(vii) in a county specification for residential roadways in effect at the time a residential subdivision was approved.

(h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or

(ii) in this chapter or the county's ordinances.

(i) A county may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(j) A county may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the county that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

(2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A county may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(5)

(a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(4).

(b) Upon delivery of a written notice described in Subsection(5)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

(6)

(a) After issuance of a building permit, a county may not:

(i) change or add to the requirements expressed in the building permit, unless the change or addition is:

(A) requested by the building permit holder; or

(B) necessary to comply with an applicable state building code; or

(ii) revoke the building permit or take action that has the effect of revoking the building permit.

(b) Subsection (6)(a) does not prevent a county from issuing a building permit that contains an expiration date defined in the building permit.

Amended by Chapter 415, 2024 General Session

17-27a-509 Limit on fees -- Requirement to itemize fees -- Appeal of fee -- Provider of culinary or secondary water.

(1) A county may not impose or collect a fee for reviewing or approving the plans for a commercial or residential building that exceeds the lesser of:
  (a) the actual cost of performing the plan review; and
  (b) 65% of the amount the county charges for a building permit fee for that building.
(2) Subject to Subsection (1), a county may impose and collect only a nominal fee for reviewing and approving identical floor plans.
(3) A county may not impose or collect a hookup fee that exceeds the reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to the county water, sewer, storm water, power, or other utility system.
(4) A county may not impose or collect:
  (a) a land use application fee that exceeds the reasonable cost of processing the application or issuing the permit; or
  (b) an inspection, regulation, or review fee that exceeds the reasonable cost of performing the inspection, regulation, or review.
(5)
  (a) If requested by an applicant who is charged a fee or an owner of residential property upon which a fee is imposed, the county shall provide an itemized fee statement that shows the calculation method for each fee.
  (b) If an applicant who is charged a fee or an owner of residential property upon which a fee is imposed submits a request for an itemized fee statement no later than 30 days after the day on which the applicant or owner pays the fee, the county shall no later than 10 days after the day on which the request is received provide or commit to provide within a specific time:
    (i) for each fee, any studies, reports, or methods relied upon by the county to create the calculation method described in Subsection (5)(a);
    (ii) an accounting of each fee paid;
    (iii) how each fee will be distributed; and
    (iv) information on filing a fee appeal through the process described in Subsection (5)(c).
  (c) A county shall establish a fee appeal process subject to an appeal authority described in Part 7, Appeal Authority and Variances, and district court review in accordance with Part 8, District Court Review, to determine whether a fee reflects only the reasonable estimated cost of:
    (i) regulation;
    (ii) processing an application;
    (iii) issuing a permit; or
    (iv) delivering the service for which the applicant or owner paid the fee.
(6) A county may not impose on or collect from a public agency any fee associated with the public agency's development of its land other than:
  (a) subject to Subsection (4), a fee for a development service that the public agency does not itself provide;
  (b) subject to Subsection (3), a hookup fee; and
  (c) an impact fee for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g), subject to any applicable credit under Subsection 11-36a-402(2).
(7) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the following as if it were a county:
  (a) Subsections (5) and (6);
  (b) Section 17-27a-507; and

(c) Section 17-27a-509.5.

Amended by Chapter 35, 2021 General Session

17-27a-509.5 Review for application completeness -- Substantive application review -- Reasonable diligence required for determination of whether improvements or warranty work meets standards -- Money damages claim prohibited.

(1)

(a) Each county shall, in a timely manner, determine whether a land use application is complete for the purposes of subsequent, substantive land use authority review.

(b) After a reasonable period of time to allow the county diligently to evaluate whether all objective ordinance-based application criteria have been met, if application fees have been paid, the applicant may in writing request that the county provide a written determination either that the application is:

(i) complete for the purposes of allowing subsequent, substantive land use authority review; or

(ii) deficient with respect to a specific, objective, ordinance-based application requirement.

(c) Within 30 days of receipt of an applicant's request under this section, the county shall either:

(i) mail a written notice to the applicant advising that the application is deficient with respect to a specified, objective, ordinance-based criterion, and stating that the application must be supplemented by specific additional information identified in the notice; or

(ii) accept the application as complete for the purposes of further substantive processing by the land use authority.

(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application shall be considered complete, for purposes of further substantive land use authority review.

(e)

(i) The applicant may raise and resolve in a single appeal any determination made under this Subsection (1) to the appeal authority, including an allegation that a reasonable period of time has elapsed under Subsection (1)(a).

(ii) The appeal authority shall issue a written decision for any appeal requested under this Subsection (1)(e).

(f)

(i) The applicant may appeal to district court the decision of the appeal authority made under Subsection (1)(e).

(ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of the written decision.

(2)

(a) Each land use authority shall substantively review a complete application and an application considered complete under Subsection (1)(d), and shall approve or deny each application with reasonable diligence.

(b) After a reasonable period of time to allow the land use authority to consider an application, the applicant may in writing request that the land use authority take final action within 45 days from date of service of the written request.

(c) Within 45 days from the date of service of the written request described in Subsection (2)(b):

(i) except as provided in Subsection (2)(c)(ii), the land use authority shall take final action, approving or denying the application; and

(ii) if a landowner petitions for a land use regulation, a legislative body shall take final action by approving or denying the petition.

(d) If the land use authority denies an application processed under the mandates of Subsection (2)(b), or if the applicant has requested a written decision in the application, the land use authority shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.
(e) If the land use authority fails to comply with Subsection (2)(c), the applicant may appeal this failure to district court within 30 days of the date on which the land use authority should have taken final action under Subsection (2)(c).
(3)
(a) With reasonable diligence, each land use authority shall determine whether the installation of required subdivision improvements or the performance of warranty work meets the county's adopted standards.
(b)
(i) An applicant may in writing request the land use authority to accept or reject the applicant's installation of required subdivision improvements or performance of warranty work.
(ii) The land use authority shall accept or reject subdivision improvements within 15 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as practicable after that 15-day period if inspection of the subdivision improvements is impeded by winter weather conditions.
(iii) The land use authority shall accept or reject the performance of warranty work within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as practicable after that 45-day period if inspection of the warranty work is impeded by winter weather conditions.
(c) If a land use authority determines that the installation of required subdivision improvements or the performance of warranty work does not meet the county's adopted standards, the land use authority shall comprehensively and with specificity list the reasons for the land use authority's determination.
(4) Subject to Section 17-27a-508, nothing in this section and no action or inaction of the land use authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations.
(5) There shall be no money damages remedy arising from a claim under this section.

Amended by Chapter 384, 2019 General Session

17-27a-509.7 Transferable development rights.
(1) A county may adopt an ordinance:
(a) designating sending zones and receiving zones within the unincorporated area of the county; and
(b) allowing the transfer of a transferable development right from a sending zone to a receiving zone.
(2) A county may not allow the use of a transferable development right unless the county adopts an ordinance described in Subsection (1).

Amended by Chapter 231, 2012 General Session

17-27a-510 Nonconforming uses and noncomplying structures.
(1)
(a) Except as provided in this section, a nonconforming use or a noncomplying structure may be continued by the present or a future property owner.

(b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
(c) For purposes of this Subsection (1), the addition of a solar energy device to a building is not a structural alteration.
(2) The legislative body may provide for:
(a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;
(b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and
(c) the termination of a nonconforming use due to its abandonment.
(3)
(a) A county may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.
(b) A county may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:
(i) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after the day on which written notice is served to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or
(ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.
(c)
(i) Notwithstanding a prohibition in the county's zoning ordinance, a county may permit a billboard owner to relocate the billboard within the county's unincorporated area to a location that is mutually acceptable to the county and the billboard owner.
(ii) If the county and billboard owner cannot agree to a mutually acceptable location within 180 days after the day on which the owner submits a written request to relocate the billboard, the billboard owner may relocate the billboard in accordance with Subsection 17-27a-512(2).
(4)
(a) Unless the county establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use through substantial evidence, which may not be limited to municipal or county records.
(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
(c) Abandonment may be presumed to have occurred if:
(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the county regarding an extension of the nonconforming use;
(ii) the use has been discontinued for a minimum of one year; or
(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.

(d) The property owner may rebut the presumption of abandonment under Subsection (4)(c), and has the burden of establishing that any claimed abandonment under Subsection (4)(c) has not occurred.

(5) A county may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.

Amended by Chapter 355, 2022 General Session

17-27a-510.5 Changes to dwellings -- Egress windows.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(i) within a primary dwelling;

(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and

(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

(b) "Primary dwelling" means a single-family dwelling that:

(i) is detached; and

(ii) is occupied as the primary residence of the owner of record.

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

(2) A county ordinance adopted under Section 10-1-203.5 may not:

(a) require physical changes in a structure with a legal nonconforming rental dwelling use unless the change is for:

(i) the reasonable installation of:

(A) a smoke detector that is plugged in or battery operated;

(B) a ground fault circuit interrupter protected outlet on existing wiring;

(C) street addressing;

(D) except as provided in Subsection (3), an egress bedroom window if the existing bedroom window is smaller than that required by current State Construction Code;

(E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;

(F) hand or guard rails; or

(G) occupancy separation doors as required by the International Residential Code; or

(ii) the abatement of a structure; or

(b) be enforced to terminate a legal nonconforming rental dwelling use.

(3)

(a) A county may not require physical changes to install an egress or emergency escape window in an existing bedroom that complied with the State Construction Code in effect at the time the bedroom was finished if:

(i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

(A) a detached one-, two-, three-, or four-family dwelling; or

(B) a town home that is not more than three stories above grade with a separate means of egress; and

(ii)

(A) the window in the existing bedroom is smaller than that required by current State Construction Code; and

(B) the change would compromise the structural integrity of the structure or could not be completed in accordance with current State Construction Code, including set-back and window well requirements.

(b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.

(4) Nothing in this section prohibits a county from:

(a) regulating the style of window that is required or allowed in a bedroom;

(b) requiring that a window in an existing bedroom be fully openable if the openable area is less than required by current State Construction Code; or

(c) requiring that an existing window not be reduced in size if the openable area is smaller than required by current State Construction Code.

Amended by Chapter 102, 2021 General Session

17-27a-511 Termination of a billboard and associated rights.

(1) A county may only require termination of a billboard and associated rights through:

(a) gift;

(b) purchase;

(c) agreement;

(d) exchange; or

(e) eminent domain.

(2) A termination under Subsection (1)(a), (b), (c), or (d) requires the voluntary consent of the billboard owner.

(3) A termination under Subsection (1)(e) requires the county to:

(a) acquire the billboard and associated rights through eminent domain, in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, except as provided in Subsections 17-27a-512(2)(f) and (h); and

(b) after acquiring the rights under Subsection (3)(a), terminate the billboard and associated rights.

Amended by Chapter 239, 2018 General Session

17-27a-512 County's acquisition of billboard by eminent domain -- Removal without providing compensation -- Limit on allowing nonconforming billboard to be rebuilt or replaced -- Validity of county permit after issuance of state permit.

(1) As used in this section:

(a) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on a street or highway within the visibility area.

(b) "Highest allowable height" means:

(i) if the height allowed by the county, by ordinance or consent, is higher than the height under Subsection (1)(b)(ii), the height allowed by the county; or

(ii)

(A) for a noninterstate billboard:

(I) if the height of the previous use or structure is 45 feet or higher, the height of the previous use or structure; or

(II) if the height of the previous use or structure is less than 45 feet, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than 45 feet; and

(B) for an interstate billboard:

(I) if the height of the previous use or structure is at or above the interstate height, the height of the previous use or structure; or

(II) if the height of the previous use or structure is less than the interstate height, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than the interstate height.

(c) "Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate.

(d) "Interstate height" means a height that is the higher of:

(i) 65 feet above the ground; and

(ii) 25 feet above the grade of the interstate.

(e) "Noninterstate billboard" means a billboard that is intended to be viewed from a street or highway that is not an interstate.

(f) "Visibility area" means the area on a street or highway that is:

(i) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

(ii) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:

(A) perpendicular to the street or highway; and

(B)

(I) for an interstate billboard, 500 feet from the base of the billboard; or

(II) for a noninterstate billboard, 300 feet from the base of the billboard.

(2)

(a) If a billboard owner makes a written request to the county with jurisdiction over the billboard to take an action described in Subsection (2)(b), the billboard owner may take the requested action, without further county land use approval, 180 days after the day on which the billboard owner makes the written request, unless within the 180-day period the county:

(i) in an attempt to acquire the billboard and associated rights through eminent domain under Section 17-27a-511 for the purpose of terminating the billboard and associated rights:

(A) completes the procedural steps required under Title 78B, Chapter 6, Part 5, Eminent Domain, before the filing of an eminent domain action; and

(B) files an eminent domain action in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain;

(ii) denies the request in accordance with Subsection (2)(d); or

(iii) requires the billboard owner to remove the billboard in accordance with Subsection (3).

(b) Subject to Subsection (2)(a), a billboard owner may:

(i) rebuild, maintain, repair, or restore a billboard structure that is damaged by casualty, an act of God, or vandalism;

(ii) relocate or rebuild a billboard structure, or take another measure, to correct a mistake in the placement or erection of a billboard for which the county issued a permit, if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit;

(iii) structurally modify or upgrade a billboard;

(iv) relocate a billboard into any commercial, industrial, or manufacturing zone within the unincorporated area of the county, if the relocated billboard is:

(A) within 5,280 feet of the billboard's previous location; and

(B) no closer than 300 feet from an off-premise sign existing on the same side of the street or highway, or if the street or highway is an interstate or limited access highway that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed

under that act between the relocated billboard and an off-premise sign existing on the same side of the interstate or limited access highway; or

(v) make one or more of the following modifications, as the billboard owner determines, to a billboard that is structurally altered by modification or upgrade under Subsection (2)(b)(iii), by relocation under Subsection (2)(b)(iv), or by any combination of these alterations:

(A) erect the billboard:

(I) to the highest allowable height; and

(II) as the owner determines, to an angle that makes the entire advertising content of the billboard clearly visible; or

(B) install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before the billboard's relocation.

(c) A modification under Subsection (2)(b)(v) shall comply with Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.

(d) A county may deny a billboard owner's request to relocate or rebuild a billboard structure, or to take other measures, in order to correct a mistake in the placement or erection of a billboard without acquiring the billboard and associated rights through eminent domain under Section 17-27a-511, if the mistake in placement or erection of the billboard is determined by clear and convincing evidence, in a proceeding that protects the billboard owner's due process rights, to have resulted from an intentionally false or misleading statement:

(i) by the billboard applicant in the application; and

(ii) regarding the placement or erection of the billboard.

(e) A county that acquires a billboard and associated rights through eminent domain under Section 17-27a-511 shall pay just compensation to the billboard owner in an amount that is:

(i) the value of the existing billboard at a fair market capitalization rate, based on actual annual revenue, less any annual rent expense;

(ii) the value of any other right associated with the billboard;

(iii) the cost of the sign structure; and

(iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the billboard owner's interest is a part.

(f) If a county commences an eminent domain action under Subsection (2)(a)(i):

(i) the provisions of Section 78B-6-510 do not apply; and

(ii) the county may not take possession of the billboard or the billboard's associated rights until:

(A) completion of all appeals of a judgment allowing the county to acquire the billboard and associated rights; and

(B) the billboard owner receives payment of just compensation, described in Subsection (2)(e).

(g) Unless the eminent domain action is dismissed under Subsection (2)(h)(ii), a billboard owner may proceed, without further county land use approval, to take an action requested under Subsection (2)(a), if the county's eminent domain action commenced under Subsection (2)(a)(i) is dismissed without an order allowing the county to acquire the billboard and associated rights.

(h)

(i) A billboard owner may withdraw a request made under Subsection (2)(a) at any time before the county takes possession of the billboard or the billboard's associated rights in accordance with Subsection (2)(f)(ii).

(ii) If a billboard owner withdraws a request in accordance with Subsection (2)(h)(i), the court shall dismiss the county's eminent domain action to acquire the billboard or associated rights.

(3) Notwithstanding Section 17-27a-511, a county may require an owner of a billboard to remove the billboard without acquiring a billboard and associated rights through eminent domain if:
(a) the county determines:
(i) by clear and convincing evidence that the applicant for a permit intentionally made a false or misleading statement in the applicant's application regarding the placement or erection of the billboard; or
(ii) by substantial evidence that the billboard:
(A) is structurally unsafe;
(B) is in an unreasonable state of repair; or
(C) has been abandoned for at least 12 months;
(b) the county notifies the billboard owner in writing that the billboard owner's billboard meets one or more of the conditions listed in Subsections (3)(a)(i) and (ii);
(c) the billboard owner fails to remedy the condition or conditions within:
(i) 180 days after the day on which the billboard owner receives written notice under Subsection (3)(b); or
(ii) if the condition forming the basis of the county's intention to remove the billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a natural disaster, after the day on which the billboard owner receives written notice under Subsection (3)(b); and
(d) following the expiration of the applicable period under Subsection (3)(c) and after providing the billboard owner with reasonable notice of proceedings and an opportunity for a hearing, the county finds:
(i) by clear and convincing evidence, that the applicant for a permit intentionally made a false or misleading statement in the application regarding the placement or erection of the billboard; or
(ii) by substantial evidence that the billboard is structurally unsafe, is in an unreasonable state of repair, or has been abandoned for at least 12 months.
(4) A county may not allow a nonconforming billboard to be rebuilt or replaced by anyone other than the billboard's owner, or the billboard's owner acting through a contractor, within 500 feet of the nonconforming location.
(5) A permit that a county issues, extends, or renews for a billboard remains valid beginning on the day on which the county issues, extends, or renews the permit and ending 180 days after the day on which a required state permit is issued for the billboard if:
(a) the billboard requires a state permit; and
(b) an application for the state permit is filed within 30 days after the day on which the county issues, extends, or renews a permit for the billboard.

Amended by Chapter 239, 2018 General Session

17-27a-513 Manufactured homes.
(1) For purposes of this section, a manufactured home is the same as defined in Section 15A-1-302, except that the manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the applicable building code.
(2) A manufactured home may not be excluded from any land use zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local

land use ordinances, building codes, and any restrictive covenants, applicable to a single-family residence within that zone or area.
(3) A county may not:
(a) adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or
(b) reject a development plan based on the fact that the development is expected to contain manufactured homes.

Amended by Chapter 14, 2011 General Session
Amended by Chapter 297, 2011 General Session

17-27a-514 Regulation of amateur radio antennas.
(1) A county may not enact or enforce an ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.
(2) If a county adopts an ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance shall:
(a) reasonably accommodate amateur radio communications; and
(b) represent the minimal practicable regulation to accomplish the county's purpose.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-515 Regulation of residential facilities for persons with disabilities.
A county may only regulate a residential facility for persons with a disability to the extent allowed by:
(1) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;
(2) the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., and applicable jurisprudence; and
(3) Section 504, Rehabilitation Act of 1973, and applicable jurisprudence.

Repealed and Re-enacted by Chapter 309, 2013 General Session

17-27a-519 Licensing of residences for persons with a disability.
The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with the Department of Health and Human Services as provided in:
(1) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection; and
(2) Title 26B, Chapter 6, Part 4, Division of Services for People with Disabilities.

Amended by Chapter 327, 2023 General Session

17-27a-520 Wetlands.
(1) A county may not designate or treat any land as wetlands unless the United States Army Corps of Engineers or other agency of the federal government has designated the land as wetlands.
(2) A land use authority that issues a land use permit that affects land designated as wetlands by the United States Army Corps of Engineers or another agency of the federal government shall provide a copy of the land use permit to the Utah Geological Survey established in Section 79-3-201.

Amended by Chapter 216, 2022 General Session

17-27a-521 Refineries.

(1) As used in this section, "develop" or "development" means:
  (a) the construction, alteration, or improvement of land, including any related moving, demolition, or excavation outside of a refinery property boundary;
  (b) the subdivision of land for a non-industrial use; or
  (c) the construction of a non-industrial structure on a parcel that is not subject to the subdivision process.
(2) Before a legislative body may adopt a non-industrial zoning change to permit development within 500 feet of a refinery boundary, the legislative body shall consult with the refinery to determine whether the proposed change is compatible with the refinery.
(3) Before a land use authority may approve an application to develop within 500 feet of a refinery boundary, the land use authority shall consult with the refinery to determine whether the development is compatible with the refinery.
(4) A legislative body described in Subsection (2), or a land use authority described in Subsection (3), may not request from the refinery:
  (a) proprietary information;
  (b) information, if made public, that would create a security or safety risk to the refinery or the public;
  (c) information that is restricted from public disclosure under federal or state law; or
  (d) information that is available in public record.
(5)
  (a) This section does not grant authority to a legislative body described in Subsection (2), or a land use authority described in Subsection (3), to require a refinery to undertake or cease an action.
  (b) This section does not create a cause of action against a refinery.
  (c) Except as expressly provided in this section, this section does not alter or remove any legal right or obligation of a refinery.

Enacted by Chapter 306, 2010 General Session

17-27a-522 Property boundary adjustment.

(1) To make a parcel line adjustment, a property owner shall:
  (a) execute a boundary adjustment through:
    (i) a quitclaim deed; or
    (ii) a boundary line agreement under Section 17-27a-523; and
  (b) record the quitclaim deed or boundary line agreement described in Subsection (1)(a) in the office of the county recorder of the county in which each property is located.
(2) To make a lot line adjustment, a property owner shall:
  (a) obtain approval of the boundary adjustment under Section 17-27a-608;
  (b) execute a boundary adjustment through:
    (i) a quitclaim deed; or
    (ii) a boundary line agreement under Section 17-27a-523; and
  (c) record the quitclaim deed or boundary line agreement described in Subsection (2)(b) in the office of the county recorder of the county in which each property is located.

(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land use authority unless:
  (a) the parcel includes a dwelling; and
  (b) the land use authority's approval is required under Subsection 17-27a-523(5).
(4) The recording of a boundary line agreement or other document used to adjust a mutual boundary line that is not subject to review of a land use authority:
  (a) does not constitute a land use approval; and
  (b) does not affect the validity of the boundary line agreement or other document used to adjust a mutual boundary line.
(5) A county may withhold approval of a land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the county determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the county's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.

Amended by Chapter 385, 2021 General Session

17-27a-523 Boundary line agreement.
(1) If properly executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the recorder of the county in which each property is located, as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that led to the boundary line agreement.
(2) Adjoining property owners executing a boundary line agreement described in Subsection (1) shall:
  (a) ensure that the agreement includes:
    (i) a legal description of the agreed upon boundary line and of each parcel or lot after the boundary line is changed;
    (ii) the name and signature of each grantor that is party to the agreement;
    (iii) a sufficient acknowledgment for each grantor's signature;
    (iv) the address of each grantee for assessment purposes;
    (v) a legal description of the parcel or lot each grantor owns before the boundary line is changed; and
    (vi) the date of the agreement if the date is not included in the acknowledgment in a form substantially similar to a quitclaim deed as described in Section 57-1-13;
  (b) if any of the property subject to the boundary line agreement is a lot, prepare an amended plat in accordance with Section 17-27a-608 before executing the boundary line agreement; and
  (c) if none of the property subject to the boundary line agreement is a lot, ensure that the boundary line agreement includes a statement citing the file number of a record of a survey map in accordance with Section 17-23-17, unless the statement is exempted by the county.
(3) A boundary line agreement described in Subsection (1) that complies with Subsection (2) presumptively:
  (a) has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed unless the owner of the property benefitting from

the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document; and

(b) relocates the parties' common boundary line for an exchange of consideration.

(4) Notwithstanding Part 6, Subdivisions, or a county's ordinances or policies, a boundary line agreement that only affects parcels is not subject to:

(a) any public notice, public hearing, or preliminary platting requirement;

(b) the review of a land use authority; or

(c) an engineering review or approval of the county, except as provided in Subsection (5).

(5)

(a) If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the county may require a review of the boundary line agreement if the county:

(i) adopts an ordinance that:

(A) requires review and approval for a boundary line agreement containing a dwelling unit; and

(B) includes specific criteria for approval; and

(ii) completes the review within 14 days after the day on which the property owner submits the boundary line agreement for review.

(b)

(i) If a county, upon a review under Subsection (5)(a), determines that the boundary line agreement is deficient or if the county requires additional information to approve the boundary line agreement, the county shall send, within the time period described in Subsection (5)(a)(ii), written notice to the property owner that:

(A) describes the specific deficiency or additional information that the county requires to approve the boundary line agreement; and

(B) states that the county shall approve the boundary line agreement upon the property owner's correction of the deficiency or submission of the additional information described in Subsection (5)(b)(i)(A).

(ii) If a county, upon a review under Subsection (5)(a), approves the boundary line agreement, the county shall send written notice of the boundary line agreement's approval to the property owner within the time period described in Subsection (5)(a)(ii).

(c) If a county fails to send a written notice under Subsection (5)(b) within the time period described in Subsection (5)(a)(ii), the property owner may record the boundary line agreement as if no review under this Subsection (5) was required.

Amended by Chapter 385, 2021 General Session

17-27a-524 Site plan.

A site plan submitted to a county for approval of a building permit:

(1) if modified, may not be used to impose a penalty on a property owner;

(2) does not represent an agreement for a specific final layout;

(3) does not bind an owner from future development activity or modifications to a development activity on the property; and

(4) is superseded by the terms of a building permit requirement.

Enacted by Chapter 476, 2013 General Session

17-27a-525 Cannabis production establishments and medical cannabis pharmacies.

(1) As used in this section:

(a) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102 and includes a closed-door medical cannabis pharmacy.
(b) "Closed-door medical cannabis pharmacy" means the same as that term is defined in Section 4-41a-102.
(c) "Industrial hemp producer licensee" means the same as the term "licensee" is defined in Section 4-41-102.
(d) "Medical cannabis pharmacy" means the same as that term is defined in Section 26B-4-201.
(2)
(a)
(i) A county may not regulate a cannabis production establishment or a medical cannabis pharmacy in conflict with:
(A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and applicable jurisprudence; and
(B) this chapter.
(ii) A county may not regulate an industrial hemp producer licensee in conflict with:
(A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and
(B) this chapter.
(b) The Department of Agriculture and Food has plenary authority to license programs or entities that operate a cannabis production establishment or a medical cannabis pharmacy.
(3)
(a) Within the time period described in Subsection (3)(b), a county shall prepare and adopt a land use regulation, development agreement, or land use decision in accordance with this title and:
(i) regarding a cannabis production establishment, Section 4-41a-406; or
(ii) regarding a medical cannabis pharmacy, Section 4-41a-1105.
(b) A county shall take the action described in Subsection (3)(a):
(i) before January 1, 2021, within 45 days after the day on which the county receives a petition for the action; and
(ii) after January 1, 2021, in accordance with Subsection 17-27a-509.5(2).

Amended by Chapter 238, 2024 General Session

17-27a-526 Internal accessory dwelling units.
(1) As used in this section:
(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
(i) within a primary dwelling;
(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
(b)
(i) "Primary dwelling" means a single-family dwelling that:
(A) is detached; and
(B) is occupied as the primary residence of the owner of record.
(ii) "Primary dwelling" includes a garage if the garage:
(A) is a habitable space; and
(B) is connected to the primary dwelling by a common wall.
(2) In any area zoned primarily for residential use:
(a) the use of an internal accessory dwelling unit is a permitted use;

(b) except as provided in Subsections (3) and (4), a county may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
(ii) total lot size;
(iii) street frontage; or
(iv) internal connectivity; and
(c) a county's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.
(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
(4) A county may:
(a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;
(b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
(c) require a primary dwelling:
(i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the county's land use ordinance, except that if the county's land use ordinance requires four off-street parking spaces, the county may not require the additional space contemplated under this Subsection (4)(c)(i); and
(ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is habitable space;
(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
(e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
(f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to 25% or less of the total unincorporated area in the county that is zoned primarily for residential use, except that the county may not prohibit newly constructed internal accessory dwelling units that:
(i) have a final plat approval dated on or after October 1, 2021; and
(ii) comply with applicable land use regulations;
(g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
(h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
(i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;
(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
(k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and
(l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).
(5)
(a) In addition to any other legal or equitable remedies available to a county, a county may hold a lien against a property that contains an internal accessory dwelling unit if:

(i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);
(ii) the county provides a written notice of violation in accordance with Subsection (5)(b);
(iii) the county holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);
(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);
(v) the county provides a written notice of lien in accordance with Subsection (5)(c); and
(vi) the county records a copy of the written notice of lien described in Subsection (5)(a)(v) with the county recorder of the county in which the property is located.

(b) The written notice of violation shall:
(i) describe the specific violation;
(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
(A) no less than 14 days after the day on which the county sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
(B) no less than 30 days after the day on which the county sends the written notice of violation, for any other violation;
(iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;
(iv) notify the owner of the property:
(A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
(B) of the name and address of the county office where the owner may file the written objection;
(v) be mailed to:
(A) the property's owner of record; and
(B) any other individual designated to receive notice in the owner's license or permit records; and
(vi) be posted on the property.

(c) The written notice of lien shall:
(i) comply with the requirements of Section 38-12-102;
(ii) describe the specific violation;
(iii) specify the lien amount, in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;
(iv) be mailed to:
(A) the property's owner of record; and
(B) any other individual designated to receive notice in the owner's license or permit records; and
(v) be posted on the property.

(d)
(i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the county shall:

(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and
(B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
(ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a county may not record a lien under this Subsection (5) until the county holds a hearing and determines that the specific violation has occurred.
(iii) If the county determines at the hearing that the specific violation has occurred, the county may impose a lien in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
(e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the county may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).
(6)
(a) A county that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.
(b) The notice described in Subsection (6)(a) shall include:
(i) a description of the primary dwelling;
(ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and
(iii) a statement that the internal accessory dwelling unit may only be used in accordance with the county's land use regulations.
(c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Amended by Chapter 501, 2023 General Session

17-27a-527 Utility service connections.
(1) A county may not enact an ordinance, a resolution, or a policy that prohibits, or has the effect of prohibiting, the connection or reconnection of an energy utility service provided by a public utility as that term is defined in Section 54-2-1.
(2) Subsection (1) does not apply to:
(a) an incentive offered by a county; or
(b) a building owned by a county.

Enacted by Chapter 15, 2021 General Session

Superseded 11/1/2024
17-27a-528 Development agreements.
(1) Subject to Subsection (2), a county may enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this chapter.
(2)
(a) A development agreement may not:

(i) limit a county's authority in the future to:
(A) enact a land use regulation; or
(B) take any action allowed under Section 17-53-223;
(ii) require a county to change the zoning designation of an area of land within the county in the future; or
(iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 17-27a-502, including a review and recommendation from the planning commission and a public hearing.
(b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 17-27a-502.
(c)
(i) If a development agreement restricts an applicant's rights under clearly established state law, the county shall disclose in writing to the applicant the rights of the applicant the development agreement restricts.
(ii) A county's failure to disclose in accordance with Subsection (2)(c)(i) voids any provision in the development agreement pertaining to the undisclosed rights.
(d) A county may not require a development agreement as a condition for developing land if the county's land use regulations establish all applicable standards for development on the land.
(e) To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by:
(i) this chapter; and
(ii) any applicable land use regulations.

Amended by Chapter 478, 2023 General Session

Effective 11/1/2024

17-27a-528 Development agreements.

(1) Subject to Subsection (2), a county may enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this chapter, including a term relating to:
(a) a master planned development;
(b) a planned unit development;
(c) an annexation;
(d) affordable or moderate income housing with development incentives;
(e) a public-private partnership; or
(f) a density transfer or bonus within a development project or between development projects.
(2)
(a) A development agreement may not:
(i) limit a county's authority in the future to:
(A) enact a land use regulation; or
(B) take any action allowed under Section 17-53-223;
(ii) require a county to change the zoning designation of an area of land within the county in the future; or
(iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body

approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 17-27a-502, including a review and recommendation from the planning commission and a public hearing.

(b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 17-27a-502.

(c) Subject to Subsection (2)(d), a county may require a development agreement for developing land within the unincorporated area of the county if the applicant has applied for a legislative or discretionary approval, including an approval relating to:

(i) the height of a structure;

(ii) a parking or setback exception;

(iii) a density transfer or bonus;

(iv) a development incentive;

(v) a zone change; or

(vi) an amendment to a prior development agreement.

(d) A county may not require a development agreement as a condition for developing land within the unincorporated area of the county if:

(i) the development otherwise complies with applicable statute and county ordinances;

(ii) the development is an allowed or permitted use; or

(iii) the county's land use regulations otherwise establish all applicable standards for development on the land.

(e) A county may submit to a county recorder's office for recording:

(i) a fully executed agreement; or

(ii) a document related to:

(A) code enforcement;

(B) a special assessment area;

(C) a local historic district boundary; or

(D) the memorializing or enforcement of an agreed upon restriction, incentive, or covenant.

(f) Subject to Subsection (2)(e), a county may not cause to be recorded against private real property a document that imposes development requirements, development regulations, or development controls on the property.

(g) To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by:

(i) this chapter; and

(ii) any applicable land use regulations.

Amended by Chapter 415, 2024 General Session

17-27a-529 Infrastructure improvements involving roadways.

(1) As used in this section:

(a) "Low impact development" means the same as that term is defined in Section 19-5-108.5.

(b)

(i) "Pavement" means the bituminous or concrete surface of a roadway.

(ii) "Pavement" does not include a curb or gutter.

(c) "Residential street" means a public or private roadway that:

(i) currently serves or is projected to serve an area designated primarily for single-family residential use;

(ii) requires at least two off-site parking spaces for each single-family residential property abutting the roadway; and
(iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day, based on findings contained in:
(A) a traffic impact study;
(B) the county's general plan under Section 17-27a-401;
(C) an adopted phasing plan; or
(D) a written plan or report on current or projected traffic usage.
(2)
(a) Except as provided in Subsection (2)(b), a county may not, as part of an infrastructure improvement, require the installation of pavement on a residential street at a width in excess of 32 feet if the county requires low impact development for the area in which the residential street is located.
(b) Subsection (2)(a) does not apply if a county requires the installation of pavement:
(i) in a vehicle turnaround area; or
(ii) to address specific traffic flow constraints at an intersection or other area.
(3)
(a) A county shall, by ordinance, establish any standards that the county requires, as part of an infrastructure improvement, for fire department vehicle access and turnaround on roadways.
(b) The county shall ensure that the standards established under Subsection (3)(a) are consistent with the State Fire Code as defined in Section 15A-1-102.

Enacted by Chapter 385, 2021 General Session

Superseded 11/1/2024

17-27a-530 Regulation of building design elements prohibited -- Exceptions.

(1) As used in this section, "building design element" means:
(a) exterior color;
(b) type or style of exterior cladding material;
(c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
(d) exterior nonstructural architectural ornamentation;
(e) location, design, placement, or architectural styling of a window or door;
(f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
(g) number or type of rooms;
(h) interior layout of a room;
(i) minimum square footage over 1,000 square feet, not including a garage;
(j) rear yard landscaping requirements;
(k) minimum building dimensions; or
(l) a requirement to install front yard fencing.
(2) Except as provided in Subsection (3), a county may not impose a requirement for a building design element on a one- or two-family dwelling.
(3) Subsection (2) does not apply to:
(a) a dwelling located within an area designated as a historic district in:
(i) the National Register of Historic Places;
(ii) the state register as defined in Section 9-8a-402; or
(iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021, except as provided under Subsection (3)(b);

(b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
(c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
(d) building design elements agreed to under a development agreement;
(e) a dwelling located within an area that:
(i) is zoned primarily for residential use; and
(ii) was substantially developed before calendar year 1950;
(f) an ordinance enacted to implement water efficient landscaping in a rear yard;
(g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
(i) defects in the material of existing cladding; or
(ii) consistent defects in the installation of existing cladding; or
(h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
(i) the county to apply to the owner's property; and
(ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district.

Amended by Chapter 160, 2023 General Session
Amended by Chapter 478, 2023 General Session

Effective 11/1/2024
17-27a-530 Regulation of building design elements prohibited -- Exceptions.
(1) As used in this section, "building design element" means:
(a) exterior color;
(b) type or style of exterior cladding material;
(c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
(d) exterior nonstructural architectural ornamentation;
(e) location, design, placement, or architectural styling of a window or door;
(f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
(g) number or type of rooms;
(h) interior layout of a room;
(i) minimum square footage over 1,000 square feet, not including a garage;
(j) rear yard landscaping requirements;
(k) minimum building dimensions; or
(l) a requirement to install front yard fencing.
(2) Except as provided in Subsection (3), a county may not impose a requirement for a building design element on a one- or two-family dwelling.
(3) Subsection (2) does not apply to:
(a) a dwelling located within an area designated as a historic district in:
(i) the National Register of Historic Places;
(ii) the state register as defined in Section 9-8a-402; or
(iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021, except as provided under Subsection (3)(b);
(b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;

(c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
(d) building design elements agreed to under a development agreement;
(e) a dwelling located within an area that:
(i) is zoned primarily for residential use; and
(ii) was substantially developed before calendar year 1950;
(f) an ordinance enacted to implement water efficient landscaping in a rear yard;
(g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
(i) defects in the material of existing cladding; or
(ii) consistent defects in the installation of existing cladding;
(h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
(i) the county to apply to the owner's property; and
(ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district; or
(i) an ordinance enacted to mitigate the impacts of an accidental explosion:
(i) in excess of 20,000 pounds of trinitrotoluene equivalent;
(ii) that would create overpressure waves greater than .2 pounds per square inch; and
(iii) that would pose a risk of damage to a window, garage door, or carport of a facility located within the vicinity of the regulated area.

Amended by Chapter 415, 2024 General Session

17-27a-531 Moderate income housing.
(1) A county may only require the development of a certain number of moderate income housing units as a condition of approval of a land use application if:
(a) the county and the applicant enter into a written agreement regarding the number of moderate income housing units; or
(b) the county provides incentives for an applicant who agrees to include moderate income housing units in a development.
(2) If an applicant does not agree to participate in the development of moderate income housing units under Subsection (1)(a) or (b), a county may not take into consideration the applicant's decision in the county's determination of whether to approve or deny a land use application.
(3) Notwithstanding Subsections (1) and (2), a county of the third class, which has a ski resort located within the unincorporated area of the county, may require the development of a certain number of moderate income housing units as a condition of approval of a land use application if the requirement is in accordance with an ordinance enacted by the county before January 1, 2022.

Enacted by Chapter 355, 2022 General Session

Superseded 11/1/2024
17-27a-532 Water wise landscaping.
(1) As used in this section:
(a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.
(b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.

(c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
(d)
(i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.
(ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.
(e) "Water wise landscaping" means any or all of the following:
(i) installation of plant materials suited to the microclimate and soil conditions that can:
(A) remain healthy with minimal irrigation once established; or
(B) be maintained without the use of overhead spray irrigation;
(ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or
(iii) the use of other landscape design features that:
(A) minimize the need of the landscape for supplemental water from irrigation; or
(B) reduce the landscape area dedicated to lawn or turf.
(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner's property.
(3)
(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from requiring a property owner to:
(i) comply with a site plan review or other review process before installing water wise landscaping;
(ii) maintain plant material in a healthy condition; and
(iii) follow specific water wise landscaping design requirements adopted by the county, including a requirement that:
(A) restricts or clarifies the use of mulches considered detrimental to county operations;
(B) imposes minimum or maximum vegetative coverage standards; or
(C) restricts or prohibits the use of specific plant materials.
(b) A county may not require a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.
(4) A county shall report to the Division of Water Resources the existence, enactment, or modification of an ordinance, resolution, or policy that implements regional-based water use efficiency standards established by the Division of Water Resources by rule under Section 73-10-37.

Amended by Chapter 139, 2023 General Session
Amended by Chapter 247, 2023 General Session

Effective 11/1/2024
17-27a-532 Water wise landscaping.
(1) As used in this section:
(a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.
(b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
(c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.

(d)
(i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.
(ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.
(e) "Water wise landscaping" means any or all of the following:
(i) installation of plant materials suited to the microclimate and soil conditions that can:
(A) remain healthy with minimal irrigation once established; or
(B) be maintained without the use of overhead spray irrigation;
(ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or
(iii) the use of other landscape design features that:
(A) minimize the need of the landscape for supplemental water from irrigation; or
(B) reduce the landscape area dedicated to lawn or turf.
(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner's property.
(3)
(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from requiring a property owner to:
(i) comply with a site plan review or other review process before installing water wise landscaping;
(ii) maintain plant material in a healthy condition; and
(iii) follow specific water wise landscaping design requirements adopted by the county, including a requirement that:
(A) restricts or clarifies the use of mulches considered detrimental to county operations;
(B) imposes minimum or maximum vegetative coverage standards; or
(C) restricts or prohibits the use of specific plant materials.
(b) A county may not require a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.
(4) A county may require a seller of a newly constructed residence within the unincorporated area of the county to inform the first buyer of the newly constructed residence of a county ordinance requiring water wise landscaping.
(5) A county shall report to the Division of Water Resources the existence, enactment, or modification of an ordinance, resolution, or policy that implements regional-based water use efficiency standards established by the Division of Water Resources by rule under Section 73-10-37.

Amended by Chapter 415, 2024 General Session

17-27a-533 Land use compatibility with military use.
(1) As used in this section:
(a) "Department" means the Department of Veterans and Military Affairs.
(b) "Military" means a branch of the armed forces of the United States, including the Utah National Guard.
(c) "Military land" means the following land or facilities:
(i) Camp Williams;
(ii) Hill Air Force Base;

(iii) Dugway Proving Ground;
(iv) Tooele Army Depot;
(v) Utah Test and Training Range;
(vi) Nephi Readiness Center;
(vii) Cedar City Alternate Flight Facility; or
(viii) Little Mountain Test Facility.

(2)
(a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area in a county within 5,000 feet of a boundary of military land, a county shall, in consultation with the department, develop and maintain a compatible use plan to ensure permitted uses and conditional uses relevant to the military land are compatible with the military operations on military land.
(b) A county that has a compatible use plan as of January 1, 2023, is not required to develop a new compatible use plan.

(3) If a county receives a land use application related to land within 5,000 feet of a boundary of military land, before the county may approve the land use application, the county shall notify the department in writing.

(4)
(a) If the department receives the notice described in Subsection (3), the executive director of the department shall:
(i) determine whether the proposed land use is compatible with the military use of the relevant military land; and
(ii) within 90 days after the receipt of the notice described in Subsection (3), respond in writing to the county regarding the determination of compatibility described in Subsection (4)(a)(i).
(b)
(i) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, except as provided in Subsection (4)(b)(ii), the county shall consider the compatible use plan in processing the land use application.
(ii) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, if the applicant has a vested right, the county is not required to consider the compatible land use plan in consideration of the land use application.

(5) If the department receives the notice described in Subsection (3) before the county has completed the compatible use plan as described in this section, the department shall consult with the county and representatives of the relevant military land to determine whether the use proposed in the land use application is a compatible use.

Amended by Chapter 336, 2024 General Session

Effective 11/1/2024

17-27a-534 Residential rear setback limitations.

(1) As used in this section:
(a) "Allowable feature" means:
(i) a landing or walkout porch that:
(A) is no more than 32 square feet in size; and
(B) is used for ingress to and egress from the rear of the residential dwelling; or
(ii) a window well.

(b) "Landing" means an uncovered, above-ground platform, with or without stairs, connected to the rear of a residential dwelling.
(c) "Setback" means the required distance between the property line of a lot or parcel and the location where a structure is allowed to be placed under an adopted land use regulation.
(d) "Walkout porch" means an uncovered platform that is on the ground and connected to the rear of a residential dwelling.
(e) "Window well" means a recess in the ground around a residential dwelling to allow for ingress and egress through a window installed in a basement that is fully or partially below ground.
(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits or has the effect of prohibiting an allowable feature within the rear setback of a residential building lot or parcel.
(3) Subsection (2) does not apply to a historic district located within the unincorporated area of a county.

Enacted by Chapter 415, 2024 General Session

17-27a-535 Operation of a tower crane.
(1) As used in this section:
(a) "Affected land" means the same as that term is defined in Section 10-9a-539.
(b) "Airspace approval" means the same as that term is defined in Section 10-9a-539.
(c) "Live load" means the same as that term is defined in Section 10-9a-539.
(d) "Permit period" means the same as that term is defined in Section 10-9a-539.
(e) "Tower crane" means the same as that term is defined in Section 10-9a-539.
(2) Except as provided in Subsection (3), a county may not require airspace approval as a condition for the county's:
(a) approval of a building permit; or
(b) authorization of a development activity.
(3) A county may require airspace approval relating to affected land as a condition for the county's approval of a building permit or for the county's authorization of a development activity if:
(a) the tower crane will, during the permit period or development activity, carry a live load over the affected land; or
(b) the affected land is within:
(i) an airport overlay zone; or
(ii) another zone designated to protect the airspace around an airport.

Enacted by Chapter 329, 2024 General Session

Part 6
Subdivisions

17-27a-601 Enactment of subdivision ordinance.
(1) The legislative body of a county may enact ordinances requiring that a subdivision plat comply with the provisions of the county's ordinances and this part before:
(a) the subdivision plat may be filed and recorded in the county recorder's office; and
(b) lots may be sold.

(2) If the legislative body fails to enact a subdivision ordinance, the county may regulate subdivisions only as provided in this part.
(3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the parcel or subject the parcel to the county's subdivision ordinance.
(4) A legislative body may adopt a land use regulation that specifies that combining lots does not require a subdivision plat amendment.

Amended by Chapter 355, 2022 General Session

17-27a-602 Planning commission preparation and recommendation of subdivision ordinance -- Adoption or rejection by legislative body.

(1) A planning commission shall:
  (a) review and provide a recommendation to the legislative body on any proposed ordinance that regulates the subdivision of land in the county;
  (b) review and make a recommendation to the legislative body on any proposed ordinance that amends the regulation of the subdivision of the unincorporated land in the county or, in the case of a mountainous planning district, the mountainous planning district;
  (c) provide notice consistent with Section 17-27a-205; and
  (d) hold a public hearing on the proposed ordinance before making the planning commission's final recommendation to the legislative body.
(2)
  (a) A legislative body may adopt, modify, revise, or reject an ordinance described in Subsection (1) that the planning commission recommends.
  (b) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.

Amended by Chapter 354, 2020 General Session

17-27a-603 Plat required when land is subdivided -- Approval of plat -- Owner acknowledgment, surveyor certification, and verification of plat -- Recording plat.

(1) As used in this section:
  (a)
    (i) "Facility owner" means the same as that term is defined in Section 73-1-15.5.
    (ii) "Facility owner" includes a canal owner or associated canal operator contact described in:
      (A) Section 17-27a-211;
      (B) Subsection 73-5-7(3); or
      (C) Subsection (6)(c).
  (b) "Local health department" means the same as that term is defined in Section 26A-1-102.
  (c) "State engineer's inventory of canals" means the state engineer's inventory of water conveyance systems established in Section 73-5-7.
  (d) "Underground facility" means the same as that term is defined in Section 54-8a-2.
  (e) "Water conveyance facility" means the same as that term is defined in Section 73-1-15.5.
(2) Unless exempt under Section 17-27a-605 or excluded from the definition of subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of the land shall provide to the county in which the land is located an accurate plat that describes or specifies:
  (a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;

(b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;
(c) the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale;
(d) every existing right-of-way and recorded easement located within the plat for:
(i) an underground facility;
(ii) a water conveyance facility; or
(iii) any other utility facility; and
(e) any water conveyance facility located, entirely or partially, within the plat that:
(i) is not recorded; and
(ii) of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land:
(A) in the state engineer's inventory of canals; or
(B) from a surveyor under Subsection (6)(c).
(3)
(a) Subject to Subsections (4), (6), and (7), if the plat conforms to the county's ordinances and this part and has been approved by the culinary water authority, the sanitary sewer authority, and the local health department, if the local health department and the county consider the local health department's approval necessary, the county shall approve the plat.
(b) Counties are encouraged to receive a recommendation from the fire authority and the public safety answering point before approving a plat.
(c) A county may not require that a plat be approved or signed by a person or entity who:
(i) is not an employee or agent of the county; or
(ii) does not:
(A) have a legal or equitable interest in the property within the proposed subdivision;
(B) provide a utility or other service directly to a lot within the subdivision;
(C) own an easement or right-of-way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right-of-way in relation to the plat; or
(D) provide culinary public water service whose source protection zone designated as provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.
(d) A county shall:
(i) within 20 days after the day on which an owner of land submits to the county a complete subdivision plat land use application, mail written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat, as determined using information made available to the county:
(A) from the facility owner under Section 10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
(B) in the state engineer's inventory of canals; or
(C) from a surveyor under Subsection (6)(c); and
(ii) not approve the subdivision plat for at least 20 days after the day on which the county mails to each facility owner the notice under Subsection (3)(d)(i) in order to receive any comments from each facility owner regarding:

(A) access to the water conveyance facility;
(B) maintenance of the water conveyance facility;
(C) protection of the water conveyance facility integrity;
(D) safety of the water conveyance facility; or
(E) any other issue related to water conveyance facility operations.

(e) When applicable, the owner of the land seeking subdivision plat approval shall comply with Section 73-1-15.5.

(f) A facility owner's failure to provide comments to a county in accordance with Subsection (3)(d)(ii) does not affect or impair the county's authority to approve the subdivision plat.

(4) The county may withhold an otherwise valid plat approval until the owner of the land provides the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(5)

(a) Within 30 days after approving a final plat under this section, a county shall submit to the Utah Geospatial Resource Center, created in Section 63A-16-505, for inclusion in the unified statewide 911 emergency service database described in Subsection 63H-7a-304(4)(b):
(i) an electronic copy of the approved final plat; or
(ii) preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

(b) If requested by the Utah Geospatial Resource Center, a county that approves a final plat under this section shall:
(i) coordinate with the Utah Geospatial Resource Center to validate the information described in Subsection (5)(a); and
(ii) assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in Subsection (5)(a) for inclusion in the unified statewide 911 emergency service database.

(6)

(a) A county recorder may not record a plat unless, subject to Subsection 17-27a-604(1):
(i) prior to recordation, the county has approved and signed the plat;
(ii) each owner of record of land described on the plat has signed the owner's dedication as shown on the plat; and
(iii) the signature of each owner described in Subsection (6)(a)(ii) is acknowledged as provided by law.

(b) A surveyor who prepares the plat shall certify that the surveyor:
(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
(ii)
(A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or
(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
(iii) has placed monuments as represented on the plat.

(c)

(i) To the extent possible, the surveyor shall consult with the owner or operator, or a representative designated by the owner or operator, of an existing water conveyance facility located within the proposed subdivision, or an existing or proposed underground facility or utility facility located within the proposed subdivision, to verify the accuracy of the surveyor's depiction of the:

(A) boundary, course, dimensions, and intended use of the public rights-of-way, a public or private easement, or grants of record;
(B) location of the existing water conveyance facility, or the existing or proposed underground facility or utility facility; and
(C) physical restrictions governing the location of the existing or proposed underground facility or utility facility.
(ii) The cooperation of an owner or operator of a water conveyance facility, underground facility, or utility facility under Subsection (6)(c)(i):
(A) indicates only that the plat approximates the location of the existing facilities but does not warrant or verify their precise location; and
(B) does not affect a right that the owner or operator has under Title 54, Chapter 8a, Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law applicable to prescriptive rights, or any other provision of law.

(7)
(a) Except as provided in Subsection (6)(c), after the plat has been acknowledged, certified, and approved, the owner of the land seeking to record the plat shall, within the time period and manner designated by ordinance, record the plat in the county recorder's office in the county in which the lands platted and laid out are situated.
(b) A failure to record a plat within the time period designated by ordinance renders the plat voidable by the county.

(8) A county acting as a land use authority shall approve a condominium plat that complies with the requirements of Section 57-8-13 unless the condominium plat violates a land use regulation of the county.

Amended by Chapter 355, 2022 General Session

17-27a-604 Subdivision plat approval procedure -- Effect of not complying.

(1) A person may not submit a subdivision plat to the county recorder's office for recording unless:
(a) the person has complied with the requirements of Subsection 17-27a-603(6)(a);
(b) the plat has been approved by:
(i) the land use authority of the:
(A) county in whose unincorporated area the land described in the plat is located; or
(B) mountainous planning district in whose area the land described in the plat is located; and
(ii) other officers that the county designates in its ordinance;
(c) all approvals described in Subsection (1)(b) are entered in writing on the plat by designated officers; and
(d) if the person submitting the plat intends the plat to be or if the plat is part of a community association subject to Title 57, Chapter 8a, Community Association Act, the plat includes language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.

(2) An owner of a platted lot is the owner of record sufficient to re-subdivide the lot if the owner's platted lot is not part of a community association subject to Title 57, Chapter 8a, Community Association Act.

(3) A plat recorded without the signatures required under this section is void.

(4) A transfer of land pursuant to a void plat is voidable by the land use authority.

Amended by Chapter 47, 2021 General Session

17-27a-604.1 Process for subdivision review and approval.

(1)
(a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a county, including county staff or a county planning commission.
(b) "Administrative land use authority" does not include a county legislative body or a member of a county legislative body.

(2)
(a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
(b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.

(3) A county ordinance governing the subdivision of land shall:
(a) comply with this section and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and
(b)
(i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or
(ii) if the county has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section 17-27a-605, the county may designate a different and separate administrative land use authority for the approval of subdivisions under Section 17-27a-605.

(4)
(a) If an applicant requests a pre-application meeting, the county shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
(b) At the pre-application meeting, the county staff shall provide or have available on the county website the following:
(i) copies of applicable land use regulations;
(ii) a complete list of standards required for the project;
(iii) preliminary and final application checklists; and
(iv) feedback on the concept plan.

(5) A preliminary subdivision application shall comply with all applicable county ordinances and requirements of this section.

(6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a county staff level.

(7) With respect to a preliminary application to subdivide land, an administrative land use authority may:
(a) receive public comment; and
(b) hold no more than one public hearing.

(8) If a preliminary subdivision application complies with the applicable county ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.

(9) A county shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and county ordinances, which:
(a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and
(b) may not require planning commission or county legislative body approval.

(10) If a final subdivision application complies with the requirements of this section, the applicable county ordinances, and the preliminary subdivision approval granted under Subsection (9)(a), a county shall approve the final subdivision application.

Enacted by Chapter 501, 2023 General Session

Superseded 11/1/2024

17-27a-604.2 Review of subdivision land use applications and subdivision improvement plans.

(1) As used in this section:
(a) "Review cycle" means the occurrence of:
(i) the applicant's submittal of a complete subdivision land use application;
(ii) the county's review of that subdivision land use application;
(iii) the county's response to that subdivision land use application, in accordance with this section; and
(iv) the applicant's reply to the county's response that addresses each of the county's required modifications or requests for additional information.
(b) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and county-controlled utilities required for a subdivision.
(c) "Subdivision ordinance review" means review by a county to verify that a subdivision land use application meets the criteria of the county's subdivision ordinances.
(d) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with county ordinances and applicable standards and specifications.
(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
(3)
(a) No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the county shall complete the initial review of the application, including subdivision improvement plans.
(b) A county shall maintain and publish a list of the items comprising the complete preliminary subdivision land use application, including:
(i) the application;
(ii) the owner's affidavit;
(iii) an electronic copy of all plans in PDF format;
(iv) the preliminary subdivision plat drawings; and
(v) a breakdown of fees due upon approval of the application.
(4)
(a) A county shall publish a list of the items that comprise a complete final subdivision land use application.
(b) No later than 20 business days after the day on which an applicant submits a plat, the county shall complete a review of the applicant's final subdivision land use application for single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan reviews.
(5)
(a) In reviewing a subdivision land use application, a county may require:

(i) additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards, or specifications or do not contain complete information.

(b) A county's request for additional information or modifications to plans under Subsections (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

(c) A county may not require more than four review cycles.

(d)

(i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a county's plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a plan set, the county has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

(e) If an applicant does not submit a revised plan within 20 business days after the county requires a modification or correction, the county shall have an additional 20 business days to respond to the plans.

(6) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the county's previous review cycle, the county may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(7)

(a) In addition to revised plans, an applicant shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(8)

(a) If, on the fourth or final review, a county fails to respond within 20 business days, the county shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 17-27a-507(5)(d) to review and approve or deny the final revised set of plans; or

(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Enacted by Chapter 501, 2023 General Session

Effective 11/1/2024

17-27a-604.2 Review of subdivision applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

(i) the applicant's submittal of a complete subdivision application;

(ii) the county's review of that subdivision application;

(iii) the county's response to that subdivision application, in accordance with this section; and

(iv) the applicant's reply to the county's response that addresses each of the county's required modifications or requests for additional information.

(b) "Subdivision application" means a land use application for the subdivision of land located within the unincorporated area of a county.

(c) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure improvements and county-controlled utilities required for a subdivision.

(d) "Subdivision ordinance review" means review by a county to verify that a subdivision application meets the criteria of the county's ordinances.

(e) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with county ordinances and applicableinstallation standards and inspection specifications for infrastructure improvements.

(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

(3)

(a) A county may require a subdivision improvement plan to be submitted with a subdivision application.

(b) A county may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.

(4)

(a) The review cycle requirements of this section apply:

(i) to the review of a preliminary subdivision application, if the county requires a subdivision improvement plan to be submitted with a preliminary subdivision application; or

(ii) to the review of a final subdivision application, if the county requires a subdivision improvement plan to be submitted with a final subdivision application.

(b) A county may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a county controlled utility.

(5)

(a) A county shall complete the initial review of a complete subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(i) no later than 15 business days after the complete subdivision application is submitted, if the county has a population over 5,000; or

(ii) no later than 30 business days after the complete subdivision application is submitted, if the county has a population of 5,000 or less.

(b) A county shall maintain and publish a list of the items comprising the complete subdivision application, including:

(i) the application;

(ii) the owner's affidavit;

(iii) an electronic copy of all plans in PDF format;

(iv) the preliminary subdivision plat drawings; and
(v) a breakdown of fees due upon approval of the application.
(6) A county shall publish a list of the items that comprise a complete subdivision land use application.
(7) A county shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:
(a) within 20 business days after the complete subdivision application is submitted, if the county has a population over 5,000; or
(b) within 40 business days after the complete subdivision application is submitted, if the county has a population of 5,000 or less.
(8)
(a) In reviewing a subdivision application, a county may require:
(i) additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for construction of public improvements; and
(ii) modifications to plans that do not meet current ordinances, applicable standards, or specifications or do not contain complete information.
(b) A county's request for additional information or modifications to plans under Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.
(c) A county may not require more than four review cycles for a subdivision improvement plan review.
(d)
(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a county's subdivision improvement plan review is waived.
(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
(iii) If an applicant makes a material change to a subdivision improvement plan, the county has the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.
(e)
(i) This Subsection (8) applies if an applicant does not submit a revised subdivision improvement plan within:
(A) 20 business days after the county requires a modification or correction, if the county has a population over 5,000; or
(B) 40 business days after the county requires a modification or correction, if the county has a population of 5,000 or less.
(ii) If an applicant does not submit a revised subdivision improvement plan within the time specified in Subsection (8)(e)(i), a county has an additional 20 business days after the time specified in Subsection (7) to respond to a revised subdivision improvement plan.
(9) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the county's previous review cycle, the county may not require

additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(10)

(a) In addition to revised plans, an applicant shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(11)

(a) If, on the fourth or final review, a county fails to respond within 20 business days, the county shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 17-27a-507(5)(d) to review and approve or deny the final revised set of plans; or

(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Amended by Chapter 415, 2024 General Session

Superseded 11/1/2024

17-27a-604.5 Subdivision plat recording or development activity before required infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

(1) As used in this section, "public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

(a) will be dedicated to and maintained by the county; or

(b) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

(2) A land use authority shall establish objective inspection standards for acceptance of a required public landscaping improvement or infrastructure improvement.

(3)

(a) Before an applicant conducts any development activity or records a plat, the applicant shall:

(i) complete any required public landscaping improvements or infrastructure improvements; or

(ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

(b) If an applicant elects to post an improvement completion assurance, the applicant shall provide completion assurance for:

(i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or

(ii) if the county has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.

(c) A county shall:

(i) establish a minimum of two acceptable forms of completion assurance;
(ii) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this title, and any local ordinances;
(iii) establish a system for the partial release of an improvement completion assurance as portions of required public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and
(iv) issue or deny a building permit in accordance with Section 17-27a-802 based on the installation of public landscaping improvements or infrastructure improvements.

(d) A county may not require an applicant to post an improvement completion assurance for:
(i) public landscaping improvements or infrastructure improvements that the county has previously inspected and accepted;
(ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation; or
(iii) in a county where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the county requires to be private;
(iv) landscaping improvements that are not public landscaping improvements, as defined in Section 17-27a-103, unless the landscaping improvements and completion assurance are required under the terms of a development agreement.

(4)
(a) Except as provided in Subsection (4)(c), as a condition for increased density or other entitlement benefit not currently available under the existing zone, a county may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.
(b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the county shall be memorialized in a development agreement.
(c) A county may not require a completion assurance bond for the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

(5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:
(a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
(b) 10% of the amount of the bond to cover administrative costs incurred by the county to complete the improvements, if necessary.

(6) At any time before a county accepts a public landscaping improvement or infrastructure improvement, and for the duration of each improvement warranty period, the land use authority may require the applicant to:
(a) execute an improvement warranty for the improvement warranty period; and
(b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:
(i) county engineer's original estimated cost of completion; or
(ii) applicant's reasonable proven cost of completion.

(7) When a county accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection

(3)(c)(ii), the county may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.

(8) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

Amended by Chapter 478, 2023 General Session

Effective 11/1/2024

17-27a-604.5 Subdivision plat recording or development activity before required infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

(1) As used in this section, "public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

(a) will be dedicated to and maintained by the county; or

(b) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

(2) A land use authority shall establish objective inspection standards for acceptance of a required public landscaping improvement or infrastructure improvement.

(3)

(a) Before an applicant conducts any development activity or records a plat, the applicant shall:

(i) complete any required public landscaping improvements or infrastructure improvements; or

(ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

(b) If an applicant elects to post an improvement completion assurance, the applicant shall provide completion assurance for:

(i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or

(ii) if the county has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.

(c) A county shall:

(i) establish a minimum of two acceptable forms of completion assurance;

(ii) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this title, and any local ordinances;

(iii) establish a system for the partial release of an improvement completion assurance as portions of required public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and

(iv) issue or deny a building permit in accordance with Section 17-27a-802 based on the installation of public landscaping improvements or infrastructure improvements.

(d) A county may not require an applicant to post an improvement completion assurance for:

(i) public landscaping improvements or infrastructure improvements that the county has previously inspected and accepted;

(ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;

(iii) in a county where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the county requires to be private; or

(iv) landscaping improvements that are not public landscaping improvements, unless the landscaping improvements and completion assurance are required under the terms of a development agreement.

(4)

(a) Except as provided in Subsection (4)(c), as a condition for increased density or other entitlement benefit not currently available under the existing zone, a county may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.

(b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the county shall be memorialized in a development agreement.

(c) A county may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

(5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:

(a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and

(b) 10% of the amount of the bond to cover administrative costs incurred by the county to complete the improvements, if necessary.

(6) At any time before a county accepts a public landscaping improvement or infrastructure improvement, and for the duration of each improvement warranty period, the land use authority may require the applicant to:

(a) execute an improvement warranty for the improvement warranty period; and

(b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:

(i) county engineer's original estimated cost of completion; or

(ii) applicant's reasonable proven cost of completion.

(7) When a county accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii), the county may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.

(8) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

Amended by Chapter 415, 2024 General Session

17-27a-604.9 Effective dates of Sections 17-27a-604.1 and 17-27a-604.2.

(1) Except as provided in Subsection (2), Sections 17-27a-604.1 and 17-27a-604.2 do not apply until December 31, 2024.

(2) Sections 17-27a-604.1 and 17-27a-604.2 do not apply until February 1, 2024 for:

(a) a specified county, as defined in Section 17-27a-408;

(b) a county that is a voting member of the Wasatch Front Regional Council, including:

(i) Davis County;

(ii) Morgan County;

(iii) Salt Lake County;

(iv) Tooele County; and
(v) Weber County; and
(c) a county that is a member of the Mountainland Association of Governments, including:
(i) Summit County;
(ii) Utah County; and
(iii) Wasatch County.

Enacted by Chapter 501, 2023 General Session

17-27a-605 Exemptions from plat requirement.

(1) Notwithstanding any other provision of law, a plat is not required if:
(a) a county establishes a process to approve an administrative land use decision for the subdivision of unincorporated land or mountainous planning district land into 10 or fewer lots without a plat; and
(b) the county provides in writing that:
(i) the county has provided notice as required by ordinance; and
(ii) the proposed subdivision:
(A) is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;
(B) has been approved by the culinary water authority and the sanitary sewer authority;
(C) is located in a zoned area; and
(D) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

(2)
(a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 17-27a-603 if:
(i) the lot or parcel:
(A) qualifies as land in agricultural use under Section 59-2-502; and
(B) is not used and will not be used for any nonagricultural purpose; and
(ii) the new owner of record completes, signs, and records with the county recorder a notice:
(A) describing the parcel by legal description; and
(B) stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.
(b) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the county shall require the lot or parcel to comply with the requirements of Section 17-27a-603 and all applicable land use ordinance requirements.

(3)
(a) Except as provided in Subsection (4), a document recorded in the county recorder's office that divides property by a metes and bounds description does not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.
(b) The absence of the certificate or written approval required by Subsection (1) does not:
(i) prohibit the county recorder from recording a document; or
(ii) affect the validity of a recorded document.

(c) A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached and that complies with Section 57-3-106.

(4)

(a) As used in this Subsection (4):

(i) "Divided land" means land that:

(A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and

(B) has been divided by a minor subdivision.

(ii) "Land to be divided" means land that is proposed to be divided by a minor subdivision.

(iii) "Minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that, after the division, is separate from the remainder of the original 100 or more contiguous acres of agricultural land.

(iv) "Minor subdivision lot" means a lot created by a minor subdivision.

(b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100 contiguous acres of agricultural land may make a minor subdivision by submitting for recording in the office of the recorder of the county in which the land to be divided is located:

(i) a recordable deed containing the legal description of the minor subdivision lot; and

(ii) a notice:

(A) indicating that the owner of the land to be divided is making a minor subdivision;

(B) referring specifically to this section as the authority for making the minor subdivision; and

(C) containing the legal description of:

(I) the land to be divided; and

(II) the minor subdivision lot.

(c) A minor subdivision lot:

(i) may not be less than one acre in size;

(ii) may not be within 1,000 feet of another minor subdivision lot; and

(iii) is not subject to the subdivision ordinance of the county in which the minor subdivision lot is located.

(d) Land to be divided by a minor subdivision may not include divided land.

(e) A county:

(i) may not deny a building permit to an owner of a minor subdivision lot based on:

(A) the lot's status as a minor subdivision lot; or

(B) the absence of standards described in Subsection (4)(e)(ii); and

(ii) may, in connection with the issuance of a building permit, subject a minor subdivision lot to reasonable health, safety, and access standards that the county has established and made public.

(5)

(a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection (1), the legislative body of a county may enact an ordinance allowing the subdivision of a parcel, without complying with the plat requirements of Section 17-27a-603, if:

(i) the parcel contains an existing legal single family dwelling unit;

(ii) the subdivision results in two parcels, one of which is agricultural land;

(iii) the parcel of agricultural land:

(A) qualifies as land in agricultural use under Section 59-2-502; and

(B) is not used, and will not be used, for a nonagricultural purpose;

(iv) both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and

(v) the owner of record completes, signs, and records with the county recorder a notice:

(A) describing the parcel of agricultural land by legal description; and

(B) stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section 59-2-502, and will remain as land in agricultural use until a future zoning change permits another use.

(b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a) is later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a) no longer applies, and the county shall require the owner of the parcel to:

(i) retroactively comply with the subdivision plat requirements of Section 17-27a-603; and

(ii) comply with all applicable land use ordinance requirements.

Amended by Chapter 434, 2020 General Session

17-27a-606 Common area parcels on a plat -- No separate ownership -- Ownership interest equally divided among other parcels on plat and included in description of other parcels.

(1) As used in this section:

(a) "Association" means the same as that term is defined in:

(i) regarding a common area, Section 57-8a-102; and

(ii) regarding a common area and facility, Section 57-8-3.

(b) "Common area" means the same as that term is defined in Section 57-8a-102.

(c) "Common area and facility" means the same as that term is defined in Section 57-8-3.

(d) "Declarant" means the same as that term is defined in:

(i) regarding a common area, Section 57-8a-102; and

(ii) regarding a common area and facility, Section 57-8-3.

(e) "Declaration," regarding a common area and facility, means the same as that term is defined in Section 57-8-3.

(f) "Period of administrative control" means the same as that term is defined in:

(i) regarding a common area, Section 57-8a-102; and

(ii) regarding a common area and facility, Section 57-8-3.

(2) A person may not separately own, convey, or modify a parcel designated as a common area or common area and facility on a plat recorded in compliance with this part, independent of the other lots, units, or parcels created by the plat unless:

(a) an association holds in trust the parcel designated as a common area for the owners of the other lots, units, or parcels created by the plat; or

(b) the conveyance or modification is approved under Subsection (5).

(3) If a conveyance or modification of a common area or common area and facility is approved in accordance with Subsection (5), the person who presents the instrument of conveyance to a county recorder shall:

(a) attach a notice of the approval described in Subsection (5) as an exhibit to the document of conveyance; or

(b) record a notice of the approval described in Subsection (5) concurrently with the conveyance as a separate document.

(4) When a plat contains a common area or common area and facility:

(a) each parcel that the plat creates has an equal ownership interest in the common area or common area and facility within the plat, unless the plat or an accompanying recorded document indicates a different division of interest for assessment purposes; and
(b) each instrument describing a parcel on the plat by the parcel's identifying plat number implicitly includes the ownership interest in the common area or common area and facility within the plat, even if that ownership interest is not explicitly stated in the instrument.
(5) Notwithstanding Subsection (2), a person may modify the size or location of or separately convey a common area or common area and facility if the following approve the conveyance or modification:
(a) the local government;
(b)
(i) for a common area that an association owns, 67% of the voting interests in the association; or
(ii) for a common area that an association does not own, or for a common area and facility, 67% of the owners of lots, units, and parcels designated on a plat that is subject to a declaration and on which the common area or common area and facility is included; and
(c) during the period of administrative control, the declarant.

Amended by Chapter 405, 2017 General Session

17-27a-607 Dedication by plat of public streets and other public places.
(1) A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in this part, operates, when recorded, as a dedication of all public streets and other public places, and vests the fee of those parcels of land in the county for the public for the uses named or intended in the plat.
(2) The dedication established by this section does not impose liability upon the county for public streets and other public places that are dedicated in this manner but are unimproved unless:
(a) adequate financial assurance has been provided in accordance with this chapter; and
(b) the county has accepted the dedication.

Amended by Chapter 384, 2019 General Session

17-27a-608 Subdivision amendments.
(1)
(a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that has been laid out and platted as provided in this part may file a written petition with the land use authority to request a subdivision amendment.
(b) Upon filing a written petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 17-27a-603 that:
(i) depicts only the portion of the subdivision that is proposed to be amended;
(ii) includes a plat name distinguishing the amended plat from the original plat;
(iii) describes the differences between the amended plat and the original plat; and
(iv) includes references to the original plat.
(c) If a petition is filed under Subsection (1)(a), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being amended at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.

(d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:
(i) any owner within the plat notifies the county of the owner's objection in writing within 10 days of mailed notification; or
(ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
(e) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.
(2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:
(a) the petition seeks to:
(i) join two or more of the petitioning fee owner's contiguous lots;
(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join the petition, regardless of whether the properties are located in the same subdivision;
(iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
(v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
(A) owned by the petitioner; or
(B) designated as a common area; and
(b) notice has been given to adjoining property owners in accordance with any applicable local ordinance.
(3) A petition under Subsection (1)(a) that contains a request to amend a public street or county utility easement is also subject to Section 17-27a-609.5.
(4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:
(a) the name and address of each owner of record of the land contained in:
(i) the entire plat; or
(ii) that portion of the plan described in the petition; and
(b) the signature of each owner who consents to the petition.
(5)
(a) The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the land use authority as a lot line adjustment in accordance with Subsection (5)(b).
(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.
(c) If a lot line adjustment is approved under Subsection (5)(b):
(i) a notice of lot line adjustment approval shall be recorded in the office of the county recorder which:
(A) is approved by the land use authority; and
(B) recites the legal descriptions of both the properties and the properties resulting from the exchange of title; and

(ii) a document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.

(d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.

(6)

(a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).

(b) The surveyor preparing the amended plat shall certify that the surveyor:

(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii)

(A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or

(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and

(iii) has placed monuments as represented on the plat.

(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision recorded in the county recorder's office.

(d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

Amended by Chapter 501, 2023 General Session

17-27a-609 Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

(1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

(a) there is good cause for the vacation or amendment; and

(b) no public street or county utility easement has been vacated or amended.

(2)

(a) The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located.

(b) If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.

(3)

(a) A legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.

(b) The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.

(4) An amended plat may not be submitted to the county recorder for recording unless it is:

(a) signed by the land use authority; and

(b) signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.

(5) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.

(6) A plat may be corrected as provided in Section 57-3-106.

Amended by Chapter 384, 2019 General Session

17-27a-609.5 Petition to vacate a public street.

(1) In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Sections 17-27a-603 through 17-27a-609, a legislative body may approve a petition to vacate a public street in accordance with this section.

(2) A petition to vacate some or all of a public street or county utility easement shall include:

(a) the name and address of each owner of record of land that is:

(i) adjacent to the public street or county utility easement between the two nearest public street intersections; or

(ii) accessed exclusively by or within 300 feet of the public street or county utility easement;

(b) proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or county utility easement sought to be vacated; and

(c) the signature of each owner under Subsection (2)(a) who consents to the vacation.

(3) If a petition is submitted containing a request to vacate some or all of a public street or county utility easement, the legislative body shall hold a public hearing in accordance with Section 17-27a-208 and determine whether:

(a) good cause exists for the vacation; and

(b) the public interest or any person will be materially injured by the proposed vacation.

(4) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or county utility easement if the legislative body finds that:

(a) good cause exists for the vacation; and

(b) neither the public interest nor any person will be materially injured by the vacation.

(5) If the legislative body adopts an ordinance vacating some or all of a public street or county utility easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:

(a) a plat reflecting the vacation; or

(b)

(i) an ordinance described in Subsection (4); and

(ii) a legal description of the public street to be vacated.

(6) The action of the legislative body vacating some or all of a public street or county utility easement that has been dedicated to public use:

(a) operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated street, right-of-way, or easement; and

(b) may not be construed to impair:

(i) any right-of-way or easement of any parcel or lot owner;

(ii) the rights of any public utility; or

(iii) the rights of a culinary water authority or sanitary sewer authority.

(7)

(a) A county may submit a petition, in accordance with Subsection (2), and initiate and complete a process to vacate some or all of a public street.

(b) If a county submits a petition and initiates a process under Subsection (7)(a):

(i) the legislative body shall hold a public hearing;

(ii) the petition and process may not apply to or affect a public utility easement, except to the extent:

(A) the easement is not a protected utility easement as defined in Section 54-3-27;
(B) the easement is included within the public street; and
(C) the notice to vacate the public street also contains a notice to vacate the easement; and
(iii) a recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.
(8) A legislative body may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

Amended by Chapter 385, 2021 General Session

17-27a-610 Restrictions for solar and other energy devices.

The land use authority may refuse to approve or renew any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-611 Prohibited acts.

(1)
(a) If a subdivision requires a plat, an owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.
(b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.
(c) Notwithstanding any other provision of this Subsection (1), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:
(i) does not affect the validity of the instrument or other document; and
(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable county ordinances on land use and development.
(2)
(a) A county may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.
(b) An action under this Subsection (2) may include an injunction or any other appropriate action or proceeding to prevent or enjoin the violation.
(c) A county need only establish the violation to obtain the injunction.

Amended by Chapter 434, 2020 General Session

Part 7
Appeal Authority and Variances

17-27a-701 Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1)
(a) Each county adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities.
(b) An appeal authority shall hear and decide:
(i) requests for variances from the terms of land use ordinances;
(ii) appeals from land use decisions applying land use ordinances; and
(iii) appeals from a fee charged in accordance with Section 17-27a-509.
(c) An appeal authority may not hear an appeal from the enactment of a land use regulation.

(2) As a condition precedent to judicial review, each adversely affected party shall timely and specifically challenge a land use authority's land use decision, in accordance with local ordinance.

(3) An appeal authority described in Subsection (1)(a):
(a) shall:
(i) act in a quasi-judicial manner; and
(ii) serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and
(b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.

(4) By ordinance, a county may:
(a) designate a separate appeal authority to hear requests for variances than the appeal authority the county designates to hear appeals;
(b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;
(c) require an adversely affected party to present to an appeal authority every theory of relief that the adversely affected party can raise in district court;
(d) not require a land use applicant or adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies; and
(e) provide that specified types of land use decisions may be appealed directly to the district court.

(5) If the county establishes or, prior to the effective date of this chapter, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:
(a) notify each of the members of the board, body, or panel of any meeting or hearing of the board, body, or panel;
(b) provide each of the members of the board, body, or panel with the same information and access to municipal resources as any other member;
(c) convene only if a quorum of the members of the board, body, or panel is present; and
(d) act only upon the vote of a majority of the convened members of the board, body, or panel.

Amended by Chapter 385, 2021 General Session

17-27a-702 Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some

other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.

(2)

(a) The appeal authority may grant a variance only if:

(i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

(ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;

(iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

(iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) the spirit of the land use ordinance is observed and substantial justice done.

(b)

(i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:

(A) is located on or associated with the property for which the variance is sought; and

(B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:

(i) relate to the hardship complained of; and

(ii) deprive the property of privileges granted to other properties in the same zone.

(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(4) Variances run with the land.

(5) The appeal authority may not grant a use variance.

(6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:

(a) mitigate any harmful affects of the variance; or

(b) serve the purpose of the standard or requirement that is waived or modified.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-703 Appealing a land use authority's decision -- Panel of experts for appeals of geologic hazard decisions.

(1) The land use applicant, a board or officer of the county, or an adversely affected party may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.

(2)

(a) A land use applicant who has appealed a decision of the land use authority administering or interpreting the county's geologic hazard ordinance may request the county to assemble a

panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.

(b) If a land use applicant makes a request under Subsection (2)(a), the county shall assemble the panel described in Subsection (2)(a) consisting of, unless otherwise agreed by the land use applicant and county:

(i) one expert designated by the county;

(ii) one expert designated by the land use applicant; and

(iii) one expert chosen jointly by the county's designated expert and the applicant's land use designated expert.

(c) A member of the panel assembled by the county under Subsection (2)(b) may not be associated with the application that is the subject of the appeal.

(d) The land use applicant shall pay:

(i) 1/2 of the cost of the panel; and

(ii) the county's published appeal fee.

Amended by Chapter 434, 2020 General Session

17-27a-704 Time to appeal.

(1) The county shall enact an ordinance establishing a reasonable time of not less than 10 days to appeal to an appeal authority a written decision issued by a land use authority.

(2) In the absence of an ordinance establishing a reasonable time to appeal, a land use applicant or adversely affected party shall have 10 calendar days to appeal to an appeal authority a written decision issued by a land use authority.

Amended by Chapter 434, 2020 General Session

17-27a-705 Burden of proof.

The appellant has the burden of proving that the land use authority erred.

Enacted by Chapter 254, 2005 General Session

17-27a-706 Due process.

(1) Each appeal authority shall conduct each appeal and variance request as described by local ordinance.

(2) Each appeal authority shall respect the due process rights of each of the participants.

Enacted by Chapter 254, 2005 General Session

17-27a-707 Scope of review of factual matters on appeal -- Appeal authority requirements.

(1) A county may, by ordinance, designate the scope of review of factual matters for appeals of land use authority decisions.

(2) If the county fails to designate a scope of review of factual matters, the appeal authority shall review the matter de novo, without deference to the land use authority's determination of factual matters.

(3) If the scope of review of factual matters is on the record, the appeal authority shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.

(4) The appeal authority shall:

(a) determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and
(b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
(5)
(a) An appeal authority's land use decision is a quasi-judicial act.
(b) A legislative body may act as an appeal authority unless both the legislative body and the appealing party agree to allow a third party to act as the appeal authority.
(6) Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority.

Amended by Chapter 384, 2019 General Session

17-27a-708 Final decision.
(1) A decision of an appeal authority takes effect on the date when the appeal authority issues a written decision, or as otherwise provided by local ordinance.
(2) A written decision, or other event as provided by ordinance, constitutes a final decision under Subsection 17-27a-801(2)(a) or a final action under Subsection 17-27a-801(4).

Amended by Chapter 240, 2006 General Session

Part 8
District Court Review

17-27a-801 No district court review until administrative remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court review -- Record on review -- Staying of decision.
(1) No person may challenge in district court a land use decision until that person has exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and Variances, if applicable.
(2)
(a) Subject to Subsection (1), a land use applicant or adversely affected party may file a petition for review of a land use decision with the district court within 30 days after the decision is final.
(b)
(i) The time under Subsection (2)(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section 13-43-204 until 30 days after:
(A) the arbitrator issues a final award; or
(B) the property rights ombudsman issues a written statement under Subsection 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
(ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.
(iii) A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

(3)
(a) A court shall:
(i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and
(ii) determine only whether:
(A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and
(B) it is reasonably debatable that the land use regulation is consistent with this chapter.
(b) A court shall presume that a final land use decision of a land use authority or an appeal authority is valid unless the land use decision is:
(i) arbitrary and capricious; or
(ii) illegal.
(c)
(i) A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record.
(ii) A land use decision is illegal if the land use decision:
(A) is based on an incorrect interpretation of a land use regulation;
(B) conflicts with the authority granted by this title; or
(C) is contrary to law.
(d)
(i) A court may affirm or reverse a land use decision.
(ii) If the court reverses a land use decision, the court shall remand the matter to the land use authority with instructions to issue a land use decision consistent with the court's decision.
(4) The provisions of Subsection (2)(a) apply from the date on which the county takes final action on a land use application, if the county conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice of the pending land use decision.
(5) If the county has complied with Section 17-27a-205, a challenge to the enactment of a land use regulation or general plan may not be filed with the district court more than 30 days after the enactment.
(6) A challenge to a land use decision is barred unless the challenge is filed within 30 days after the land use decision is final.
(7)
(a) The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of the proceedings of the land use authority or appeal authority, including the minutes, findings, orders and, if available, a true and correct transcript of the proceedings.
(b) If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Subsection (7).
(8)
(a)
(i) If there is a record, the district court's review is limited to the record provided by the land use authority or appeal authority, as the case may be.
(ii) The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that the evidence was improperly excluded.
(b) If there is no record, the court may call witnesses and take evidence.
(9)

(a) The filing of a petition does not stay the land use decision of the land use authority or appeal authority, as the case may be.
(b)
(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may petition the appeal authority to stay the appeal authority's decision.
(ii) Upon receipt of a petition to stay, the appeal authority may order the appeal authority's decision stayed pending district court review if the appeal authority finds the order to be in the best interest of the county.
(iii) After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an injunction staying the appeal authority's land use decision.
(10) If the court determines that a party initiated or pursued a challenge to a land use decision on a land use application in bad faith, the court may award attorney fees.

Amended by Chapter 355, 2022 General Session

Superseded 11/1/2024
17-27a-802 Enforcement.
(1)
(a) A county or an adversely affected party may, in addition to other remedies provided by law, institute:
(i) injunctions, mandamus, abatement, or any other appropriate actions; or
(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
(b) A county need only establish the violation to obtain the injunction.
(2)
(a) A county may enforce the county's ordinance by withholding a building permit.
(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within a county without approval of a building permit.
(c) The county may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.
(d) A county may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:
(i) that is not essential to meet the requirements for the issuance of a building permit or certificate of occupancy under the building code and fire code; and
(ii) for which the county has accepted an improvement completion assurance for landscaping or infrastructure improvements for the development.

Amended by Chapter 434, 2020 General Session

Effective 11/1/2024
17-27a-802 Enforcement.
(1)
(a) A county or an adversely affected party may, in addition to other remedies provided by law, institute:
(i) injunctions, mandamus, abatement, or any other appropriate actions; or
(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
(b) A county need only establish the violation to obtain the injunction.

(2)
(a) Except as provided in Subsections (3) and (4), a county may enforce the county's ordinance by withholding a building permit.
(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within a county without approval of a building permit.
(c) The county may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.
(d) A county may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:
(i) that is not essential to meet the requirements for the issuance of a building permit or certificate of occupancy under the building code and fire code; and
(ii) for which the county has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure improvement for the development.
(3) A county may not deny an applicant a building permit or certificate of occupancy based on the lack of completion of a landscaping improvement that is not a public landscaping improvement, as defined in Section 17-27a-604.5.
(4) A county may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.
(5) A county may not prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.
(6) A county may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement completion assurance is posted.
(7) A county shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:
(a) another infrastructure improvement; or
(b) a public landscaping improvement, as defined in Section 17-27a-604.5.
(8) A county may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the county.

Amended by Chapter 415, 2024 General Session

17-27a-803 Penalties -- Notice.
(1) The county may, by ordinance, establish civil penalties for violations of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter.
(2) Violation of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter is punishable as a class C misdemeanor upon conviction either:
(a) as a class C misdemeanor; or
(b) by imposing the appropriate civil penalty adopted under the authority of this section.

(3) Prior to imposing upon an owner of record a civil penalty established by ordinance under authority of this chapter, a county shall provide:
(a) written notice, by mail or hand delivery, of each ordinance violation to the address of the:
(i) owner of record on file in the office of the county recorder; or
(ii) person designated, in writing, by the owner of record as the owner's agent for the purpose of receiving notice of an ordinance violation;
(b) the owner of record a reasonable opportunity to cure a noticed violation; and
(c) a schedule of the civil penalties that may be imposed upon the expiration of a time certain.

Amended by Chapter 218, 2012 General Session

Part 9
Mountainous Planning District

17-27a-901 Mountainous planning district.

(1)
(a) The legislative body of a county of the first class may adopt an ordinance designating an area located within the county as a mountainous planning district if the legislative body determines that:
(i) the area is primarily used for recreational purposes, including canyons, foothills, ski resorts, wilderness areas, lakes and reservoirs, campgrounds, or picnic areas within the Wasatch Range;
(ii) the area is used by residents of the county who live inside and outside the limits of a municipality;
(iii) the total resident population in the proposed mountainous planning district is equal to or less than 5% of the population of the county;
(iv) the area is within the unincorporated area of the county or was within the unincorporated area of the county before May 12, 2015; and
(v) the area includes land designated as part of a national forest on or before May 9, 2017.
(b) The population figure under Subsection (1)(a)(iii) shall be derived from a population estimate by the Utah Population Committee.
(2)
(a) A county may adopt a general plan and adopt a zoning or subdivision ordinance for a property that is located within a mountainous planning district.
(b) A county plan or zoning or subdivision ordinance governs a property described in Subsection (2)(a).

Amended by Chapter 363, 2021 General Session

Part 10
Vested Critical Infrastructure Materials Operations

17-27a-1001 Definitions.

As used in this part:
(1) "Critical infrastructure materials" means sand, gravel, or rock aggregate.

(2) "Critical infrastructure materials operations" means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.
(3) "Critical infrastructure materials operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that:
  (a) owns, controls, or manages a critical infrastructure materials operations; and
  (b) has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials operations.
(4) "Vested critical infrastructure materials operations" means critical infrastructure materials operations operating in accordance with a legal nonconforming use or a permit issued by the county that existed or was conducted or otherwise engaged in before:
  (a) a political subdivision prohibits, restricts, or otherwise limits the critical infrastructure materials operations; and
  (b) January 1, 2019.

Enacted by Chapter 227, 2019 General Session

17-27a-1002 Vested critical infrastructure materials operations -- Conclusive presumption.
(1)
  (a) Critical infrastructure materials operations operating in accordance with a legal nonconforming use or a permit issued by the county are conclusively presumed to be vested critical infrastructure materials operations if the critical infrastructure materials operations permitted by the county, existed or was conducted or otherwise engaged in before January 1, 2019 and before when a political subdivision prohibits, restricts, or otherwise limits the critical infrastructure materials operations.
  (b) A person claiming that a vested critical infrastructure materials operations has been established has the burden of proof to show by the preponderance of the evidence that the vested critical infrastructure materials operations has been established.
(2) A vested critical infrastructure materials operations:
  (a) runs with the land; and
  (b) may be changed to another critical infrastructure materials operations conducted within the scope of a legal nonconforming use or the permit for the vested critical infrastructure materials operations without losing its status as a vested critical infrastructure materials operations.

Enacted by Chapter 227, 2019 General Session

17-27a-1003 Rights of a critical infrastructure materials operator with a vested critical infrastructure materials operations.
Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a critical infrastructure materials operations adopted after the establishment of the critical infrastructure materials operations, the rights of a critical infrastructure materials operator with vested critical infrastructure materials operations include the right to:
(1) use, operate, construct, reconstruct, restore, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings; and
(2) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the critical infrastructure materials operations.

Enacted by Chapter 227, 2019 General Session

17-27a-1004 Notice.

For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a vested critical infrastructure materials operations, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Vested Critical Infrastructure Materials Operations

This property is located in the vicinity of an established vested critical infrastructure materials operations in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal critical infrastructure materials operations."

Enacted by Chapter 227, 2019 General Session

17-27a-1005 Abandonment of a vested critical infrastructure materials operations.

(1) A critical infrastructure materials operator may abandon some or all of a vested critical infrastructure materials operations use only as provided in this section.
(2) To abandon some or all of a vested critical infrastructure materials operations, a critical infrastructure materials operator shall record a written declaration of abandonment with the recorder of the county in which the vested critical infrastructure materials operations being abandoned is located.
(3) The written declaration of abandonment under Subsection (2) shall specify the vested critical infrastructure materials operations or the portion of the vested critical infrastructure materials operations being abandoned.

Enacted by Chapter 227, 2019 General Session

Part 11
Large Concentrated Animal Feeding Operations Act

17-27a-1101 Title.

This part is known as the "Large Concentrated Animal Feeding Operations Act."

Enacted by Chapter 244, 2021 General Session

17-27a-1102 Definitions.

(1) "Animal feeding operation" means a lot or facility where the following conditions are met:
  (a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
  (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
(2)
  (a) "Commercial enterprise" means a building:

(i) used as a part of a business that manufactures goods, delivers services, or sells goods or services;
(ii) customarily and regularly used by the general public during the entire calendar year; and
(iii) connected to electric or water systems.
(b) "Commercial enterprise" does not include an agriculture operation.
(3) "County large concentrated animal feeding operation land use ordinance" means an ordinance adopted in accordance with Section 17-27a-1103.
(4) "Education institution" means a building in which any part is used:
(a) for more than three hours each weekday during a school year as a public or private:
(i) elementary school;
(ii) secondary school; or
(iii) kindergarten;
(b) a state institution of higher education as defined in Section 53B-3-102; or
(c) a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.
(5) "Health care facility" means the same as that term is defined in Section 26B-2-201.
(6) "Large concentrated animal feeding operation" means an animal feeding operation that stables or confines as many as or more than the numbers of animals specified in any of the following categories:
(a) 700 mature dairy cows, whether milked or dry;
(b) 1,000 veal calves;
(c) 1,000 cattle other than mature dairy cows or veal calves, with "cattle" including heifers, steers, bulls, and cow calf pairs;
(d) 2,500 swine each weighing 55 pounds or more;
(e) 10,000 swine each weighing less than 55 pounds;
(f) 500 horses;
(g) 10,000 sheep or lambs;
(h) 55,000 turkeys;
(i) 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
(j) 125,000 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
(k) 82,000 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
(l) 30,000 ducks, if the animal feeding operation uses other than a liquid manure handling system; or
(m) 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.
(7) "Manure" includes manure, bedding, compost, a raw material, or other material commingled with manure or set aside for disposal.
(8) "Public area" means land that:
(a) is owned by the federal government, the state, or a political subdivision with facilities that attract the public to congregate and remain in the area for significant periods of time;
(b)
(i) is part of a public park, preserve, or recreation area that is owned or managed by the federal government, the state, a political subdivision, or a nongovernmental entity; and
(ii) has a cultural, archaeological, scientific, or historic significance or contains a rare or valuable ecological system, including a site recognized as a National Historic Landmark or Site; or

(c) is a cemetery.
(9) "Religious institution" means a building and grounds used at least monthly for religious services or ceremonies.

Amended by Chapter 327, 2023 General Session

17-27a-1103 County adoption of a county large concentrated animal feeding operation land use ordinance.

(1)
(a) The legislative body of a county desiring to restrict siting of large concentrated animal feeding operations shall adopt a county large concentrated animal feeding operation land use ordinance in accordance with this part by no later than February 1, 2022.
(b) A county may consider an application to locate large concentrated animal feeding operations in the county before the county adopts the county large concentrated animal feeding operation land use ordinance under this part.
(2) A county large concentrated animal feeding operation land use ordinance described in Subsection (1) shall:
(a) designate geographic areas of sufficient size to support large concentrated animal feeding operations, including state trust lands described in Subsection 53C-1-103(8) and private property within the county, including adopting a map described in Section 17-27a-1104;
(b) establish requirements and procedures for applying for a land use decision that provides a reasonable opportunity to operate large concentrated animal feeding operations within the geographic area described in Subsection (2)(a);
(c) disclose fees imposed to apply for the land use decision described in Subsection (2)(b);
(d) disclose any requirements in addition to fees described in Subsection (2)(c) to be imposed by the county; and
(e) provide for administrative remedies consistent with this chapter.
(3)
(a) This part does not authorize a county to regulate the operation of large concentrated animal feeding operations in any way that conflicts with state or federal statutes or regulations.
(b) Nothing in this part supersedes or authorizes enactment of an ordinance that infringes on Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, or Title 4, Chapter 44, Agricultural Operations Nuisances Act.

Amended by Chapter 274, 2022 General Session

17-27a-1104 Criteria considered in adopting the geographic area of a county large concentrated animal feeding operation land use ordinance -- Maps -- Exception.

(1)
(a) To determine the geographic areas where large concentrated animal feeding operations may be located under a county large concentrated animal feeding operation land use ordinance, the county shall consider:
(i) the distance of the geographic area measured in feet from the following:
(A) a residential zone;
(B) a health care facility;
(C) a public area;
(D) an education institution;
(E) a religious institution;

(F) a commercial enterprise;
(G) a municipal boundary; and
(H) a state or county highway or road;
(ii) prevailing winds;
(iii) topography;
(iv) economic benefits to the county; and
(v) reasonable access to transportation, water, and power infrastructure.
(b) A county may consider criteria in addition to those described in Subsection (1)(a).
(2) After considering the factors described in Subsection (1), the county shall designate the geographic areas where large concentrated animal feeding operations may locate as required by Subsection 17-27a-1103(2)(a) and prepare a map available to the public showing the geographic areas in the county.
(3) A county may not designate a geographic area for large concentrated animal feeding operations based solely on a uniform setback distance requirement from the locations described in Subsection (1)(a)(i), but shall determine the geographic area by evaluating all criteria in Subsection (1).
(4) A county shall designate at least one geographic area within the county where large concentrated animal feeding operations for all animal species listed in Subsection 17-27a-1102(6) may be located unless the county demonstrates that one of the following makes it not feasible for the county to meet the criteria described in this section:
(a) the county's population density; or
(b) the county's population density relative to the amount of private land within the county.

Enacted by Chapter 244, 2021 General Session

Part 12
Home Ownership Promotion Zone for Counties

17-27a-1201 Definitions.

As used in this part:
(1) "Affordable housing" means housing offered for sale at 80% or less of the median county home price for housing of that type.
(2) "Agency" means the same as that term is defined in Section 17C-1-102.
(3) "Base taxable value" means a property's taxable value as shown upon the assessment roll last equalized during the base year.
(4) "Base year" means, for a proposed home ownership promotion zone area, a year beginning the first day of the calendar quarter determined by the last equalized tax roll before the adoption of the home ownership promotion zone.
(5) "Home ownership promotion zone" means a home ownership promotion zone created pursuant to this part.
(6) "Participant" means the same as that term is defined in Section 17C-1-102.
(7) "Participation agreement" means the same as that term is defined in Section 17C-1-102.
(8) "Project improvements" means the same as that term is defined in Section 11-36a-102.
(9) "System improvements" means the same as that term is defined in Section 11-36a-102.
(10) "Tax commission" means the State Tax Commission created in Section 59-1-201.
(11)

(a) "Tax increment" means the difference between:
(i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a home ownership promotion zone, using the current assessed value and each taxing entity's current certified tax rate as defined in Section 59-2-924; and
(ii) the amount of property tax revenue that would be generated from that same area using the base taxable value and each taxing entity's current certified tax rate as defined in Section 59-2-924.
(b) "Tax increment" does not include property revenue from:
(i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2); or
(ii) a county additional property tax described in Subsection 59-2-1602(4).
(12) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

Enacted by Chapter 431, 2024 General Session

17-27a-1202 County designation of a home ownership promotion zone.
(1) Subject to Sections 17-27a-1203 and 17-27a-1204, a county may create a home ownership promotion zone as described in this section.
(2) A home ownership promotion zone created under this section:
(a) is an area of 10 contiguous unincorporated acres or less located entirely within the boundaries of the county, zoned for fewer than six housing units per acre before the creation of the home ownership promotion zone;
(b) shall be re-zoned for at least six housing units per acre; and
(c) may not be encumbered by any residential building permits as of the day on which the home ownership promotion zone is created.
(3)
(a) The county shall designate the home ownership promotion zone by resolution of the legislative body of the county following:
(i) the recommendation of the county planning commission; and
(ii) the notification requirements described in Section 17-27a-1204.
(b) The resolution described in Subsection (3)(a) shall describe how the home ownership promotion zone created pursuant to this section meets the objectives and requirements of Section 17-27a-1203.
(c) The home ownership promotion zone is created on the effective date of the resolution described in Subsection (3)(a).
(4) If a home ownership promotion zone is created as described in this section:
(a) affected local taxing entities are required to participate according to the requirements of the home ownership promotion zone established by the county; and
(b) each affected taxing entity is required to participate at the same rate.
(5) A home ownership promotion zone may be modified by the same manner it is created as described in Subsection (3).
(6) Within 30 days after the day on which the county creates the home ownership promotion zone as described in Subsection (3), the county shall:
(a) record with the recorder a document containing:
(i) a description of the land within the home ownership promotion zone; and
(ii) the date of creation of the home ownership promotion zone;
(b) transmit a copy of the description of the land within the home ownership promotion zone and an accurate map or plat indicating the boundaries of the home ownership promotion zone to the Utah Geospatial Resource Center created under Section 63A-16-505; and

(c) transmit a map and description of the land within the home ownership promotion zone to:
(i) the auditor, recorder, attorney, surveyor, and assessor of the county in which any part of the home ownership promotion zone is located;
(ii) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
(iii) the legislative body or governing board of each taxing entity impacted by the home ownership promotion zone;
(iv) the tax commission; and
(v) the State Board of Education.
(7) A county may receive tax increment and use home ownership promotion zone funds as described in Section 17-27a-1205.

Enacted by Chapter 431, 2024 General Session

17-27a-1203 Applicability, requirements, and limitations.
(1) A home ownership promotion zone shall promote the following objectives:
(a) increasing availability of housing, including affordable housing;
(b) promotion of home ownership;
(c) overcoming development impediments and market conditions that render an affordable housing development cost prohibitive absent the incentives resulting from a home ownership promotion zone; and
(d) conservation of water resources through efficient land use.
(2) In order to accomplish the objectives described in Subsection (1), a county shall ensure that:
(a) land inside the proposed home ownership promotion zone is zoned as residential, with at least six planned housing units per acre;
(b) at least 60% of the proposed housing units within the home ownership promotion zone are affordable housing units; and
(c) all of the proposed housing units within the home ownership promotion zone are deed restricted to require owner occupation for at least five years.
(3) A county may restrict short term rentals in a home ownership promotion zone.
(4) A county may not create a home ownership promotion zone if:
(a) the proposed home ownership promotion zone would overlap with a school district and:
(i)
(A) the school district has more than one municipality within the school district's boundaries; and
(B) the school district already has 100 acres designated as home ownership promotion zone within the school district's boundaries; or
(ii)
(A) the school district has one municipality within the school district's boundaries; and
(B) the school district already has 50 acres designated as home ownership promotion zone within the school district's boundaries; or
(b) the area in the proposed home ownership promotion zone would overlap with:
(i) a project area, as that term is defined in Section 17C-1-102, and created under Title 17C, Chapter 1, Agency Operations, until the project area is dissolved pursuant to Section 17C-1-702; or
(ii) an existing housing and transit reinvestment zone.

Enacted by Chapter 431, 2024 General Session

17-27a-1204 Notification prior to creation of a home ownership promotion zone.

(1)
(a) As used in this section, "hearing" means a public meeting in which the legislative body of a county:
(i) considers a resolution creating a home ownership promotion zone; and
(ii) takes public comment on a proposed home ownership promotion zone.
(b) A hearing under this section may be combined with any other public meeting of a legislative body of a county.

(2) Before a county creates a home ownership promotion zone as described in Section 17-27a-1002, it shall provide notice of a hearing as described in this section.

(3) The notice required by Subsection (2) shall be given by:
(a) publishing notice for the county, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the legislative body of the county intends to have a hearing;
(b) at least 30 days before the hearing, mailing notice to:
(i) each record owner of property located within the proposed home ownership promotion zone;
(ii) the State Tax Commission; and
(iii)
(A) if the proposed home ownership promotion zone is subject to a taxing entity committee, each member of the taxing entity committee and the State Board of Education; or
(B) if the proposed home ownership promotion zone is not subject to a taxing entity committee, the legislative body or governing board of each taxing entity within the boundaries of the proposed home ownership promotion zone.

(4) The mailing of the notice to record property owners required under Subsection (3)(b) shall be conclusively considered to have been properly completed if:
(a) the county mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and
(b) the county recorder's office records used by the agency in identifying owners to whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.

(5) The county shall include in each notice required under this section:
(a)
(i) a boundary description of the proposed home ownership promotion zone; or
(ii)
(A) a mailing address or telephone number where a person may request that a copy of the boundary description of the proposed home ownership promotion zone be sent at no cost to the person by mail, email, or facsimile transmission; and
(B) if the agency or community has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the boundary description of the proposed home ownership promotion zone;
(b) a map of the boundaries of the proposed home ownership promotion zone;
(c) an explanation of the purpose of the hearing; and
(d) a statement of the date, time, and location of the hearing.

(6) The county shall include in each notice under Subsection (3)(b):
(a) a statement that property tax revenue resulting from an increase in valuation of property within the proposed home ownership promotion zone will be paid to the county for proposed

home ownership promotion zone development rather than to the taxing entity to which the tax revenue would otherwise have been paid; and

(b) an invitation to the recipient of the notice to submit to the county comments concerning the subject matter of the hearing before the date of the hearing.

(7) A county may include in a notice under Subsection (2) any other information the county considers necessary or advisable, including the public purpose achieved by the proposed home ownership promotion zone.

Enacted by Chapter 431, 2024 General Session

17-27a-1205 Payment, use, and administration of revenue from a home ownership promotion zone.

(1)

(a) A county may receive tax increment and use home ownership promotion zone funds in accordance with this section.

(b) The maximum amount of time that a county may receive and use tax increment pursuant to a home ownership promotion zone is 15 consecutive years.

(2) A county that collects property tax on property located within a home ownership promotion zone shall, in accordance with Section 59-2-1365, retain 60% of the tax increment collected from property within the home ownership promotion zone to be used as described in this section.

(3)

(a) Tax increment retained by a county in accordance with Subsection (2) is not revenue of the taxing entity or county, but home ownership promotion zone funds.

(b) Home ownership promotion zone funds may be administered by an agency created by the county within which the home ownership promotion zone is located.

(c) Before an agency may receive home ownership promotion zone funds from a county, the agency shall enter into an interlocal agreement with the county.

(4)

(a) A county or agency shall use home ownership promotion zone funds within, or for the direct benefit of, the home ownership promotion zone.

(b) If any home ownership promotion zone funds will be used outside of the home ownership promotion zone, the legislative body of the county shall make a finding that the use of the home ownership promotion zone funds outside of the home ownership promotion zone will directly benefit the home ownership promotion zone.

(5) A county or agency shall use home ownership promotion zone funds to achieve the purposes described in Section 17-27a-1203 by paying all or part of the costs of any of the following:

(a) project improvement costs;

(b) systems improvement costs; or

(c) the costs of the county to create and administer the home ownership promotion zone, which may not exceed 3% of the total home ownership promotion zone funds.

(6) Home ownership promotion zone funds may be paid to a participant, if the county and participant enter into a participation agreement which requires the participant to utilize the home ownership promotion zone funds as allowed in this section.

(7) Home ownership promotion zone funds may be used to pay all of the costs of bonds issued by the county in accordance with Title 17C, Chapter 1, Part 5, Agency Bonds, including the cost to issue and repay the bonds including interest.

(8) A county may:

(a) create one or more public infrastructure districts within home ownership promotion zone under Title 17D, Chapter 4, Public Infrastructure District Act; and
(b) pledge and utilize the home ownership promotion zone funds to guarantee the payment of public infrastructure bonds issued by a public infrastructure district.

Enacted by Chapter 431, 2024 General Session

Chapter 28
Firemen's Civil Service Commission

17-28-1 County Fire Civil Service Council.
(1) There is created in each of the counties of this state having and maintaining a regularly organized fire department in which there are regularly employed four or more paid firefighters, a County Fire Civil Service Council consisting of three members to be appointed by the county executive.
(2) Each member shall serve for a term of three years except that the county executive shall appoint the original council members as follows:
(a) one member for a period of one year;
(b) one member for a period of two years; and
(c) one member for a period of three years.

Amended by Chapter 158, 2002 General Session

17-28-2 Vacancies -- Compensation -- Removal from office.
(1) Any vacancy occurring on the County Fire Civil Service Council shall be filled by appointment by the county executive for the unexpired term.
(2) Not more than two members of any council shall at any one time be affiliated with or a member of the same political party.
(3) A member of the council may not hold, during the term of his office, any other public office or be a candidate for any other public office.
(4) Each council member shall receive $50 for each meeting of the council attended by him. The county legislative body may raise the compensation of council members as it considers appropriate. This compensation and allowance shall be a charge against the county and paid monthly.
(5) In case of misconduct, willful neglect, or inability to perform the duties of his office, any council member may be removed from office by the county legislative body upon a majority vote of the body, but the member is entitled to an opportunity to be heard in his own defense.

Amended by Chapter 158, 2002 General Session

17-28-2.4 County Fire Civil Service System rules and policies.
(1) The executive director shall recommend rules and policies for the County Fire Civil Service System, which shall be subject to approval by the county legislative body.
(2) The County Fire Civil Service System rules shall provide for recruiting activities, including the recruiting of minorities and women, job-related minimum requirements, selection procedures,

certification procedures, appointments, probationary periods, promotion, position classification, recordkeeping, reductions in force, grievances and complaints, disciplinary action, work hours, holidays, and other necessary and proper requirements not inconsistent with this chapter.
(3) The executive director shall publish or cause to be published these rules and policies in a manual form, to be updated regularly and made available to fire department employees.

Enacted by Chapter 115, 1992 General Session

17-28-2.6 Merit principles.

The County Fire Civil Service System shall be established and administered in a manner that will provide for the effective implementation of the following merit principles:
(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
(2) provision of equitable and adequate job classification and compensation systems, including pay and benefits programs;
(3) training of employees as needed to assure high-quality performance;
(4) retention of employees on the basis of the adequacy of their performance and separation of employees whose inadequate performance cannot be corrected;
(5) fair treatment of applicants and employees in all aspects of personal administration without regard to race, color, religion, sex, national origin, political affiliation, age, or disability, and with proper regard for their privacy and constitutional rights as citizens;
(6) provision of information to employees regarding their political rights and prohibited practices under the Hatch Act; and
(7) provision of a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

Amended by Chapter 73, 2001 General Session

17-28-3 Organization of council -- Accommodations.
(1) The County Fire Civil Service Council shall select one of its members as chair.
(2) The county executive shall assign a qualified employee of the county to act as secretary to the council and a qualified attorney to act as legal counsel to the council, each of which shall be acceptable to the council and shall act and serve without additional compensation.
(3) The county executive shall provide suitable accommodations, equipment, and necessary funds to enable the council of its county to properly conduct its business.

Amended by Chapter 158, 2002 General Session

17-28-4 Duties of secretary.

The secretary of the County Fire Civil Service Council shall keep a record of all its meetings, work, and official acts, and shall perform other service as required by the council. The secretary shall have custody of the council's books and records.

Amended by Chapter 115, 1992 General Session

17-28-5 Appointment of county fire department personnel -- Volunteers.
(1)

(a) Except for the chief and deputy chief of a county fire department, all firefighter positions in county fire departments shall be filled by persons appointed from a certified county fire civil service register.
(b) County fire civil service registers for employment and promotion shall be prepared by the County Fire Civil Service executive director according to the requirements of this chapter and civil service rules.

(2)
(a) The chief and the deputy chief of any county fire department may be appointed from either the certified county fire civil service register or from qualified applicants outside of the county civil service system.
(b) The positions of chief and deputy chief are exempt from civil service status.
(c) A chief or deputy chief who is appointed from the certified county fire civil service register shall be returned to the civil service status that he held before his appointment after his appointment expires or terminates.

(3)
(a) All persons employed as firefighters, emergency medical technicians, or a combination of firefighter and emergency medical technician, shall be subject to the provisions of this chapter and shall be members of the County Fire Civil Service System.
(b) Other fire department employees who do not provide firefighter services are not considered subject to this chapter and shall be covered by the countywide merit system.

(4)
(a) A volunteer firefighter or paid-call firefighter is not subject to this chapter and is not a merit employee subject to the County Fire Civil Service System.
(b)
(i) Except as provided in Subsection (4)(b)(ii), a volunteer or paid-call firefighter may not work more than 1,040 hours per calendar year.
(ii) Notwithstanding Subsection (4)(b)(i), a wildland firefighter may work more than 1,040 hours per calendar year if approved by the county legislative body.
(iii) For purposes of this Subsection (4)(b), "wildland firefighter" means a seasonally employed firefighter who does not receive the same employment benefits as a full-time employee and who is hired to suppress wildland fires in areas outside of inhabited, urban areas.

Amended by Chapter 170, 1997 General Session

17-28-6 County Fire Civil Service executive director -- Powers and duties.

(1)
(a) Within each county subject to this chapter, there is created the office of executive director of County Fire Civil Service, who shall be appointed by the county executive.
(b) The executive director shall be a person with proven experience in personnel management and shall be accountable to the county executive for his performance in office.
(c) The position of executive director shall be a merit position under Title 17, Chapter 33, County Personnel Management Act, and shall be recruited and selected in the same manner as the holders of other career service merit positions, with the concurrence of the County Fire Civil Service Council.

(2) The County Fire Civil Service executive director shall:
(a) exercise, on behalf of the county, executive or administrative duties regarding the management and administration of the County Fire Civil Service System, including the management and administration of examinations, classification of duties, preparation of hiring

registers, recommendations regarding civil service regulations and policies, and other duties provided in this chapter;
(b) classify persons successfully passing examinations in the order of their ascertained merit and prepare a list of them;
(c) make certification of classifications when required;
(d) make, publish, and distribute necessary rules relative to examinations, classifications, and certifications as may be proper and desirable in the administration of this chapter;
(e) establish and maintain records of employees in the County Fire Civil Service System setting forth as to each employee class, title, pay, status, and other relevant data;
(f) make necessary and proper reports to the County Fire Civil Service Council, the fire chief, or the county executive;
(g) apply and carry out the provisions of this chapter and the policies and rules adopted under it; and
(h) perform other lawful acts that may be necessary or desirable to carry out the purposes of this chapter.
(3) The executive director shall appoint the members of and act as chair to a County Fire Civil Service Advisory Committee which shall assist the executive director in making recommendations to the county executive regarding County Fire Civil Service System rules and policies.

Amended by Chapter 158, 2002 General Session

17-28-7 Examinations.
(1) A person may not be appointed to any civil service position as a firefighter in any fire department subject to the provisions of this chapter until he has successfully passed an examination and been certified as eligible for consideration by the County Fire Civil Service executive director, except that any honorably discharged veteran of the United States military service shall receive preferential employment consideration for entry into the County Fire Civil Service System.
(2) All examinations shall be public, competitive, and free and fairly test the ability of persons to discharge the duties of the position.

Amended by Chapter 115, 1992 General Session

17-28-8 Eligible appointees to fire department.
The fire chief of each fire department of counties subject to the provisions of this chapter shall, subject to the rules of the County Fire Civil Service Council, appoint from the certified county fire civil service register, all persons necessary to fill all firefighter civil service positions in the county fire department.

Amended by Chapter 115, 1992 General Session

17-28-9 Certification of eligible appointees -- Probationary period.
(1) The fire chief of each county fire department shall notify the County Fire Civil Service executive director of all positions to be filled in his department when the need arises. The County Fire Civil Service executive director shall then, as soon as possible, certify from the certified county fire civil service register to the head of the fire department the appropriate number of persons, consistent with adopted rules.

(2) Appointments from the certified register shall be placed on probation under conditions and for a period as prescribed by County Fire Civil Service Council rules.

Amended by Chapter 115, 1992 General Session

17-28-10 Vacancies in civil service positions.

Any vacancy occurring in any county fire civil service position in any county fire department subject to this chapter shall be filled by an employee of the department having a lesser, equal, or superior position than that in which the vacancy occurs if that employee submits himself to examination for the position, is found qualified, and is certified by the County Fire Civil Service executive director as provided in this chapter.

Amended by Chapter 115, 1992 General Session

17-28-11 Temporary work -- Term or period.

(1) Subject to Subsection (2), the head of any county fire department coming within the provisions of this act may with the advice and consent of the county legislative body, appoint to any position or place of employment in the fire department, any person for temporary work without making the appointment from the certified civil service list.
(2) An appointment described in Subsection (1) may not be longer than one month in the aggregate in the same calendar year.

Amended by Chapter 297, 2011 General Session

17-28-12 Removal from office and disciplinary action -- Appeals -- Hearing and determination -- Findings.

(1) Any person holding a position under this chapter may be removed from office or employment, reduced in rank or grade, or otherwise disciplined by the fire chief for misconduct, incompetency, failure to perform the duties of his employment or to properly observe the rules of the office or department in which he is employed, or for other cause, as set out in County Fire Civil Service Council rules.
(2) Any such disciplinary action is subject to appeal in all cases by the aggrieved party to the County Fire Civil Service Council in the manner established by rule. After an appeal is filed the council shall, as soon as practicable, hear and determine the matter.
(3) If it determines that it is in the best interest of the county, the county legislative body may appoint an administrative law judge, trained and experienced in personnel matters, to initially hear the matter. Upon hearing, the administrative law judge shall make findings of fact and a recommendation to the council. The council may adopt or reject the recommendation of the administrative law judge or request that the judge hold further factual hearings prior to the council's decision.
(4) The council may then affirm, modify, vacate, or set aside the order for disciplinary action.
(5) The aggrieved party shall, upon demand, be granted a public hearing, at which he may appear in person or by counsel or both.
(6) After the hearing, the findings and determination of the County Fire Civil Service Council shall be certified to the head of the county fire department from whose order the appeal is taken. Notice in writing of the determination shall be served upon the person affected.
(7) The council determination shall be enforced and followed by the head of the fire department until an appeal is taken to the district court by any affected person.

Amended by Chapter 227, 1993 General Session

17-28-13 Appeal to district court.

(1) Any person aggrieved by a determination of the County Fire Civil Service Council may, within 30 days after notice of the council's ruling, institute an action in the district court of the county or in the county of the aggrieved person's residence, against the County Fire Civil Service Council in its official capacity, setting out his grievance and his right to complain. In its answer, the council may set out any matter in justification.

(2) The court shall determine the issues of both questions of law and fact and may affirm, set aside, or modify the council ruling.

Amended by Chapter 115, 1992 General Session

17-28-14 Reports by executive director.

Each County Fire Civil Service executive director shall, each December, make an annual report to the county executive and the county legislative body and shall make other reports as required by the county executive regarding the activities of the County Fire Civil Service Council and System.

Amended by Chapter 158, 2002 General Session

Chapter 30
Deputy Sheriffs - Merit System

17-30-1 Definitions.

(1) "Governing body" means the county legislative body.

(2) "Appointing authority" means the sheriff of a county having jurisdiction over any peace officer.

(3) "Peace officer" means any paid deputy sheriff, other than a chief deputy designated by the sheriff, who is in the continuous employ of a county.

(4) "Commission" means the merit system commission consisting of three persons appointed as provided in Section 17-30-3 and having the duty, power, and responsibility for the discharge of the functions of this chapter.

(5) "Department of Public Safety" means the department created in Section 53-1-103.

Amended by Chapter 218, 2009 General Session

17-30-2 Application -- Subordinate officers in sheriff's office to be appointed from list -- Officers serving on effective date considered qualified.

(1) This chapter does not apply to a county of the first class or an interlocal entity, as defined in Section 11-13-103, in which a county of the first class is a party to an interlocal agreement to provide law enforcement service.

(2) From and after the effective date of this act the sheriff of each county with a population of 20,000 people or more which shall regularly employ one or more peace officers shall, by and with the advice and consent of the county legislative body, and subject to the rules and regulations of the merit service commission, appoint from the classified merit service list furnished by the merit service commission, all subordinate peace officers in his department

and in like manner fill all vacancies in the same and shall further promote, transfer, demote, suspend or remove peace officers in accordance with the provisions of this act.
(3) Every peace officer who is serving as such upon the effective date of this act is considered fully qualified for such position without examination or test and is considered to have been appointed and to hold his position and classification pursuant to the provisions of this act.
(4) Counties with a population of less than 20,000 people may implement a deputy sheriff's merit system if approved by the county legislative body or the people of the county through referendum or initiative.

Amended by Chapter 366, 2014 General Session

17-30-3 Establishment of merit system commission -- Appointment, qualifications, and compensation of members.

(1)
(a) Each county with a population of 20,000 or more shall establish a merit system commission consisting of three members appointed as provided in Subsection (1)(b).
(b)
(i) As used in this Subsection (1)(b):
(A) "Police interlocal entity" means an interlocal entity, as defined in Section 11-13-103, that is created:
(I) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a county of the first class is a party; and
(II) to provide law enforcement service to an area that includes the unincorporated part of the county.
(B) "Police special district" means a special district, as defined in Section 17B-1-102:
(I) whose creation was initiated by the adoption of a resolution under Section 17B-1-203 by the legislative body of a county of the first class, alone or with one or more other legislative bodies; and
(II) that is created to provide law enforcement service to an area that includes the unincorporated part of the county.
(ii) For a county in which a police interlocal entity is created, whether or not a police special district is also created in the county:
(A) two members shall be appointed by the legislative body of the county; and
(B) one member shall be appointed by the governing body of the interlocal entity.
(iii) For a county in which a police special district is created but in which a police interlocal entity has not been created:
(A) two members shall be appointed by the legislative body of the county; and
(B) one member shall be appointed by the board of trustees of the police special district.
(iv) For each other county, all three members shall be appointed by the county legislative body.
(c) Not more than two members of the commission shall be affiliated with or members of the same political party.
(d) Of the original appointees, one member shall be appointed for a term ending February 1 of the first odd-numbered year after the date of appointment, and one each for terms ending two and four years thereafter.
(e) Upon the expiration of any of the terms, a successor shall be appointed for a full term of six years.
(f) Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired portion of the term only.

(2) Members of a commission shall be citizens of the state, shall have been residents of the area embraced by the governmental unit from which appointed not less than five years next preceding the date of appointment, and shall hold no other office or employment under the governmental unit for which appointed.
(3) The county legislative body may compensate a member for service on the commission and reimburse the member for necessary expenses incurred in the performance of the member's duties.

Amended by Chapter 15, 2023 General Session

17-30-4 General duty of commission.

The commission shall be responsible for carrying out the provisions of this act, and shall make all necessary rules and regulations, not in conflict with the provisions hereof, as may be necessary for that purpose.

Enacted by Statewide Initiative A, Nov. 8, 1960

17-30-5 Organization of commission -- Secretary -- Offices -- Job classification plan.

Each merit system commission shall be organized by its members who shall select one member as chairman and shall have assigned to it by the county legislative body, a qualified employee of the county to act as secretary. Such employee shall be acceptable to the commission and shall act and serve as secretary without additional compensation unless the county legislative body so specifies. The county legislative body shall provide suitable accommodations, supplies and equipment as needed to enable the commission to attend to its business. The commission shall formulate a comprehensive job classification plan covering all peace officers of the governmental unit. The plan shall place all positions requiring substantially the same duties and qualifications in the same classification and shall include minimum physical and educational qualifications of the applicants for each position, and provide standards for promotion. The commission shall adopt a classification plan which shall be the basis of the administration of this act until changed with the approval of the commission. In the event a new position is created and approved by the governing body, such position shall automatically be classified and become a part of the classification plan.

Amended by Chapter 227, 1993 General Session

17-30-6 Examinations -- How prepared, conducted, and graded -- Notice of examination.

(1)
  (a) When necessary, the commission shall give competitive examinations to determine the qualification of applicants for positions as peace officers.
  (b) The examinations shall be practical in character and shall relate to matters that will fairly test the mental and physical ability and knowledge of the applicants to discharge the duties of the positions.
  (c) The examinations shall be prepared, conducted, and graded under the direction of the commission, or by impartial special examiners if the commission finds it necessary.
(2)
  (a) Notice of examination shall be:
    (i)
      (A) published one time not less than 15 days before the examination in a newspaper of general circulation in the area concerned; and

(B) published, in accordance with Section 45-1-101, for 15 days before the examination; and
(ii) posted in a conspicuous place in the office of the department concerned.
(b) The notice shall set forth minimum and maximum wages, physical and educational requirements, and passing grades, which shall be not less than 70%.
(c) A person completing an examination shall be promptly notified by mail at his last known address of his final grade.

Amended by Chapter 388, 2009 General Session

17-30-7 Disqualification of applicant for examination -- Appeal to commission.
(1) The commission shall disqualify an applicant for examination who:
(a) does not meet advertised qualifications;
(b) has been convicted of a criminal offense inimical to the public service, or involving moral turpitude;
(c) has practiced or attempted deception or fraud in the applicant's application or examination, or in securing eligibility for appointment; or
(d) is not:
(i) a citizen of the United States; or
(ii) a lawful permanent resident of the United States who:
(A) has been in the United States legally for the five years immediately before the day on which the application is made; and
(B) has legal authorization to work in the United States.
(2) If an applicant is rejected, the applicant shall be notified by mail at the applicant's last known address.
(3) At any time before the day on which the examination is held, an applicant may correct a defect in the applicant's application, or appeal in writing to the commission.

Amended by Chapter 13, 2021 Special Session 1

17-30-8 Preservation and inspection of examination papers.
All examination papers shall remain the property of the commission, and shall be preserved until the expiration of the eligible register for the preparation of which an examination is given. Examination papers are not open to public inspection without court order, but an applicant may inspect the applicant's own papers at any time within 30 days after the mailing of notice of the applicant's grade. The appointing authority may inspect the papers of any eligible applicant certified for appointment.

Amended by Chapter 297, 2011 General Session

17-30-9 Preparation and expiration of eligible register.
(1) Upon completion of an examination the commission shall prepare an eligible register containing the names of all persons receiving a passing grade in the order of grades earned, beginning with the highest.
(2) An eligible register shall expire not later than two years after the date of the examination unless the commission, for good reason, shall extend the time not to exceed one additional year. The promulgation of a new eligible register shall automatically cancel all previous registers for the same class or position.

Enacted by Statewide Initiative A, Nov. 8, 1960

17-30-10 Appointments from eligible register -- Failure to accept appointment.

(1) When a peace officer is to be appointed, the appointing authority shall request the merit system commission to certify three eligible applicants for the position. The commission shall thereupon certify to the appointing authority the names of the three applicants standing highest on the eligible register. The appointing authority shall select and appoint one of the persons so certified.

(2) In the event a certified person fails to accept a proffered appointment, the certified person may, at the certified person's request, retain the certified person's place on the eligible register if the certified person submits in writing reasons sufficient in the judgment of the commission to justify such failure.

Amended by Chapter 365, 2024 General Session

17-30-11 Probationary period of appointment.

(1) Any peace officer appointed under Section 17-30-10 shall serve a probationary period of 12 consecutive months, during which time he may be discharged by the appointing authority.

(2) The probationary period shall be extended beyond the 12 months under Subsection (1) as necessary for an officer who has not yet satisfactorily completed an approved peace officer training program and also received a certificate of completion, under Title 53, Chapter 6, Peace Officer Standards and Training Act.

(3)

(a) Continuance in the position after the expiration of the probationary period constitutes a permanent appointment.

(b) Service under a temporary or emergency appointment is not considered as part of the probationary period.

(4) A person removed during the probationary period may not be placed on the eligible register again without having passed another regular examination.

Amended by Chapter 149, 2007 General Session

17-30-12 Vacancies -- Positions requiring special qualifications -- Competition suspended -- Promotion -- Promotional register.

(1) In case of vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments the board may, after public hearing and by the affirmative vote of all members suspend competition, and all such cases of suspension shall be reported together with the reason therefor, in the annual reports of the commission.

(2) Vacancies occurring in the merit system classification of any county shall be filled by promotion insofar as possible. A promotion shall be made only after an open competitive examination, admission to which shall be limited to merit system officers. Such examination shall include an average of service ratings for the next preceding year, a rating of seniority, and test the competence of the peace officer to perform the duties required in the position for which application is made. The combined weights of service rating and seniority shall be not more than 40% of the whole examination. Succeeding vacancies shall also be filled by promotion

until the lowest grade is reached, which grade shall then be filled from the eligible list as herein set forth.

(3) After a promotional examination, the commission shall prepare a promotional register which shall take precedence over an eligible register. Certification therefrom shall be made in the same manner as from an eligible register.

Enacted by Statewide Initiative A, Nov. 8, 1960

17-30-13 Transfer of officer.

A merit system officer may be transferred, without examination, from one position to a similar position in the same class and grade in the same governmental unit.

Enacted by Statewide Initiative A, Nov. 8, 1960

17-30-14 Temporary appointment.

A temporary appointment for a period not exceeding 60 days may be made, pending examination, when there is no eligible, promotion, or re-employment register in existence.

Enacted by Statewide Initiative A, Nov. 8, 1960

17-30-15 Emergency appointment.

An emergency appointment may be made for a period not exceeding seven days, and with the consent of the commission may be extended one time for an additional period of not to exceed seven days, in the event an eligible person is not immediately available from the eligible, promotion, or re-employment register and the work to be performed is necessary to expedite the public business.

Enacted by Statewide Initiative A, Nov. 8, 1960

17-30-16 Temporary layoffs -- Re-employment register.

When necessary because of lack of funds or work an officer may, with the approval of the commission, be temporarily laid off. Such layoff shall be made according to the lowest rating of the officers of the class of position affected, calculated upon seniority under a method prescribed by the commission. A person serving under temporary or emergency appointment shall be laid off before any merit system officer. A merit system officer who is laid off shall be placed upon a re-employment register to be re-employed in the inverse order in which the merit system officer is laid off, which register shall take precedence over all eligible registers.

Amended by Chapter 365, 2024 General Session

17-30-17 Leave of absence -- Sick leaves and vacations.

(1) The appointing authority, with the approval of the commission, may grant an officer a leave of absence without pay for a period not to exceed one year. In the event an officer on leave takes a higher position in police work which does not come under the merit system provisions of this act, the leave may, with the consent of the commission, be renewed. In the event an officer is elected sheriff, or is appointed chief deputy, the officer shall automatically be placed on leave for the period of time the officer remains sheriff or chief deputy. Upon the termination of a leave of absence, the officer shall be returned to the officer's former position.

(2) Sick leaves and vacations with pay shall be as provided by law or ordinance.

Amended by Chapter 365, 2024 General Session

17-30-18 Demotion, reduction in pay, suspension or discharge -- Grounds -- How made.

(1) A merit system officer holding a permanent appointment may be demoted, reduced in pay, suspended, or discharged for:
  (a) neglect of duty;
  (b) disobedience of a reasonable order;
  (c) misconduct;
  (d) inefficiency, or inability to satisfactorily perform assigned duties;
  (e) any act inimical to the public service.
(2) No officer shall be suspended for more than 30 days at one time, nor more than 60 days in one year. Demotion, reduction in pay, suspension, or discharge shall be made upon order of the appointing authority.

Enacted by Statewide Initiative A, Nov. 8, 1960

17-30-19 Disciplinary charges and officer grievances -- Appeal to commission -- Hearing -- Findings.

(1) Each person who orders the demotion, reduction in pay, suspension, or discharge of a merit system officer for any cause set forth in Section 17-30-18 shall:
  (a) file written charges with the commission; and
  (b) serve the officer with a copy of the written charges.
(2)
  (a)
    (i) An officer who is the subject of charges under Subsection (1) may, within 10 days after service of the charges, appeal in writing to the commission.
    (ii) In the absence of an appeal, a copy of the charges under Subsection (1) may not be made public without the consent of the officer charged.
  (b) If an officer files a grievance, as defined by the commission, and exhausts all internal grievance procedures, if any, the officer may, within 10 days after receiving notice of the final disposition of the grievance, file an appeal with the commission.
(3)
  (a) The commission shall:
    (i) fix a time and place for a hearing upon the charges or appeal of the officer grievance; and
    (ii) give notice of the hearing to the parties.
  (b)
    (i) Except as provided in Subsection (3)(b)(ii), each hearing under this Subsection (3) shall be held not less than 10 and not more than 90 days after an appeal or grievance is filed.
    (ii) A hearing may be held more than 90 days after an appeal or grievance is filed if:
      (A) the officer and employer agree; or
      (B) for good cause the commission so orders.
(4)
  (a) If the aggrieved officer so desires, the hearing shall be public.
  (b) The parties may be represented by counsel at the hearing.
(5) After the hearing the commission shall make its decision in writing, including findings of fact, and shall mail a copy to each party.

Amended by Chapter 151, 2000 General Session

17-30-20 Appeal to district court -- Scope of review.

A person aggrieved by an act or failure to act of any merit system commission under this act may appeal to the district court, if the aggrieved person has exhausted the remedies of appeal to the commission. The courts may review questions of law and fact and may affirm, set aside, or modify the ruling complained of.

Amended by Chapter 365, 2024 General Session

17-30-21 Power of commission members to administer oaths and subpoena witnesses -- Rights of, and fees for, witnesses.

(1) Any member of a commission, in performance of his duties as such, shall have power to administer oaths and subpoena witnesses and documents. If a person refuses to [or] fails to obey a subpoena issued by a commissioner, the district court may, upon application of a commissioner, compel obedience as in like cases before the district court.
(2) Witnesses in proceedings before a commission shall be subject to all the rights, privileges, duties and penalties of witnesses in courts of record, and shall be paid the same fees, as an expense of the commission.

Enacted by Statewide Initiative A, Nov. 8, 1960

17-30-22 Prohibitions against political activities -- Penalties.

(1) Any employee of a governmental unit or member of a governing body, or appointing authority, or peace officer who shall appoint, promote, transfer, demote, suspend, discharge or change the amount of compensation of any merit system officer or seek, aid or abet the appointment, promotion, transfer, demotion, suspension, discharge or change in the amount of compensation of any merit system officer, or promise or threaten to do so, for giving, withholding, or neglecting to make any contributions or any service for any political purpose, or who solicits, directly or indirectly, any such contribution or service, from a merit system officer, is guilty of a class B misdemeanor. This section does not apply to political speeches or use of mass communications media for political purposes by persons not merit system officers even though merit system officers may be present or within the reach of such media unless the purpose and intent is to violate this section with direct respect to those officers.
(2) No merit system officer may engage in any political activity during the hours of employment, nor shall any person solicit political contributions from merit system officers during hours of employment for political purposes; but nothing in this section shall preclude voluntary contributions by a merit system officer to the party or candidate of the officer's choice.

Amended by Chapter 148, 2018 General Session

17-30-23 Severability of provisions -- Duty of commission to provide for unspecified activities.

If any section or provision of this act is declared unconstitutional or void, the fact of such holding shall in no wise affect those sections and provisions not held unconstitutional or void and which can be retained in effect without the provision declared unconstitutional and void, and it shall be the duty of the merit service commission to provide by rule for the operation and functioning of any

activity within the purpose and spirit of the act which may be or may become necessary and proper and which is not specifically provided hereby.

Enacted by Statewide Initiative A, Nov. 8, 1960

17-30-24 More than one chief deputy in larger county departments.

In counties employing more than 100 full time uniformed peace officers, the appointing authority, with the consent of the merit commission and the county legislative body, may appoint more than one chief deputy or undersheriff.

Amended by Chapter 227, 1993 General Session

Chapter 30a
Peace Officer Merit System in Counties of the First Class Act

Part 1
General Provisions

17-30a-101 Title.

(1) This chapter is known as "Peace Officer Merit System in Counties of the First Class Act."
(2) This part is known as "General Provisions."

Enacted by Chapter 366, 2014 General Session

17-30a-102 Definitions.

(1) "Appointing authority" means the county sheriff or the chief executive officer of a police interlocal entity.
(2) "Commission" means the merit system commission consisting of three persons appointed in accordance with Section 17-30a-202.
(3) "Department" means a county sheriff's office or a police interlocal entity.
(4) "Legislative body" means the county legislative body or the governing body of the police interlocal entity.
(5) "Merit system officer" means a peace officer who has merit status as defined in this chapter.
(6) "Peace officer" means a paid deputy sheriff or law enforcement officer, other than a chief deputy or other exempt appointed officer designated by the appointing authority, who is in the continuous employ of the appointing authority.
(7) "Police interlocal entity" means an interlocal entity, as defined in Section 11-13-103, created:
  (a) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a county of the first class is a party; and
  (b) to provide law enforcement service to an area that includes the unincorporated part of the county.

Enacted by Chapter 366, 2014 General Session

17-30a-103 Application.

This chapter applies to a county of the first class or a police interlocal entity in which a county of the first class is a party to an interlocal agreement to provide law enforcement service.

Enacted by Chapter 366, 2014 General Session

17-30a-104 Subordinate officers appointed, reappointed -- Officers serving on effective date considered qualified.

(1) The appointing authority of a county or police interlocal entity subject to this chapter that regularly employs one or more peace officers shall:
  (a) appoint a peace officer with the advice and consent of the county legislative body or police interlocal entity governing body, subject to the rules and regulations of the commission;
  (b) appoint each subordinate peace officer;
  (c) fill a vacancy in the department; and
  (d) further promote, transfer, reassign, reappoint, demote, suspend, or remove a peace officer in accordance with the provisions of this chapter.
(2) The commission shall adopt rules governing the appointment of peace officers through reappointment of a former employee who separated in good standing, within one year after separation.
(3) A peace officer appointed before May 13, 2014, is considered to have been appointed to and hold the officer's position and classification pursuant to the provisions of this chapter.

Enacted by Chapter 366, 2014 General Session

Part 2
Merit System Commission Powers and Duties

17-30a-201 Title.

This part is known as "Merit System Commission Powers and Duties."

Enacted by Chapter 366, 2014 General Session

17-30a-202 Establishment of merit commission -- Appointment, qualifications, and compensation of members.

(1)
  (a) Except as provided in Subsection (1)(b), a county subject to this chapter shall establish a merit system commission consisting of three appointed members:
    (i) two members appointed by the legislative body of the county; and
    (ii) one member appointed by the governing body of a police interlocal entity.
  (b) If there is no police interlocal entity within the county, the county legislative body shall appoint all three members of a commission described in Subsection (1)(a).
  (c) No more than two members of the commission may be affiliated with or members of the same political party.
  (d)
    (i) Of the original appointees described in Subsection (1)(a) or (b), one member shall be appointed for a term ending February 1 of the first odd-numbered year after the date of appointment, and one each for terms ending two and four years thereafter.

(ii) For a term subsequent to a term described in Subsection (1)(d), a commission member shall hold a term of six years.

(e) If an appointed position described in Subsection (1)(a) or (b) is vacated for a cause other than expiration of the member's term, the position is filled by appointment for the unexpired portion of the term only.

(2) A member of the commission:

(a) shall be a resident of the state;

(b) for at least five years preceding the date of appointment a resident of:

(i) the county; or

(ii) if applicable, the area served by the police interlocal entity from which appointed; and

(c) may not hold another office or employment with the county or, if applicable, in a municipality served by the police interlocal entity for which the member is appointed.

(3) The county legislative body or interlocal entity governing body may compensate a member for service on the commission and reimburse the member for necessary expenses incurred in the performance of the member's duties.

Enacted by Chapter 366, 2014 General Session

17-30a-203 General duty of commission.

(1) The commission:

(a) is responsible for carrying out the provisions of this chapter; and

(b) shall make necessary rules and regulations to govern the merit system in accordance with this chapter, including:

(i) adopting merit rules regarding:

(A) appointments and registers;

(B) examinations;

(C) promotions;

(D) reassignments;

(E) reappointments;

(F) disciplinary grievance procedures;

(G) administrative reviews;

(H) recognition of the equivalency of another merit system for the purpose of appointing a peace officer from another agency; and

(I) reductions in force;

(ii) adopting a rule regarding the preparation of a job classification plan; and

(iii) adopting rules necessary for the efficient management of the merit system not specifically enumerated above and not inconsistent with this chapter or applicable law.

(2) Upon the request of the appointing authority and after conducting a public hearing, the commission may temporarily suspend a rule if the suspension is necessary for the proper enforcement of this chapter.

Enacted by Chapter 366, 2014 General Session

17-30a-204 Organization of commission -- Support -- Offices.

(1) The members of the commission shall select one member as chair.

(2) The commission shall adopt rules concerning its internal organization and procedures.

(3)

(a) The county sheriff or the chief executive of the police interlocal entity:

(i) shall assign human resources staff sufficient to perform the commission's support duties; and
(ii) may assign other staff to the commission with the consent of the commission.
(b) The county or police interlocal entity shall provide suitable accommodations, supplies, and equipment as needed to enable the commission to attend to its business.
(c) The county sheriff or chief executive of the police interlocal entity may, in accordance with the contracting process established by the county or police interlocal entity, contract support services to third parties.

Enacted by Chapter 366, 2014 General Session

17-30a-205 Comprehensive job classification plan.
(1) The commission shall formulate a comprehensive job classification plan covering all merit system officers employed by the sheriff or by the police interlocal entity.
(2) The plan shall:
(a) place all positions requiring substantially the same duties and qualifications in the same classification;
(b) include minimum physical and educational qualifications of the applicants for each position; and
(c) provide standards for promotion.
(3) In the event a new position is created and approved, the commission shall classify the position in the classification plan.

Enacted by Chapter 366, 2014 General Session

17-30a-206 Oaths and subpoenas -- Witnesses.
(1)
(a) A member of the commission, in performance of commission duties, may administer oaths and subpoena witnesses and documents.
(b) If a person refuses to or fails to obey a subpoena issued by a commissioner, the district court may, upon application by a commissioner, compel obedience.
(2)
(a) A witness in a proceeding before the commission is subject to all the rights, privileges, duties, and penalties of witnesses in courts of record.
(b) The commission shall pay a witness fee equivalent to those paid for a court of record.

Enacted by Chapter 366, 2014 General Session

17-30a-207 Duty of commission to provide for unspecified activities.
The commission may provide by rule for the operation and functioning of an activity within the purpose and spirit of this chapter if the activity is necessary and proper and not otherwise prohibited by law.

Enacted by Chapter 366, 2014 General Session

Part 3

Merit Officer Conditions of Employment

17-30a-301 Title.

This part is known as "Merit Officer Conditions of Employment."

Enacted by Chapter 366, 2014 General Session

17-30a-302 Examinations -- How prepared, conducted, and graded -- Notice of examination.

(1)
(a) If necessary, the commission shall give a competitive examination to determine the qualification of an applicant for a position as a merit system officer.
(b) The commission shall ensure that an examination:
(i) is practical in character; and
(ii) relates to matters that fairly test the mental and physical ability and knowledge of an applicant to discharge the duties of the position.
(c)
(i) Except as provided in Subsection (1)(c)(ii), the commission shall direct the preparation, administration, and grading of the examination.
(ii) The commission may direct an impartial special examiner to prepare, administer, and grade the examination on behalf of the commission.

(2)
(a) The commission shall publish notice of an examination internally and to the public.
(b)
(i) The commission shall design the notice described in Subsection (2)(a) to encourage an applicant to participate in competitive appointments.
(ii) The notice shall set forth minimum qualifications, pay scale, physical and educational requirements, and passing grades.
(c) The commission or the commission's designee shall promptly notify a person of the person's final grade.

Enacted by Chapter 366, 2014 General Session

17-30a-303 Disqualification of applicant for examination -- Appeal to commission.

(1) In accordance with this section and rules adopted by the commission, an applicant may be disqualified if the applicant:
(a) does not meet minimum qualifications;
(b) has been convicted of a criminal offense inimical to the public service or involving moral turpitude;
(c) has practiced or attempted deception or fraud in the application or examination process or in securing eligibility for appointment; or
(d) is not:
(i) a citizen of the United States; or
(ii) a lawful permanent resident of the United States who:
(A) has been in the United States legally for the five years immediately before the day on which the application is made; and
(B) has legal authorization to work in the United States.

(2) If an applicant is rejected, the applicant shall be promptly notified.

(3) At any time before the day on which the examination is held, an applicant may correct a defect in the applicant's application.
(4) An applicant may file a written appeal regarding the application process with the commission at any time before the day on which the examination is held.

Amended by Chapter 13, 2021 Special Session 1

17-30a-304 Preservation and inspection of examination papers.
(1)
(a) Examination papers and related documents are the property of the commission and the commission shall preserve them until the expiration of the eligible register for which an examination is given.
(b) Preservation of examination papers and related documents after the time period described in Subsection (1)(a) is subject to a retention schedule adopted by the commission.
(2)
(a) Except as provided in Subsection (2)(b), examination papers and related documents are not open to public inspection without a court order.
(b) An applicant may inspect the applicant's own papers at any time within 30 days after the commission sends notice of the applicant's grade.
(c) The appointing authority may inspect the papers of any eligible applicant certified for appointment.

Enacted by Chapter 366, 2014 General Session

17-30a-305 Preparation and expiration of eligible appointment register.
(1) Upon completion of an examination, the commission shall prepare and adopt an eligible appointment register containing the names of applicants receiving a passing grade ranked in the order of grades earned, beginning with the highest.
(2)
(a) An eligible appointment register shall expire not later than two years after the date of the examination unless the commission, for good reason, extends the time not to exceed one additional year.
(b) If the commission adopts a new eligible appointment register, a previous appointment register for the same class or position is cancelled.

Enacted by Chapter 366, 2014 General Session

17-30a-306 Appointments from eligible appointment register -- Failure to accept appointment.
(1) If the appointment of a peace officer is an appointment based on an examination, the appointing authority shall request that the commission certify eligible applicants for each position.
(2)
(a) The commission shall certify, to the appointing authority, a number of names equal to three times the number of allocations being filled.
(b) The names of the applicants shall be ranked in order of examination score, beginning with the name of the applicant standing highest on the eligible appointment register.

(3) The appointing authority shall select a person described in Subsection (2)(b) and appoint one person to each open position.
(4) If a certified applicant fails to accept a proffered appointment, the applicant:
(a) may request in writing that the applicant be able to retain the applicant's place on the eligible appointment register; and
(b) shall provide reasons sufficient, in the judgment of the commission, to justify the applicant's failure to accept.

Enacted by Chapter 366, 2014 General Session

17-30a-307 Probationary period of appointment.
(1) A peace officer appointed under Section 17-30a-306 shall serve a probationary period of 12 consecutive months, during which time the officer may be discharged at the sole discretion of the appointing authority.
(2)
(a) At the request of the appointing authority and with the approval of the commission, the probationary period may be extended beyond 12 months for an officer who has not yet satisfactorily completed an approved peace officer training program and received a certificate of completion under Title 53, Chapter 6, Peace Officer Standards and Training Act.
(b) At the request of the appointing authority and with the approval of the commission, the probationary period of an officer may be extended beyond 12 months for good cause shown.
(c) Service under a temporary or part-time appointment is not considered a part of the probationary period.
(3) If a peace officer is retained in a position after the expiration of the probationary period, the officer's retention constitutes appointment to merit status.
(4) A person removed from employment during the probationary period may not be placed on the eligible register again without having passed another regular examination.
(5) The commission may adopt rules governing probationary periods for other appointments, including the appointing or transfer of a peace officer from another jurisdiction.

Enacted by Chapter 366, 2014 General Session

17-30a-308 Vacancies -- Positions requiring special qualifications -- Competition suspended -- Promotion -- Promotional register.
(1) In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional, or expert character, and upon satisfactory evidence that competition is impracticable and the position can best be filled by the selection of some designated person of recognized attainments, the commission may, after a public hearing and by unanimous vote, suspend competition regarding that position.
(2) The commission shall report a suspension under Subsection (1) in the commission minutes, together with the reason for suspension.
(3) With the exception of an appointment made in accordance with a commission rule adopted under Subsection 17-30a-203(1)(b)(i)(H), a department shall fill a supervisor vacancy in the merit system classification by promotion insofar as possible.
(4)
(a) A department shall make a promotion only after an open competitive examination, admission to which shall be limited to merit system officers.

(b) An examination process described in Subsection (4)(a) shall include consideration of the seniority and competence of the peace officer to perform the duties required in the position for which application is made.
(c) The seniority element of the examination may not exceed 40% of the entire examination score.
(5)
(a) After a promotional examination, the commission shall prepare a promotional register that shall take precedence over any previously existing register.
(b) The certified promotional register shall consist of three names for the initial vacancy and one more name for each additional vacancy, ranked in the order of the examination score, beginning with the highest scoring applicant.

Enacted by Chapter 366, 2014 General Session

17-30a-309 Transfer and reassignment.
(1) A merit system officer may be transferred, without examination, from one position to a similar position in the same class and grade within the department.
(2) A merit system officer may be voluntarily reassigned, including to another class and grade, in accordance with rules adopted by the commission.

Enacted by Chapter 366, 2014 General Session

17-30a-310 Temporary and part-time appointment.
(1) A department may appoint an employee to a temporary appointment for a period not exceeding 120 days within any 12 month period.
(2) A temporary employee is not a merit system officer and may be appointed without examination.
(3) A department may appoint an employee to a part-time appointment for a period not to exceed 29 hours per week.
(4) A part-time employee is not a merit system officer and may be appointed without examination.

Enacted by Chapter 366, 2014 General Session

17-30a-311 Temporary layoffs -- Reappointment register.
(1) Subject to Subsections (2) and (3), and if necessary, because of lack of funds or work, a department may temporarily lay off a merit system officer.
(2) A department that lays off a merit system officer under Subsection (1) shall lay off the officer according to the seniority of the officers of the class of positions affected, following the process prescribed by commission rule.
(3) A department shall lay off a person serving under temporary or part-time appointment before a merit system officer.
(4)
(a) If a merit system officer is laid off, the department shall place the officer on a reappointment register to be reappointed in the inverse order in which the officer is laid off.
(b) The register described in Subsection (4)(a) takes precedence over all eligible reappointment registers.

Enacted by Chapter 366, 2014 General Session

17-30a-312 Reappointment after temporary leave.

(1)
(a) Consistent with rules adopted by the commission and within the appointing authority's discretion, a merit system officer may be granted a temporary leave of absence outside the department.
(b) Leave granted under Subsection (1)(a) is without pay and for a period not to exceed one year.
(c) In accordance with applicable law or ordinance, the appointing authority may reappoint the officer without examination at the end of the leave.

(2)
(a) In the event a merit system officer is elected sheriff or is appointed to any merit-exempt position in the department, the officer's merit system status shall automatically be suspended for the period of time the officer remains sheriff or in a merit-exempt appointment.
(b) At the end of the period of election to sheriff or suspension of merit status under Subsection (2)(a), the officer shall be returned to the officer's former position as a merit system officer without examination.

(3) The appointing authority shall authorize any leave required by federal law.

Enacted by Chapter 366, 2014 General Session

17-30a-313 Vacation, sick leave, and other benefits.

For merit system officers, provisions regarding vacation, sick, other leave, or any other employment condition or benefit not covered by this chapter shall be established by:

(1) applicable law;
(2) county ordinance or regulation; or
(3) police interlocal entity rule or regulation.

Enacted by Chapter 366, 2014 General Session

17-30a-314 Prohibitions against political activities -- Penalties.

(1)
(a) An officer, employee, or member of a governing body of a county or a police interlocal entity, whether elected or appointed, may not directly or indirectly coerce, command, or advise a merit system officer to pay, lend, or contribute part of the officer's salary or compensation or anything else of value to a party, committee, organization, agency, or person for political purpose.
(b) A county or police interlocal entity officer, employee, or member of a governing body, whether elected or appointed, may not make or attempt to make a merit system officer's personnel status dependent upon the officer's support or lack of support for a political party, committee, organization, agency, or person engaged in a political activity.

(2) Subsection (1) does not apply to political speeches or use of mass communications media for political purposes by a person where a merit system officer is present, unless the purpose and intent of the speaker is to violate this section with direct respect to those merit system officers.

(3)
(a) Except as provided in Subsection (3)(b), a merit system officer may not engage in a political activity or solicit political contributions from merit system officers during the hours of employment, or use employer resources at any time for political purposes.
(b) Subsection (3)(a) does not preclude a voluntary contribution by a merit system officer to the party or candidate of the officer's choice.

Enacted by Chapter 366, 2014 General Session

Part 4
Disciplinary Actions and Appeals

17-30a-401 Title.

This part is known as "Disciplinary Actions and Appeals."

Enacted by Chapter 366, 2014 General Session

17-30a-402 Disciplinary charges -- Grounds -- Process.

(1) An appointing authority may demote, suspend, discharge, or reduce a merit system officer's pay for:
  (a) neglect of duty;
  (b) disobedience of a reasonable order;
  (c) misconduct;
  (d) inefficiency or inability to satisfactorily perform assigned duties; or
  (e) an act inimical to public service.
(2) A department may not suspend a merit system officer for more than 176 work hours at one time or for more than 352 work hours in one year.
(3) The appointing authority shall order the demotion, reduction in pay, suspension, or discharge of a merit system officer.

Enacted by Chapter 366, 2014 General Session

17-30a-403 Disciplinary charges -- Appeal to commission -- Hearing -- Findings.

(1) The appointing authority:
  (a) may impose disciplinary charges in accordance with a rule, policy, ordinance, or law; and
  (b) shall serve the merit system officer to be disciplined with a copy of the written charges.
(2)
  (a) A disciplined merit system officer may file an appeal of the disciplinary charges with the department, which shall conduct the appeal internally.
  (b) The department shall conduct an appeal in accordance with rules or policies adopted by the appointing authority.
(3) If the disciplinary charges are sustained on internal appeal, the merit system officer may appeal to the commission in accordance with the provisions of this section and commission rule.
(4)
  (a) A merit system officer disciplined in accordance with Subsection (1) may, within 10 calendar days after the internal department appeal decision described in Subsection (2), make an appeal in writing to the commission.
  (b) If the merit system officer fails to make an internal appeal of the disciplinary action, the officer may not appeal to the commission.
(5) The commission may hear appeals regarding demotion, reduction in pay, suspension, or discharge of a merit system officer for any cause provided in Section 17-30a-402.
(6)

(a) The commission shall:
(i) fix a time and place for a hearing on the appeal; and
(ii) give notice of the hearing to the parties.
(b)
(i) Except as provided in Subsection (6)(b)(ii), the commission shall hold a hearing under this Subsection (6) no less than 10 and no more than 90 days after an appeal is filed.
(ii) The commission may hold a hearing more than 90 days after an appeal is filed if:
(A) the parties agree; or
(B) the commission finds that the delay is for good cause.
(7)
(a) The commission shall hold the hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act.
(b) Notwithstanding Subsection (7)(a), if the commission proposes to and is authorized to close the hearing to the public in accordance with Title 52, Chapter 4, Open and Public Meetings Act, the commission shall open the meeting to the public if the aggrieved officer requests that the commission open the hearing.
(8) The parties may be represented by counsel at the hearing.
(9) The commission, on its own motion or at the request of the appointing authority, may dismiss an appeal for unjustified delay, removal to a court or other venue, or for other good cause shown.
(10) In resolving an appeal, the commission may sustain, modify, or vacate a decision of the appointing authority.
(11) After the hearing, the commission shall publish a written decision, including findings of fact and conclusions of law, and shall notify each party.

Amended by Chapter 349, 2021 General Session

17-30a-404 Appeal to Court of Appeals -- Scope of review.
(1) A person may appeal a final action or order of the commission to the Court of Appeals for review.
(2) A person shall file a notice of appeal within 30 days of the issuance of the final action or order of the commission.
(3) The Court of Appeals shall base its review on the record of the commission and for the purpose of determining if the commission has abused its discretion or exceeded its authority.

Enacted by Chapter 366, 2014 General Session

Part 5
Miscellaneous Provisions

17-30a-501 Title.
This part is known as "Miscellaneous Provisions."

Enacted by Chapter 366, 2014 General Session

17-30a-502 More than one chief deputy in larger county departments.

The sheriff, with the consent of the commission and the county legislative body, may appoint more than one chief deputy, deputy chief, or undersheriff.

Enacted by Chapter 366, 2014 General Session

Chapter 31
Recreational, Tourist, and Convention Bureaus

17-31-2 Purposes of transient room tax and expenditure of revenue -- Purchase or lease of facilities -- Mitigating impacts of recreation, tourism, or conventions -- Issuance of bonds.

(1) As used in this section:
(a) "Aircraft" means the same as that term is defined in Section 72-10-102.
(b) "Airport" means the same as that term is defined in Section 72-10-102.
(c) "Airport authority" means the same as that term is defined in Section 72-10-102.
(d) "Airport operator" means the same as that term is defined in Section 72-10-102.
(e) "Base year revenue" means the amount of revenue generated by a transient room tax and collected by a county for fiscal year 2018-19.
(f) "Base year promotion expenditure" means the amount of revenue generated by a transient room tax that a county spent for the purpose described in Subsection (2)(a) during fiscal year 2018-19.
(g) "Eligible town" means a town that:
(i) is located within a county that has a national park within or partially within the county's boundaries; and
(ii) imposes a resort communities tax authorized by Section 59-12-401.
(h) "Emergency medical services provider" means an eligible town, a special district, or a special service district.
(i) "Tourism" means an activity to develop, encourage, solicit, or market tourism that attracts transient guests to the county, including planning, development, and advertising for the purpose described in Subsection (2)(a)(i).
(j) "Town" means a municipality that is classified as a town in accordance with Section 10-2-301.
(k) "Transient room tax" means a tax at a rate not to exceed 4.25% authorized by Section 59-12-301.
(2) Subject to the requirements of this section, a county legislative body may impose the transient room tax for the purposes of:
(a) establishing and promoting:
(i) tourism; or
(ii) recreation, film production, and conventions;
(b) acquiring, leasing, constructing, furnishing, maintaining, or operating:
(i) convention meeting rooms;
(ii) exhibit halls;
(iii) visitor information centers;
(iv) museums;
(v) sports and recreation facilities including practice fields, stadiums, and arenas;
(vi) related facilities;

(vii) if a national park is located within or partially within the county's boundaries, the following on any route designated by the county legislative body:
(A) transit service, including shuttle service; and
(B) parking infrastructure; and
(viii) an airport, if:
(A) the county is a county of the fourth, fifth, or sixth class; and
(B) the county is the airport operator of the airport;
(c) acquiring land, leasing land, or making payments for construction or infrastructure improvements required for or related to the purposes listed in Subsection (2)(b);
(d) as required to mitigate the impacts of recreation, tourism, or conventions in counties of the fourth, fifth, and sixth class, paying for:
(i) solid waste disposal operations;
(ii) emergency medical services;
(iii) search and rescue activities;
(iv) law enforcement activities; and
(v) road repair and upgrade of:
(A) class B roads, as defined in Section 72-3-103;
(B) class C roads, as defined in Section 72-3-104; or
(C) class D roads, as defined in Section 72-3-105; and
(e) making the annual payment of principal, interest, premiums, and necessary reserves for any of the aggregate of bonds authorized under Subsection (5).

(3)
(a) The county legislative body of a county that imposes a transient room tax at a rate of 3% or less may expend the revenue generated as provided in Subsection (4), after making any reduction required by Subsection (6).
(b) The county legislative body of a county that imposes a transient room tax at a rate that exceeds 3% or increases the rate of transient room tax above 3% may expend:
(i) the revenue generated from the transient room tax at a rate of 3% as provided in Subsection (4), after making any reduction required by Subsection (6); and
(ii) the revenue generated from the portion of the rate that exceeds 3%:
(A) for any combination of the purposes described in Subsections (2) and (5); and
(B) regardless of the limitation on expenditures for the purposes described in Subsection (4).

(4) Subject to Subsections (6) and (7), a county may not expend more than 1/3 of the revenue generated by a rate of transient room tax that does not exceed 3%, for any combination of the purposes described in Subsections (2)(b) through (2)(e).

(5)
(a) The county legislative body may issue bonds or cause bonds to be issued, as permitted by law, to pay all or part of any costs incurred for the purposes set forth in Subsections (2)(b) through (2)(d) that are permitted to be paid from bond proceeds.
(b) If a county legislative body does not need the revenue generated by the transient room tax for payment of principal, interest, premiums, and reserves on bonds issued as provided in Subsection (2)(e), the county legislative body shall expend that revenue for the purposes described in Subsection (2), subject to the limitation of Subsection (4).

(6)
(a) In addition to the purposes described in Subsection (2), a county legislative body:
(i) may expend up to 4% of the total revenue generated by a transient room tax to pay a provider for emergency medical services in one or more eligible towns; and

(ii) may expend up to 10% of the total revenue generated by a transient room tax for visitor management and destination development if:
(A) a national park is located within or partially within the county's boundaries; and
(B) the county's tourism tax advisory board created under Subsection 17-31-8(1)(a) or the substantially similar body as described in Subsection 17-31-8(1)(b) has prioritized and recommended the use of the revenue in accordance with Subsection 17-31-8(4).

(b) A county legislative body shall reduce the amount that the county is authorized to expend for the purposes described in Subsection (4) by subtracting the amount of transient room tax revenue expended in accordance with Subsection (6)(a) from the amount of revenue described in Subsection (4).

(7)

(a) Except as provided in Subsection (7)(b), a county legislative body in a county of the fourth, fifth, or sixth class shall expend the revenue generated by a transient room tax as follows:
(i) an amount equal to the county's base year promotion expenditure for the purpose described in Subsection (2)(a)(i);
(ii) an amount equal to the difference between the county's base year revenue and the county's base year promotion expenditure in accordance with Subsections (3) through (6); and
(iii)
(A) 37% of the revenue that exceeds the county's base year revenue for the purpose described in Subsection (2)(a)(i); and
(B) subject to Subsection (7)(c), 63% of the revenue that exceeds the county's base year revenue for any combination of the purposes described in Subsections (2)(a)(ii) through (e) or to pay an emergency medical services provider for emergency medical services in one or more eligible towns.

(b) A county legislative body in a county of the fourth, fifth, or sixth class with one or more national recreation areas administered by the National Park Service or the Forest Service or national parks within or partially within the county's boundaries shall expend the revenue generated by a transient room tax as follows:
(i) for a purpose described in Subsection (2)(a) and subject to the limitation described in Subsection (7)(d), the greater of:
(A) an amount equal to the county's base year promotion expenditure; or
(B) 37% of the transient room tax revenue; and
(ii) the remainder of the transient room tax not expended in accordance with Subsection (7)(b)(i) for any combination of the purposes described in Subsection (2) and, subject to the limitation described in Subsection (7)(c), Subsection (6).

(c) A county legislative body in a county of the fourth, fifth, or sixth class may not:
(i) expend more than 4% of the revenue generated by a transient room tax to pay an emergency medical services provider for emergency medical services in one or more eligible towns; or
(ii) expend revenue generated by a transient room tax for the purpose described in Subsection (2)(e) in an amount that exceeds the county's base year promotion expenditure.

(d) A county legislative body may not expend more than 1/5 of the revenue described in Subsection (7)(b)(i) for a purpose described in Subsection (2)(a)(ii).

(e) The provisions of this Subsection (7) apply notwithstanding any other provision of this section.

(f) If the total amount of revenue generated by a transient room tax in a county of the fourth, fifth, or sixth class is less than the county's base year promotion expenditure:
(i) Subsections (7)(a) through (d) do not apply; and

(ii) the county legislative body shall expend the revenue generated by the transient room tax in accordance with Subsections (3) through (6).

Amended by Chapter 15, 2023 General Session

17-31-3 Reserve fund authorized -- Use of collected funds -- Limitation on surplus in fund.

(1) The county legislative body may create a reserve fund.

(2)

(a) Subject to Subsections (2)(b) and (c), a county legislative body shall retain any transient room tax funds collected but not expended during any fiscal year in the reserve fund to be used in accordance with Sections 17-31-2 through 17-31-5.

(b) Except as described in Subsection (2)(c), accumulated unappropriated surplus in the reserve fund, as determined before the county's adoption of a tentative budget, may not exceed 50% of the total transient room tax revenue for the current fiscal year.

(c) For a fiscal year beginning on or after July 1, 2019, and ending on or before July 1, 2023:

(i) if a county receives more than 150% of total transient room tax revenue in the fiscal year compared to the total transient room tax revenue received in the previous fiscal year, accumulated unappropriated surplus in the reserve fund, as determined before the county's adoption of a tentative budget, may not exceed 50% of the total transient room tax revenue for the previous fiscal year plus an amount equal to the total transient room tax revenue that is more than 100% of total transient room tax revenue from the previous fiscal year; and

(ii) if a county adds to the county's reserve fund an amount equal to the total transient room tax revenue that is more than 100% of total transient room tax revenue from the previous fiscal year as authorized in Subsection (2)(c)(i), the county may expend that additional reserve fund money for visitor management and destination development subject to the requirements described in Subsections 17-31-2(6)(a)(ii)(A) and (B).

Amended by Chapter 360, 2022 General Session

17-31-5 General powers and duties of a county legislative body related to the transient room tax.

(1) The legislative body of each county that imposes a transient room tax in accordance with Section 17-31-2:

(a) shall, except as provided in Subsection (2), at least annually consider the priorities and recommendations of the county's tourism tax advisory board created under Subsection 17-31-8(1)(a) or the substantially similar body as described in Subsection 17-31-8(1)(b) in one or more public meetings before finalizing decisions on expenditures of revenue from the transient room tax in each fiscal year;

(b) shall prepare and provide the annual written report for each fiscal year as described in Section 17-31-5.5; and

(c) may do and perform any and all other acts and things necessary, convenient, desirable, or appropriate to carry out the provisions of Sections 17-31-2 through 17-31-5.5.

(2) Subsection (1)(a) does not apply to the legislative body of a county if:

(a) the legislative body of the county has entered into a written contract with a substantially similar body to a tourism tax advisory board as described in Subsection 17-31-8(1)(b); and

(b) the written contract described in Subsection (2)(a) clearly delineates how the expenditures of revenue from the transient room tax are to be spent.

Amended by Chapter 360, 2022 General Session

17-31-5.5 Report by county legislative body -- Content.

(1) The legislative body of each county that imposes a transient room tax under Section 59-12-301 or a tourism, recreation, cultural, convention, and airport facilities tax under Section 59-12-603 shall prepare annually a written report in accordance with Subsection (2).

(2) The report described in Subsection (1) shall include a breakdown of expenditures into the following categories:

(a) for the transient room tax, identification of expenditures for:

(i) establishing and promoting:

(A) recreation;

(B) tourism;

(C) film production; and

(D) conventions;

(ii) acquiring, leasing, constructing, furnishing, or operating:

(A) convention meeting rooms;

(B) exhibit halls;

(C) visitor information centers;

(D) museums; and

(E) related facilities;

(iii) acquiring or leasing land required for or related to the purposes listed in Subsection (2)(a)(ii);

(iv) mitigation costs as identified in Subsection 17-31-2(2)(d); and

(v) making the annual payment of principal, interest, premiums, and necessary reserves for any or the aggregate of bonds issued to pay for costs referred to in Subsections 17-31-2(2)(e) and (5)(a); and

(b) for the tourism, recreation, cultural, convention, and airport facilities tax, identification of expenditures for:

(i) financing tourism promotion, which means an activity to develop, encourage, solicit, or market tourism that attracts transient guests to the county, including planning, product development, and advertising;

(ii) the development, operation, and maintenance of the following facilities as defined in Section 59-12-602:

(A) an airport facility;

(B) a convention facility;

(C) a cultural facility;

(D) a recreation facility; and

(E) a tourist facility;

(iii) mitigation costs as identified in Subsection 59-12-603(2)(b); and

(iv) a pledge as security for evidences of indebtedness under Subsection 59-12-603(3).

(3) For the transient room tax, the report described in Subsection (1) shall include a breakdown of each expenditure described in Subsection (2)(a)(i), including:

(a) whether the expenditure was used for in-state and out-of-state promotion efforts;

(b) an explanation of how the expenditure targeted a cost created by tourism; and

(c) an accounting of the expenditure showing that the expenditure was used only for costs directly related to a cost created by tourism.

(4) On or before October 1, the county legislative body shall provide a copy of the annual written report described in Subsection (1) for the previous fiscal year to:

(a) the Utah Office of Tourism within the Governor's Office of Economic Opportunity;
(b) the county's tourism tax advisory board; and
(c) the Office of the Legislative Fiscal Analyst.

Amended by Chapter 479, 2023 General Session

17-31-8 Tourism tax advisory boards.

(1)
(a) Except as provided in Subsection (1)(b), any county that collects the following taxes shall operate a tourism tax advisory board:
(i) the tax allowed under Section 59-12-301; or
(ii) the tax allowed under Section 59-12-603.
(b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the county has an existing board, council, committee, convention visitor's bureau, or body that substantially conforms with Subsections (2), (3), and (4).

(2) A tourism tax advisory board created under Subsection (1) shall consist of at least five members.

(3) A tourism tax advisory board shall be composed of the following members that are residents of the county:
(a) a majority of the members shall be current employees of entities in the county that are subject to the taxes referred to in Section 59-12-301 or 59-12-603; and
(b) the balance of the board's membership shall be employees of recreational facilities, convention facilities, museums, cultural attractions, or other tourism related industries located within the county.

(4)
(a) Each tourism tax advisory board shall advise the county legislative body on the best use of revenues collected from the tax allowed under Section 59-12-301 by providing the legislative body with a priority listing for proposed expenditures based on projected available tax revenues supplied to the board by the county legislative body on an annual basis.
(b) Each tourism tax advisory board in a county operating under the county commission form of government under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202 shall advise the county legislative body on the best use of revenues collected from the tax allowed under Section 59-12-603 by providing the legislative body with a priority listing for proposed expenditures based on projected available tax revenues supplied to the board by the county legislative body on an annual basis.

(5) A member of any county tourism tax advisory board:
(a) may not receive compensation or benefits for the member's services; and
(b) may receive per diem and travel expenses incurred in the performance of the member's official duties, in accordance with Section 11-55-103.

Amended by Chapter 68, 2018 General Session

17-31-9 Payment to Stay Another Day and Bounce Back Fund and Hotel Impact Mitigation Fund.

A county in which a qualified hotel, as defined in Section 63N-2-502, is located shall:

(1) make an annual payment to the Division of Finance:
(a) for deposit into the Stay Another Day and Bounce Back Fund, established in Section 63N-2-511;

(b) for any year in which the Governor's Office of Economic Opportunity provides a convention incentive, as defined in Section 63N-2-502; and
(c) in the amount of 5% of the state portion, as defined in Section 63N-2-502; and
(2) make payments to the Division of Finance:
(a) for deposit into the Hotel Impact Mitigation Fund, created in Section 63N-2-512;
(b) for each year described in Subsection 63N-2-512(5)(a)(ii) during which the balance of the Hotel Impact Mitigation Fund, defined in Section 63N-2-512, is less than $2,100,000 before any payment for that year under Subsection 63N-2-512(5)(a); and
(c) in the amount of the difference between $2,100,000 and the balance of the Hotel Impact Mitigation Fund, defined in Section 63N-2-512, before any payment for that year under Subsection 63N-2-512(5)(a).

Amended by Chapter 282, 2021 General Session

Chapter 33
County Personnel Management Act

17-33-1 Title -- Establishment of merit system -- Separate systems for peace officers and firemen recognized -- Options of small counties.
(1) This chapter shall be known and may be cited as the "County Personnel Management Act."
(2) A merit system of personnel administration for the counties of the state of Utah, their departments, offices, and agencies, except as otherwise specifically provided, is established.
(3) This chapter recognizes the existence of the merit systems for peace officers of the several counties as provided for in Chapter 30, Deputy Sheriffs - Merit System, and Chapter 30a, Peace Officer Merit System in Counties of the First Class Act, and for firemen of the several counties as provided for in Chapter 28, Firemen's Civil Service Commission, and is intended to give county commissions the option of using the provisions of this chapter as a single merit system for all county employees or in combination with these existing systems for firemen and peace officers.
(4) On or after May 6, 2002, any county that has fewer than 200 employees not covered by other merit systems or not exempt under Subsections 17-33-8(1)(b)(i) through (vii) may, at its option, comply with the provisions of this chapter.
(5) Notwithstanding the provisions of Subsection (4), any county which was in compliance with the provisions of this chapter prior to May 6, 2002, shall continue to comply with the provisions of this chapter even though the county may not thereafter meet or exceed the threshold requirements of Subsection (4).

Amended by Chapter 366, 2014 General Session

17-33-2 Definitions.
As used in this chapter:
(1) "Career service position" means any position in the county service except those exempted under Section 17-33-8.
(2) "Council" means the career service council, a three-member appeals and personnel advisory board.
(3) "Director" means the director of personnel management.

(4) "Eligible applicant" means any applicant that meets the job related minimum requirements established for a position in the career service.
(5) "Eligible list" means a list of eligible applicants ranked in order of relative knowledge, skill, ability and merit.
(6) "Exempt positions" means those positions which are not in the career service as specified in Section 17-33-8.
(7) "Merit system" means a system of personnel administration based on the principles set forth in Section 17-33-3.
(8) "Position classification" means a grouping of positions under the same title which are sufficiently similar to be compensated at the same salary range and to which the same tests of ability can be applied.
(9) "Provisional appointment" means an appointment to fill a position pending the establishment of a register for such position.

Amended by Chapter 182, 1999 General Session

17-33-3 Merit principles.

It is the policy of this state that each county may establish a personnel system administered in a manner that will provide for the effective implementation of the following merit principles:
(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
(2) provision of equitable and adequate compensation;
(3) training of employees as needed to assure high-quality performance;
(4) retention of employees on the basis of the adequacy of their performance, and separation of employees whose inadequate performance cannot be corrected;
(5) fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, or disability, and with proper regard for their privacy and constitutional rights as citizens;
(6) provision of information to employees regarding their political rights and prohibited practices under the Hatch Act; and
(7) provision of a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

Amended by Chapter 73, 2001 General Session

17-33-4 Career service council -- Members and alternate members -- Powers and duties -- Appeals -- Time limit -- Qualifications, appointment, terms, and compensation of council members.

(1)
(a)
(i) There shall be in each county establishing a system a three-member bipartisan career service council appointed by the county executive. The members of the council shall be persons in sympathy with the application of merit principles to public employment.
(ii)
(A) The county executive may appoint alternate members of the career service council to hear appeals that one or more regular career service council members are unable to hear.
(B) The term of an alternate member of the career service council may not exceed one year.

(b) The council shall hear appeals not resolved at lower levels in the cases of career service employees suspended, transferred, demoted, or dismissed as well in the cases of other grievances not resolved by the grievance procedure at the division or departmental level.

(c) The career service council:

(i) may make an initial determination in each appeal whether the appeal is one of the types of matters under Subsection (1)(b) over which the council has jurisdiction;

(ii) shall, subject to Section 17-33-4.5, review written appeals in cases of applicants rejected for examination and report final binding appeals decisions, in writing, to the county legislative body;

(iii) may not hear any other personnel matter; and

(iv) may affirm, modify, vacate, or set aside an order for disciplinary action.

(d)

(i) A person adversely affected by a decision of the career service council may appeal the decision to the district court.

(ii) An appeal to the district court under this Subsection (1)(d) is barred unless it is filed within 30 days after the career service council issues its decision.

(iii) If there is a record of the career service council proceedings, the district court review shall be limited to the record provided by the career service council.

(iv) In reviewing a decision of the career service council, the district court shall presume that the decision is valid and may determine only whether the decision is arbitrary or capricious.

(2) Each council member shall serve a term of three years to expire on June 30, three years after the date of his or her appointment, except that original appointees shall be chosen as follows: one member for a term expiring June 30, 1982; one member for a term expiring June 30, 1983; and one member for a term expiring June 30, 1984. Successors of original council members shall be chosen for three-year terms. An appointment to fill a vacancy on the council shall be for only the unexpired term of the appointee's successor. Each member of the board shall hold office until his successor is appointed and confirmed. A member of the council may be removed by the county executive for cause, after having been given a copy of the charges against him or her and an opportunity to be heard publicly on the charges before the county legislative body. Adequate annual appropriations shall be made available to enable the council effectively to carry out its duties under this law.

(3) Members and alternates of the council shall be United States citizens and be actual and bona fide residents of the state of Utah and the county from which appointed for a period of not less than one year preceding the date of appointment and a member may not hold another government office or be employed by the county.

(4) The council shall elect one of its members as chairperson, and two or more members of the council shall constitute a quorum necessary for carrying on the business and activity of the council.

(5) The council shall have subpoena power to compel attendance of witnesses, and to authorize witness fees where it deems appropriate, to be paid at the same rate as in justice courts.

(6)

(a) Council members shall receive compensation for each day or partial day they are in session at a per diem rate established in accordance with Section 11-55-103.

(b) An alternate member shall receive compensation for each day or partial day that the alternate member is required to replace a regular council member, at a per diem rate established in accordance with Section 11-55-103.

Amended by Chapter 70, 2017 General Session

17-33-4.5 Council may refer an appeal to an administrative law judge for a recommendation -- Council action on recommendation.

(1)
(a) A county legislative body may appoint one or more administrative law judges to hear appeals referred by a career service council under this section.
(b) Each administrative law judge shall be trained and experienced in personnel matters.

(2)
(a) A career service council may refer an appeal to an administrative law judge appointed under Subsection (1) if the career service council determines that the referral is in the parties' best interest.
(b) After holding a hearing on an appeal described in Subsection (2)(a), the administrative law judge shall make findings of fact and a recommendation to the career service council.
(c) After receiving the administrative law judge's recommendation, the career service council may request the administrative law judge to hold a further factual hearing before the career service council issues a decision.
(d) The career service council may adopt or reject the administrative law judge's recommendation, whether before or after a further hearing under Subsection (2)(c).

(3)
(a) A career service council shall refer an appeal to an administrative law judge appointed under Subsection (1) if the county employee or county official assigned by the governing body to manage personnel functions requests that the appeal be referred.
(b) In an appeal described in Subsection (3)(a), the administrative law judge, not the career service council, shall issue a final decision.

Amended by Chapter 145, 2016 General Session

17-33-5 Office of personnel management -- Director -- Appointment and responsibilities -- Personnel rules.

(1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a fetus, regardless of gestational age or the duration of the pregnancy.

(2)
(a)
(i) Each county executive shall:
(A) create an office of personnel management, administered by a director of personnel management; and
(B) ensure that the director is a person with proven experience in personnel management.
(ii) Except as provided in Subsection (2)(b), the position of director of personnel management shall be:
(A) a merit position; and
(B) filled as provided in Subsection (2)(a)(iii).
(iii) Except as provided in Subsection (2)(b), the career service council shall:
(A) advertise and recruit for the director position in the same manner as for merit positions;
(B) select three names from a register; and
(C) submit those names as recommendations to the county legislative body.
(iv) Except as provided in Subsection (2)(b), the county legislative body shall select a person to serve as director of the office of personnel management from the names submitted to it by the career service council.

(b)
(i) Effective for appointments made after May 1, 2006, and as an alternative to the procedure under Subsections (2)(a)(ii), (iii), and (iv) and at the county executive's discretion, the county executive may appoint a director of personnel management with the advice and consent of the county legislative body.
(ii) The position of each director of personnel management appointed under this Subsection (2)(b) shall be a merit exempt position.
(iii) A director of personnel management appointed under this Subsection (2)(b) may be terminated by the county executive with the consent of the county legislative body.
(3) The director of personnel management shall:
(a) encourage and exercise leadership in the development of expertise in personnel administration within the several departments, offices, and agencies in the county service and make available the facilities of the office of personnel management to this end;
(b) advise the county legislative and executive bodies on the use of human resources;
(c) develop and implement programs for the improvement of employee effectiveness, such as training, safety, health, counseling, and welfare;
(d) investigate periodically the operation and effect of this law and of the policies made under it and report findings and recommendations to the county legislative body;
(e) establish and maintain records of all employees in the county service, setting forth as to each employee class, title, pay or status, and other relevant data;
(f) make an annual report to the county legislative body and county executive regarding the work of the department; and
(g) apply and carry out this law and the policies under it and perform any other lawful acts that are necessary to carry out the provisions of this law.
(4)
(a)
(i) The director shall recommend personnel rules for the county.
(ii) The county legislative body may:
(A) recommend personnel rules for the county; and
(B) approve, amend, or reject personnel rules before they are adopted.
(b) The rules shall provide for:
(i) recruiting efforts to be planned and carried out in a manner that assures open competition, with special emphasis to be placed on recruiting efforts to attract minorities, women, persons with a disability as defined by and covered under the Americans with Disabilities Act of 1990, 42 U.S.C. 12102, or other groups that are substantially underrepresented in the county work force to help assure they will be among the candidates from whom appointments are made;
(ii) the establishment of job related minimum requirements wherever practical, that all successful candidates shall be required to meet in order to be eligible for consideration for appointment or promotion;
(iii) selection procedures that include consideration of the relative merit of each applicant for employment, a job related method of determining the eligibility or ineligibility of each applicant, and a valid, reliable, and objective system of ranking eligible applicants according to their qualifications and merit;
(iv) certification procedures that insure equitable consideration of an appropriate number of the most qualified eligible applicants based on the ranking system;

(v) appointments to positions in the career service by selection from the most qualified eligible applicants certified on eligible lists established in accordance with Subsections (4)(b)(iii) and (iv);
(vi) noncompetitive appointments in the occasional instance where there is evidence that open or limited competition is not practical, such as for unskilled positions that have no minimum job requirements;
(vii) limitation of competitions at the discretion of the director for appropriate positions to facilitate employment of qualified applicants with a substantial physical or mental impairment, or other groups protected by Title VII of the Civil Rights Act;
(viii) permanent appointment for entry to the career service that shall be contingent upon satisfactory performance by the employee during a period of six months, with the probationary period extendable for a period not to exceed six months for good cause, but with the condition that the probationary employee may appeal directly to the council any undue prolongation of the period designed to thwart merit principles;
(ix) temporary, provisional, or other noncareer service appointments, which may not be used as a way of defeating the purpose of the career service and may not exceed 270 days;
(x) lists of eligible applicants normally to be used, if available, for filling temporary positions, and short term emergency appointments to be made without regard to the other provisions of law to provide for maintenance of essential services in an emergency situation where normal procedures are not practical, these emergency appointments not to exceed 270 days;
(xi) promotion and career ladder advancement of employees to higher level positions and assurance that all persons promoted are qualified for the position;
(xii) recognition of the equivalency of other merit processes by waiving, at the discretion of the director, the open competitive examination for placement in the career service positions of those who were originally selected through a competitive examination process in another governmental entity, the individual in those cases, to serve a probationary period;
(xiii) preparation, maintenance, and revision of a position classification plan for all positions in the career service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class, the compensation plan, in order to maintain a high quality public work force, to take into account the responsibility and difficulty of the work, the comparative pay and benefits needed to compete in the labor market and to stay in proper alignment with other similar governmental units, and other factors;
(xiv) keeping records of performance on all employees in the career service and requiring consideration of performance records in determining salary increases, any benefits for meritorious service, promotions, the order of layoffs and reinstatements, demotions, discharges, and transfers;
(xv) establishment of a plan governing layoffs resulting from lack of funds or work, abolition of positions, or material changes in duties or organization, and governing reemployment of persons so laid off, taking into account with regard to layoffs and reemployment the relative ability, seniority, and merit of each employee;
(xvi) establishment of a plan for resolving employee grievances and complaints with final and binding decisions;
(xvii) establishment of disciplinary measures such as suspension, demotion in rank or grade, or discharge, measures to provide for presentation of charges, hearing rights, and appeals for all permanent employees in the career service to the career service council;

(xviii) establishment of a procedure for employee development and improvement of poor performance;
(xix) establishment of hours of work, holidays, and attendance requirements in various classes of positions in the career service;
(xx) establishment and publicizing of fringe benefits such as insurance, retirement, and leave programs; and
(xxi) any other requirements not inconsistent with this law that are proper for its enforcement.
(5) Rules adopted pursuant to Subsection (4)(b)(xx) shall provide for at least three work days of paid bereavement leave for an employee:
(a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or
(b) following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if:
(i) the employee is the individual's spouse or partner;
(ii)
(A) the employee is the individual's former spouse or partner; and
(B) the employee would have been a biological parent of a child born as a result of the pregnancy;
(iii) the employee provides documentation to show that the individual intended for the employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a child born as a result of the pregnancy; or
(iv) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement, the employee would have been a parent of a child born as a result of the pregnancy.

Amended by Chapter 166, 2022 General Session
Amended by Chapter 177, 2022 General Session

17-33-6 Certification of eligibility by director -- Power of director to examine payrolls.

No new employee shall be hired in a position covered by this chapter, and no employee shall be changed in pay, title, or status, nor shall any employee be paid, unless certified by the director as eligible under the provisions of, or regulations promulgated under, this chapter. The director of personnel management may examine payrolls at any time to determine conformity with this chapter and the county rules.

Enacted by Chapter 81, 1981 General Session

17-33-7 Functions of county office of personnel management -- Personnel functions of county agencies, departments, or offices.

(1)
(a) The county office of personnel management shall perform the functions required by this Subsection (1).
(b) The county executive, county legislative body, and county office of personnel management may not delegate those functions to a separate county agency, office, or department.
(c) The county office of personnel management shall:
(i) design and administer a county pay plan that includes salaries, wages, incentives, bonuses, leave, insurance, retirement, and other benefits;
(ii) design and administer the county classification plan and grade allocation system, including final decisions on position classification and grade allocation;

(iii) conduct position classification studies, including periodic desk audits, except that an agency, department, or office may submit classification recommendations to the county office of personnel management;
(iv) maintain registers of publicly recruited applicants and certification of top-ranking eligible applicants;
(v) monitor county agency, department, or office personnel practices to determine compliance with equal opportunity and affirmative action guidelines; and
(vi) maintain central personnel records.
(d) The county legislative body may approve, amend, or reject the pay plan.
(2) County agencies, departments, or offices shall:
(a) establish initial job descriptions;
(b) recommend position classifications and grade allocations;
(c) make final selections for appointments and promotions to vacant positions;
(d) conduct performance evaluations;
(e) discipline employees; and
(f) perform other functions approved by the county executive, and agreed to by the county agency, office, or department.

Amended by Chapter 241, 2001 General Session

17-33-8 Career service -- Exempt positions.
(1) The career service:
(a) is a permanent service to which this chapter applies; and
(b) comprises all tenured county positions in the public service, except:
(i) subject to Subsection (2):
(A) the county executive, members of the county legislative body, and other elected officials; and
(B) each major department head charged directly by the county legislative body, or by a board appointed by the county legislative body, with the responsibility of assisting to formulate and carry out policy matters;
(ii) one confidential secretary for each elected county officer and major department head, if a confidential secretary is assigned;
(iii) an administrative assistant to the county executive, each member of the county legislative body, and each elected official, if an administrative assistant is assigned;
(iv) each duly appointed chief deputy of any elected county officer who takes over and discharges the duties of the elected county officer in the absence or disability of the elected county officer;
(v) subject to Subsection (3), a person who is:
(A) appointed by an elected county officer to be a division director, to administer division functions in furtherance of the performance of the elected officer's professional duties;
(B) in a confidential relationship with the elected county officer; and
(C) not in a law enforcement rank position of captain or below;
(vi) each person employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the county legislative body or one of its committees;
(vii) each noncareer employee:
(A) compensated for the employee's services on a seasonal or contractual basis; and
(B) hired on emergency or seasonal appointment basis, as approved by the council; and

(viii) each provisional employee, as defined by the county's policies and procedures or its rules and regulations;
(ix) each part-time employee, as defined by the county's policies and procedures or its rules and regulations;
(x) each employee appointed to perform:
(A) work that does not exceed three years in duration; or
(B) work with limited funding; and
(xi) each position that, by its confidential or key policy-determining nature, cannot or should not be appropriately included in the career service.
(2) Before a position under Subsection (1)(b)(i) may be changed from its current status to exempt or tenured, the career service council shall, after giving due notice, hold a public hearing on the proposed change of status.
(3)
(a) Subsection (1)(b)(v) may not be construed to cause a person serving as a nonexempt employee on May 5, 2008 in a position described in that subsection to lose the nonexempt status.
(b) The elected county officer in a supervisory position over an employee described in Subsection (3)(a) shall work with the county's office of personnel management to develop financial and other incentives to encourage a nonexempt employee to convert voluntarily to exempt status.
(4)
(a) Rules and regulations promulgated under this chapter shall list by job title and department, office or agency, each position designated as exempt under Subsection (1)(b)(xi).
(b) A change in exempt status of a position designated as being exempt under Subsection (1)(b)(xi) constitutes an amendment to the rules and regulations promulgated under this chapter.

Amended by Chapter 25, 2008 General Session
Amended by Chapter 172, 2008 General Session

17-33-9 Acceptance of exempt position by career service employee -- Reappointment register.
(1) Any career service employee accepting an appointment to an exempt position who is not retained by the appointing officer, unless discharged for cause as provided by this act or by regulation, shall:
(a) be appointed to any career service position for which the employee qualifies in a pay grade comparable to the employee's last position in the career service provided an opening exists; or
(b) be appointed to any lesser career service position for which the employee qualifies pending the opening of a position described in Subsection (1) of this section.
(2) The director shall maintain a reappointment register to facilitate the operation of this section, which shall have precedence over other registers.

Enacted by Chapter 81, 1981 General Session

17-33-10 Grievance and appeals procedure -- Employees' complaints of discriminatory employment practice.
(1) Any county to which the provisions of this act apply shall establish in its personnel rules and regulations a grievance and appeals procedure. The procedure shall be used to resolve

disputes arising from grievances as defined in the rules and regulations, including acts of discrimination. The procedure may also be used by employees in the event of dismissal, demotion, suspension, or transfer.

(2) Any charge by a county career service employee of discriminatory or prohibited employment practice as prohibited by Section 34A-5-106, can be filed with the Division of Antidiscrimination and Labor within the Labor Commission. Complaints shall be filed within 30 days of the issuance of a written decision of the county career service council.

Amended by Chapter 297, 2011 General Session

17-33-11 Political activities of employees.

Except as otherwise provided by law or by rules and regulations promulgated under this chapter for federally aided programs, county employees may voluntarily participate in political activity subject to the following provisions:

(1) No person shall be denied the opportunity to become an applicant for a position under the merit system in any covered department by virtue of political opinion or affiliation.

(2) No person employed by the county under the merit system may be dismissed from service as a result of political opinion or affiliation.

(3) A county career service employee may voluntarily contribute funds to political groups and become a candidate for public office.

(4) No county officer or employee, whether elected or appointed, may directly or indirectly coerce, command, or advise any officer or employee covered under the merit system to pay, lend, or contribute part of his or her salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No county officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.

(5) No officer or employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from county employees during hours of employment for political purposes, but nothing in this section shall preclude voluntary contribution by a county employee to the party or candidate of the employee's choice.

(6) Nothing contained in this chapter shall be construed to permit partisan political activity of any county employee who is prevented or restricted from engaging in such political activity by the provision of the federal Hatch Act.

Amended by Chapter 65, 1983 General Session

17-33-11.5 Compliance with Labor Code requirements.

Each county shall comply with the requirements of Section 34-32-1.1.

Enacted by Chapter 284, 2003 General Session

17-33-11.7 Overtime for law enforcement personnel -- Exception.

(1) As used in this section:

(a) "Nonexempt employee" means an county employee who is nonexempt under the requirements of the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

(b) "Overtime" means hours worked in excess of a nonexempt employee's work period.

(c) "Regular hourly rate" means the hourly rate of pay a nonexempt employee receives for hours worked during a work period.
(d) "Work period" means the maximum number of hours, within a specified number of consecutive days, that a nonexempt employee may work before the nonexempt employee is compensated for overtime.
(2) This section does not apply to a county subject to Chapter 30a, Peace Officer Merit System in Counties of the First Class Act.
(3) The legislative body of a county that employs a nonexempt employee engaged in law enforcement activities may, except as otherwise required by a contract or a collective bargaining agreement, enact an ordinance or pass a resolution that:
(a) designates a work period for the nonexempt employee that is the same as, or equivalent to, a work period described in Subsection 63A-17-502(2); and
(b) compensates the nonexempt employee for overtime at a rate of one and one-half times the nonexempt employee's regular hourly rate.

Enacted by Chapter 151, 2024 General Session

17-33-12 Reciprocal agreements for benefit of system -- Cooperation by director with other governmental agencies.
(1) The county may enter into reciprocal agreements, upon such terms as may be agreed upon, for the use of equipment, materials, facilities, and services with any public agency or body for purposes deemed of benefit to the public personnel system.
(2) The director may cooperate with other governmental agencies charged with public personnel administration in conducting personnel tests, recruiting personnel, training personnel, establishing lists from which eligibles shall be certified for appointment and for the interchange of personnel and their benefits.

Enacted by Chapter 81, 1981 General Session

17-33-13 Prohibited actions.
(1) It is an offense for a person to make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provision of this law or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter.
(2) It is an offense for a person, under circumstances not amounting to a violation of Section 76-8-103 or 76-8-105, to directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion, or proposed promotion to, or for any advantage in, a position in the career service.
(3) It is an offense for any employee of the personnel department, examiner, or other person to:
(a) defeat, deceive, or obstruct any person in his or her right to examination, eligibility, certification, or appointment under this chapter; or
(b) furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the career service.

Amended by Chapter 92, 1998 General Session

17-33-14 Violations -- Misdemeanor -- Ineligibility for employment and forfeiture of position.

(1) Any person who willfully violates any provision of this chapter or the rules and regulations promulgated under it is guilty of a class A misdemeanor.
(2) Any person who has been adjudged guilty of violating any of the provisions of this chapter or the rules and regulations promulgated under it shall, for a period of five years, in addition to the sanctions of Subsection (1), be ineligible for appointment to or employment in a position in the county service, and if an officer or employee of the county, shall forfeit that office or position.

Amended by Chapter 241, 1991 General Session

17-33-15 Duty of county legislative body to provide rules or regulations -- Conflicts with state or federal law.
(1) It shall be the duty of the county legislative body to provide by rule or regulation for the operation and functioning of any activity within the purpose and spirit of the act which is necessary and expedient.
(2) If any provision of this act or the application thereof is found to be in conflict with any state or federal law, conflict with which would impair funding otherwise receivable from the state or federal government, the conflicting part is hereby declared to be inoperative solely to the extent of the conflict and with respect to the department, agency, or institution of the county directly affected, but such finding does not affect the operation of the remainder of this act in any of its applications.
(3) Notwithstanding any provision to the contrary, no rule or regulation shall be adopted by the county legislative body which would deprive the county or any of its departments, agencies, or institutions of state or federal grants or other forms of financial assistance.

Amended by Chapter 297, 2011 General Session

17-33-16 Appointment of more than one chief deputy or undersheriff.
A sheriff in a county employing more than 100 full-time uniformed peace officers may, with the consent of the council and the county legislative body, appoint more than one chief deputy or undersheriff.

Enacted by Chapter 172, 2008 General Session

Chapter 34
Municipal-Type Services to Unincorporated Areas

17-34-1 Counties may provide municipal services -- Limitation -- First-class counties to provide certain services -- Counties allowed to provide certain services in recreational areas.
(1) For purposes of this chapter, except as otherwise provided in Subsection (3):
(a) "Greater than class C radioactive waste" has the same meaning as in Section 19-3-303.
(b) "High-level nuclear waste" has the same meaning as in Section 19-3-303.
(c) "Municipal-type services" means:
(i) fire protection service;
(ii) waste and garbage collection and disposal;
(iii) planning and zoning;

(iv) street lighting;
(v) animal services;
(vi) storm drains;
(vii) traffic engineering;
(viii) code enforcement;
(ix) business licensing;
(x) building permits and inspections;
(xi) in a county of the first class:
(A) advanced life support and paramedic services; and
(B) detective investigative services; and
(xii) all other services and functions that are required by law to be budgeted, appropriated, and accounted for from a municipal services fund or a municipal capital projects fund as defined under Chapter 36, Uniform Fiscal Procedures Act for Counties.
(d) "Placement" has the same meaning as in Section 19-3-303.
(e) "Storage facility" has the same meaning as in Section 19-3-303.
(f) "Transfer facility" has the same meaning as in Section 19-3-303.
(2) A county may:
(a) provide municipal-type services to areas of the county outside the limits of cities and towns without providing the same services to cities or towns; and
(b) fund those services by:
(i) levying a tax on taxable property in the county outside the limits of cities and towns;
(ii) charging a service charge or fee to persons benefitting from the municipal-type services; or
(iii) providing funds to a municipal services district in accordance with Section 17B-2a-1109.
(3) A county may not:
(a) provide, contract to provide, or agree in any manner to provide municipal-type services, as these services are defined in Section 19-3-303, to any area under consideration for a storage facility or transfer facility for the placement of high-level nuclear waste, or greater than class C radioactive waste; or
(b) seek to fund services for these facilities by:
(i) levying a tax; or
(ii) charging a service charge or fee to persons benefitting from the municipal-type services.
(4) Each county of the first class shall provide to the area of the county outside the limits of cities and towns:
(a) advanced life support and paramedic services; and
(b) detective investigative services.
(5)
(a) A county may provide fire, paramedic, and police protection services in any area of the county outside the limits of cities and towns that is designated as a recreational area in accordance with the provisions of this Subsection (5).
(b) A county legislative body may designate any area of the county outside the limits of cities and towns as a recreational area if:
(i) the area has fewer than 1,500 residents and is primarily used for recreational purposes, including canyons, ski resorts, wilderness areas, lakes and reservoirs, campgrounds, or picnic areas; and
(ii) the county legislative body makes a finding that the recreational area is used by residents of the county who live both inside and outside the limits of cities and towns.

(c) Fire, paramedic, and police protection services needed to primarily serve those involved in the recreation activities in areas designated as recreational areas by the county legislative body in accordance with Subsection (5)(b) may be funded from the county general fund.
(d) A county legislative body may determine that fire, paramedic, and police protection services within a municipality that is located in an area designated as a recreational area, in accordance with this Subsection (5), may be funded with county general funds if the county legislative body makes a finding that a disproportionate share of public safety service needs within the municipality are generated by residents of the county who live both inside and outside the limits of cities and towns.

Amended by Chapter 510, 2019 General Session

17-34-3 Taxes or service charges.

(1)
(a) If a county furnishes the municipal-type services and functions described in Section 17-34-1 to areas of the county outside the limits of incorporated cities or towns, the entire cost of the services or functions so furnished shall be defrayed from funds that the county has derived from:
(i) taxes that the county may lawfully levy or impose outside the limits of incorporated towns or cities;
(ii) service charges or fees the county may impose upon the persons benefited in any way by the services or functions; or
(iii) a combination of these sources.
(b) As the taxes or service charges or fees are levied and collected, they shall be placed in a special revenue fund of the county and shall be disbursed only for the rendering of the services or functions established in Section 17-34-1 within the unincorporated areas of the county or as provided in Subsection 10-2a-219(2).

(2)
(a) For the purpose of levying taxes, service charges, or fees provided in this section, the county legislative body may establish a district or districts in the unincorporated areas of the county.
(b) A district established by a county as provided in Subsection (2)(a) may be reorganized as a special district in accordance with the procedures set forth in Sections 17D-1-601, 17D-1-603, and 17D-1-604.

(3) Nothing contained in this chapter may be construed to authorize counties to impose or levy taxes not otherwise allowed by law.
(4) Notwithstanding any other provision of this chapter, a county providing fire, paramedic, and police protection services in a designated recreational area, as provided in Subsection 17-34-1(5), may fund those services from the county general fund with revenues derived from both inside and outside the limits of cities and towns, and the funding of those services is not limited to unincorporated area revenues.

Amended by Chapter 15, 2023 General Session

17-34-4 Contracts under Interlocal Cooperation Act.

This chapter may not be construed to prevent counties, cities, and towns from entering into contracts covering the furnishing by one to the other of all or any of the municipal services listed in Section 17-34-1 under Title 11, Chapter 13, Interlocal Cooperation Act, except that where incorporated cities or towns perform one or more of the municipal services set forth in Section

17-34-1 for unincorporated areas of a county, payment shall be made from the special revenue fund.

Amended by Chapter 199, 2000 General Session

17-34-5 Budgeting, accounting for, and disbursing of funds -- Annual audit.

(1)
(a) With respect to the budgeting, accounting for, and disbursing of funds to furnish the municipal-type services and functions described in Section 17-34-1 to areas of the county outside the limits of incorporated towns and cities, including levying of taxes and imposition of fees and charges under Section 17-34-3, each county legislative body shall separately budget and strictly account for and apportion to the costs of providing municipal-type services and functions the following:
(i) the salaries of each county commissioner and the salaries and wages of all other elected and appointed county officials and employees;
(ii) the operation and maintenance costs of each municipal-type service or function provided, set forth separately as line items in the Municipal Services Fund budget;
(iii) the cost of renting or otherwise using capital facilities for the purposes of providing municipal-type services or functions; and
(iv) all other costs including administrative costs associated, directly or indirectly, with the costs of providing municipal-type services or functions.
(b) At all times these funds and any expenditures from these funds shall be separately accounted for and utilized only for the purposes of providing municipal-type services and functions to areas of the county outside the limits of incorporated towns or cities.
(2) To implement Subsection (1):
(a) a budget shall be adopted and administered in the same manner as the budget for general purposes of the county which furnishes the municipal-type services and functions is adopted and administered, either as a part of the general budget or separate from it;
(b) funds for the purposes of furnishing municipal-type services and functions under this chapter shall be collected, held, and administered in the same manner as other funds of the county are collected, held, and administered, but shall be segregated and separately maintained, except that where, in the judgment of the county legislative body, advantages inure to the fund from coinvestment of these funds and other funds also subject to control by the county legislative body, the county legislative body may direct this coinvestment, but in no event may the funds to furnish municipal-type services and functions or the income from their investment be used for purposes other than those described in Section 17-34-1;
(c) expenditures shall be made in the same manner as other expenditures of the county are made; and
(d) any taxes levied under this chapter shall be levied at the same time and in the same manner as other taxes of the county are levied.
(3) An annual audit of the budgeting, accounting for, and disbursing of funds used to furnish municipal-type services and functions, shall be conducted by an independent certified public accountant.

Amended by Chapter 297, 2011 General Session

17-34-6 State to indemnify county regarding refusal to site nuclear waste -- Terms and conditions.

If a county is challenged in a court of law regarding its decision to deny siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste or its refusal to provide municipal-type services regarding the operation of the storage or transfer facility, the state shall indemnify, defend, and hold the county harmless from any claims or damages, including court costs and attorney fees that are assessed as a result of the county's action, if:

(1) the county has complied with the provisions of Subsection 17-27a-401(4)(b) by adopting an ordinance rejecting all proposals for the siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the boundaries of the county;
(2) the county has complied with Subsection 17-34-1(3) regarding refusal to provide municipal-type services; and
(3) the court challenge against the county addresses the county's actions in compliance with Subsection 17-27a-401(4)(b) or 17-34-1(3).

Amended by Chapter 310, 2015 General Session

Chapter 36
Uniform Fiscal Procedures Act for Counties

17-36-1 Title.

This act shall be known and may be cited as the "Uniform Fiscal Procedures Act for Counties."

Enacted by Chapter 22, 1975 General Session

17-36-2 Purpose of chapter.

The purpose of this act is to codify and revise the law relating to county fiscal procedures in order to establish uniform accounting, budgeting, and financial reporting procedures for all counties. The act provides for the establishment of uniform procedures for the adoption and administration of fiscal and optional performance budgets.

The act is intended to enable counties to make financial plans for both current and capital expenditures, to ensure that executive staffs administer their respective functions in accordance with adopted budgets, and to provide taxpayers and investors with information about the financial policies and administration of the county in which they are interested.

Amended by Chapter 73, 1983 General Session

17-36-3 Definitions.

As used in this chapter:

(1) "Accrual basis of accounting" means a method where revenues are recorded when earned and expenditures recorded when they become liabilities notwithstanding that the receipt of the revenue or payment of the expenditure may take place in another accounting period.
(2) "Appropriation" means an allocation of money for a specific purpose.
(3)
(a) "Budget" means a plan for financial operations for a fiscal period, embodying estimates for proposed expenditures for given purposes and the means of financing the expenditures.

(b) "Budget" may refer to the budget of a fund for which a budget is required by law, or collectively to the budgets for all those funds.
(4) "Budgetary fund" means a fund for which a budget is required, such as those described in Section 17-36-8.
(5) "Budget period" means the fiscal period for which a budget is prepared.
(6) "Check" means an order in a specific amount drawn upon the depositary by any authorized officer in accordance with Section 17-19a-301, or 17-24-1.
(7) "County general fund" means the general fund used by a county.
(8) "Countywide service" means a service provided in both incorporated and unincorporated areas of a county.
(9) "Current period" means the fiscal period in which a budget is prepared and adopted.
(10) "Department" means any functional unit within a fund which carries on a specific activity.
(11) "Encumbrance system" means a method of budgetary control where part of an appropriation is reserved to cover a specific expenditure by charging obligations, such as purchase orders, contracts, or salary commitments to an appropriation account. An expenditure ceases to be an encumbrance when paid or when the actual liability is entered in the books of account.
(12) "Estimated revenue" means any revenue estimated to be received during the budget period in any fund for which a budget is prepared.
(13) "Finance officer" means:
(a) the county auditor or the person selected to provide accounting services for the county in accordance with Section 17-19a-205; or
(b) notwithstanding Subsection (13)(a), for the purposes of preparing a tentative budget in a county operating under a county executive-council form of county government, the county executive.
(14) "Fiscal period" means the annual or biennial period for recording county fiscal operations.
(15) "Fund" means an independent fiscal and accounting entity comprised of a sum of money or other resources segregated for a specific purpose or objective.
(16) "Fund balance" means the excess of the assets over liabilities, reserves, and contributions, as reflected by its books of account.
(17) "Fund deficit" means the excess of liabilities, reserves, and contributions over its assets, as reflected by its books of account.
(18) "General fund" is as defined by the Governmental Accounting Standards Board as reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office of the Utah State Auditor.
(19) "Interfund loan" means a loan of cash from one fund to another, subject to future repayment.
(20) "Last completed fiscal period" means the fiscal period next preceding the current period.
(21) "Modified accrual basis of accounting" means a method under which expenditures other than accrued interest on general long-term debt are recorded at the time liabilities are incurred and revenues are recorded when they become measurable and available to finance expenditures of the current period.
(22) "Municipal capital project" means the acquisition, construction, or improvement of capital assets that facilitate providing municipal service.
(23) "Municipal service" means a service not provided on a countywide basis and not accounted for in an enterprise fund, and includes police patrol, fire protection, culinary or irrigation water retail service, water conservation, local parks, sewers, sewage treatment and disposal, cemeteries, garbage and refuse collection, street lighting, airports, planning and zoning, local streets and roads, curb, gutter, and sidewalk maintenance, and ambulance service.

(24) "Retained earnings" means that part of the net earnings retained by an enterprise or internal service fund which is not segregated or reserved for any specific purpose.
(25) "Special fund" means any fund other than the county general fund, such as those described in Section 17-36-6.
(26) "Unappropriated surplus" means that part of a fund which is not appropriated for an ensuing budget period.
(27) "Warrant" means an order in a specific amount drawn upon the treasurer by the auditor.

Amended by Chapter 288, 2022 General Session

17-36-3.5 Fiscal period -- Annual or biennial.

(1) Except as provided in Subsection (2), the fiscal period for each county shall be an annual period beginning on January 1 of each year and ending December 31 of the same calendar year.
(2)
  (a) Notwithstanding Subsection (1), the legislative body of a county may, by ordinance, adopt for the county a fiscal period that is a biennial period beginning January 1 and ending December 31 of the following calendar year.
  (b) Each county adopting an ordinance under Subsection (2)(a) shall separately specify in its budget the amount of ad valorem property tax it intends to levy and collect during both the first half and the second half of the budget period.
  (c) Each county that adopts a fiscal period that is a biennial period under Subsection (2)(a) shall:
    (i) comply with Sections 59-2-912 through 59-2-926 as if it had adopted a fiscal period that is an annual period; and
    (ii) allocate budgeted revenues and expenditures to each of the two annual periods in the biennial budget.
  (d) The legislative body of each county that adopts a fiscal period that is a biennial period under Subsection (2)(a) shall, within 10 days after the adoption of the ordinance adopting the biennial period, deliver a copy of the ordinance to the state auditor.

Enacted by Chapter 300, 1999 General Session

17-36-4 State auditor -- Duties.

(1) The state auditor shall:
  (a) prescribe a uniform system of fiscal procedures for the several counties;
  (b) conduct a constant review and modification of such procedures to improve them;
  (c) prepare and supply each county finance officer with suitable budget forms; and
  (d) prepare instructional materials, conduct training programs, and render other services deemed necessary to assist counties in implementing the uniform system.
(2) The uniform system of procedure may include reasonable exceptions and modifications applicable to counties with a population of 25,000 or less, such population to be determined by the Utah Population Committee. Counties may expand the uniform system to serve better their needs. Deviations from or alterations to the basic prescribed classification system for the identity of funds and accounts should not be made.

Amended by Chapter 288, 2022 General Session

17-36-6 Required funds and accounts.

(1) In its system of accounts, each county shall maintain the following funds or account groups that are appropriate to its needs:
(a) a county general fund;
(b) special revenue funds;
(c) debt service funds to account for the retirement of general obligation bonds or other long-term indebtedness including the payment of interest;
(d) capital project funds, as required to account for the application of proceeds from the sale of general obligation bonds or other general long-term debt, or funds derived from other sources, to the specific purposes for which they are authorized;
(e) a separate fund for each utility or enterprise such as an airport fund, a sewer fund, a water fund, or other similar funds;
(f) intragovernmental service funds;
(g) fiduciary funds such as a cemetery perpetual-care fund or a retirement fund;
(h) a separate fund for each special improvement district, which shall be known as a special assessment fund;
(i) a ledger or group of accounts to record the details relating to the general fixed assets of the county;
(j) a ledger or group of accounts to record the details relating to the general obligation bonds or other long-term indebtedness of the county;
(k) municipal services fund as required in Section 17-36-9; and
(l) any other funds for special purposes required or established under the uniform system of budgeting, accounting, and reporting.
(2) The county shall classify the funds and account groups established under the authority of this section according to the uniform procedures established by this chapter.

Amended by Chapter 451, 2022 General Session

17-36-7 Basis of accounting.

The basis of accounting to record transactions by counties shall be either accrual or modified accrual as prescribed in the uniform system of budgeting, accounting, and reporting.

Enacted by Chapter 22, 1975 General Session

17-36-8 Preparation of budgets.

The finance officer of each county shall prepare each budget period, in a format provided pursuant to Section 17-36-4, a tentative budget for each of the following funds which are included in the county's system of accounts:
(1) county general fund;
(2) special revenue funds;
(3) debt service funds;
(4) capital project funds; and
(5) any other fund or funds for which a budget is required by the uniform system of budgeting, accounting, and reporting.

Amended by Chapter 288, 2022 General Session

17-36-9 Budget -- Financial plan -- Contents -- Municipal services and capital projects funds.
(1)

(a) The budget for each fund shall provide a complete financial plan for the budget period and shall contain in tabular form classified by the account titles as required by the uniform system of budgeting, accounting, and reporting:
(i) estimates of all anticipated revenues;
(ii) all appropriations for expenditures; and
(iii) any additional data required by Section 17-36-10 or by the uniform system of budgeting, accounting, and reporting.
(b) The total of appropriated expenditures shall be equal to the total of anticipated revenues.
(2)
(a) Each first-, second-, and third-class county that provides municipal-type services under Section 17-34-1 shall:
(i) establish a special revenue fund, "Municipal Services Fund," and a capital projects fund, "Municipal Capital Projects Fund," or establish a special district or special service district to provide municipal services; and
(ii) budget appropriations for municipal services and municipal capital projects from these funds.
(b) The Municipal Services Fund is subject to the same budgetary requirements as the county general fund.
(c)
(i) Except as provided in Subsection (2)(c)(ii), the county may deposit revenue derived from any taxes otherwise authorized by law, income derived from the investment of money contained within the municipal services fund and the municipal capital projects fund, the appropriate portion of federal money, and fees collected into a municipal services fund and a municipal capital projects fund.
(ii) The county may not deposit revenue derived from a fee, tax, or other source based upon a countywide assessment or from a countywide service or function into a municipal services fund or a municipal capital projects fund.
(d) The maximum accumulated unappropriated surplus in the municipal services fund, as determined prior to adoption of the tentative budget, may not exceed an amount equal to the total estimated revenues of the current fiscal period.

Amended by Chapter 15, 2023 General Session

17-36-10 Preparation of tentative budget.
(1)
(a) On or before the first day of the next to last month of every fiscal period, the finance officer shall prepare for the next budget period and file with the governing body a tentative budget for each fund for which a budget is required.
(b) During the preparation of a tentative budget described in Subsection (1)(a), the following may participate in the creation of the tentative budget:
(i) for a county commission or expanded county commission form of county government, the county commission;
(ii) for a county executive-council form of county government, the county council and the county executive; and
(iii) for a council-manager form of county government, the county council and the county manager.
(2)

(a) A department for which county funds are appropriated shall file with the finance officer not less than three months before the commencement of each fiscal year on forms furnished by the finance officer a detailed estimate and statement of the revenue and necessary expenditures of the department for the next budget year.

(b) The estimate and statement described in Subsection (2)(a) shall set forth:

(i) the number of persons to be regularly employed;

(ii) the kinds of service the department will perform;

(iii) the salaries and wages the department expects to pay;

(iv) the kind of work the department will perform and the improvements the department expects to make; and

(v) the estimated cost of the service, work, and improvements.

(c) The finance officer shall make the estimate and statement described in Subsection (2)(a) available to:

(i) for a county commission or expanded county commission form of county government, the county commission;

(ii) for a county executive-council form of county government, the county council and the county executive; and

(iii) for a council-manager form of county government, the county council and the county manager.

(d) The statement shall also record performance data expressed in work units, unit costs, man hours, and man years sufficient in detail, content, and scope to permit the finance officer to prepare and process the county budget.

(3) In the preparation of the budget, the finance officer and all other county officers are subject to Sections 17-36-1 through 17-36-44 and to the uniform system of budgeting, accounting, and reporting established therein.

(4) In the tentative budget, the finance officer shall set forth in tabular form:

(a) actual revenues and expenditures in the last completed fiscal period;

(b) estimated total revenues and expenditures for the current fiscal period;

(c) the estimated available revenues and expenditures for the ensuing budget period computed by determining:

(i) the estimated expenditure for each fund after review of each departmental budget request; and

(ii) the total revenue requirements of the fund, including:

(A) the part of the total revenue that will be derived from revenue sources other than property tax; and

(B) the part of the total revenue that will be derived from property taxes; and

(d) if required by the governing body, actual performance experience to the extent available in work units, unit costs, man hours, and man years for each budgeted fund that includes an appropriation for salaries or wages for the last completed fiscal period and the first eight months of the current fiscal period if the county is on an annual fiscal period, or the first 20 months of the current fiscal period if the county is on a biennial fiscal period, together with the total estimated performance data of like character for the current fiscal period and for the ensuing budget period.

(5) The finance officer may recommend modification of any departmental budget request under Subsection (4)(c)(i) before the budget request is filed with the governing body, if each department head has been given an opportunity to be heard concerning the modification.

(6)

(a) A tentative budget shall contain the estimates of expenditures submitted by any department together with specific work programs and other supportive data as the governing body requests.
(b) The finance officer shall include with the tentative budget a supplementary estimate of all capital projects or planned capital projects within the budget period and within the next three succeeding years.
(7)
(a) A finance officer that submits a tentative budget in a county with a population of more than 25,000 shall include with the tentative budget a budget message in explanation of the budget.
(b) The budget message shall:
(i) include an outline of the proposed financial policies of the county for the budget period;
(ii) describe the important features of the budgetary plan;
(iii) state the reasons for changes from the previous fiscal period in appropriation and revenue items; and
(iv) explain any major changes in financial policy.
(c) A finance officer of a county with a population of less than 25,000 may prepare a budget message in explanation of the tentative budget.
(8)
(a) The governing body shall review, consider, and adopt a tentative budget in a regular or special meeting called for that purpose.
(b)
(i) Subject to Subsection (8)(b)(ii), the governing body may thereafter amend or revise the tentative budget prior to public hearings on the tentative budget.
(ii) A governing body may not:
(A) reduce below the required minimum an appropriation required for debt retirement and interest; or
(B) reduce, in accordance with Section 17-36-17, an existing deficit.

Amended by Chapter 288, 2022 General Session

17-36-11 Tentative budget -- Public record prior to adoption.

A tentative budget and all supportive schedules and data shall be a public record available for inspection during business hours at the office of the finance officer for at least 10 days before the public hearing on the adoption of a final budget.

Amended by Chapter 288, 2022 General Session

17-36-12 Notice of budget hearing.

(1) The governing body shall determine the time and place for the public hearing on the adoption of the budget.
(2) Notice of such hearing shall be published for the county, as a class A notice under Section 63G-30-102, for at least seven days before the day of the hearing.

Amended by Chapter 435, 2023 General Session

17-36-13 Public hearing on budget.

At the specified time and place or at any time and place to which such public hearing may be adjourned, the governing body shall hold a public hearing on the budget where all interested

persons shall have an opportunity to be heard for or against the estimates of revenue and expenditures and performance data or any item in any fund.

Enacted by Chapter 22, 1975 General Session

17-36-14 Adjustments to tentative budget.

After the public hearing the governing body shall make final adjustments to the tentative budget as it deems appropriate, giving due consideration to matters discussed at the hearing. Nevertheless, there shall be no decrease in the amount appropriated, as provided in Section 17-36-17, for reduction of any deficit which exists, nor shall any budget increase exceed the estimated revenue for such budget.

Enacted by Chapter 22, 1975 General Session

17-36-15 Adoption of budget -- Immunity.

(1)

(a) On or before the last day of each fiscal period, the governing body by resolution shall adopt the final budget.

(b) A final budget adopted in accordance with Subsection (1)(a) is, unless amended, in effect for the next fiscal period.

(c) The finance officer shall:

(i) certify a copy of the final budget, and of any subsequent budget amendment; and

(ii) file a copy with the state auditor not later than 30 days after the day on which the governing body adopts the budget.

(d) The finance officer shall file a certified copy of the budget in the office of the finance officer for inspection by the public during business hours.

(2)

(a) Except as provided in Subsection (2)(b), a county officer or county employee may not file a legal action in state or federal court against the county, a department, or a county officer for any matter related to the following:

(i) the adoption of a county budget;

(ii) a county appropriation;

(iii) a county personnel allocation; or

(iv) a fund related to the county budget, a county appropriation, or a county personnel allocation.

(b) A county or district attorney may enforce a procedural requirement that governs the adoption or approval of a budget in accordance with this chapter.

Amended by Chapter 288, 2022 General Session

17-36-16 Retained earnings -- Accumulation -- Restrictions -- Disbursements.

(1)

(a) A county may accumulate retained earnings in any enterprise or internal service fund or a fund balance in any other fund.

(b) Notwithstanding Subsection (1)(a), use of the county general fund shall be restricted to the following purposes:

(i) to provide cash to finance expenditures from the beginning of the budget period until general property taxes, sales taxes, or other revenues are collected;

(ii) to provide a fund or reserve to meet emergency expenditures; and
(iii) to cover unanticipated deficits for future years.
(2)
(a) The maximum accumulated unappropriated surplus in the county general fund, as determined prior to adoption of the tentative budget, may not exceed an amount equal to the greater of:
(i)
(A) for a county with a taxable value of $750,000,000 or more and a population of 100,000 or more, 25% of the total revenues of the county general fund for the current fiscal period; or
(B) for any other county, 65% of the total revenues of the county general fund for the current fiscal period; and
(ii) the estimated total revenues from property taxes for the current fiscal period.
(b) Any surplus balance in excess of the above computed maximum shall be included in the estimated revenues of the county general fund budget for the next fiscal period.
(3) Any fund balance exceeding 5% of the total county general fund revenues may be used for budgetary purposes.
(4)
(a) A county may appropriate funds from estimated revenue in any budget period to a reserve for capital improvements within any capital improvements fund which has been duly established by ordinance or resolution.
(b) Money in the reserves shall be allowed to accumulate from fiscal period to fiscal period until the accumulated total is sufficient to permit economical expenditure for the specified purposes.
(c) Disbursements from the reserves shall be made only by transfer to a revenue account within a capital improvements fund pursuant to an appropriation for the fund.
(d) Expenditures from the capital improvement budget accounts shall conform to all requirements of this act as it relates to the execution and control of budgets.

Amended by Chapter 52, 2021 General Session

17-36-17 Appropriations in final budget -- Limitations.
(1) The governing body of a county may not make any appropriation in the final budget of any fund in excess of the estimated expendable revenue of the fund for the budget period.
(2) There shall be included as an item of appropriation in the budget of each fund for any fiscal period any existing deficit as of the close of the last completed fiscal period to the extent of at least 5% of the total revenue of the fund in the last completed fiscal period or if the deficit is less than 5% of the total revenue, an amount equal to the deficit.

Amended by Chapter 297, 2011 General Session

17-36-18 Estimated revenue from property tax.
The amount of estimated revenue from property tax required by the budget shall constitute the basis for determination of the property tax to be levied for the corresponding tax year subject to legal limitations.

Enacted by Chapter 22, 1975 General Session

17-36-19 Encumbrance system.

Each county shall use an encumbrance system or other budgetary controls to ensure that no expenditure is made for any item of an appropriation unless there is a sufficient unencumbered balance in the appropriation and available funds, except in cases of an emergency as hereinafter provided in Section 17-36-27.

Amended by Chapter 73, 1983 General Session

17-36-20 Purchases or encumbrances by purchasing agent.

(1) A person may not make a purchase or incur an encumbrance on behalf of a county unless that person acts in accordance with an order by, or approval of, the person duly authorized to act as purchasing agent for the county, except encumbrances or expenditures directly investigated and specifically approved by the executive or legislative body.
(2) Unless otherwise provided by the governing body, the finance officer or the finance officer's agents shall serve as a purchasing agent.

Amended by Chapter 288, 2022 General Session

17-36-21 Expenditure limitation.

No officer or employee of a county shall make any expenditure or encumbrance in excess of the total appropriation for any department. Any obligation that is contracted by any such officer or employee in excess of the total departmental appropriation is the personal obligation of the officer or employee and is unenforceable against the county.

Enacted by Chapter 22, 1975 General Session

17-36-22 Transfer of unexpended appropriation balance by department.

(1) After review by the finance officer and in accordance with budgetary and fiscal policies or ordinances adopted by the county legislative body, any department may:
  (a) transfer any unencumbered or unexpended appropriation balance or any part from one expenditure account to another within the department during the budget year; or
  (b) incur an excess expenditure of one or more line items.
(2) A transfer or expenditure under Subsection (1) may not occur if the transfer or expenditure would cause the total of all excess expenditures or encumbrances to exceed the total unused appropriation within the department at the close of the budget period.

Amended by Chapter 288, 2022 General Session

17-36-23 Transfer of unexpended appropriation balance by governing body.

At the request of the finance officer or upon the governing body's own motion, the governing body may by resolution transfer any unencumbered or unexpended appropriation balance or part thereof from one department in a fund to another department within the same fund, provided that no appropriation for debt retirement and interest, reduction of deficit, or other appropriation required by law may be reduced below the required minimum.

Amended by Chapter 288, 2022 General Session

17-36-24 Budget appropriation reduction.

The budget appropriation for any department may be reduced, for any purpose other than to transfer funds to another department, by resolution of the governing body provided that five days' notice of the proposed action is given to all members of the governing body and to the director of the department affected, and that such director is permitted to be heard on the proposed reduction. Notice may be waived in writing by the affected department or by any member of the governing body.

Enacted by Chapter 22, 1975 General Session

17-36-26 Increase in budgetary fund or county general fund -- Public hearing -- Notice.

(1) Before the governing body may, by resolution, increase a budget appropriation of any budgetary fund, increase the budget of the county general fund, or make an amendment to a budgetary fund or the county general fund, the governing body shall hold a public hearing giving all interested parties an opportunity to be heard.
(2) Notice of the public hearing described in Subsection (1) shall be published for the county, as a class A notice under Section 63G-30-102, for at least five days before the day of the hearing.

Amended by Chapter 435, 2023 General Session

17-36-26.5 Review of second year's budget for biennial budgets.

(1) In a county that has adopted a fiscal period that is a biennial period under Subsection 17-36-3.5(2), the governing body shall, in a public hearing before December 31 of the first year of the biennial period, review the individual budgets of the funds set forth in Sections 17-36-8 and 17-36-32 for the second year of the biennial period.
(2) In each review under Subsection (1), the governing body shall follow the procedures of Sections 17-36-12 and 17-36-13 for holding a public hearing.

Enacted by Chapter 300, 1999 General Session

17-36-27 Emergency expenditures -- Deficit.

(1) As used in this section:
  (a) "Fiscal emergency" means a major disruption in county operations or services caused by the unforeseen and sudden significant decrease or elimination of funding from the United States government or Legislature that was appropriated in the county's current budget.
  (b) "Natural disaster" means widespread damage within a county caused by:
    (i) an explosion;
    (ii) fire;
    (iii) a flood;
    (iv) a storm;
    (v) a tornado;
    (vi) winds;
    (vii) an earthquake;
    (viii) lightning; or
    (ix) any other adverse weather event.
(2)
  (a) Subject to Subsection (2)(b), if the governing body determines that a natural disaster or fiscal emergency exists, and that the expenditure of money in excess of the county general fund budget is necessary to respond to the natural disaster or fiscal emergency, the county

legislative body may make expenditures and incur deficits that are reasonably necessary to meet the natural disaster or fiscal emergency.

(b)

(i) A county may not take an action in response to a natural disaster or fiscal emergency in accordance with Subsection (2)(a) or (3) unless the action:

(A) is for the current budget year only and the current budget year is the year in which the natural disaster or fiscal emergency occurs; and

(B) is approved by a majority of the elected members of the county legislative body.

(ii) If a fiscal emergency occurs, the county may take an action described in Subsection (2)(a) or (3) only if the state or federal funding that was significantly decreased or eliminated was:

(A) ongoing funding appropriated by the county to a county program or service; and

(B) repeatedly relied on by the county for that program or service rather than a one-time or limited-time funding source.

(3)

(a) Notwithstanding the provisions of Sections 17-36-21, 17-36-22, 17-36-23, 17-36-24, and 17-36-26, and subject to Subsections (3)(b) and (c), the county legislative body may respond to a natural disaster or fiscal emergency by:

(i) transferring, increasing, or decreasing an appropriation in a county budget or fund; or

(ii) making or directing the making of an expenditure in excess of a budget or fund.

(b) An action by the county legislative body described in Subsection (3)(a)(i) or (ii) may not result in an expenditure or change in an appropriation that exceeds the total unencumbered county budget.

(c) If a county legislative body takes an action described in Subsection (3)(a)(i) or (ii), the county legislative body shall, as soon as possible, conduct a public hearing on the action and affirm the emergency action by adopting a resolution.

(4) Except to the extent provided for in Title 53, Chapter 2a, Part 6, Disaster Recovery Funding Act, the governing body of the county may not expend money in the county's local fund for an emergency, if the county creates a local fund under Title 53, Chapter 2a, Part 6, Disaster Recovery Funding Act.

Amended by Chapter 176, 2014 General Session
Amended by Chapter 269, 2014 General Session

17-36-28 Lapse of appropriations.

All appropriations shall lapse following the close of the budget period to the extent that they are unexpended or encumbered.

Amended by Chapter 300, 1999 General Session

17-36-29 Special fund ceases -- Transfer.

(1)

(a) Except as provided in Subsection (1)(b), if a county legislative body determines that the purpose no longer exists for which the legislative body created a special fund or any portion of the special fund, the legislative body may authorize the transfer of the remaining balance or a portion of the remaining balance to the fund balance account in the county general fund.

(b) The legislative body may redistribute the remaining balance or a portion of the remaining balance described in Subsection (1)(a) in accordance with Subsection (1)(c) if:

(i) the county levied the fund primarily on property in the unincorporated areas of the county;

(ii) the county established a municipal services fund to provide municipal services under Sections 17-34-1 and 17-36-9; and
(iii) the area from which the county levied the fund has since incorporated as a city or town.
(c) The legislative body of a county described in Subsection (1)(b) may set aside the remaining balance or a portion of the remaining balance described in Subsection (1)(a) in a fund from which the county may make disbursements to support and benefit the area and the residents in the area from which the county originally derived the special fund.
(2) Any balance which remains in a special assessment fund and any unrequired balance in a special improvement guaranty fund shall be treated as provided in Subsection 11-42-701(5).
(3) Any balance which remains in a capital projects fund shall be transferred to the appropriate debt service fund or such other fund as the bond ordinance requires or to the county general fund balance account.

Amended by Chapter 438, 2024 General Session

17-36-30 Interfund loans -- Acquisition of issued unmatured bonds.
(1) Subject to this section, restrictions imposed by bond covenants, or other controlling regulations, the governing body may:
(a) subject to the restrictions in Section 53-2a-605, authorize an interfund loan from one fund to another; and
(b) with available cash in any fund, purchase or otherwise acquire for investment an unmatured bond of the county or of any county fund.
(2) An interfund loan under Subsection (1)(a) shall be in writing and specify the terms and conditions of the loan, including the:
(a) effective date of the loan;
(b) name of the fund loaning the money;
(c) name of the fund receiving the money;
(d) amount of the loan;
(e) subject to Subsection (3), term of and repayment schedule for the loan;
(f) subject to Subsection (4), interest rate of the loan;
(g) method of calculating interest applicable to the loan;
(h) procedures for:
(i) applying interest to the loan; and
(ii) paying interest on the loan; and
(i) other terms and conditions the governing body determines applicable.
(3) The term and repayment schedule specified under Subsection (2)(e) may not exceed 10 years.
(4)
(a) In determining the interest rate of the loan specified under Subsection (2)(f), the governing body shall apply an interest rate that reflects the rate of potential gain had the funds been deposited or invested in a comparable investment.
(b) Notwithstanding Subsection (4)(a), the interest rate of the loan specified under Subsection (2)(f):
(i) if the term of the loan under Subsection (2)(e) is one year or less, may not be less than the rate offered by the Public Treasurers' Investment Fund as defined in Section 51-7-3; or
(ii) if the term of the loan under Subsection (2)(e) is more than one year, may not be less than the greater of the rate offered by:
(A) the Public Treasurers' Investment Fund as defined in Section 51-7-3; or
(B) a United States Treasury note of a comparable term.

(5)
(a) For an interfund loan under Subsection (1)(a), the governing body shall:
(i) hold a public hearing;
(ii) prepare a written notice of the date, time, place, and purpose of the hearing, and the proposed terms and conditions of the interfund loan under Subsection (2);
(iii) provide notice of the public hearing in the same manner as required under Section 17-36-12 as if the hearing were a budget hearing; and
(iv) authorize the interfund loan by ordinance or resolution in a public meeting.
(b) The notice and hearing requirements in Subsection (5)(a) are satisfied if the interfund loan is included in an original budget or in a subsequent budget amendment previously approved by the governing body for the current fiscal year.
(6) Subsections (2) through (5) do not apply to an interfund loan if the interfund loan is:
(a) a loan from the county general fund to any other fund of the county; or
(b) a short-term advance from the county's cash and investment pool to individual funds that are repaid by the end of the fiscal year.

Amended by Chapter 387, 2024 General Session

17-36-31 Tax levy -- Amount.
(1)
(a) Before June 22 of each year, the county legislative body shall levy a tax on the taxable real and personal property within the county.
(b) In the legislative body's computation of the total levy subject to Sections 59-2-908 and 59-2-911, the legislative body shall determine the requirements for each fund and specify the amount of the levy apportioned to each fund.
(2) The proceeds of the tax apportioned for purposes of the county general fund shall be credited in the county general fund.
(3) The proceeds of the tax apportioned for utility and other special fund purposes shall be credited to the appropriate accounts in the utility or other special funds.
(4) For the first calendar year in which a county imposes a levy under Section 11-46-104, the county shall reduce the levy imposed under this section for general tax purposes by the amount necessary to offset the revenue described in Subsection 11-46-104(5)(c)(ii).

Amended by Chapter 434, 2021 General Session

17-36-31.5 Property taxes levied for specified services -- Special revenue fund -- Limitations on use -- Collection, accounting, and expenditures.
(1) A county may account separately for the revenues derived from a property tax, that is lawfully levied for a specific purpose, in accordance with this section.
(2) To levy a property tax under this section, the legislative body of the county that levies the property tax shall indicate through ordinance:
(a) that the county levies the tax under this section; and
(b) the specific service for which the county levies the tax.
(3) A property tax levied under this section is subject to the maximum rate a county may levy for property taxes under Section 59-2-908.
(4)
(a) A county that collects a property tax under this section shall:
(i) create a special revenue fund to hold the revenues collected under this section; and

(ii) deposit revenues collected from that tax into the special revenue fund described in Subsection (4)(a)(i).

(b) A county may only expend revenues from a special revenue fund described in Subsection (4)(a) for a purpose that is solely related to the provision of the service described in Subsection (2)(b) for which the county created the special revenue fund.

(5) Except as provided in Subsections (2) and (4), a county that levies a property tax under this section shall:

(a) levy and collect the tax in accordance with Title 59, Chapter 2, Property Tax Act;

(b) account for revenues derived from the tax in accordance with this chapter; and

(c) levy and collect and account for revenues derived from the tax in the same general manner as for the county's other property taxes.

Enacted by Chapter 301, 2019 General Session

17-36-32 Operating and capital budget -- Expenditures.

(1)

(a) As used in this section, "operating and capital budget" means a plan of financial operation for an enterprise or other special fund embodying estimates of operating and nonoperating resources and expenses and other outlays for a fiscal period.

(b) Except as otherwise expressly provided, "budget" or "budgets" and the procedures and controls relating to them in other sections of this act are not applicable to the operating and capital budgets provided in this section.

(2) At or before the time that the governing body adopts budgets for the budgetary funds specified in Section 17-36-8, the governing body shall adopt an operating and capital budget for the next fiscal period for:

(a) each enterprise fund; and

(b) any other special nonbudgetary fund for which operating and capital budgets are prescribed by the uniform system of budgeting, accounting, and reporting.

(3)

(a) The governing body shall adopt and administer the operating and capital budget in accordance with this Subsection (3).

(b) At or before the first day of the next to last month of each fiscal period, the finance officer shall prepare for the next fiscal period on forms provided pursuant to Section 17-36-4, and file with the governing body a tentative operating and capital budget for:

(i) each enterprise fund; and

(ii) any other special fund that requires an operating and capital budget.

(c) The tentative operating and capital budget shall be accompanied by a supplementary estimate of all capital projects or planned capital projects:

(i) within the next fiscal period; and

(ii) within the fiscal period immediately following the fiscal period described in Subsection (3)(c)(i).

(d)

(i) Subject to Subsection (3)(d)(ii), the finance officer shall prepare all estimates after review and consultation, if requested, with a department proposing a capital project.

(ii) After complying with Subsection (3)(d)(i), the finance officer may revise any departmental estimate before it is filed with the governing body.

(e)

(i) Except as provided in Subsection (3)(e)(iv), if a governing body includes in a tentative budget, or an amendment to a budget, allocations or transfers between a utility enterprise fund and another fund that are not reasonable allocations of costs between the utility enterprise fund and the other fund, the governing body shall:
(A) hold a public hearing;
(B) prepare a written notice of the date, time, place, and purpose of the hearing, in accordance with Subsection (3)(e)(ii); and
(C) subject to Subsection (3)(e)(iii), mail the notice to each utility enterprise fund customer at least seven days before the day of the hearing.
(ii) The purpose portion of the written notice described in Subsection (3)(e)(i)(B) shall identify:
(A) the utility enterprise fund from which money is being transferred;
(B) the amount being transferred; and
(C) the fund to which the money is being transferred.
(iii) The governing body:
(A) may print the written notice required under Subsection (3)(e)(i) on the utility enterprise fund customer's bill; and
(B) shall include the written notice required under Subsection (3)(e)(i) as a separate notification mailed or transmitted with the utility enterprise fund customer's bill.
(iv) The notice and hearing requirements in this Subsection (3)(e) are not required for an allocation or a transfer included in an original budget or in a subsequent budget amendment previously approved by the governing body for the current fiscal year.
(f)
(i) The governing body shall review the tentative operating and capital budget at any regular or special meeting called for that purpose.
(ii) In accordance with Subsection (3)(f)(i), the governing body may make any changes to the tentative operating and capital budget that the governing body considers advisable.
(iii) Before the close of the fiscal period, the governing body shall adopt an operating and capital budget for the next fiscal period.
(g)
(i) Upon final adoption by the governing body, the operating and capital budget shall be in effect for the budget period subject to amendment.
(ii) The governing body shall:
(A) certify a copy of the operating and capital budget for each fund with the finance officer; and
(B) make a copy available to the public during business hours in the offices of the county auditor.
(iii) The governing body shall file a copy of the operating and capital budget with the state auditor within 30 days after the day on which the operating and capital budget is adopted.
(iv) The governing body may during the budget period amend the operating and capital budget of an enterprise or other special fund by resolution.
(v) A copy of the operating and capital budget as amended shall be filed with the state auditor.
(4) Any expenditure from an operating and capital budget shall conform to the requirements for budgets specified by Sections 17-36-20, 17-36-22, 17-36-23, and 17-36-24.

Amended by Chapter 288, 2022 General Session

17-36-34 Special assessment.

Money received by the county treasurer from any special assessment shall be applied towards payment of the improvement for which the assessment was approved. Such money shall be used exclusively for the payment of the principal and interest on the bonds or other indebtedness incurred to finance such improvements, except as provided in Section 17-36-29.

Enacted by Chapter 22, 1975 General Session

17-36-35 County officials -- Profit from public funds.

If the governing body receives evidence that a county official is profiting from public money or uses it for any unauthorized purpose, the matter shall be promptly referred to the county attorney or district attorney for appropriate action. If convicted for any such offense, the county official shall immediately forfeit his office.

Amended by Chapter 212, 1996 General Session

17-36-36 Financial statements.

(1) The finance officer shall present to the governing body the following financial statements prepared in the manner prescribed by the uniform system of budgeting, accounting, and reporting:
  (a) a summary of cash receipts and disbursements for each fund or group of funds and for each department within each fund reportable at the end of each month showing the cash and invested balance at the beginning of the period, the total receipts collected during the period, the total disbursements made during the period, and the cash and invested balance at the end of the period;
  (b) not less than once each quarter or more often if requested by the governing body, a condensed statement of revenues and expenditures and comparison with the budget of the county general fund and the allotments thereof, as reflected by the books of account;
  (c) a comparative quarterly income and expense statement for each enterprise fund showing a comparative analysis between the operations of such fund for the current fiscal reporting period and the same period in the previous year;
  (d) a condensed statement of the operating and capital budget of each enterprise fund showing revenues and expenses and balances compared with the budget for any period requested by the governing body or required by the uniform system of budgeting, accounting, and reporting; and
  (e) any other statements of operations or reports on financial condition as the governing body or the uniform system of budgeting, accounting, and reporting may require.
(2) All financial statements made pursuant to this section shall be open for public inspection during regular business hours.

Amended by Chapter 288, 2022 General Session

17-36-37 Finance officer -- Annual financial statement -- Contents.

(1) The finance officer of each county, within 180 days after the close of each fiscal period, or, for a county that has adopted a fiscal period that is a biennial period, within 180 days after both the midpoint and the close of the fiscal period, except as provided by Section 17-36-38, shall prepare and make available to the governing body an annual financial report that shall contain:
  (a) a statement of revenues and expenditures and a comparison with the budget of the county general fund, similar statements of all other funds for which budgets are required, and

statements of revenues and expenditures or of income and expense for all other operating funds of the county;

(b) a balance sheet of each fund and a combined balance sheet of all funds as of:

(i) for a county that has adopted a fiscal period that is a biennial period, the midpoint and the close of the fiscal period; and

(ii) for each other county, the close of the fiscal period; or

(c) any other reports the governing body may require, including work performance data, tax levies, taxable values, details of bonded indebtedness, and historical facts of interest to the governing body and the public.

(2) Copies of the annual report shall be furnished to the state auditor and made a matter of public record in the office of the finance officer.

Amended by Chapter 288, 2022 General Session

17-36-38 Presentation of annual report by independent auditor.

The annual report required by Section 17-36-37 may be satisfied by a county by the presentation of the report of the independent auditor on the results of operations for the year and financial condition at the midpoint of the fiscal period or at the close of the fiscal period if it is prepared in conformity with the uniform system of budgeting, accounting, and reporting.

Amended by Chapter 300, 1999 General Session

17-36-39 Independent audits.

Independent audits are required for all counties as provided in Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Amended by Chapter 189, 2014 General Session

17-36-40 Notice that audit complete.

(1) Within 10 days after the receipt of the audit report furnished by the independent auditor, the county auditor shall prepare and publish a notice to the public that the county audit is complete:

(a) at least twice in a newspaper of general circulation within the county; and

(b) as required in Section 45-1-101.

(2) A copy of the county audit may be inspected at the office of the county auditor.

Amended by Chapter 388, 2009 General Session

17-36-41 Analysis and evaluation of accounting practices and systems by state auditor -- Regional accounting services.

(1) The state auditor shall analyze and evaluate the accounting practices and systems used by the counties and provide advice and consultation to them in improving and updating their practices and systems.

(2) Any county or group or association of counties may by agreement pursuant to the Interlocal Co-operation Act provide accounting services upon a regional basis for other counties or other local governmental units. The state auditor shall evaluate the county or other organization's ability to provide such service and shall periodically review the internal controls maintained by such a county or organization.

Amended by Chapter 73, 1983 General Session

17-36-43 Financial administration ordinance -- Purposes.

The county legislative body, after consultation with the county auditor, may adopt a financial administration ordinance authorizing the county auditor, county executive, county manager, or, in the case of county operated hospitals or mental health districts, an appointed administrator, to act as the financial officer for the purpose of approving:

(1) payroll checks, if the checks are prepared in accordance with a salary schedule established in a personnel ordinance or resolution; or

(2) routine expenditures, such as utility bills, payroll-related expenses, supplies, materials, and payments on county-approved contracts and capital expenditures which are referenced in the budget document and approved by an appropriation resolution adopted for the current fiscal year.

Amended by Chapter 17, 2012 General Session

17-36-44 Financial administration ordinance -- Required provisions.

The financial administration ordinance, adopted pursuant to Section 17-36-43, shall provide:

(1) a maximum amount over which purchases may not be made without the approval of the county executive;

(2) that the financial officer be bonded for a reasonable amount; and

(3) any other provisions the county legislative body considers advisable.

Amended by Chapter 17, 2012 General Session

17-36-45 Internal control structure.

(1) Each county legislative body shall, with the advice and assistance of the county auditor and county treasurer, implement an internal control structure to ensure, on a reasonable basis, that all valid financial transactions of the county are identified and recorded accurately and timely. The objectives of the internal control structure shall be to ensure:
  (a) the proper authorization of transactions and activities;
  (b) the appropriate segregation of:
    (i) the duty to authorize transactions;
    (ii) the duty to record transactions; and
    (iii) the duty to maintain custody of assets;
  (c) the design and use of adequate documents and records to ensure the proper recording of events;
  (d) adequate safeguards over access to and use of assets and records; and
  (e) independent checks on performance and proper valuation of recorded amounts.

(2) The state auditor shall evaluate procedures implemented to effectuate this section and shall provide advice and consultation in approving and updating these procedures.

Enacted by Chapter 212, 1996 General Session

17-36-46 Reserve fund for capital improvements -- Creation -- Purpose -- Limitation.

(1) The legislative body of any county may establish and maintain, by ordinance, a cumulative reserve fund to be accumulated by levy for the purpose of financing the purchase of real

property and the cost of planning, constructing or rehabilitating public buildings or other public works and capital improvements.

(2)

(a) Before a reserve fund under Subsection (1) may be established, the county legislative body shall designate by ordinance the specific purpose for which the fund is established.

(b) Except as provided in Section 17-36-50, all funds in a reserve fund under Subsection (1) shall be expended for the designated purposes.

Renumbered and Amended by Chapter 133, 2000 General Session

17-36-47 Reserve fund for capital improvements -- Estimate of amount required -- Tax levy -- Accumulation from year to year -- Restriction on use.

(1) Subject to Subsection (4) the legislative body of a county that has established a reserve fund under Section 17-36-46 may:

(a) include in the annual budget or estimate of amounts required to meet the public expenses of the county for the ensuing year such sum as it considers necessary for the uses and purposes of the fund; and

(b) include those amounts in the annual tax levy of the county.

(2) Subject to Subsection (4), the money in the fund shall be allowed to accumulate from year to year until the county legislative body determines to spend any money in the fund for the purpose specified.

(3) Subject to Subsection (4), money in the fund at the end of a fiscal year shall remain in the fund as surplus available for future use, and may not be transferred to any other fund or used for any other purpose.

(4) The amount of money in a reserve fund established under Section 17-36-46 may not exceed .6% of the taxable value of the county.

Renumbered and Amended by Chapter 133, 2000 General Session

17-36-48 Reserve fund for capital improvements -- Transfer to fund of unencumbered surplus county funds.

At any time after the creation of a reserve fund under Section 17-36-46, the county legislative body may transfer to the fund any unencumbered surplus county funds remaining at the end of a fiscal year.

Renumbered and Amended by Chapter 133, 2000 General Session

17-36-49 Reserve fund for capital improvements -- Investment -- Interest and income.

(1) All money belonging to a reserve fund created under Section 17-36-46 shall be invested in such securities as are legal for other funds of the county.

(2) The interest and income from the investments shall be a part of the fund.

Renumbered and Amended by Chapter 133, 2000 General Session

17-36-50 Reserve fund for capital improvements -- Use for projects other than originally specified -- Special election.

(1) The legislative body of any county may submit the proposition of using funds in a reserve fund established under Section 17-36-46 for projects other than originally specified to the electors of the county at a special election if the projects are for the purposes set forth in Section 17-36-46.
(2) If a proposition under Subsection (1) is proposed, the county legislative body shall fix a time and place for a special election on the proposition, to be held as provided by law.

Renumbered and Amended by Chapter 133, 2000 General Session

17-36-51 Establishment of tax stability and trust fund -- Increase in tax levy.

(1)
(a) Notwithstanding anything to the contrary contained in statute, the legislative body of any county may by ordinance establish and maintain a tax stability and trust fund, for the purpose of preserving funds during years with favorable tax revenues for use during years with less favorable tax revenues.
(b) Each fund under Subsection (1)(a) shall be subject to all of the limitations and restrictions imposed by this section and Sections 17-36-52 and 17-36-53.
(c) The principal of the fund shall consist of all sums transferred to it in accordance with Subsection (2) and interest or other income retained in the fund under Subsection 17-36-52(2)(a).

(2)
(a) After establishing a tax stability and trust fund as provided in Subsection (1), the legislative body, in establishing the levy for the property tax levied by the county under Section 59-2-908, may establish the levy at a level not to exceed .0001 per dollar of taxable value of taxable property increase per year that will permit the county to receive during that fiscal year sums in excess of what may be required to provide for the purposes of the county.
(b) Any excess sums so received are to be transferred from the county general fund into the tax stability and trust fund.

Amended by Chapter 176, 2014 General Session

17-36-52 Tax stability and trust fund -- Deposit or investment of funds -- Use of interest or other income.

(1)
(a) All amounts in the tax stability and trust fund established by a county under Section 17-36-51 may be deposited or invested as provided in Section 51-7-11.
(b) The amounts described in Subsection (1)(a) may also be transferred by the county treasurer to the Public Treasurers' Investment Fund, as defined in Section 51-7-3, for the treasurer's management and control under Title 51, Chapter 7, State Money Management Act.

(2)
(a) The interest or other income realized from amounts in the tax stability and trust fund shall be returned to the county general fund during the fiscal year in which the income or interest is paid to the extent the interest or income is required by the county to provide for its purposes during that fiscal year.
(b) An amount returned in accordance with Subsection (2)(a) may be used for all purposes as other amounts in the county general fund.
(c) Any interest or income that is not returned to the county general fund in accordance with Subsection (2)(a) shall be added to the principal of that county's tax stability and trust fund.

Amended by Chapter 387, 2024 General Session

17-36-53 Tax stability and trust fund -- Amount in fund limited -- Disposition of excess.

(1) The total amount in a county's tax stability and trust fund established under Section 17-36-51 shall be limited to the percentage of the total taxable value of property in that county not to exceed the limits provided in the following schedule:

Total Taxable Value	Fund Limits Percentage of Taxable Value	but not to exceed:
Less than $500,000,000	1.6%	$5,000,000
From 500,000,000 to 1,500,000,000	1.0%	7,500,000
Over 1,500,000,000	.5%	15,000,000

(2) If any excess occurs in the tax stability and trust fund over the percentage or maximum dollar amounts specified in Subsection (1), this excess shall be transferred to the county general fund and may be used for all purposes as other amounts in the county general fund are used.

(3)

(a) Subject to Subsection (3)(b), if any excess in the fund exists because of a decrease in total taxable value, that excess may remain in the fund.

(b) If the excess amount in the fund is decreased below the limitations of the fund for any reason, the fund limitations established under Subsection (1) apply.

Amended by Chapter 176, 2014 General Session

17-36-54 Tax stability and trust fund -- Use of principal -- Determination of necessity -- Election -- Exception.

(1)

(a) Except as provided in Subsection (2), if the legislative body of a county that has established a tax stability and trust fund under Section 17-36-51 determines that it is necessary for purposes of that county to use any portion of the principal of the fund, the county legislative body shall submit this proposition to the electorate of that county in a special election called and held in the manner provided for in Title 11, Chapter 14, Local Government Bonding Act, for the holding of bond elections.

(b) If the proposition is approved at the special election by a majority of the qualified electors of the county voting at the election, then that portion of the principal of the fund covered by the proposition may be transferred to the county general fund for use for purposes of that county.

(2)

(a) The requirements of Subsection (1) do not apply to the use of any portion of the principal of a tax stability and trust fund established under Section 17-36-51 for payment of any refund of property taxes owed by the county as a result of an objection to the assessment of property assessed by the State Tax Commission under Section 59-2-1007.

(b) The legislative body of a county may, by ordinance or resolution, authorize the use of any portion of the tax stability and trust fund for the purpose described in Subsection (2)(a).

Amended by Chapter 258, 2024 General Session

17-36-55 Fees collected for construction approval -- Approval of plans.

(1) As used in this section:

(a) "Business day" means a day other than Saturday, Sunday, or a legal holiday.

(b) "Construction project" means the same as that term is defined in Section 38-1a-102.

(c) "Lodging establishment" means a place providing temporary sleeping accommodations to the public, including any of the following:

(i) a bed and breakfast establishment;

(ii) a boarding house;

(iii) a dormitory;

(iv) a hotel;

(v) an inn;

(vi) a lodging house;

(vii) a motel;

(viii) a resort; or

(ix) a rooming house.

(d) "Planning review" means a review to verify that a county has approved the following elements of a construction project:

(i) zoning;

(ii) lot sizes;

(iii) setbacks;

(iv) easements;

(v) curb and gutter elevations;

(vi) grades and slopes;

(vii) utilities;

(viii) street names;

(ix) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and

(x) subdivision.

(e)

(i) "Plan review" means all of the reviews and approvals of a plan that a county requires to obtain a building permit from the county with a scope that may not exceed a review to verify:

(A) that the construction project complies with the provisions of the State Construction Code under Title 15A, State Construction and Fire Codes Act;

(B) that the construction project complies with the energy code adopted under Section 15A-2-103;

(C) that the construction project received a planning review;

(D) that the applicant paid any required fees;

(E) that the applicant obtained final approvals from any other required reviewing agencies;

(F) that the construction project complies with federal, state, and local storm water protection laws;

(G) that the construction project received a structural review;

(H) the total square footage for each building level of finished, garage, and unfinished space; and

(I) that the plans include a printed statement indicating that the actual construction will comply with applicable local ordinances and the state construction codes.

(ii) "Plan review" does not mean a review of a document:

(A) required to be re-submitted for a construction project other than a construction project for a one to two family dwelling or townhome if additional modifications or substantive changes are identified by the plan review;
(B) submitted as part of a deferred submittal when requested by the applicant and approved by the building official; or
(C) that, due to the document's technical nature or on the request of the applicant, is reviewed by a third party.
(f) "State Construction Code" means the same as that term is defined in Section 15A-1-102.
(g) "State Fire Code" means the same as that term is defined in Section 15A-1-102.
(h) "Structural review" means:
(i) a review that verifies that a construction project complies with the following:
(A) footing size and bar placement;
(B) foundation thickness and bar placement;
(C) beam and header sizes;
(D) nailing patterns;
(E) bearing points;
(F) structural member size and span; and
(G) sheathing; or
(ii) if the review exceeds the scope of the review described in Subsection (1)(h)(i), a review that a licensed engineer conducts.
(i) "Technical nature" means a characteristic that places an item outside the training and expertise of an individual who regularly performs plan reviews.
(2)
(a) If a county collects a fee for the inspection of a construction project, the county shall ensure that the construction project receives a prompt inspection.
(b) If a county cannot provide a building inspection within three business days after the day on which the county receives the request for the inspection, the applicant may engage an inspection with a third-party inspection firm from the third-party inspection firm list, as described in Section 15A-1-105.
(c) If an inspector identifies one or more violations of the State Construction Code or State Fire Code during an inspection, the inspector shall give the permit holder written notification that:
(i) identifies each violation;
(ii) upon request by the permit holder, includes a reference to each applicable provision of the State Construction Code or State Fire Code; and
(iii) is delivered:
(A) in hardcopy or by electronic means; and
(B) the day on which the inspection occurs.
(3)
(a) A county shall complete a plan review of a construction project for a one to two family dwelling or townhome by no later than 14 business days after the day on which the applicant submits a complete building permit application to the county.
(b) A county shall complete a plan review of a construction project for a residential structure built under the International Building Code, not including a lodging establishment, by no later than 21 business days after the day on which the applicant submits a complete building permit application to the county.
(c)

(i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review before the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the county complete the plan review.

(ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform the plan review no later than:

(A) for a plan review described in Subsection (3)(a), 14 days from the day on which the applicant makes the request; or

(B) for a plan review described in Subsection (3)(b), 21 days from the day on which the applicant makes the request.

(d) An applicant may:

(i) waive the plan review time requirements described in this Subsection (3); or

(ii) with the county's consent, establish an alternative plan review time requirement.

(4) A county may not enforce a requirement to have a plan review if:

(a) the county does not complete the plan review within the time period described in Subsection (3)(a) or (b); and

(b) a licensed architect or structural engineer, or both when required by law, stamps the plan.

(5)

(a) A county may attach to a reviewed plan a list that includes:

(i) items with which the county is concerned and may enforce during construction; and

(ii) building code violations found in the plan.

(b) A county may not require an applicant to redraft a plan if the county requests minor changes to the plan that the list described in Subsection (5)(a) identifies.

(c) A county may require a single resubmittal of plans for a one or two family dwelling or townhome if the resubmission is required to address deficiencies identified by a third-party review of a geotechnical report or geological report.

(6) If a county charges a fee for a building permit, the county may not refuse payment of the fee at the time the applicant submits a building permit application under Subsection (3).

(7) A county may not limit the number of building permit applications submitted under Subsection (3).

(8) For purposes of Subsection (3), a building permit application is complete if the application contains:

(a) the name, address, and contact information of:

(i) the applicant; and

(ii) the construction manager/general contractor, as defined in Section 63G-6a-103, for the construction project;

(b) a site plan for the construction project that:

(i) is drawn to scale;

(ii) includes a north arrow and legend; and

(iii) provides specifications for the following:

(A) lot size and dimensions;

(B) setbacks and overhangs for setbacks;

(C) easements;

(D) property lines;

(E) topographical details, if the slope of the lot is greater than 10%;

(F) retaining walls;

(G) hard surface areas;

(H) curb and gutter elevations as indicated in the subdivision documents;

(I) utilities, including water meter and sewer lateral location;

(J) street names;
(K) driveway locations;
(L) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and
(M) the location of the nearest hydrant;
(c) construction plans and drawings, including:
(i) elevations, only if the construction project is new construction;
(ii) floor plans for each level, including the location and size of doors and windows;
(iii) foundation, structural, and framing detail; and
(iv) electrical, mechanical, and plumbing design;
(d) documentation of energy code compliance;
(e) structural calculations, except for trusses;
(f) a geotechnical report, including a slope stability evaluation and retaining wall design, if:
(i) the slope of the lot is greater than 15%; and
(ii) required by the county; and
(g) a statement indicating that actual construction will comply with applicable local ordinances and building codes.

Amended by Chapter 375, 2024 General Session

Chapter 37
Planetarium

17-37-1 County tax for public planetarium.

For the acquisition, construction, establishment, maintenance, and operation of a public planetarium or for the purpose of funding a contract or a lease agreement for the operation and management of a county planetarium, the provision of planetarium facilities and equipment, and for other planetarium services, any county may levy annually a tax not to exceed .00004 per dollar of taxable value of taxable property in the county. The tax is in addition to all taxes levied by counties and is not limited by the levy limitation imposed on counties by law. The taxes shall be levied and collected in the same manner as other general taxes of the county and shall constitute a fund to be known as the County Planetarium Fund.

Amended by Chapter 3, 1988 General Session

17-37-2 Planetarium board of directors -- Establishment -- Expenses.

(1) Upon the establishment of a county planetarium under the provisions of this chapter or upon the determination of the county executive to contract for planetarium facilities and equipment and other planetarium services, the county executive shall:
(a) with the advice and consent of the county legislative body, appoint a planetarium board of directors, chosen at large based upon fitness for the office; and
(b) determine the number of people to serve as the board of directors.
(2) Members of the county legislative body may serve on the board of directors, but not more than one member of the county legislative body may be a member of the board at any one time.
(3) Directors shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from the county planetarium fund.

Amended by Chapter 95, 2002 General Session

17-37-3 Appointment of directors -- Terms -- Removal of directors -- Vacancies.

Directors shall be appointed for three year terms, or until their successors are appointed. Initially, appointments shall be made for one, two, and three year terms. Annually thereafter, the county executive, with the advice and consent of the county legislative body shall, before the first day of July of each year, appoint for a three-year term, directors to take the place of the retiring directors. Directors shall serve not more than two full terms in succession. Following such appointments, the directors shall meet and select a chairman and such other officers, as they deem necessary, for one-year terms. The county executive may remove any director for misconduct or neglect of duty. Vacancies in the board of directors, occasioned by removals, resignations, or otherwise, shall be filled for the unexpired terms in the same manner as original appointments.

Amended by Chapter 227, 1993 General Session

17-37-4 Delegation of management and control authority to directors by county executive body -- Contract or lease with private entity for management -- Deposit of money collected -- Expenditures -- Recommendations by directors to county executive body.

(1) Upon the appointment of a planetarium board of directors, the county executive may delegate to the board of directors the authority to manage and control the functions, activities, operations, maintenance, and repair of any county planetarium, and shall include in its delegation the authority to approve and control all expenditures from the county planetarium fund. Any delegation of authority made to the board of directors under this section shall at all times be subject to the ultimate authority and responsibility of the county executive for the management and control of all county funds and properties as conferred upon that board by general law applicable to counties.

(2)

(a) Upon the recommendation of the board of directors, the county may enter into a contract or lease agreement with a private organization or entity for partial or full management, operation and maintenance of any county planetarium and for other planetarium services, which may include providing the physical facilities and equipment for the operation of a planetarium.

(b) A contract or lease for the purposes described in Subsection (2)(a) may not extend for more than a four-year period and shall be subject to annual review by the board of directors to determine if performance is in conformance with the terms of the contract or lease and to establish the level of the subsequent funding pursuant to the contract or lease.

(3) All money collected from a county planetarium tax levy shall be deposited in the county treasury to the credit of the county planetarium fund. All money collected from operations of or from donations to any planetarium owned and operated by the county shall also be deposited in the county treasury to the credit of the planetarium fund. Any money collected from operations of a planetarium by a contracting party or lessee shall be used or deposited as the contract or lease may provide. Income or proceeds from any investment by the county treasurer of county planetarium funds shall be credited to the county planetarium fund and used only for planetarium purposes.

(4) Expenditures from the county planetarium fund shall be drawn upon by the authorized officers of the county upon presentation of properly authenticated vouchers or documentation of the board of directors or other appropriate planetarium official. The fund may not be used for any

purpose other than to pay the costs of acquiring, constructing, operating, managing, equipping, furnishing, maintaining or repairing a planetarium, including appropriate, reasonable and proportionate costs allocated by the county for support of the planetarium, or to pay the cost of financing and funding a contract or lease agreement for facilities, equipment, management, operation, and maintenance of a planetarium.

(5) The board of directors shall provide recommendations to the county executive with respect to the purchase, lease, exchange, construction, erection, or other acquisition of land, real property improvements, and fixtures or the sale, lease, exchange, or other disposition of land, real property improvements, and fixtures for the use or benefit of a county planetarium.

Amended by Chapter 297, 2011 General Session

17-37-5 Budget prepared by directors -- Fiscal year -- Tax levy.

The planetarium board of directors shall prepare an annual budget and estimate of expenditures and in all other respects comply with the requirements of the Uniform Fiscal Procedures Act for Counties and all other general laws relating to budgeting, accounting, disbursing of funds, and other financial matters applicable to counties. A county planetarium shall operate on the same fiscal year as the county and upon approval by the county legislative body of a final fiscal year budget submitted by the board of directors, the county legislative body may, at the time and in the manner prescribed by law for levying general county taxes, levy a tax for planetarium purposes, as provided in this chapter, which shall be sufficient to provide funds for the approved annual budget; but the tax levy imposed may not exceed in any one year .00004 of taxable value of taxable property in the county.

Amended by Chapter 227, 1993 General Session

17-37-6 Rules and regulations -- Use of planetarium by nonresidents.

The planetarium board of directors shall adopt rules and regulations for the use and operations of any planetarium acquired and established by the county. All persons visiting or using the planetarium shall be subject to the rules and regulations adopted by the board. The board may exclude from the use of the planetarium any and all persons who willfully violate the rules. The board may extend the privileges and use of the planetarium to persons residing outside of the county upon such terms and conditions as may be prescribed by its regulations.

Amended by Chapter 16, 1982 General Session

17-37-7 Annual report -- Financial statement.

To the extent that independent accounting records are prepared and maintained by the planetarium, the planetarium board of directors shall make, or in the case of a contracting entity, require that there be made, an annual report to the county executive and the county legislative body on the condition and operation of the planetarium, including a financial statement. The financial statement shall be prepared in accordance with generally accepted accounting principles consistently applied and shall be reviewed by the county auditor. The planetarium shall be included in the annual audit of the county conducted by an independent public accountant as required by Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Amended by Chapter 71, 2005 General Session

17-37-8 Director to be appointed -- Duties and compensation -- Other personnel.

(1)

(a) Subject to Subsection (1)(b), the county executive shall appoint a competent person as planetarium director to have immediate charge of:

(i) planetarium facilities and activities not contracted to an outside entity; and

(ii) overseeing the performance of the terms of any contract or lease entered into with a contracting entity.

(b) In a county with a form of government that has a county executive that is separate from the county legislative body, the appointment under Subsection (1)(a) shall be with the advice and consent of the county legislative body.

(2) The planetarium director shall:

(a) have such duties and receive such compensation for the director's services as the county executive shall determine; and

(b) act as the executive officer for the planetarium board and implement the policies of the board.

(3)

(a) The county executive may appoint, upon the recommendation of the planetarium director, other planetarium personnel.

(b) Each county employee working at the planetarium shall be subject to the provisions of Chapter 33, County Personnel Management Act, and other general laws relating to county personnel matters.

Amended by Chapter 31, 2003 General Session

17-37-9 Donations permitted -- Use.

If a person desires to make donations of money, personal property, or real estate specifically for the benefit of a county planetarium, the board of directors may, with the consent of the county legislative body, accept those donations or other contributions. The board of directors shall manage and administer the donations or contributions in accordance with the terms and conditions of the donating or contributing instrument. All real property and improvements acquired by or specifically for a county planetarium by any means whatsoever, including gift, devise or donation, shall be deeded to and held in the name of the county.

Amended by Chapter 227, 1993 General Session

Chapter 38
Zoos

17-38-1 Tax levy for establishment of zoo.

For the establishment and maintenance of a public zoo counties may levy annually a tax not exceeding .0002 of taxable value of taxable property in the county. The tax is in addition to all taxes levied by counties and is not limited by the levy limitation imposed on counties by law. The taxes shall be levied and collected in the same manner as other general taxes of the county and shall be deposited in a fund to be known as a County Zoo Fund.

Amended by Chapter 3, 1988 General Session

17-38-2 Operation and maintenance of zoo -- Advisory board -- Contract for services.

Upon the establishment of a county zoo under this act, the county legislative body may provide rules and regulations for its governance and operation, including the establishment of an advisory board. The county executive may contract with an agency or vendor to supply all or part of the services necessary for the operation and maintenance of a county zoo.

Amended by Chapter 227, 1993 General Session

17-38-3 Donations.

The county may, for the benefit of the zoo, accept donations of money, personal property, or real estate upon such terms and conditions as it sees fit.

Enacted by Chapter 14, 1982 General Session

17-38-4 Nontermination of taxing power.

The power to levy a tax as provided in Section 17-38-1 does not terminate on June 30, 1983.

Amended by Chapter 297, 2011 General Session

Chapter 41
Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas

Part 1
Definitions

17-41-101 Definitions.

As used in this chapter:

(1) "Advisory board" means:

(a) for an agriculture protection area, the agriculture protection area advisory board created as provided in Section 17-41-201;

(b) for an industrial protection area, the industrial protection area advisory board created as provided in Section 17-41-201; and

(c) for a critical infrastructure materials protection area, the critical infrastructure materials protection area advisory board created as provided in Section 17-41-201.

(2)

(a) "Agriculture production" means production for commercial purposes of crops, livestock, and livestock products.

(b) "Agriculture production" includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

(3) "Agriculture protection area" means a geographic area created under the authority of this chapter that is granted the specific legal protections contained in this chapter.

(4) "Applicable legislative body" means:

(a) with respect to a proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area:

(i) the legislative body of the county in which the land proposed to be included in the relevant protection area is located, if the land is within the unincorporated part of the county; or
(ii) the legislative body of the city or town in which the land proposed to be included in the relevant protection area is located; and
(b) with respect to an existing agriculture protection area, industrial protection area, or critical infrastructure materials protection area:
(i) the legislative body of the county in which the relevant protection area is located, if the relevant protection area is within the unincorporated part of the county; or
(ii) the legislative body of the city or town in which the relevant protection area is located.
(5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.
(6) "Critical infrastructure materials" means sand, gravel, or rock aggregate.
(7) "Critical infrastructure materials operations" means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.
(8) "Critical infrastructure materials operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that:
(a) owns, controls, or manages a critical infrastructure materials operation; and
(b) has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials operations.
(9) "Critical infrastructure materials protection area" means a geographic area created under the authority of this chapter on or after May 14, 2019, that is granted the specific legal protections contained in this chapter.
(10) "Crops, livestock, and livestock products" includes:
(a) land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
(i) forages and sod crops;
(ii) grains and feed crops;
(iii) livestock as defined in Section 59-2-102;
(iv) trees and fruits; or
(v) vegetables, nursery, floral, and ornamental stock; or
(b) land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.
(11) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.
(12) "Industrial protection area" means a geographic area created under the authority of this chapter that is granted the specific legal protections contained in this chapter.
(13) "Mine operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that, as of January 1, 2019:
(a) owns, controls, or manages a mining use under a large mine permit issued by the division or the board; and
(b) has produced commercial quantities of a mineral deposit from the mining use.
(14) "Mineral deposit" means the same as that term is defined in Section 40-8-4.
(15) "Mining protection area" means land where a vested mining use occurs, including each surface or subsurface land or mineral estate that a mine operator with a vested mining use owns or controls.

(16) "Mining use":
(a) means:
(i) the full range of activities, from prospecting and exploration to reclamation and closure, associated with the exploitation of a mineral deposit; and
(ii) the use of the surface and subsurface and groundwater and surface water of an area in connection with the activities described in Subsection (16)(a)(i) that have been, are being, or will be conducted; and
(b) includes, whether conducted on-site or off-site:
(i) any sampling, staking, surveying, exploration, or development activity;
(ii) any drilling, blasting, excavating, or tunneling;
(iii) the removal, transport, treatment, deposition, and reclamation of overburden, development rock, tailings, and other waste material;
(iv) any removal, transportation, extraction, beneficiation, or processing of ore;
(v) any smelting, refining, autoclaving, or other primary or secondary processing operation;
(vi) the recovery of any mineral left in residue from a previous extraction or processing operation;
(vii) a mining activity that is identified in a work plan or permitting document;
(viii) the use, operation, maintenance, repair, replacement, or alteration of a building, structure, facility, equipment, machine, tool, or other material or property that results from or is used in a surface or subsurface mining operation or activity;
(ix) any accessory, incidental, or ancillary activity or use, both active and passive, including a utility, private way or road, pipeline, land excavation, working, embankment, pond, gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use area, buffer zone, and power production facility;
(x) the construction of a storage, factory, processing, or maintenance facility; and
(xi) an activity described in Subsection 40-8-4(19)(a).
(17)
(a) "Municipal" means of or relating to a city or town.
(b) "Municipality" means a city or town.
(18) "New land" means surface or subsurface land or mineral estate that a mine operator gains ownership or control of, whether that land or mineral estate is included in the mine operator's large mine permit.
(19) "Off-site" means the same as that term is defined in Section 40-8-4.
(20) "On-site" means the same as that term is defined in Section 40-8-4.
(21) "Planning commission" means:
(a) a countywide planning commission if the land proposed to be included in the agriculture protection area, industrial protection area, or critical infrastructure materials protection area is within the unincorporated part of the county and not within a planning advisory area;
(b) a planning advisory area planning commission if the land proposed to be included in the agriculture protection area, industrial protection area, or critical infrastructure materials protection area is within a planning advisory area; or
(c) a planning commission of a city or town if the land proposed to be included in the agriculture protection area, industrial protection area, or critical infrastructure materials protection area is within a city or town.
(22) "Political subdivision" means a county, city, town, school district, special district, or special service district.
(23) "Proposal sponsors" means the owners of land in agricultural production, industrial use, or critical infrastructure materials operations who are sponsoring the proposal for creating

an agriculture protection area, industrial protection area, or critical infrastructure materials protection area.

(24) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(25) "Unincorporated" means not within a city or town.

(26) "Vested mining use" means a mining use:

(a) by a mine operator; and

(b) that existed or was conducted or otherwise engaged in before a political subdivision prohibits, restricts, or otherwise limits a mining use.

Amended by Chapter 70, 2024 General Session

17-41-102 Study of critical infrastructure materials operations and related mining.

(1) As used in this section:

(a) "Association of governments" means an association of political subdivisions established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

(b) "Metropolitan planning organization" means an organization established under 23 U.S.C. Sec. 134.

(c) "Related mining" means a mining use related to the critical infrastructure materials operations industry.

(d) "Relevant area" means the area included within the boundaries of:

(i) a county of the first, second, or third class;

(ii) a metropolitan planning organization; or

(iii) an association of governments that has as a member a county of the first, second, or third class.

(2) The division shall conduct a study of critical infrastructure materials operations and related mining that includes:

(a) an inventory of critical infrastructure materials operations and related mining within the relevant area as of May 1, 2024, to include:

(i) both the number and location of critical infrastructure materials operations;

(ii) levels of production; and

(iii) the extent to which the critical infrastructure materials meet standards used by the Department of Transportation;

(b) an inventory of new critical infrastructure materials operations and related mining that may be created by either the establishment of critical infrastructure materials operations or related mining on or after May 1, 2024, or the expansion of existing critical infrastructure materials operations or related mining on or after May 1, 2024, taking into consideration:

(i) zoning; and

(ii) supply in the market;

(c) an assessment of projected future demand for critical infrastructure materials within the relevant area, including:

(i) the effects of residential and commercial development; and

(ii) known planned projects, such as transportation projects;

(d) an analysis of the financial costs related to transporting and distributing critical infrastructure materials to and from the relevant area;

(e) an analysis of the impacts of critical infrastructure materials operations and related mining on local infrastructure within the relevant area and possible mitigation of those impacts;

(f) an analysis of the regulatory requirements faced by critical infrastructure materials operations;
(g) the study of whether critical infrastructure materials operations should be licensed, permitted, or otherwise authorized or regulated by the division, another state agency, or local government; and
(h) any other issue the division finds relevant to the study of critical infrastructure materials operations and related mining.

(3) In conducting the study, the division shall work cooperatively with:
(a) the Utah League of Cities and Towns;
(b) the Utah Association of Counties;
(c) the Department of Transportation;
(d) the critical infrastructure materials industry;
(e) the related mining industry;
(f) the real estate development industry;
(g) the home builders industry;
(h) a local metropolitan planning organization;
(i) at least two representatives from counties of the first, second, or third class; and
(j) at least two representatives from municipalities located within a county of the first, second, or third class.

(4) The division shall complete the initial findings of the study required by this section by no later than November 1, 2024, and report the division's initial findings to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the November 2024 interim meeting of that committee.

(5) The division shall complete the study required by this section and report the division's findings to the Legislature by no later than the first day of the 2025 legislative annual general session.

(6) Notwithstanding other provisions of this section, the division may not include in the division's study any critical infrastructure materials resources within the relevant area if those critical infrastructure materials resources are only extracted for use within an existing mining operation and not offered for sale to the public.

Enacted by Chapter 87, 2024 General Session

Part 2
Advisory Boards

17-41-201 Protection area advisory board.

(1)
(a)
(i) A county legislative body shall appoint no more than five members from the county's conservation district board of supervisors to serve as the agriculture protection area advisory board.
(ii) A county legislative body shall appoint an industrial protection area advisory board.
(iii) Subject to Subsection (1)(b), a county legislative body shall form a critical infrastructure materials protection area advisory board that consists of:
(A) the executive director of the Department of Transportation, or the executive director's designee;
(B) a local government elected official appointed by the county legislative body;

(C) a representative of a local highway authority appointed by the county legislative body;
(D) a representative of the critical infrastructure materials industry appointed by the county legislative body; and
(E) a representative of the construction industry appointed by the county legislative body.
(b) A county legislative body may appoint an advisory board before or after a proposal to create an agriculture protection area or industrial protection area is filed. A county legislative body shall appoint a critical infrastructure materials protection area advisory board only after a proposal to create a critical infrastructure materials protection area is filed.
(2) A member of an advisory board shall serve without salary, but a county legislative body may reimburse members for expenses incurred in the performance of their duties.
(3) An advisory board shall:
(a) evaluate proposals for the establishment of the relevant protection areas and make recommendations to the applicable legislative body about whether the proposal should be accepted;
(b) provide expert advice to the planning commission and to the applicable legislative body about:
(i) the desirability of the proposal;
(ii) the nature of agricultural production, industrial use, or critical infrastructure materials operations, as the case may be, within the proposed area;
(iii) the relation of agricultural production, industrial use, or critical infrastructure materials operations, as the case may be, in the area to the county as a whole; and
(iv) which agriculture production, industrial use, or critical infrastructure materials operations, should be allowed within the relevant protection area; and
(c) perform the other duties required by this chapter.

Amended by Chapter 227, 2019 General Session

Part 3
Proposal and Approval of Protection Area

17-41-301 Proposal for creation of a protection area.

(1)
(a) A proposal to create an agriculture protection area, an industrial protection area, or critical infrastructure materials protection area may be filed with:
(i) the legislative body of the county in which the area is located, if the area is within the unincorporated part of a county; or
(ii) the legislative body of the city or town in which the area is located, if the area is within a city or town.
(b) A proposal to create a critical infrastructure protection area can only be initiated by the legislative body of the municipality or county. Creation of a critical infrastructure materials protection area is a legislative act.
(c)
(i) To be accepted for processing by the applicable legislative body, a proposal under Subsection (1)(a) shall be signed by a majority in number of all owners of real property and the owners of a majority of the land area in agricultural production, industrial use, or critical infrastructure materials operations within the proposed relevant protection area.

(ii) For purposes of Subsection (1)(c)(i), the owners of real property shall be determined by the records of the county recorder.

(2) The proposal shall identify:

(a) the boundaries of the land proposed to become part of the relevant protection area;

(b) any limits on the types of agriculture production, industrial use, or critical infrastructure materials operations to be allowed within the relevant protection area; and

(c) for each parcel of land:

(i) the names of the owners of record of the land proposed to be included within the relevant protection area;

(ii) the tax parcel number or account number identifying each parcel; and

(iii) the number of acres of each parcel.

(3) An agriculture protection area, industrial protection area, or critical infrastructure materials protection area may include within its boundaries land used for a roadway, dwelling site, park, or other nonagricultural use, in the case of an industrial protection area, nonindustrial use, or in the case of a critical infrastructure materials protection area, use unrelated to critical infrastructure materials operations, if that land constitutes a minority of the total acreage within the relevant protection area.

(4) An agricultural protection area may include within the boundaries of the agricultural protection area an agritourism activity, as defined in Section 78B-4-512.

(5) A county or municipal legislative body may establish:

(a) the manner and form for submission of proposals; and

(b) reasonable fees for accepting and processing the proposal.

(6) A county and municipal legislative body shall establish the minimum number of continuous acres that shall be included in an agriculture protection area, industrial protection area, or critical infrastructure materials protection area.

Amended by Chapter 30, 2024 General Session

17-41-302 Notice of proposal for creation of protection area -- Responses.

(1)

(a) An applicable legislative body shall provide notice of the proposal, as a class B notice under Section 63G-30-102, for at least 15 days.

(b) A legislative body shall provide the notice described in Subsection (1)(a) for the geographic boundaries of the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area, and the area that extends 1,000 feet beyond the geographic boundaries of the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area.

(2) The notice shall contain:

(a) a statement that a proposal for the creation of an agriculture protection area, industrial protection area, or critical infrastructure materials protection area has been filed with the applicable legislative body;

(b) a statement that the proposal will be open to public inspection in the office of the applicable legislative body;

(c) a statement that any person affected by the establishment of the area may, within 15 days of the date of the notice, file with the applicable legislative body:

(i) written objections to the proposal; or

(ii) a written request to modify the proposal to exclude land from or add land to the proposed protection area;

(d) a statement that the applicable legislative body will submit the proposal to the advisory committee and to the planning commission for review and recommendations;
(e) a statement that the applicable legislative body will hold a public hearing to discuss and hear public comment on:
(i) the proposal to create the agriculture protection area, industrial protection area, or critical infrastructure materials protection area;
(ii) the recommendations of the advisory committee and planning commission; and
(iii) any requests for modification of the proposal and any objections to the proposal; and
(f) a statement indicating the date, time, and place of the public hearing.
(3)
(a) A person wishing to modify the proposal for the creation of the agriculture protection area, industrial protection area, or critical infrastructure materials protection area shall, within 15 days after the date of the notice, file a written request for modification of the proposal, which identifies specifically the land that should be added to or removed from the proposal.
(b) A person wishing to object to the proposal for the creation of the agriculture protection area, industrial protection area, or critical infrastructure materials protection area shall, within 15 days after the date of the notice, file a written objection to the creation of the relevant protection area.

Amended by Chapter 435, 2023 General Session

17-41-303 Review of proposal for creation of protection area.
(1) After 15 days from the date of the notice, the applicable legislative body shall refer the proposal and any objections and proposed modifications to the proposal to the advisory committee and planning commission for their review, comments, and recommendations.
(2)
(a) Within 45 days after receipt of the proposal, the planning commission shall submit a written report to the applicable legislative body that:
(i) analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of the county or municipality, as the case may be;
(ii) analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;
(iii) recommends any modifications to the land to be included in the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area;
(iv) analyzes and evaluates any objections to the proposal; and
(v) includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.
(b) Within 45 days after receipt of the proposal, the advisory board shall submit a written report to the applicable legislative body that:
(i) recommends any modifications to the land to be included in the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area;
(ii) analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;
(iii) analyzes and evaluates any objections to the proposal; and
(iv) includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.
(c) The applicable legislative body shall consider a failure of the planning commission or advisory committee to submit a written report within the 45 days under Subsection (2)(a) or (b) as a recommendation of that committee to approve the proposal as submitted.

Amended by Chapter 227, 2019 General Session

17-41-304 Public hearing -- Notice -- Review and action on proposal.

(1) After receipt of the written reports from the advisory committee and planning commission, or after the 45 days have expired, whichever is earlier, the county or municipal legislative body shall:
  (a) schedule a public hearing;
  (b) provide notice of the public hearing for the geographic area described in Subsection 17-41-302(1)(b), as a class B notice under Section 63G-30-102, for at least seven days; and
  (c) ensure that the notice includes:
    (i) the time, date, and place of the public hearing on the proposal;
    (ii) a description of the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area;
    (iii) any proposed modifications to the proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area;
    (iv) a summary of the recommendations of the advisory committee and planning commission; and
    (v) a statement that interested persons may appear at the public hearing and speak in favor of or against the proposal, any proposed modifications to the proposal, or the recommendations of the advisory committee and planning commission.
(2) The applicable legislative body shall:
  (a) convene the public hearing at the time, date, and place specified in the notice; and
  (b) take oral or written testimony from interested persons.
(3)
  (a) Within 120 days of the submission of the proposal, the applicable legislative body shall approve, modify and approve, or reject the proposal.
  (b) The creation of an agriculture protection area, industrial protection area, or critical infrastructure materials protection area is effective at the earlier of:
    (i) the applicable legislative body's approval of a proposal or modified proposal; or
    (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if the applicable legislative body has failed to approve or reject the proposal within that time.
  (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area is effective only if the applicable legislative body, at its discretion, approves a proposal or modified proposal.
(4)
  (a) To give constructive notice of the existence of the agriculture protection area, industrial protection area, or critical infrastructure materials protection area to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant protection area within 10 days of the creation of the relevant protection area, the applicable legislative body shall file an executed document containing a legal description of the relevant protection area with:
    (i) the county recorder of deeds; and
    (ii) the affected planning commission.
  (b) If the legal description of the property to be included in the relevant protection area is available through the county recorder's office, the applicable legislative body shall use that legal description in its executed document required in Subsection (4)(a).
(5) Within 10 days of the recording of the agriculture protection area, the applicable legislative body shall:

(a) send written notification to the commissioner of agriculture and food that the agriculture protection area has been created; and
(b) include in the notification:
(i) the number of landowners owning land within the agriculture protection area;
(ii) the total acreage of the area;
(iii) the date of approval of the area; and
(iv) the date of recording.
(6) The applicable legislative body's failure to record the notice required under Subsection (4) or to send the written notification under Subsection (5) does not invalidate the creation of an agriculture protection area.
(7) The applicable legislative body may consider the cost of recording notice under Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee under Subsection 17-41-301(4)(b).

Amended by Chapter 435, 2023 General Session

17-41-305 Criteria to be applied in evaluating a proposal for the creation of a protection area.

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area, industrial protection area, or critical infrastructure materials protection area, the advisory committee, planning commission, and applicable legislative body shall apply the following criteria:
(1) whether or not the land is currently being used for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;
(2) whether or not the land is zoned for agriculture use, industrial use, or critical infrastructure materials operations, as the case may be;
(3) whether or not the land is viable for agriculture production, industrial use, or critical infrastructure materials operations, as the case may be;
(4) the extent and nature of existing or proposed farm improvements, the extent and nature of existing or proposed improvements to or expansion of the industrial use, or the extent and nature of existing or proposed improvements to or expansion of critical infrastructure materials operations, as the case may be; and
(5)
(a) in the case of an agriculture protection area, anticipated trends in agricultural and technological conditions;
(b) in the case of an industrial protection area, anticipated trends in technological conditions applicable to the industrial use of the land in question; or
(c) in the case of a critical infrastructure materials protection area, anticipated trends in technological conditions applicable to the critical infrastructure materials operations of the land in question.

Amended by Chapter 227, 2019 General Session

17-41-306 Adding land to or removing land from a protection area -- Removing land from a mining protection area.

(1)
(a) Any owner may add land to an existing agriculture protection area, industrial protection area, critical infrastructure materials protection area, as the case may be, by:

(i) filing a proposal with:
(A) the county legislative body, if the relevant protection area and the land to be added are within the unincorporated part of the county; or
(B) the municipal legislative body, if the relevant protection area and the land to be added are within a city or town; and
(ii) obtaining the approval of the applicable legislative body for the addition of the land to the relevant protection area.
(b) The applicable legislative body shall:
(i) comply with the provisions for creating an agriculture protection area, industrial protection area, critical infrastructure materials protection area, as the case may be, in determining whether to accept the proposal; and
(ii) for purposes of a critical infrastructure materials protection area, request a copy of the applicable Division of Air Quality approval order.
(c) The applicable legislative body may deny the expansion if it is contrary to the Division of Air Quality's approval order.
(2)
(a) An owner of land within an agriculture protection area, industrial protection area, or critical infrastructure materials protection area may remove any or all of the land from the relevant protection area, by filing a petition for removal with the applicable legislative body.
(b)
(i) The applicable legislative body:
(A) shall:
(I) grant the petition for removal of land from the relevant protection area, even if removal of the land would result in an agriculture protection area, industrial protection area, or critical infrastructure materials protection area of less than the number of acres established by the applicable legislative body as the minimum under Section 17-41-301; and
(II) to give constructive notice of the removal to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area, industrial protection area, or critical infrastructure materials protection area and the land removed from the relevant protection area, file a legal description of the revised boundaries of the relevant protection area with the county recorder of deeds and the affected planning commission; and
(B) may not charge a fee in connection with a petition to remove land from an agriculture protection area, an industrial protection area, or critical infrastructure materials protection area.
(ii) The remaining land in the agriculture protection area, industrial protection area, or critical infrastructure materials protection area is still an agriculture protection area, industrial protection area, or critical infrastructure materials protection area.
(iii)
(A) A critical infrastructure materials operator may abandon some or all of its critical infrastructure materials operations use only as provided in this Subsection (2)(b)(iii).
(B) To abandon some or all of a critical infrastructure materials operations, a critical infrastructure materials operator shall record a written declaration of abandonment with the recorder of the county in which the critical infrastructure materials operations being abandoned is located.

(C) The written declaration of abandonment under this Subsection (2)(b)(iii) shall specify the critical infrastructure materials operations or the portion of the critical infrastructure materials operations being abandoned.

(3)

(a) If a municipality annexes any land that is part of an agriculture protection area, industrial protection area, or critical infrastructure materials protection area located in the unincorporated part of the county, the county legislative body shall, within 30 days after the land is annexed, review the feasibility of that land remaining in the relevant protection area according to the procedures and requirements of Section 17-41-307.

(b) The county legislative body shall remove the annexed land from the relevant protection area if:

(i) the county legislative body concludes, after the review under Section 17-41-307, that removal is appropriate; and

(ii) the owners of all the annexed land that is within the relevant protection area consent in writing to the removal.

(c) Removal of land from an agriculture protection area, industrial protection area, or critical infrastructure materials protection area under this Subsection (3) does not affect whether that land may be:

(i) included in a proposal under Section 17-41-301 to create an agriculture protection area, industrial protection area, or critical infrastructure materials protection area within the municipality; or

(ii) added to an existing agriculture protection area, industrial protection area, or critical infrastructure materials protection area within the municipality under Subsection (1).

(4) A mine operator that owns or controls land within a mining protection area may remove any or all of the land from the mining protection area by filing a notice of removal with the legislative body of the county in which the land is located.

Amended by Chapter 227, 2019 General Session

17-41-307 Review of protection areas.

(1) In the 20th calendar year after its creation under this part, an agriculture protection area, industrial protection area, or critical infrastructure materials protection area, as the case may be, shall be reviewed, under the provisions of this section, by:

(a) the county legislative body, if the relevant protection area is within the unincorporated part of the county; or

(b) the municipal legislative body, if the relevant protection area is within the municipality.

(2)

(a) In the 20th year, the applicable legislative body may:

(i) request the planning commission and advisory board to submit recommendations about whether the agriculture protection area, industrial protection area, or critical infrastructure materials protection area, as the case may be, should be continued, modified, or terminated;

(ii) at least 120 days before the end of the calendar year, hold a public hearing to discuss whether the relevant protection area, should be continued, modified, or terminated;

(iii) give notice of the hearing using the same procedures required by Section 17-41-302; and

(iv) after the public hearing, continue, modify, or terminate the relevant protection area.

(b) If the applicable legislative body modifies or terminates the agriculture protection area, industrial protection area, or critical infrastructure materials protection area, the applicable

legislative body shall file an executed document containing the legal description of the relevant protection area, with the county recorder of deeds.

(3) If the applicable legislative body fails affirmatively to continue, modify, or terminate the agriculture protection area, industrial protection area, or critical infrastructure materials protection area, as the case may be, in the 20th calendar year, the relevant protection area is considered to be reauthorized for another 20 years.

Amended by Chapter 227, 2019 General Session

Part 4
Protection of Land in a Protection Area

17-41-401 Farmland Assessment Act benefits not affected.

(1) Creation of an agriculture protection area may not impair the ability of land within the area to obtain the benefits of Title 59, Chapter 2, Part 5, Farmland Assessment Act.

(2) The eligibility of land for the benefits of Title 59, Chapter 2, Part 5, Farmland Assessment Act, shall be determined exclusively by the provisions of that act, notwithstanding the land's location within an agriculture protection area.

Amended by Chapter 297, 2011 General Session

17-41-402 Limitations on local regulations.

(1) A political subdivision within which an agriculture protection area, industrial protection area, or critical infrastructure materials protection area is created or with a mining protection area within its boundary shall encourage the continuity, development, and viability of agriculture use, industrial use, critical infrastructure materials operations, or mining use, within the relevant protection area by not enacting a local law, ordinance, or regulation that, unless the law, ordinance, or regulation bears a direct relationship to public health or safety, would unreasonably restrict:

(a) in the case of an agriculture protection area, a farm structure or farm practice;

(b) in the case of an industrial protection area, an industrial use of the land within the area;

(c) in the case of a critical infrastructure materials protection area, critical infrastructure materials operations; or

(d) in the case of a mining protection area, a mining use within the protection area.

(2) A political subdivision may not change the zoning designation of or a zoning regulation affecting land within an agriculture protection area unless the political subdivision receives written approval for the change from all the landowners within the agriculture protection area affected by the change.

(3) Except as provided by Section 19-4-113, a political subdivision may not change the zoning designation of or a zoning regulation affecting land within an industrial protection area unless the political subdivision receives written approval for the change from all the landowners within the industrial protection area affected by the change.

(4) A political subdivision may not change the zoning designation of or a zoning regulation affecting land within a critical infrastructure materials protection area unless the political subdivision receives written approval for the change from each critical infrastructure materials operator within the relevant area.

(5) A political subdivision may not change the zoning designation of or a zoning regulation affecting land within a mining protection area unless the political subdivision receives written approval for the change from each mine operator within the area.
(6) A county, city, or town may not:
  (a) adopt, enact, or amend an existing land use regulation, ordinance, or regulation that would prohibit, restrict, regulate, or otherwise limit critical infrastructure materials operations, including vested critical infrastructure materials operations as defined in Section 10-9a-901 or 17-27a-1001; or
  (b) initiate proceedings to amend the county's, city's, or town's land use ordinances as described in Subsection 10-9a-509(1)(a)(ii) or 17-27a-508(1)(a)(ii).

Amended by Chapter 227, 2019 General Session

17-41-402.5 Limits on political subdivisions with respect to a vested mining use -- Exception.
(1) A political subdivision may not:
  (a) terminate a vested mining use, whether by amortization, the exercise of police power, or otherwise;
  (b) prohibit, restrict, or otherwise limit a mine operator with a vested mining use from exercising the rights permitted under this chapter;
  (c) require, for a vested mining use:
    (i) a variance;
    (ii) a conditional use permit;
    (iii) a special exception;
    (iv) the establishment or determination of a nonconforming use right; or
    (v) any other type of zoning or land use permit; or
  (d) prohibit, restrict, limit, or otherwise regulate a vested mining use under a variance, conditional use permit, special exception, or other zoning or land use permit issued before May 12, 2009.
(2) Subsection (1) does not prohibit a political subdivision from requiring a vested mining use to comply with the generally applicable, reasonable health and safety regulations and building code adopted by the political subdivision including a drinking water protection zone as defined and limited to Subsections 19-4-113(5)(a) and (b).

Amended by Chapter 255, 2023 General Session

17-41-403 Nuisances.
(1) A political subdivision shall ensure that any of the political subdivision's laws or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition:
  (a) for an agriculture protection area, any agricultural activity or operation within an agriculture protection area conducted using sound agricultural practices unless that activity or operation bears a direct relationship to public health or safety;
  (b) for an industrial protection area, any industrial use of the land within the industrial protection area that is consistent with sound practices applicable to the industrial use, unless that use bears a direct relationship to public health or safety; or
  (c) for a critical infrastructure materials protection area, any critical infrastructure materials operations on the land within the critical infrastructure materials protection area that is consistent with sound practices applicable to the critical infrastructure materials operations, unless that use bears a direct relationship to public health or safety.

(2) In a civil action for nuisance or a criminal action for public nuisance under Section 76-10-803, it is a complete defense if the action involves agricultural activities and:
(a) those agricultural activities were:
(i) conducted within an agriculture protection area; and
(ii) not in violation of any federal, state, or local law or regulation relating to the alleged nuisance or were conducted according to sound agricultural practices; or
(b) a defense under Section 4-44-201 applies.
(3)
(a) A vested mining use undertaken in conformity with applicable federal and state law and regulations is presumed to be operating within sound mining practices.
(b) A vested mining use that is consistent with sound mining practices:
(i) is presumed to be reasonable; and
(ii) may not constitute a private or public nuisance under Section 76-10-803.
(c) A vested mining use in operation for more than three years may not be considered to have become a private or public nuisance because of a subsequent change in the condition of land within the vicinity of the vested mining use.
(4)
(a) For any new subdivision development located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(b) For any new subdivision development located in whole or in part within 1,000 feet of the boundary of an industrial protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Industrial Protection Area

This property is located in the vicinity of an established industrial protection area in which normal industrial uses and activities have been afforded the highest priority use status. It can be anticipated that such industrial uses and activities may now or in the future be conducted on property included in the industrial protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal industrial uses and activities."

(c) For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a critical infrastructure materials protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Critical Infrastructure Materials Protection Area

This property is located in the vicinity of an established critical infrastructure materials protection area in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations."

(d) For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a mining protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"This property is located within the vicinity of an established mining protection area in which normal mining uses and activities have been afforded the highest priority use status. It can be anticipated that the mining uses and activities may now or in the future be conducted on property included in the mining protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from the normal mining uses and activities."

Amended by Chapter 81, 2019 General Session
Amended by Chapter 227, 2019 General Session

17-41-404 Policy of state agencies.

A state agency shall encourage the continuity, development, and viability of agriculture within agriculture protection areas, industrial uses with industrial protection areas, and critical infrastructure materials operations within critical infrastructure protection areas by:

(1) not enacting rules that would impose unreasonable restrictions on farm structures or farm practices within the agriculture protection area, on industrial uses and practices within the industrial protection area, or on critical infrastructure materials operations with a critical infrastructure materials protection area, unless those laws, ordinances, or regulations bear a direct relationship to public health or safety or are required by federal law; and

(2) modifying existing rules that would impose unreasonable restrictions on farm structures or farm practices within the agriculture protection area, on industrial uses and activities within the industrial protection area, or on critical infrastructure materials operations within a critical infrastructure materials protection area, unless those laws, ordinances, or regulations bear a direct relationship to public health or safety or are required by federal law.

Amended by Chapter 227, 2019 General Session

17-41-405 Eminent domain restrictions -- Notice of hearing.

(1) A political subdivision having or exercising eminent domain powers may not condemn for any purpose any land within an agriculture protection area that is being used for agricultural production, land within an industrial protection area that is being put to an industrial use, or land within a critical infrastructure materials protection area, unless the political subdivision obtains approval, according to the procedures and requirements of this section, from the applicable legislative body and the advisory board.

(2) Any condemnor wishing to condemn property within an agriculture protection area, industrial protection area, or critical infrastructure materials protection area shall file a notice of condemnation with the applicable legislative body and the relevant protection area's advisory board at least 30 days before filing an eminent domain complaint.

(3) The applicable legislative body and the advisory board shall:

(a) hold a joint public hearing on the proposed condemnation at a location within the county in which the relevant protection area is located; and

(b) publish notice of the time, date, place, and purpose of the public hearing for the relevant protection area, as a class A notice under Section 63G-30-102, for at least seven days.

(4)

(a) If the condemnation is for highway purposes or for the disposal of solid or liquid waste materials, the applicable legislative body and the advisory board may approve the condemnation only if there is no reasonable and prudent alternative to the use of the land within the agriculture protection area, industrial protection area, or critical infrastructure materials protection area for the project.

(b) If the condemnation is for any other purpose, the applicable legislative body and the advisory board may approve the condemnation only if:

(i) the proposed condemnation would not have an unreasonably adverse effect upon the preservation and enhancement of:

(A) agriculture within the agriculture protection area;

(B) the industrial use within the industrial protection area; or

(C) critical infrastructure materials operations within the critical infrastructure materials protection area; or

(ii) there is no reasonable and prudent alternative to the use of the land within the relevant protection area for the project.

(5)

(a) Within 60 days after receipt of the notice of condemnation, the applicable legislative body and the advisory board shall approve or reject the proposed condemnation.

(b) If the applicable legislative body and the advisory board fail to act within the 60 days or such further time as the applicable legislative body establishes, the condemnation shall be considered rejected.

(6) The applicable legislative body or the advisory board may request the county or municipal attorney to bring an action to enjoin any condemnor from violating any provisions of this section.

Amended by Chapter 435, 2023 General Session

17-41-406 Restrictions on state development projects.

(1) A state agency that plans any development project that might affect land within an agriculture protection area, industrial protection area, or critical infrastructure materials protection area, shall submit the state agency's development plan to:

(a) the advisory board of the relevant protection area; and

(b) in the case of an agriculture protection area, the commissioner of agriculture and food.

(2) The commissioner of agriculture and food, in the case of an agriculture protection area, and the advisory board shall:

(a) review the state agency's proposed development plan; and

(b) recommend any modifications to the development project that would protect the integrity of the agriculture protection area, industrial protection area, or critical infrastructure materials protection area, as the case may be, or that would protect the agriculture protection area from nonfarm encroachment, the industrial protection area from nonindustrial encroachment, or the critical infrastructure materials protection area from encroachment of uses unrelated to critical infrastructure materials operations.

(3) A state agency and political subdivision of the state that designates or proposes to designate a transportation corridor shall:

(a) consider:

(i) whether the transportation corridor would:

(A) be located on land that is included within an agriculture protection area; or

(B) interfere with agriculture production activities on land within an agriculture protection area; and

(ii) each other reasonably comparable alternative to the placement of the corridor on land within an agriculture protection area; and

(b) make reasonable efforts to minimize or eliminate any detrimental impact on agriculture that may result from the designation of a transportation corridor.

Amended by Chapter 227, 2019 General Session

Part 5
Vested Mining Use

17-41-501 Vested mining use -- Conclusive presumption.

(1)

(a) A mining use is conclusively presumed to be a vested mining use if the mining use existed or was conducted or otherwise engaged in before a political subdivision prohibits, restricts, or otherwise limits the mining use.

(b) Anyone claiming that a vested mining use has not been established has the burden of proof to show by clear and convincing evidence that the vested mining use has not been established.

(2) A vested mining use:

(a) runs with the land; and

(b) may be changed to another mining use without losing its status as a vested mining use.

(3) The present or future boundary described in the large mine permit of a mine operator with a vested mining use does not limit:

(a) the scope of the mine operator's rights under this chapter; or

(b) the protection that this chapter provides for a mining protection area.

(4)

(a) A mine operator with a vested mining use shall file a declaration for recording in the office of the recorder of the county in which the vested mining use is located.

(b) A declaration under Subsection (4)(a) shall:

(i) contain a legal description of the land included within the vested mining use; and

(ii) provide notice of the vested mining use.

Enacted by Chapter 376, 2009 General Session

17-41-502 Rights of a mine operator with a vested mining use -- Expanding vested mining use.

(1) Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a mining use adopted after the establishment of the mining use, the rights of a mine operator with a vested mining use include the rights to:

(a) progress, extend, enlarge, grow, or expand the vested mining use to any surface or subsurface land or mineral estate that the mine operator owns or controls;

(b) expand the vested mining use to any new land that:

(i) is contiguous and related in mineralization to surface or subsurface land or a mineral estate that the mine operator already owns or controls;

(ii) contains minerals that are part of the same mineral trend as the minerals that the mine operator already owns or controls; or
(iii) is a geologic offshoot to surface or subsurface land or a mineral estate that the mine operator already owns or controls;
(c) use, operate, construct, reconstruct, restore, extend, expand, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings on any surface or subsurface land or mineral estate that the mine operator owns or controls;
(d) increase production or volume, alter the method of mining or processing, and mine or process a different or additional mineral than previously mined or owned on any surface or subsurface land or mineral estate that the mine operator owns or controls; and
(e) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the mining use.
(2)
(a) As used in this Subsection (2), "applicable legislative body" means the legislative body of each:
(i) county in whose unincorporated area the new land to be included in the vested mining use is located; and
(ii) municipality in which the new land to be included in the vested mining use is located.
(b) A mine operator with a vested mining use is presumed to have a right to expand the vested mining use to new land.
(c) Before expanding a vested mining use to new land, a mine operator shall provide written notice:
(i) of the mine operator's intent to expand the vested mining use; and
(ii) to each applicable legislative body.
(d)
(i) An applicable legislative body shall:
(A) hold a public meeting or hearing at its next available meeting that is more than 10 days after receiving the notice under Subsection (2)(c); and
(B) provide reasonable, advance, written notice:
(I) of:
(Aa) the intended expansion of the vested mining use; and
(Bb) the public meeting or hearing; and
(II) to each owner of the surface estate of the new land.
(ii) A public meeting or hearing under Subsection (2)(d)(i) serves to provide sufficient public notice of the mine operator's intent to expand the vested mining use to the new land.
(e) After the public meeting or hearing under Subsection (2)(d)(ii), a mine operator may expand a vested mining use to new land without any action by an applicable legislative body, unless there is clear and convincing evidence in the record that the expansion to new land will imminently endanger the public health, safety, and welfare.
(3) If a mine operator expands a vested mining use to new land, as authorized under this section:
(a) the mine operator's rights under the vested mining use with respect to land on which the vested mining use occurs apply with equal force after the expansion to the new land; and
(b) the mining protection area that includes land on which the vested mining use occurs is expanded to include the new land.

Enacted by Chapter 376, 2009 General Session

17-41-503 Abandonment of a vested mining use.

(1) A mine operator may abandon some or all of a vested mining use only as provided in this section.
(2) To abandon some or all of a vested mining use, a mine operator shall record a written declaration of abandonment with the recorder of the county in which the vested mining use being abandoned is located.
(3) The written declaration of abandonment under Subsection (2) shall specify the vested mining use or the portion of the vested mining use being abandoned.

Enacted by Chapter 376, 2009 General Session

Part 6
Open Land and Working Agricultural Land Use

17-41-601 Definitions.

As used in this part:
(1) "Agricultural land" means "land in agricultural use," as defined in Section 59-2-502.
(2)
(a) "Open land" means land that is:
(i) preserved in or restored to a predominantly natural, open, and undeveloped condition; and
(ii) used for:
(A) wildlife habitat;
(B) cultural or recreational use;
(C) watershed protection; or
(D) another use consistent with the preservation of the land in, or restoration of the land to, a predominantly natural, open, and undeveloped condition.
(b) "Open land" includes land described in Subsection (2)(a) that contains facilities, including trails, waterways, and grassy areas, that, in the judgment of the county legislative body:
(i) enhance the natural, scenic, or aesthetic qualities of the land; or
(ii) facilitate the public's access to, or use of, the land for the enjoyment of the land's natural, scenic, or aesthetic qualities and for compatible recreational activities.
(c) "Open land" does not include land whose predominant use is as a developed facility for active recreational activities played on fields or courses, including baseball, tennis, soccer, golf, or other sporting or similar activities.
(3) "Public land county" means a county in which over 50% of the land area is publicly owned.
(4) "Rollback tax funds" means the rollback taxes paid to a county in accordance with Sections 59-2-506, 59-2-511, 59-2-1705, and 59-2-1710.

Enacted by Chapter 180, 2023 General Session

17-41-602 Use of money -- Criteria -- Administration.

(1) The county treasurer shall:
(a) pay rollback taxes in accordance with Sections 59-2-506, 59-2-511, 59-2-1705, and 59-2-1710; and
(b) deposit 20% of the rollback tax funds into an account or fund of the county set aside for preserving or restoring open land and agricultural land.
(2) The percentage of rollback tax funds described in Subsection (1)(b):

(a) may be used to establish a conservation easement under Title 57, Chapter 18, Land Conservation Easement Act, or to fund similar methods to preserve open land or agricultural land; and
(b) if the property to be purchased is in a public land county, may not be used to purchase a fee interest in real property to preserve open land or agricultural land, unless, the governmental entity purchasing the property contemporaneously transfers to the private ownership real property, in the same public land county, that is roughly equivalent in size to the property to be purchased.

(3) Eminent domain may not be used or threatened in connection with any purchase using the percentage of rollback tax funds described in Subsection (1)(b).
(4) The funds collected by the account or fund of the county may roll over from year-to-year.

Enacted by Chapter 180, 2023 General Session

Chapter 43
Local Human Services Act

Part 1
General Provisions

17-43-101 Title.

This chapter is known as the "Local Human Services Act."

Enacted by Chapter 22, 2003 General Session

17-43-102 Definitions.

As used in this chapter:
(1) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
(2) "Division" means the Division of Integrated Healthcare within the department.

Amended by Chapter 327, 2023 General Session

Part 2
Local Substance Abuse Authorities

17-43-201 Local substance abuse authorities -- Responsibilities.

(1)
(a)
(i) In each county operating under a county executive-council form of government under Section 17-52a-203, the county legislative body is the local substance abuse authority, provided however that any contract for plan services shall be administered by the county executive.

(ii) In each county operating under a council-manager form of government under Section 17-52a-204, the county manager is the local substance abuse authority.

(iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the county legislative body is the local substance abuse authority.

(b) Within legislative appropriations and county matching funds required by this section, and under the direction of the division, each local substance abuse authority shall:

(i) develop substance use prevention and treatment services plans;

(ii) provide substance use services to residents of the county; and

(iii) cooperate with efforts of the division to promote integrated programs that address an individual's substance use, mental health, and physical healthcare needs, as described in Section 26B-5-102.

(c) Within legislative appropriations and county matching funds required by this section, each local substance abuse authority shall cooperate with the efforts of the department to promote a system of care, as defined in Section 26B-5-101, for minors with or at risk for complex emotional and behavioral needs, as described in Section 26B-1-202.

(2)

(a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, two or more counties may join to:

(i) provide substance use prevention and treatment services; or

(ii) create a united local health department that provides substance use treatment services, mental health services, and local health department services in accordance with Subsection (3).

(b) The legislative bodies of counties joining to provide services may establish acceptable ways of apportioning the cost of substance use services.

(c) Each agreement for joint substance use services shall:

(i)

(A) designate the treasurer of one of the participating counties or another person as the treasurer for the combined substance abuse authorities and as the custodian of money available for the joint services; and

(B) provide that the designated treasurer, or other disbursing officer authorized by the treasurer, may make payments from the money for the joint services upon audit of the appropriate auditing officer or officers representing the participating counties;

(ii) provide for the appointment of an independent auditor or a county auditor of one of the participating counties as the designated auditing officer for the combined substance abuse authorities;

(iii)

(A) provide for the appointment of the county or district attorney of one of the participating counties as the designated legal officer for the combined substance abuse authorities; and

(B) authorize the designated legal officer to request and receive the assistance of the county or district attorneys of the other participating counties in defending or prosecuting actions within their counties relating to the combined substance abuse authorities; and

(iv) provide for the adoption of management, clinical, financial, procurement, personnel, and administrative policies as already established by one of the participating counties or as approved by the legislative body of each participating county or interlocal board.

(d) An agreement for joint substance use services may provide for joint operation of services and facilities or for operation of services and facilities under contract by one participating local substance abuse authority for other participating local substance abuse authorities.

(3) A county governing body may elect to combine the local substance abuse authority with the local mental health authority created in Part 3, Local Mental Health Authorities, and the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department Act, to create a united local health department under Section 26A-1-105.5. A local substance abuse authority that joins a united local health department shall comply with this part.

(4)

(a) Each local substance abuse authority is accountable to the department and the state with regard to the use of state and federal funds received from those departments for substance use services, regardless of whether the services are provided by a private contract provider.

(b) Each local substance abuse authority shall comply, and require compliance by its contract provider, with all directives issued by the department regarding the use and expenditure of state and federal funds received from those departments for the purpose of providing substance use programs and services. The department shall ensure that those directives are not duplicative or conflicting, and shall consult and coordinate with local substance abuse authorities with regard to programs and services.

(5) Each local substance abuse authority shall:

(a) review and evaluate substance use prevention and treatment needs and services, including substance use needs and services for individuals incarcerated in a county jail or other county correctional facility;

(b) annually prepare and submit to the division a plan approved by the county legislative body for funding and service delivery that includes:

(i) provisions for services, either directly by the substance abuse authority or by contract, for adults, youth, and children, including those incarcerated in a county jail or other county correctional facility; and

(ii) primary prevention, targeted prevention, early intervention, and treatment services;

(c) establish and maintain, either directly or by contract, programs licensed under Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;

(d) appoint directly or by contract a full or part time director for substance use programs, and prescribe the director's duties;

(e) provide input and comment on new and revised rules established by the division;

(f) establish and require contract providers to establish administrative, clinical, procurement, personnel, financial, and management policies regarding substance use services and facilities, in accordance with the rules of the division, and state and federal law;

(g) establish mechanisms allowing for direct citizen input;

(h) annually contract with the division to provide substance use programs and services in accordance with the provisions of Title 26B, Chapter 5, Health Care - Substance Use and Mental Health;

(i) comply with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements;

(j) promote or establish programs for the prevention of substance use within the community setting through community-based prevention programs;

(k) provide funding equal to at least 20% of the state funds that it receives to fund services described in the plan;

(l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, and Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

(m) for persons convicted of driving under the influence in violation of Section 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:
(i) a screening;
(ii) an assessment;
(iii) an educational series; and
(iv) substance use treatment; and
(n) utilize proceeds of the accounts described in Subsection 26B-5-209(1) to supplement the cost of providing the services described in Subsection (5)(m).
(6) Before disbursing any public funds, each local substance abuse authority shall require that each entity that receives any public funds from the local substance abuse authority agrees in writing that:
(a) the entity's financial records and other records relevant to the entity's performance of the services provided to the local substance abuse authority shall be subject to examination by:
(i) the division;
(ii) the local substance abuse authority director;
(iii)
(A) the county treasurer and county or district attorney; or
(B) if two or more counties jointly provide substance use services under an agreement under Subsection (2), the designated treasurer and the designated legal officer;
(iv) the county legislative body; and
(v) in a county with a county executive that is separate from the county legislative body, the county executive;
(b) the county auditor may examine and audit the entity's financial and other records relevant to the entity's performance of the services provided to the local substance abuse authority; and
(c) the entity will comply with the provisions of Subsection (4)(b).
(7) A local substance abuse authority may receive property, grants, gifts, supplies, materials, contributions, and any benefit derived therefrom, for substance abuse services. If those gifts are conditioned upon their use for a specified service or program, they shall be so used.
(8)
(a) As used in this section, "public funds" means the same as that term is defined in Section 17-43-203.
(b) Public funds received for the provision of services pursuant to the local substance abuse plan may not be used for any other purpose except those authorized in the contract between the local substance abuse authority and the provider for the provision of plan services.
(9) Subject to the requirements of the federal Substance Abuse Prevention and Treatment Block Grant, Pub. L. No. 102-321, a local substance abuse authority shall ensure that all substance use treatment programs that receive public funds:
(a) accept and provide priority for admission to a pregnant woman or a pregnant minor; and
(b) if admission of a pregnant woman or a pregnant minor is not possible within 24 hours of the time that a request for admission is made, provide a comprehensive referral for interim services that:
(i) are accessible to the pregnant woman or pregnant minor;
(ii) are best suited to provide services to the pregnant woman or pregnant minor;
(iii) may include:
(A) counseling;
(B) case management; or
(C) a support group; and
(iv) shall include a referral for:

(A) prenatal care; and
(B) counseling on the effects of alcohol and drug use during pregnancy.
(10) If a substance use treatment program described in Subsection (9) is not able to accept and admit a pregnant woman or pregnant minor under Subsection (9) within 48 hours of the time that request for admission is made, the local substance abuse authority shall contact the Division of Integrated Healthcare for assistance in providing services to the pregnant woman or pregnant minor.

Amended by Chapter 15, 2023 General Session
Amended by Chapter 327, 2023 General Session

17-43-202 Local substance abuse authorities -- Requirements prior to distributing public funds.
(1) Each local substance abuse authority shall award all public funds in compliance with:
(a) the requirements of Title 63G, Chapter 6a, Utah Procurement Code; or
(b) a county procurement ordinance that requires similar procurement practices.
(2) If all initial bids on the project are rejected, the authority shall publish a new invitation to bid. If no satisfactory bid is received by the authority when the bids received from the second invitation are opened, the authority may execute a contract without requiring competitive bidding.
(3) A local substance abuse authority need not comply with the procurement provisions of this section when it disburses public funds to another political subdivision of the state or an institution of higher education of the state.
(4) Each contract awarded by a local substance abuse authority shall be for a fixed amount and limited period. A contract may be modified due to changes in available funding for the same contract purpose without competition.

Amended by Chapter 347, 2012 General Session

17-43-203 Definition of "public funds" -- Responsibility for oversight of public funds -- Substance abuse programs and services.
(1) As used in this section, "public funds":
(a) means:
(i) federal money received from the Department of Health and Human Services; and
(ii) state money appropriated by the Legislature to the Department of Health and Human Services, a county governing body, or a local substance abuse authority for the purposes of providing substance abuse programs or services; and
(b) includes that federal and state money:
(i) even after the money has been transferred by a local substance abuse authority to a private provider under an annual or otherwise ongoing contract to provide comprehensive substance abuse programs or services for the local substance abuse authority; and
(ii) while in the possession of the private provider.
(2) Each local substance abuse authority is responsible for oversight of all public funds received by it, to determine that those public funds are utilized in accordance with federal and state law, the rules and policies of the Department of Health and Human Services, and the provisions of any contract between the local substance abuse authority and the Department of Health and Human Services or a private provider. That oversight includes requiring that neither the contract provider, as described in Subsection (1), nor any of its employees:

(a) violate any applicable federal or state criminal law;
(b) knowingly violate any applicable rule or policy of the Department of Health and Human Services, or knowingly violate any provision of contract between the local substance abuse authority and the Department of Health and Human Services or the private provider;
(c) knowingly keep any false account or make any false entry or erasure in any account of or relating to the public funds;
(d) fraudulently alter, falsify, conceal, destroy, or obliterate any account of or relating to public funds;
(e) fail to ensure competent oversight for lawful disbursement of public funds;
(f) appropriate public funds for an unlawful use or for a use that is not in compliance with contract provisions; or
(g) knowingly or intentionally use public funds unlawfully or in violation of a governmental contract provision, or in violation of state policy.

(3) Each local substance abuse authority that knows or reasonably should know of any of the circumstances described in Subsection (2), and that fails or refuses to take timely corrective action in good faith shall, in addition to any other penalties provided by law, be required to make full and complete repayment to the state of all public funds improperly used or expended.

(4) Any public funds required to be repaid to the state by a local substance abuse authority under Subsection (3), based upon the actions or failure of the contract provider, may be recovered by the local substance abuse authority from its contract provider, in addition to the local substance abuse authority's costs and attorney's fees.

Amended by Chapter 240, 2024 General Session

17-43-204 Fees for substance abuse services -- Responsibility for cost of service if rendered by authority to nonresident -- Authority may receive funds from other sources.

(1) Each local substance abuse authority shall charge a fee for substance use services, except that substance use services may not be refused to any person because of inability to pay.

(2) If a local substance abuse authority, through its designated provider, provides a service described in Subsection 17-43-201(5) to a person who resides within the jurisdiction of another local substance abuse authority, the local substance abuse authority in whose jurisdiction the person resides is responsible for the cost of that service if its designated provider has authorized the provision of that service.

(3) A local substance abuse authority and entities that contract with a local substance abuse authority to provide substance use services may receive funds made available by federal, state, or local health, substance use, mental health, education, welfare, or other agencies, in accordance with the provisions of this part and Title 26B, Chapter 5, Health Care - Substance Use and Mental Health.

Amended by Chapter 327, 2023 General Session

17-43-205 Registration as a limited purpose entity.

(1) Each local substance abuse authority shall register and maintain the authority's registration as a limited purpose entity, in accordance with Section 67-1a-15.

(2) A local substance abuse authority that fails to comply with Subsection (1) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

Enacted by Chapter 256, 2018 General Session

Part 3
Local Mental Health Authorities

17-43-301 Local mental health authorities -- Responsibilities.

(1) As used in this section:

(a) "Assisted outpatient treatment" means the same as that term is defined in Section 26B-5-301.

(b) "Crisis worker" means the same as that term is defined in Section 26B-5-610.

(c) "Local mental health crisis line" means the same as that term is defined in Section 26B-5-610.

(d) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

(e) "Public funds" means the same as that term is defined in Section 17-43-303.

(f) "Statewide mental health crisis line" means the same as that term is defined in Section 26B-5-610.

(2)

(a)

(i) In each county operating under a county executive-council form of government under Section 17-52a-203, the county legislative body is the local mental health authority, provided however that any contract for plan services shall be administered by the county executive.

(ii) In each county operating under a council-manager form of government under Section 17-52a-204, the county manager is the local mental health authority.

(iii) In each county other than a county described in Subsection (2)(a)(i) or (ii), the county legislative body is the local mental health authority.

(b) Within legislative appropriations and county matching funds required by this section, under the direction of the division, each local mental health authority shall:

(i) provide mental health services to individuals within the county; and

(ii) cooperate with efforts of the division to promote integrated programs that address an individual's substance use, mental health, and physical healthcare needs, as described in Section 26B-5-102.

(c) Within legislative appropriations and county matching funds required by this section, each local mental health authority shall cooperate with the efforts of the department to promote a system of care, as defined in Section 26B-5-101, for minors with or at risk for complex emotional and behavioral needs, as described in Section 26B-1-202.

(3)

(a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, two or more counties may join to:

(i) provide mental health prevention and treatment services; or

(ii) create a united local health department that combines substance use treatment services, mental health services, and local health department services in accordance with Subsection (4).

(b) The legislative bodies of counties joining to provide services may establish acceptable ways of apportioning the cost of mental health services.

(c) Each agreement for joint mental health services shall:

(i)

(A) designate the treasurer of one of the participating counties or another person as the treasurer for the combined mental health authorities and as the custodian of money available for the joint services; and

(B) provide that the designated treasurer, or other disbursing officer authorized by the treasurer, may make payments from the money available for the joint services upon audit of the appropriate auditing officer or officers representing the participating counties;

(ii) provide for the appointment of an independent auditor or a county auditor of one of the participating counties as the designated auditing officer for the combined mental health authorities;

(iii)

(A) provide for the appointment of the county or district attorney of one of the participating counties as the designated legal officer for the combined mental health authorities; and

(B) authorize the designated legal officer to request and receive the assistance of the county or district attorneys of the other participating counties in defending or prosecuting actions within their counties relating to the combined mental health authorities; and

(iv) provide for the adoption of management, clinical, financial, procurement, personnel, and administrative policies as already established by one of the participating counties or as approved by the legislative body of each participating county or interlocal board.

(d) An agreement for joint mental health services may provide for:

(i) joint operation of services and facilities or for operation of services and facilities under contract by one participating local mental health authority for other participating local mental health authorities; and

(ii) allocation of appointments of members of the mental health advisory council between or among participating counties.

(4) A county governing body may elect to combine the local mental health authority with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities, and the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department Act, to create a united local health department under Section 26A-1-105.5. A local mental health authority that joins with a united local health department shall comply with this part.

(5)

(a) Each local mental health authority is accountable to the department and the state with regard to the use of state and federal funds received from those departments for mental health services, regardless of whether the services are provided by a private contract provider.

(b) Each local mental health authority shall comply, and require compliance by its contract provider, with all directives issued by the department regarding the use and expenditure of state and federal funds received from those departments for the purpose of providing mental health programs and services. The department shall ensure that those directives are not duplicative or conflicting, and shall consult and coordinate with local mental health authorities with regard to programs and services.

(6)

(a) Each local mental health authority shall:

(i) review and evaluate mental health needs and services, including mental health needs and services for:

(A) an individual incarcerated in a county jail or other county correctional facility; and

(B) an individual who is a resident of the county and who is court ordered to receive assisted outpatient treatment under Section 26B-5-351;

(ii) in accordance with Subsection (6)(b), annually prepare and submit to the division a plan approved by the county legislative body for mental health funding and service delivery, either directly by the local mental health authority or by contract;

(iii) establish and maintain, either directly or by contract, programs licensed under Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;

(iv) appoint, directly or by contract, a full-time or part-time director for mental health programs and prescribe the director's duties;
(v) provide input and comment on new and revised rules established by the division;
(vi) establish and require contract providers to establish administrative, clinical, personnel, financial, procurement, and management policies regarding mental health services and facilities, in accordance with the rules of the division, and state and federal law;
(vii) establish mechanisms allowing for direct citizen input;
(viii) annually contract with the division to provide mental health programs and services in accordance with the provisions of Title 26B, Chapter 5, Health Care - Substance Use and Mental Health;
(ix) comply with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements;
(x) provide funding equal to at least 20% of the state funds that it receives to fund services described in the plan;
(xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, and Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
(xii) take and retain physical custody of minors committed to the physical custody of local mental health authorities by a judicial proceeding under Title 26B, Chapter 5, Part 4, Commitment of Persons Under Age 18.

(b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and children, which shall include:
(i) inpatient care and services;
(ii) residential care and services;
(iii) outpatient care and services;
(iv) 24-hour crisis care and services;
(v) psychotropic medication management;
(vi) psychosocial rehabilitation, including vocational training and skills development;
(vii) case management;
(viii) community supports, including in-home services, housing, family support services, and respite services;
(ix) consultation and education services, including case consultation, collaboration with other county service agencies, public education, and public information; and
(x) services to persons incarcerated in a county jail or other county correctional facility.

(7)
(a) If a local mental health authority provides for a local mental health crisis line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local mental health authority shall:
(i) collaborate with the statewide mental health crisis line described in Section 26B-5-610;
(ii) ensure that each individual who answers calls to the local mental health crisis line:
(A) is a mental health therapist or a crisis worker; and
(B) meets the standards of care and practice established by the Division of Integrated Healthcare, in accordance with Section 26B-5-610; and
(iii) ensure that when necessary, based on the local mental health crisis line's capacity, calls are immediately routed to the statewide mental health crisis line to ensure that when an individual calls the local mental health crisis line, regardless of the time, date, or number

of individuals trying to simultaneously access the local mental health crisis line, a mental health therapist or a crisis worker answers the call without the caller first:
(A) waiting on hold; or
(B) being screened by an individual other than a mental health therapist or crisis worker.
(b) If a local mental health authority does not provide for a local mental health crisis line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local mental health authority shall use the statewide mental health crisis line as a local crisis line resource.
(8) Before disbursing any public funds, each local mental health authority shall require that each entity that receives any public funds from a local mental health authority agrees in writing that:
(a) the entity's financial records and other records relevant to the entity's performance of the services provided to the mental health authority shall be subject to examination by:
(i) the division;
(ii) the local mental health authority director;
(iii)
(A) the county treasurer and county or district attorney; or
(B) if two or more counties jointly provide mental health services under an agreement under Subsection (3), the designated treasurer and the designated legal officer;
(iv) the county legislative body; and
(v) in a county with a county executive that is separate from the county legislative body, the county executive;
(b) the county auditor may examine and audit the entity's financial and other records relevant to the entity's performance of the services provided to the local mental health authority; and
(c) the entity will comply with the provisions of Subsection (5)(b).
(9) A local mental health authority may receive property, grants, gifts, supplies, materials, contributions, and any benefit derived therefrom, for mental health services. If those gifts are conditioned upon their use for a specified service or program, they shall be so used.
(10) Public funds received for the provision of services pursuant to the local mental health plan may not be used for any other purpose except those authorized in the contract between the local mental health authority and the provider for the provision of plan services.
(11) A local mental health authority shall provide assisted outpatient treatment services to a resident of the county who has been ordered under Section 26B-5-351 to receive assisted outpatient treatment.

Amended by Chapter 240, 2024 General Session
Amended by Chapter 299, 2024 General Session

17-43-302 Local mental health authorities -- Requirements prior to distributing public funds.
(1) Each local mental health authority shall award all public funds by complying with the requirements of Title 63G, Chapter 6a, Utah Procurement Code, or by complying with a county procurement ordinance which requires similar procurement practices.
(2) If all initial bids on the project are rejected, the authority shall publish a new invitation to bid in the manner specified in this section. If no satisfactory bid is received by the authority when the bids received from the second invitation are opened, the authority may execute a contract without requiring competitive bidding.
(3) The local mental health authority need not comply with the procurement provisions of this section when it disburses public funds to another political subdivision of the state or an institution of higher education of the state.

(4) Each contract awarded by a local mental health authority shall be for a fixed amount and limited period. A contract may be modified due to changes in available funding for the same contract purpose without competition.

Amended by Chapter 347, 2012 General Session

17-43-303 Definition of "public funds" -- Responsibility for oversight of public funds -- Mental health programs and services.

(1) As used in this section, "public funds":
  (a) means:
    (i) federal money received from the department or the Department of Health and Human Services; and
    (ii) state money appropriated by the Legislature to the department, the Department of Health and Human Services, a county governing body, or a local mental health authority for the purposes of providing mental health programs or services; and
  (b) includes that federal and state money:
    (i) even after the money has been transferred by a local mental health authority to a private provider under an annual or otherwise ongoing contract to provide comprehensive mental health programs or services for the local mental health authority; and
    (ii) while in the possession of the private provider.

(2) Each local mental health authority is responsible for oversight of all public funds received by it, to determine that those public funds are utilized in accordance with federal and state law, the rules and policies of the department and the Department of Health and Human Services, and the provisions of any contract between the local mental health authority and the department, the Department of Health and Human Services, or a private provider. That oversight includes requiring that neither the contract provider, as described in Subsection (1), nor any of its employees:
  (a) violate any applicable federal or state criminal law;
  (b) knowingly violate any applicable rule or policy of the department or Department of Health and Human Services, or any provision of contract between the local mental health authority and the department, the Department of Health and Human Services, or the private provider;
  (c) knowingly keep any false account or make any false entry or erasure in any account of or relating to the public funds;
  (d) fraudulently alter, falsify, conceal, destroy, or obliterate any account of or relating to public funds;
  (e) fail to ensure competent oversight for lawful disbursement of public funds;
  (f) appropriate public funds for an unlawful use or for a use that is not in compliance with contract provisions; or
  (g) knowingly or intentionally use public funds unlawfully or in violation of a governmental contract provision, or in violation of state policy.

(3) A local mental health authority that knew or reasonably should have known of any of the circumstances described in Subsection (2), and that fails or refuses to take timely corrective action in good faith shall, in addition to any other penalties provided by law, be required to make full and complete repayment to the state of all public funds improperly used or expended.

(4) Any public funds required to be repaid to the state by a local mental health authority pursuant to Subsection (3), based upon the actions or failure of the contract provider, may be recovered by the local mental health authority from its contract provider, in addition to the local mental health authority's costs and attorney fees.

Amended by Chapter 327, 2023 General Session

17-43-304 Contracts for mental health services provided by local mental health authorities.

If a local mental health authority has established a plan to provide services authorized by this part, and those services meet standards fixed by rules of the division, the local mental health authority may enter into a contract with the division for those services to be furnished by that local mental health authority for an agreed compensation to be paid by the division.

Amended by Chapter 75, 2009 General Session

17-43-305 Responsibility for cost of services provided by local mental health authority.

If a local mental health authority, through its designated provider, provides any service described in Subsection 17-43-301(6)(b) to a person who resides within the jurisdiction of another local mental health authority, the local mental health authority in whose jurisdiction the person resides is responsible for the cost of that service if its designated provider has authorized the provision of that service.

Amended by Chapter 407, 2018 General Session

17-43-306 Fees for mental health services -- Responsibility for cost of service if rendered by authority to nonresident -- Authority may receive funds from other sources.

(1) Each local mental health authority shall charge a fee for mental health services, except that mental health services may not be refused to any person because of inability to pay.
(2) If a local mental health authority, through its designated provider, provides a service described in Section 17-43-301 to a person who resides within the jurisdiction of another local mental health authority, the local mental health authority in whose jurisdiction the person resides is responsible for the cost of that service if its designated provider has authorized the provision of that service.
(3) A local mental health authority and entities that contract with a local mental health authority to provide mental health services may receive funds made available by federal, state, or local health, substance use, mental health, education, welfare, or other agencies, in accordance with the provisions of this part and Title 26B, Chapter 5, Health Care - Substance Use and Mental Health.

Amended by Chapter 327, 2023 General Session

17-43-307 Authority to receive funds.

A local mental health authority and an entity that contracts with a local mental health authority to provide mental health services, may receive funds made available by federal, state, or local health, mental health, education, welfare, or other agencies.

Renumbered and Amended by Chapter 22, 2003 General Session

17-43-308 Specified treatments prohibited -- Criminal penalties.

(1) It is a class B misdemeanor to give shock treatment, lobotomy, or surgery to anyone without the written consent of the person's next of kin or legal guardian. Services provided under this part are governed by Title 58, Chapter 67, Utah Medical Practice Act.

(2) It is a felony to give psychiatric treatment, nonvocational mental health counseling, case-finding testing, psychoanalysis, drugs, shock treatment, lobotomy, or surgery to any individual for the purpose of changing his concept of, belief about, or faith in God.

Amended by Chapter 148, 2018 General Session

17-43-309 Local mental health advisory councils -- Powers and responsibilities.

(1) A county legislative body may, separately or in conjunction with one or more other counties, establish a local mental health advisory council.
(2) Mental health advisory council members shall be appointed by their respective county legislative bodies. Initially one-fourth of the members shall be appointed for one year, one-fourth for two years, one-fourth for three years, and one-fourth for four years. After the initial appointment, the term of each member shall be for four years. Vacancies shall be filled in the same manner as for unexpired terms. Council members may be removed for cause.
(3) Each mental health advisory council shall be responsible and advisory to local mental health authorities in planning, organizing, and operating community mental health programs.
(4) Council members shall be selected from persons representative of interested groups in the community, including, if possible:
  (a) an officer or employee of the school district within the city or county;
  (b) one or more persons familiar with problems in mental health, as these are involved in proceedings in criminal, domestic, or juvenile courts;
  (c) one or more members of voluntary health, welfare, or mental health associations or agencies;
  (d) a member of the legislative body of each participating county; and
  (e) at least one person licensed in this state to practice medicine and surgery in all their branches and engaged in the private practice of medicine.
(5) Council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties, from funds made available to local mental health authorities.
(6) Each mental health advisory council shall be an agent of the local mental health authority, and is subject to laws and requirements relating to the local mental health authority.

Amended by Chapter 80, 2004 General Session

17-43-310 Registration as a limited purpose entity.

(1) Each local mental health authority shall register and maintain the authority's registration as a limited purpose entity, in accordance with Section 67-1a-15.
(2) A local mental health authority that fails to comply with Subsection (1) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

Enacted by Chapter 256, 2018 General Session

Chapter 50
General Provisions for Counties

Part 1
General Provisions

17-50-101 Definitions.

As used in this title:

(1) "County" means a unit of local government that is a body corporate and politic and a legal subdivision of the state, with geographic boundaries as described in Section 17-50-104, and powers as provided in Part 3, County Powers.

(2) "Executive," when used to describe the powers, duties, or functions of a person or body elected as the county executive or a person appointed as the county manager or administrative officer, refers to:

(a) the power and duty to carry laws and ordinances into effect and secure their due observance; and

(b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the executive branch of government.

(3) "Legislative," when used to describe the powers, duties, or functions of a county commission or council, refers to:

(a) the power and duty to enact ordinances, levy taxes, and establish budgets; and

(b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the legislative branch of government.

Amended by Chapter 46, 2006 General Session

17-50-102 Unlawful liabilities void.

Each contract, authorization, allowance, payment, and purported liability to pay made or attempted to be made in violation of this title shall be absolutely void and shall never be the foundation or basis of a claim against the county.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-103 Use of "county" prohibited -- Legal action to compel compliance.

(1) For purposes of this section:

(a)

(i) "Existing local entity" means a special district, special service district, or other political subdivision of the state created before May 1, 2000.

(ii) "Existing local entity" does not include a county, city, town, or school district.

(b)

(i) "New local entity" means a city, town, school district, special district, special service district, or other political subdivision of the state created on or after May 1, 2000.

(ii) "New local entity" does not include a county.

(c)

(i) "Special district" means a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, that:

(A) by statute is a political and corporate entity separate from the county that created the special district; and

(B) by statute is not subject to the direction and control of the county that created the special district.

(ii) The county legislative body's statutory authority to appoint members to the governing body of a special district does not alone make the special district subject to the direction and control of that county.

(2)

(a) A new local entity may not use the word "county" in its name.

(b) After January 1, 2005, an existing local entity may not use the word "county" in its name unless the county whose name is used by the existing local entity gives its written consent.

(3) A county with a name similar to the name of a new local entity or existing local entity in violation of this section may bring legal action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to compel compliance with this section.

Amended by Chapter 158, 2024 General Session

17-50-104 Counties of the state -- County boundaries maintained by lieutenant governor.

(1) The counties of the state are those whose geographic boundaries are described in the official county boundary records maintained by the office of the lieutenant governor and may be changed only in accordance with the provisions of this title.

(2) The office of the lieutenant governor shall maintain the official county boundaries for the counties of the state and update those boundaries upon the lieutenant governor's issuance, under Section 67-1a-6.5, of an applicable certificate, as defined in that section.

Amended by Chapter 350, 2009 General Session

17-50-105 Disputed boundaries.

(1) As used in this section, "independent surveyor" means the surveyor whose position is established within the Utah Geospatial Resource Center under Subsection 63A-16-505(3).

(2)

(a) If a dispute or uncertainty arises as to the true location of a county boundary as described in the official records maintained by the office of the lieutenant governor, the surveyors of each county whose boundary is the subject of the dispute or uncertainty may determine the true location.

(b) If agreement is reached under Subsection (2)(a), the county surveyors shall provide notice, accompanied by a map, to the lieutenant governor showing the true location of the county boundary.

(3)

(a) If the county surveyors fail to agree on or otherwise fail to establish the true location of the county boundary, the county executive of either or both of the affected counties shall engage the services of the independent surveyor.

(b) After being engaged under Subsection (3)(a), the independent surveyor shall notify the surveyor of each county whose boundary is the subject of the dispute or uncertainty of the procedure the independent surveyor will use to determine the true location of the boundary.

(c) With the assistance of each surveyor who chooses to participate, the independent surveyor shall determine permanently the true location of the boundary by marking surveys and erecting suitable monuments to designate the boundary.

(d) Each boundary established under this Subsection (3) shall be considered permanent until superseded by legislative enactment.

(e) The independent surveyor shall provide notice, accompanied by a map, to the lieutenant governor showing the true location of the county boundary.

(4) Nothing in this section may be construed to give the county surveyors or independent surveyor any authority other than to erect suitable monuments to designate county boundaries as they are described in the official records maintained by the office of the lieutenant governor.

Amended by Chapter 162, 2021 General Session
Amended by Chapter 345, 2021 General Session

17-50-106 Exemption from state licensure by Division of Real Estate.

In accordance with Section 61-2f-202, an employee of a county is exempt from licensure under Title 61, Chapter 2f, Real Estate Licensing and Practices Act:
(1) when engaging in an act on behalf of the county in accordance with:
(a) this title; or
(b) Title 11, Cities, Counties, and Local Taxing Units; and
(2) if the act described in Subsection (1) is related to one or more of the following:
(a) acquiring real estate, including by eminent domain;
(b) disposing of real estate;
(c) providing services that constitute property management, as defined in Section 61-2f-102; or
(d) leasing real estate.

Amended by Chapter 379, 2010 General Session

17-50-108 Training requirements.

A county shall ensure that any training that the county requires of a county officer or employee complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Enacted by Chapter 200, 2018 General Session

Part 3
County Powers

17-50-301 Exercise of county powers.

The powers of a county may be exercised only by the county executive and county legislative body or by agents and officers acting under their authority or under authority of law.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-302 General county powers.

(1)
(a) Except as provided in Subsection (1)(b), a county may:
(i) as prescribed by statute:
(A) levy a tax;
(B) perform an assessment;
(C) collect a tax;
(D) borrow money; or
(E) levy and collect a special assessment for a conferred benefit; or

(ii) provide a service, exercise a power, or perform a function that is reasonably related to the safety, health, morals, and welfare of county inhabitants, except as limited or prohibited by statute.

(b) A county or a governmental instrumentality of a county may not perform an action described in Subsection (1)(a)(i) or provide a service, exercise a power, or perform a function described in Subsection (1)(a)(ii) in another county or a municipality within the other county without first entering into an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, or other contract with the other county to perform the action, provide the service, exercise the power, or perform the function.

(2)

(a) A county may:

(i) sue and be sued;

(ii) subject to Subsection (2)(c), acquire real property by tax sale, purchase, lease, contract, or gift, and hold the real property as necessary and proper for county purposes;

(iii)

(A) subject to Subsection (2)(b), acquire real property by condemnation, as provided in Title 78B, Chapter 6, Part 5, Eminent Domain; and

(B) hold the real property as necessary and proper for county purposes;

(iv) as may be necessary to the exercise of its powers, acquire personal property by purchase, lease, contract, or gift, and hold such personal property; and

(v) manage and dispose of its property as the interests of its inhabitants may require.

(b)

(i) For purposes of Subsection (2)(a)(iii), water rights that are not appurtenant to land do not constitute real property that may be acquired by the county through condemnation.

(ii) Nothing in Subsection (2)(a)(iii) may be construed to authorize a county to acquire by condemnation the rights to water unless the land to which those water rights are appurtenant is acquired by condemnation.

(c)

(i) Except as provided in Subsection (2)(c)(iv), each county intending to acquire real property for the purpose of expanding the county's infrastructure or other facilities used for providing services that the county offers or intends to offer shall provide written notice, as provided in this Subsection (2)(c), of its intent to acquire the property if:

(A) the property is located:

(I) outside the boundaries of the unincorporated area of the county; and

(II) in a county of the first or second class; and

(B) the intended use of the property is contrary to:

(I) the anticipated use of the property under the general plan of the county in whose unincorporated area or the municipality in whose boundaries the property is located; or

(II) the property's current zoning designation.

(ii) Each notice under Subsection (2)(c)(i) shall:

(A) indicate that the county intends to acquire real property;

(B) identify the real property; and

(C) be sent to:

(I) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and

(II) each affected entity.

(iii) A notice under this Subsection (2)(c) is a protected record as provided in Subsection 63G-2-305(8).

(iv)
(A) The notice requirement of Subsection (2)(c)(i) does not apply if the county previously provided notice under Section 17-27a-203 identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.
(B) If a county is not required to comply with the notice requirement of Subsection (2)(c)(i) because of application of Subsection (2)(c)(iv)(A), the county shall provide the notice specified in Subsection (2)(c)(i) as soon as practicable after its acquisition of the real property.

Amended by Chapter 445, 2013 General Session

17-50-303 County may not give or lend credit -- County may borrow in anticipation of revenues -- Assistance to nonprofit and private entities -- Notice requirements.

(1) A county may not give or lend its credit to or in aid of any person or corporation, or, except as provided in Subsection (3), appropriate money in aid of any private enterprise.
(2)
(a) A county may borrow money in anticipation of the collection of taxes and other county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Local Government Bonding Act.
(b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which funds of the county may be expended.
(3)
(a) A county may appropriate money to or provide nonmonetary assistance to a nonprofit entity, or waive fees required to be paid by a nonprofit entity, if, in the judgment of the county legislative body, the assistance contributes to the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of county residents.
(b) A county may appropriate money to a nonprofit entity from the county's own funds or from funds the county receives from the state or any other source.
(4)
(a) As used in this Subsection (4):
(i) "Private enterprise" means a person that engages in an activity for profit.
(ii) "Project" means an activity engaged in by a private enterprise.
(b) A county may appropriate money in aid of a private enterprise project if:
(i) subject to Subsection (4)(c), the county receives value in return for the money appropriated; and
(ii) in the judgment of the county legislative body, the private enterprise project provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the county residents.
(c) The county shall measure the net value received by the county for money appropriated by the county to a private entity on a project-by-project basis over the life of the project.
(d)
(i) Before a county legislative body may appropriate funds in aid of a private enterprise project under this Subsection (4), the county legislative body shall:
(A) adopt by ordinance criteria to determine what value, if any, the county will receive in return for money appropriated under this Subsection (4);
(B) conduct a study as described in Subsection (4)(e) on the proposed appropriation and private enterprise project; and

(C) post notice, subject to Subsection (4)(f), and hold a public hearing on the proposed appropriation and the private enterprise project.

(ii) The county legislative body may consider an intangible benefit as a value received by the county.

(e)

(i) Before publishing or posting notice in accordance with Subsection (4)(f), the county shall study:

(A) any value the county will receive in return for money or resources appropriated to a private entity;

(B) the county's purpose for the appropriation, including an analysis of the way the appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the county residents; and

(C) whether the appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of the county in the area of economic development, job creation, affordable housing, elimination of a development impediment, as defined in Section 17C-1-102, job preservation, the preservation of historic structures, analyzing and improving county government structure or property, or any other public purpose.

(ii) The county shall:

(A) prepare a written report of the results of the study; and

(B) make the report available to the public at least 14 days immediately prior to the scheduled day of the public hearing described in Subsection (4)(d)(i)(C).

(f) The county shall publish notice of the public hearing required in Subsection (4)(d)(i)(C) for the county, as a class A notice under Section 63G-30-102, for at least 14 days before the day of the public hearing.

(g)

(i) A person may appeal the decision of the county legislative body to appropriate funds under this Subsection (4).

(ii) A person shall file an appeal with the district court within 30 days after the day on which the legislative body adopts an ordinance or approves a budget to appropriate the funds.

(iii) A court shall:

(A) presume that an ordinance adopted or appropriation made under this Subsection (4) is valid; and

(B) determine only whether the ordinance or appropriation is arbitrary, capricious, or illegal.

(iv) A determination of illegality requires a determination that the decision or ordinance violates a law, statute, or ordinance in effect at the time the decision was made or the ordinance was adopted.

(v) The district court's review is limited to:

(A) a review of the criteria adopted by the county legislative body under Subsection (4)(d)(i)(A);

(B) the record created by the county legislative body at the public hearing described in Subsection (4)(d)(i)(C); and

(C) the record created by the county in preparation of the study and the study itself as described in Subsection (4)(e).

(vi) If there is no record, the court may call witnesses and take evidence.

(h) This section applies only to an appropriation not otherwise approved in accordance with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties.

Amended by Chapter 435, 2023 General Session

17-50-304 Police, building, and sanitary regulations.

A county may make and enforce within the limits of the county, outside the limits of cities and towns, all such local, police, building, and sanitary regulations as are not in conflict with general laws.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-305 County powers to acquire, construct, and control roads and other facilities -- Retainage.

(1) A county may:
  (a) contract for, purchase, or otherwise acquire, when necessary, rights of way for county roads over private property, and may institute proceedings for acquiring such rights of way as provided by law;
  (b) lay out, construct, maintain, control, and manage county roads, sidewalks, ferries and bridges within the county, outside of cities and towns;
  (c) designate the county roads to be maintained by the county within or extending through any city or town, which may not be more than three in the same direction;
  (d) abolish or abandon county roads that are unnecessary for the use of the public, in the manner provided by law; and
  (e) lay out, construct, maintain, control, and manage landing fields and hangars for the use of airplanes or other vehicles for aerial travel.
(2) If any payment on a contract with a private contractor to construct county roads, sidewalks, ferries, and bridges under this section is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-306 Granting franchises over public roads -- Limitation.

(1) A county may grant franchises along and over the public roads and highways for all lawful purposes, upon such terms, conditions, and restrictions as in the judgment of the county legislative body are necessary and proper, to be exercised in such manner as to present the least possible obstruction and inconvenience to the traveling public.
(2) A franchise under Subsection (1) may not be granted for a period longer than 50 years.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-307 Franchises for toll roads.

(1) Subject to Subsection (2), a county may grant, on such terms, conditions, and restrictions as in the judgment of the county executive are necessary and proper, licenses and franchises for taking tolls on public roads or highways whenever in the judgment of the county executive the expense of operating or maintaining the roads or highways as free public highways is too great to justify the county in operating or maintaining them.
(2) Each license and franchise granted under Subsection (1) shall contain the condition that the roads and highways shall be kept in reasonable repair by the persons to whom such licenses or franchises are granted.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-308 Franchises for ferries and bridges.

(1) A county may grant licenses and franchises for constructing and keeping in repair roads, bridges, and ferries and for the taking of tolls on them.
(2) Each person operating any toll boat or ferry for the transportation of persons, vehicles, or livestock across any stream, river, or body of water in this state shall obtain a franchise for its operation from the county executive of the county in which such boat or ferry is operated.
(3) If such boat or ferry is operated on a stream or body of water forming the boundary line between two adjoining counties, the person operating the boat or ferry shall obtain a franchise from the county executive of each county.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-309 Regulation of use of roads.

A county may enact ordinances and make regulations not in conflict with law for the control, construction, alteration, repair, and use of all public roads and highways in the county outside of cities and towns.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-310 County powers regarding property, water rights, and water facilities -- Retainage.

(1) A county may:
  (a) purchase, receive by donation, or lease any real or personal property or water rights necessary for the use of the county;
  (b) purchase or otherwise acquire the necessary real estate upon which to sink wells to obtain water for sprinkling roads and for other county purposes and erect thereon pumping apparatus, tanks, and reservoirs for obtaining and storing water for such purposes and preserve, take care of, manage, and control that real estate and those facilities;
  (c) purchase, receive by donation, or lease any water rights or stock or rights in reservoirs or storage companies or associations for the use of citizens of the county;
  (d) construct dams and canals for the storage and distribution of waters referred to in Subsection (1)(c); and
  (e) fix the price for and sell water, water rights, stock, or rights in reservoir or storage companies or associations, with the dams and canals, as are not required for public use to citizens of the county.
(2) If any payment on a contract with a private contractor to construct dams and canals under this section is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-311 Courthouse, jail, hospital, and other public buildings -- Retainage.

(1) A county may erect, repair or rebuild, and furnish a courthouse, jail, hospital, and such other public buildings as may be necessary, and join with cities and towns in the construction, ownership, and operation of hospitals.
(2) If any payment on a contract with a private contractor to erect, repair, or rebuild public buildings under this section is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-312 Acquisition, management, and disposal of property.

(1) As used in this section:
  (a) "Adjusted present value" means:
    (i) the disposition price; plus
    (ii) the anticipated future value.
  (b)
    (i) "Anticipated future value" means the total value of all reasonably anticipated future benefits to a county from the disposal of a significant parcel of real property, including:
      (A) increased tax revenues; and
      (B) job creation or maintenance.
    (ii) "Anticipated future value" does not include the present fair market value of the significant parcel of real property.
  (c) "Dispose" means to sell or lease.
  (d) "Disposition price" means the price a potential purchaser or lessee offers to pay in exchange for the sale or lease of a significant parcel of real property.
(2) Subject to Subsection (5), a county may purchase, receive, hold, sell, lease, convey, or otherwise acquire and dispose of any real or personal property or any interest in such property if the action is in the public interest and complies with other law.
(3) Any property interest acquired by the county shall be held in the name of the county unless specifically otherwise provided by law.
(4) The county legislative body shall provide by ordinance, resolution, rule, or regulation for the manner in which property shall be acquired, managed, and disposed of.
(5)
  (a) Before a county may dispose of a significant parcel of real property, the county shall:
    (i) provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment under Subsection (5)(a)(ii); and
    (ii) allow an opportunity for public comment on the proposed disposition.
  (b) Each county shall, by ordinance, define what constitutes:
    (i) a significant parcel of real property for purposes of Subsection (5)(a); and
    (ii) reasonable notice for purposes of Subsection (5)(a)(i).
(6)
  (a) A county may dispose of a significant parcel of real property in exchange for less than the present fair market value of the significant parcel of real property if the adjusted present value of the significant parcel of real property is equal to or greater than the present fair market value of the significant parcel of real property.
  (b) Subsection (6)(a) does not affect a county's authority to dispose of a significant parcel of real property in a manner different from Subsection (6)(a) and in accordance with applicable law.
(7) Before a county agrees to dispose of a significant parcel of real property, the county may require the potential purchaser or lessee to provide evidence that:
  (a) the potential purchaser's or lessee's offer is bona fide;
  (b) the potential purchaser or lessee has the ability to pay the disposition price; or
  (c) any future benefits to the county from the disposal of the significant parcel of real property are reasonably anticipated.
(8) If a county receives an unsolicited offer to purchase or lease a significant parcel of real property:

(a) the county is not required to consider the offer; and
(b) a person may not consider the offer in determining the present fair market value of the significant parcel of real property, unless considering the offer is warranted under generally accepted standards of professional appraisal practice.

(9) A county may presume that the present fair market value of a significant parcel of real property is equal to the average of two appraised values each of which is based upon fair market value and calculated by a unique, independent appraiser who is licensed or certified in accordance with Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act.

Amended by Chapter 350, 2018 General Session

17-50-313 Provisions for general health -- Creation of health department.

Each county shall:

(1) make provisions for the preservation of health in the county and pay the related expenses; and
(2) create a local health department as provided in Title 26A, Chapter 1, Part 1, Local Health Department Act.

Amended by Chapter 249, 2002 General Session

17-50-314 Powers of cities and towns not affected.

Nothing in this chapter may be construed to diminish, impair, or affect the power conferred upon cities and towns.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-315 Study and improvement of county government -- Charges and expenses.

(1) A county may, individually or in association with other counties, study the processes and methods of county government with a view to improvement and cause to be assembled and presented to the Legislature or the Congress of the United States, or to or before the appropriate committees of either or both, such information and factual data with respect to the effect upon counties, the taxpayers, and the people, of existing, pending or proposed legislation, as in the judgment of county executives and legislative bodies, will be in the interest of and beneficial to counties, taxpayers, and people.
(2) The charges and expenses incurred under Subsection (1) shall be proper claim against county funds, to be audited and paid as other county claims.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-316 Development of county resources.

A county may provide for the development of the county's mineral, water, manpower, industrial, historical, cultural, and other resources.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-317 Expenditure of county funds authorized to develop county resources.

A county may expend county funds as are considered advisable to carry out the purposes of Section 17-50-316.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-318 Mental health and substance use services.

Each county shall provide mental health and substance use services in accordance with Title 26B, Chapter 5, Health Care - Substance Use and Mental Health.

Amended by Chapter 327, 2023 General Session

17-50-319 County charges enumerated.

(1) County charges are:

(a) charges incurred against the county by any law;

(b) the necessary expenses of the county attorney or district attorney incurred in criminal cases arising in the county, and all other expenses necessarily incurred by the county or district attorney in the prosecution of criminal cases, except jury and witness fees;

(c) the expenses of medical care as described in Section 17-22-8, and other expenses necessarily incurred in the support of persons charged with or convicted of a criminal offense and committed to the county jail, except as provided in Subsection (2);

(d) for a county not within the state district court administrative system, the sum required by law to be paid jurors in civil cases;

(e) all charges and accounts for services rendered by any justice court judge for services in the trial and examination of persons charged with a criminal offense not otherwise provided for by law;

(f) the contingent expenses necessarily incurred for the use and benefit of the county;

(g) every other sum directed by law to be raised for any county purposes under the direction of the county legislative body or declared a county charge;

(h) the fees of constables for services rendered in criminal cases;

(i) the necessary expenses of the sheriff and deputies incurred in civil and criminal cases arising in the county, and all other expenses necessarily incurred by the sheriff and deputies in performing the duties imposed upon them by law;

(j) the sums required by law to be paid by the county to jurors and witnesses serving at inquests and in criminal cases in justice courts; and

(k) subject to Subsection (2), expenses incurred by a health care facility or provider in providing medical services, treatment, hospitalization, or related transportation, at the request of a county sheriff for:

(i) persons booked into a county jail on a charge of a criminal offense; or

(ii) persons convicted of a criminal offense and committed to a county jail.

(2)

(a) Expenses described in Subsections (1)(c) and (1)(k) are a charge to the county only to the extent that they exceed any private insurance in effect that covers the expenses described in Subsections (1)(c) and (1)(k).

(b) The county may collect costs of medical care, treatment, hospitalization, and related transportation provided to the person described in Subsection (1)(k) who has the resources or the ability to pay, subject to the following priorities for payment:

(i) first priority shall be given to restitution; and

(ii) second priority shall be given to family support obligations.

(c) A county may seek reimbursement from a person described in Subsection (1)(k) for expenses incurred by the county in behalf of the inmate for medical care, treatment, hospitalization, or related transportation by:

(i) deducting the cost from the inmate's cash account on deposit with the detention facility during the inmate's incarceration or during a subsequent incarceration if the subsequent incarceration occurs within the same county and the incarceration is within 10 years of the date of the expense in behalf of the inmate;
(ii) placing a lien for the amount of the expense against the inmate's personal property held by the jail; and
(iii) adding the amount of expenses incurred to any other amount owed by the inmate to the jail upon the inmate's release in accordance with Subsection 76-3-201(4)(c).
(d) An inmate who receives medical care, treatment, hospitalization, or related transportation shall cooperate with the jail facility seeking payment or reimbursement under this section for the inmate's expenses.
(e) If there is no contract between a county jail and a health care facility or provider that establishes a fee schedule for medical services rendered, expenses under Subsection (1)(k) shall be commensurate with:
(i) for a health care facility, the current noncapitated state Medicaid rates; and
(ii) for a health care provider, 65% of the amount that would be paid to the health care provider:
(A) under the Public Employees' Benefit and Insurance Program, created in Section 49-20-103; and
(B) if the person receiving the medical service were a covered employee under the Public Employees' Benefit and Insurance Program.
(f) Subsection (1)(k) does not apply to expenses of a person held at the jail at the request of an agency of the United States.
(g) A county that receives information from the Public Employees' Benefit and Insurance Program to enable the county to calculate the amount to be paid to a health care provider under Subsection (2)(e)(ii) shall keep that information confidential.

Amended by Chapter 497, 2023 General Session

17-50-320 Support of the arts by counties -- Guidelines.

A county may provide for and appropriate funds for the support of the arts, including music, dance, theatre, crafts and visual, folk and literary art, for the purpose of enriching the lives of its residents and may establish guidelines for the support of the arts.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-321 Implements of husbandry tracking debris onto county roads.

A county may not prohibit or punish the tracking of dirt, mud, or other debris onto county roads resulting from the operation of an implement of husbandry if the operation of the implement of husbandry is consistent with accepted agricultural practices.

Enacted by Chapter 214, 2006 General Session

17-50-322 County funding for a fixed guideway.

(1) For purposes of this section, "fixed guideway" means a public transit facility that uses and occupies:
(a) rail for the use of public transit; or
(b) a separate right-of-way for the use of public transit.
(2)

(a) Except as provided in Subsection (2)(b), a county legislative body may not levy a property tax or expend revenues from uniform fees or any tax or fee imposed in lieu of a property tax, to purchase, erect, repair, rebuild, maintain, or otherwise fund a fixed guideway.
(b) Subsection (2)(a) does not apply to a property tax levy imposed by a county for the purpose of paying for bonds if:
(i) before January 1, 2007, the bonds were issued or approved by voters for issuance to fund a fixed guideway; and
(ii) the county does not impose a sales and use tax authorized by Section 59-12-2217.

Amended by Chapter 263, 2010 General Session

17-50-323 Indemnification of farmers markets.

A county may:
(1) operate a farmers market, as defined in Section 4-5-102, on county-owned property in order to promote economic development;
(2) indemnify a food producer participating in the farmers market; and
(3) define the scope of the indemnification in an agreement with the food producer.

Amended by Chapter 345, 2017 General Session

17-50-325 Authority to make benefits generally available to employees, their dependents, and an adult designee -- Registry authorized -- Limitations.

(1) A county may, by ordinance enacted by the county legislative body, make benefits generally available to all county employees, their dependents, and an unmarried employee's financially dependent or interdependent adult designee.
(2)
(a) Subject to Subsection (2)(b), a county may, by ordinance enacted by the county legislative body, create a registry for adult relationships of financial dependence or interdependence.
(b) A county may not create or maintain a registry or other means that defines, identifies, or recognizes and gives legal status or effect to a domestic partnership, civil union, or domestic cohabitation relationship other than marriage.
(3) The county's recognition of an adult designee, the creation and maintenance of a registry under Subsection (2)(a), and any certificate issued to or other designation of a person on the county's registry are not and may not be treated the same as or substantially equivalent to marriage.
(4) Neither an ordinance under Subsection (1) or (2)(a) nor a registry created under Subsection (2)(a) making an employee benefit available to an adult designee may create, modify, or affect a spousal, marital, or parental status, duty, or right.
(5) An ordinance, executive order, rule, or regulation adopted or other action taken before, on, or after May 5, 2008 that is inconsistent with this section is void.

Enacted by Chapter 127, 2008 General Session

17-50-326 Preservation of historical areas and sites.

A county may:
(1) expend public funds to preserve, protect, or enhance an historical area or site;
(2) acquire an historical area or site by direct purchase, contract, lease, trade, or gift;
(3) obtain an easement or right-of-way across public or private property to ensure access or proper development of an historical area or site;

(4) protect an historical area or site;
(5) ensure proper development and utilization of land or an area adjacent to an historical area or site; and
(6) enter into an agreement with a private individual for the right to purchase an historical area or site if and when the private individual elects to sell or dispose of the owner's property.

Enacted by Chapter 360, 2008 General Session

17-50-327 Regulation of carbon monoxide detectors -- Enforcement against occupant only.
(1) Subject to Subsection (2), a county may not enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling.
(2) Subsection (1) may not be construed to affect:
  (a) a building permit applicant's obligation to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction; or
  (b) a county's ability to require a building permit applicant to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction.

Enacted by Chapter 304, 2009 General Session

17-50-328 Use of incremental tax revenue for relocation expenses of displaced mobile home park residents.
(1) As used in this section:
  (a) "Displaced mobile home park resident" means a resident within a mobile home park who is required to relocate his or her residence from the mobile home park because of development activities that will change the use of the property on which the mobile home park is located.
  (b) "Former mobile home park property" means property on which a mobile home park was located but whose use has changed from a mobile home park because of development activities that require mobile home park residents to relocate.
  (c) "Incremental tax revenue" means property tax revenue that:
    (i) is generated from a former mobile home park property located within the unincorporated part of a county;
    (ii) exceeds the amount of property tax revenue the former mobile home park property would have generated if its use had not changed from a mobile home park; and
    (iii) is levied and collected by:
      (A) the county in whose unincorporated area the former mobile home park property is located; or
      (B) another taxing entity.
  (d) "Taxing entity" has the same meaning as defined in Section 59-2-102.
(2) A county may use incremental tax revenue to pay some or all of the relocation expenses of a displaced mobile home park resident.
(3) Any taxing entity may share some or all of its incremental tax revenue with a county for use as provided in Subsection (2).

Enacted by Chapter 98, 2009 General Session

17-50-329 Prohibition against regulation of nutritional information dissemination.

(1) A county may not regulate the dissemination of nutritional information or the content required to be placed on a menu, menu board, or food tag by a restaurant, eating establishment, or other food facility.
(2) An ordinance or regulation that violates Subsection (1) is void.

Enacted by Chapter 236, 2009 General Session

17-50-329.5 Regulation of drive-through facilities.
(1) As used in this section:
(a) "Business" means a private enterprise carried on for the purpose of gain or economic profit.
(b)
(i) "Business lobby" means a public area, including a lobby, dining area, or other area accessible to the public where business is conducted within a place of business.
(ii) "Business lobby" does not include the area of a business where drive-through service is conducted.
(c) "Land use application" means the same as that term is defined in Section 17-27a-103.
(d)
(i) "Motor vehicle" means a self-propelled vehicle, including a motorcycle, intended primarily for use and operation on the highways.
(ii) "Motor vehicle" does not include an off-highway vehicle.
(e) "Motorcycle" means a motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.
(f) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle.
(2) A county may not withhold a business license, deny a land use application, or otherwise require a business that has a drive-through service as a component of its business operations to:
(a) allow a person other than a person in a motorized vehicle to use the drive-through service; or
(b) offer designated hours of the day that a customer is accommodated and business is conducted in the business lobby that are the same as or exceed the hours of the day that a customer is accommodated and business is conducted in the drive-through service.

Amended by Chapter 166, 2018 General Session

17-50-330 Prohibition against spending certain transportation funds.
(1) As used in this section:
(a) "Apportioned" means divided or assigned among the states based on a prescribed formula established in 23 U.S.C.
(b) "Authorization act" means an act of Congress enacted after July 1, 2009 that authorizes transportation programs from the Highway Trust Fund established in 26 U.S.C. Sec. 9503.
(2) A county may not spend project-specific funds that are allocated through an authorization act for a transportation-related project that is eligible for funds apportioned to the state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program.

Enacted by Chapter 332, 2009 General Session

17-50-331 Regulation of sexually oriented business.
(1) As used in this section:

(a) "Adult service" means dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening, or other performances or activities conducted by a nude or partially denuded individual for compensation.

(b) "Compensation" means:

(i) a salary;

(ii) a fee;

(iii) a commission;

(iv) employment;

(v) a profit; or

(vi) other pecuniary gain.

(c)

(i) "Escort" means a person who, for compensation, dates, socializes with, visits, consorts with, or accompanies another, or offers to date, consort with, socialize with, visit, or accompany another:

(A) to a social affair, entertainment, or a place of amusement; or

(B) within:

(I) a place of public or private resort;

(II) a business or commercial establishment; or

(III) a private quarter.

(ii) "Escort" does not mean a person who provides business or personal services, including:

(A) a licensed private nurse;

(B) an aide for the elderly or a person with a disability;

(C) a social secretary or similar service personnel:

(I) whose relationship with a patron is characterized by a contractual relationship having a duration of 12 hours or more; and

(II) who provides a service not principally characterized as dating or socializing; or

(D) a person who provides services such as singing telegrams, birthday greetings, or similar activities:

(I) characterized by an appearance in a public place;

(II) contracted for by a party other than the person for whom the service is being performed; and

(III) of a duration not to exceed one hour.

(d) "Escort service" means any person who furnishes or arranges for an escort to accompany another individual for compensation.

(e) "Nude or partially denuded individual" means an individual with any of the following less than completely and opaquely covered:

(i) genitals;

(ii) the pubic region; or

(iii) a female breast below a point immediately above the top of the areola.

(f)

(i) "Sexually oriented business" means a business at which any nude or partially denuded individual, regardless of whether the nude or partially denuded individual is an employee of the sexually oriented business or an independent contractor, performs any service for compensation.

(ii) "Sexually oriented business" includes:

(A) an escort service; or

(B) an adult service.

(2) A person employed in a sexually oriented business may not work in the unincorporated area of a county:
(a) if the county requires that a person employed in a sexually oriented business be licensed individually; and
(b) if the person is not licensed by the county.
(3) A business entity that conducts a sexually oriented business may not conduct business in an unincorporated area of a county:
(a) if the county requires that a sexually oriented business be licensed; and
(b) if the business entity is not licensed by the county.

Enacted by Chapter 398, 2010 General Session

17-50-332 Knives regulated by state.
(1) As used in this section, "knife" means a cutting instrument that includes a sharpened or pointed blade.
(2) The authority to regulate a knife is reserved to the state except where the Legislature specifically delegates responsibility to a county.
(3)
(a) Unless specifically authorized by the Legislature or, subject to Subsection (3)(b), a county ordinance with a criminal penalty, a county may not enact or enforce an ordinance or a regulation pertaining to a knife.
(b) A county may not enact an ordinance with a criminal penalty pertaining to a knife that is:
(i) more restrictive than a state criminal penalty pertaining to a knife; or
(ii) has a greater criminal penalty than a state penalty pertaining to a knife.

Enacted by Chapter 272, 2011 General Session

17-50-333 Regulation of retail tobacco specialty business.
(1) As used in this section:
(a) "Community location" means:
(i) a public or private kindergarten, elementary, middle, junior high, or high school;
(ii) a licensed child-care facility or preschool;
(iii) a trade or technical school;
(iv) a church;
(v) a public library;
(vi) a public playground;
(vii) a public park;
(viii) a youth center or other space used primarily for youth oriented activities;
(ix) a public recreational facility;
(x) a public arcade; or
(xi) for a new license issued on or after July 1, 2018, a homeless shelter.
(b) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
(c) "Electronic cigarette product" means the same as that term is defined in Section 76-10-101.
(d) "Licensee" means a person licensed under this section to conduct business as a retail tobacco specialty business.
(e) "Local health department" means the same as that term is defined in Section 26A-1-102.
(f) "Nicotine product" means the same as that term is defined in Section 76-10-101.

(g) "Retail tobacco specialty business" means a commercial establishment in which:
(i) sales of tobacco products, electronic cigarette products, and nicotine products account for more than 35% of the total quarterly gross receipts for the establishment;
(ii) 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
(iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
(iv) the commercial establishment:
(A) holds itself out as a retail tobacco specialty business; and
(B) causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business; or
(v) the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products.
(h) "Self-service display" means the same as that term is defined in Section 76-10-105.1.
(i) "Tobacco product" means:
(i) the same as that term is defined in Section 76-10-101; or
(ii) tobacco paraphernalia as defined in Section 76-10-101.
(2) The regulation of a retail tobacco specialty business is an exercise of the police powers of the state by the state or by the delegation of the state's police power to other governmental entities.
(3)
(a) A person may not operate a retail tobacco specialty business in a county unless the person obtains a license from the county in which the retail tobacco specialty business is located.
(b) A county may only issue a retail tobacco specialty business license to a person if the person complies with the provisions of Subsections (4) and (5).
(4)
(a) Except as provided in Subsection (7), a county may not issue a license for a person to conduct business as a retail tobacco specialty business if the retail tobacco specialty business is located within:
(i) 1,000 feet of a community location;
(ii) 600 feet of another retail tobacco specialty business; or
(iii) 600 feet from property used or zoned for:
(A) agriculture use; or
(B) residential use.
(b) For purposes of Subsection (4)(a), the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of a location described in Subsections (4)(a)(i) through (iii), without regard to intervening structures or zoning districts.
(5) A county may not issue or renew a license for a person to conduct business as a retail tobacco specialty business until the person provides the county with proof that the retail tobacco specialty business has:
(a) a valid permit for a retail tobacco specialty business issued under Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Products, by the local health department having jurisdiction over the area in which the retail tobacco specialty business is located; and
(b)
(i) for a retailer that sells a tobacco product, a valid license issued by the State Tax Commission in accordance with Section 59-14-201 or 59-14-301 to sell a tobacco product; or

(ii) for a retailer that sells an electronic cigarette product or a nicotine product, a valid license issued by the State Tax Commission in accordance with Section 59-14-803 to sell an electronic cigarette product or a nicotine product.

(6)

(a) Nothing in this section:

(i) requires a county to issue a retail tobacco specialty business license; or

(ii) prohibits a county from adopting more restrictive requirements on a person seeking a license or renewal of a license to conduct business as a retail tobacco specialty business.

(b) A county may suspend or revoke a retail tobacco specialty business license issued under this section:

(i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;

(ii) if a licensee violates federal law or federal regulations restricting the sale and distribution of tobacco products or electronic cigarette products to protect children and adolescents;

(iii) upon the recommendation of the department or a local health department under Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Products; or

(iv) under any other provision of state law or local ordinance.

(7)

(a) Except as provided in Subsection (7)(e), a retail tobacco specialty business is exempt from Subsection (4) if:

(i) on or before December 31, 2018, the retail tobacco specialty business was issued a license to conduct business as a retail tobacco specialty business;

(ii) the retail tobacco specialty business is operating in a county in accordance with all applicable laws except for the requirement in Subsection (4); and

(iii) beginning July 1, 2022, the retail tobacco specialty business is not located within 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or high school.

(b) A retail tobacco specialty business may maintain an exemption under Subsection (7)(a) if:

(i) the license described in Subsection (7)(a)(i) is renewed continuously without lapse or permanent revocation;

(ii) the retail tobacco specialty business does not close for business or otherwise suspend the sale of tobacco products, electronic cigarette products, or nicotine products for more than 60 consecutive days;

(iii) the retail tobacco specialty business does not substantially change the business premises or business operation; and

(iv) the retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including:

(A) Title 26, Chapter 38, Utah Indoor Clean Air Act;

(B) zoning ordinances;

(C) building codes; and

(D) the requirements of the license described in Subsection (7)(a)(i).

(c) A retail tobacco specialty business that does not qualify for an exemption under Subsection (7)(a) is exempt from Subsection (4) if:

(i) on or before December 31, 2018, the retail tobacco specialty business was issued a general tobacco retailer permit or a retail tobacco specialty business permit under Title 26, Chapter 62, Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit, by the local health department having jurisdiction over the area in which the retail tobacco specialty business is located;

(ii) the retail tobacco specialty business is operating in the county in accordance with all applicable laws except for the requirement in Subsection (4); and
(iii) beginning July 1, 2022, the retail tobacco specialty business is not located within 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or high school.
(d) A retail tobacco specialty business may maintain an exemption under Subsection (7)(c) if:
(i) on or before December 31, 2020, the retail tobacco specialty business receives a retail tobacco specialty business permit from the local health department having jurisdiction over the area in which the retail tobacco specialty business is located;
(ii) the permit described in Subsection (7)(d)(i) is renewed continuously without lapse or permanent revocation;
(iii) the retail tobacco specialty business does not close for business or otherwise suspend the sale of tobacco products, electronic cigarette products, or nicotine products for more than 60 consecutive days;
(iv) the retail tobacco specialty business does not substantially change the business premises or business operation as the business existed when the retail tobacco specialty business received a permit under Subsection (7)(d)(i); and
(v) the retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including:
(A) Title 26, Chapter 38, Utah Indoor Clean Air Act;
(B) zoning ordinances;
(C) building codes; and
(D) the requirements of the retail tobacco permit described in Subsection (7)(d)(i).
(e) A retail tobacco specialty business described in Subsection (7)(a) or (b) that is located within 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or high school before July 1, 2022, is exempt from Subsection (4)(a)(iii)(B) if the retail tobacco specialty business:
(i) relocates, before July 1, 2022, to a property that is used or zoned for commercial use and located within a group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit; and
(ii) continues to meet the requirements described in Subsection (7)(b) that are not directly related to the relocation described in this Subsection (7)(e).

Amended by Chapter 470, 2024 General Session

17-50-334 Limitations on employee benefits imposed by a county.
(1) For the purpose of this section:
(a) "Accident and health insurance" is as defined in Section 31A-1-301.
(b) "Employee" means an individual employed by an employer.
(c) "Employee benefit" means one or more benefits or services provided to:
(i) an employee; or
(ii) a dependent of an employee.
(d) "Private employer" means a person who has one or more employees employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.
(e) "Insurance" is as defined in Section 31A-1-301.
(f) "Life insurance" is as defined in Section 31A-1-301.
(2) A county may not enact or enforce an ordinance that establishes, mandates, or requires a private employer to establish or offer an employee benefit, including:

(a) accident and health insurance;
(b) life insurance;
(c) sick leave; or
(d) family medical leave.
(3) Nothing in this section prohibits a county from considering an employee benefit described in Subsection (2) among other criteria when issuing a request for proposals.

Enacted by Chapter 87, 2012 General Session

17-50-335 Energy efficiency upgrade, clean energy system, or electric vehicle charging infrastructure.

A county may provide or finance an energy efficiency upgrade, a clean energy system, or electric vehicle charging infrastructure as defined in Section 11-42a-102, in a designated voluntary assessment area in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act.

Amended by Chapter 53, 2024 General Session

17-50-336 Service animals permitted.

(1) As used in this section:
(a) "Retired service animal" means a dog that:
(i) at one time was a service animal for the current owner; and
(ii) no longer provides service animal services to the owner because of the dog's age or other factors limiting the dog's service capability.
(b) "Service animal" means the same as that term is defined in Section 18-8-65.
(2) If a county adopts a limit as to the number of dogs a person may keep, the county shall allow a person to keep a service animal, a retired service animal, or both in addition to that limit.

Amended by Chapter 419, 2023 General Session

17-50-337 Reassignment of lien prohibited.

A county may not reassign a lien created under Title 59, Chapter 2, Part 13, Collection of Taxes, on real property.

Enacted by Chapter 222, 2014 General Session

17-50-338 Ordinances regarding short-term rentals -- Prohibition on ordinances restricting speech on short-term rental websites.

(1) As used in this section:
(a) "Internal accessory dwelling unit" means the same as that term is defined in Section 10-9a-511.5.
(b) "Residential unit" means a residential structure or any portion of a residential structure that is occupied as a residence.
(c) "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.
(d) "Short-term rental website" means a website that:
(i) allows a person to offer a short-term rental to one or more prospective renters; and

(ii) facilitates the renting of, and payment for, a short-term rental.
(2) Notwithstanding Section 17-27a-501 or Subsection 17-27a-503(1), a legislative body may not:
(a) enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or
(b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.
(3) Subsection (2) does not apply to an individual who lists or offers an internal accessory dwelling unit as a short-term rental on a short-term rental website if the county records a notice for the internal accessory dwelling unit under Subsection 17-27a-526(6).

Amended by Chapter 102, 2021 General Session

17-50-339 Prohibition on licensing or certification of child care programs.
(1)
(a) As used in this section, "child care program" means a child care facility or program operated by a person who holds a license or certificate from the Department of Health and Human Services under Title 26B, Chapter 2, Part 4, Child Care Licensing.
(b) "Child care program" does not include a child care program for which a county provides oversight, as described in Subsection 26B-2-405(2)(e).
(2) A county may not enact or enforce an ordinance that:
(a) imposes licensing or certification requirements for a child care program; or
(b) governs the manner in which care is provided in a child care program.
(3) This section does not prohibit a county from:
(a) requiring a business license to operate a business within the county; or
(b) imposing requirements related to building, health, and fire codes.

Amended by Chapter 327, 2023 General Session

17-50-340 Establishment of county recorder appeal authority.
(1) On or before July 1, 2023, a county legislative body shall, by ordinance, establish an appeal authority to hear and decide appeals from a county recorder's application of rules made by the County Recorder Standards Board under Section 63C-30-201.
(2) This section:
(a) does not preclude an individual who seeks an appeal from a county recorder's decision from pursuing any other available remedy; and
(b) may not be construed as requiring an individual to exhaust administrative remedies with an appeal authority established under Subsection (1) before seeking any other available remedy.

Enacted by Chapter 413, 2023 General Session

17-50-341 Ordinances regarding co-ownership -- Prohibition on county ordinances restricting co-ownership models.
(1) As used in this section:
(a) "Co-owned home" means any residential unit that is jointly owned, in any manner or form, by any combination of individuals or entities.
(b) "Residential unit" means the same as that term is defined in Section 17-50-338.

(2) Notwithstanding Section 17-27a-501 or Subsection 17-27a-503(1), a county legislative body may not:
  (a) adopt or enforce a land use regulation that governs co-owned homes differently than other residential units; or
  (b) use a land use regulation that regulates co-owned homes to fine, charge, prosecute, or otherwise punish an individual solely for the act of owning or using a co-owned home.
(3) Notwithstanding Subsection (2), a legislative body may adopt and enforce land use regulations, if the regulations are applied equally to all residential units, including co-owned homes.
(4) This section does not limit homeowners' associations or condominium associations from adopting rules or regulations governing co-owned homes.
(5) Nothing in this section limits a county's authority to adopt or enforce regulations regarding:
  (a) accessory dwelling units, as defined in Section 17-27a-103;
  (b) internal accessory dwelling units, as defined in Section 17-27a-510.5; or
  (c) the rental of a residential unit for fewer than 30 days consistent with Section 17-50-338.

Enacted by Chapter 533, 2023 General Session

Part 4
Claims Against the County

17-50-401 Review of claims by county executive -- Auditor review -- Attorney review -- Claim requirements -- Approval or disapproval of claim -- Written explanation of claim process.
(1) Subject to Subsection (3), each county executive shall review each claim, as defined in Section 17-19a-102, against the county and disapprove or, if payment appears to the county executive to be just, lawful, and properly due and owing, approve the claim.
(2) Upon receiving a notice of claim under Section 63G-7-401, the county clerk shall deliver the notice of claim to the county executive.
(3)
  (a) The county executive shall forward all claims regarding liability or attorney fees to the county attorney, or, in a county that has a district attorney but not a county attorney, to the district attorney for the attorney's review and recommendation to the county executive regarding liability and payment.
  (b) Except as provided in Section 17-50-405, the county executive shall forward all claims requesting payment for goods or services to the county auditor for the auditor's review and recommendation, subject to Subsection (7), to the county executive.
(4) Each claim for goods or services against a county shall:
  (a) itemize the claim, giving applicable names, dates, and particular goods provided or services rendered;
  (b) if the claim is for service of process, state the character of process served, upon whom served, the number of days engaged, and the number of miles traveled;
  (c) be duly substantiated as to its correctness and as to the fact that it is justly due;
  (d) if the claim is for materials furnished, state to whom the materials were furnished, by whom ordered, and the quantity and price agreed upon; and
  (e) be presented to the county executive within a year after the last item of the account or credit accrued.

(5) If the county executive refuses to hear or consider a claim because it is not properly made out, the county executive shall cause notice of the refusal to be given to the claimant or the claimant's agent and shall allow a reasonable amount of time for the claim to be properly itemized and substantiated.
(6) Each county shall prepare and make available to a person submitting or intending to submit a claim under this part a written explanation, in simple and easy to understand language, of how to submit a claim to the county and of the county's process for receiving, reviewing, and deciding a claim.
(7) Upon receiving a claim in accordance with Subsection (3)(b), the county auditor shall:
(a)
(i) investigate, examine, review, and inspect the claim; and
(ii)
(A) recommend that the county executive approve or reject the claim; and
(B) endorse the recommendation;
(b) after completing the investigation, examination, and inspection, report the claim and the recommendation described in Subsection (7)(a)(ii) to the county executive; and
(c) keep a complete record of the claim, the claim recommendation, the reasons for the recommendation, and the county executive's final action as described in Subsection (8).
(8) After receiving the county or district attorney's recommendation in accordance with Subsection (3)(a), or the county auditor's recommendation in accordance with Subsection (3)(b), the county executive shall decide whether to approve or reject a claim.
(9)
(a) The county auditor shall pay, subject to Subsection (9)(b), a claim approved by the county executive in accordance with Subsection (8) by:
(i) a warrant drawn by the auditor on the county treasurer in favor of the person entitled to payment; or
(ii) a county check or other payment mechanism as may be adopted in accordance with Chapter 36, Uniform Fiscal Procedures Act for Counties.
(b) The county auditor may not pay a claim against the county unless:
(i) the auditor:
(A) receives from the county executive a certified list described in Subsection 17-20-1.7(4); and
(B) has complied with the recommendation and other requirements of Subsection (7); and
(ii) the county executive has approved the claim in accordance with Subsection (8).
(10) Nothing in this section may be construed to modify the requirements of Section 63G-7-401.

Amended by Chapter 17, 2012 General Session

17-50-402 Payment or rejection of claims.
(1) If the county executive finds that any claim presented is not payable by the county or is not a proper county charge, the county executive shall reject the claim.
(2)
(a) If the claim is found to be a proper county charge, but greater in amount than is justly due, the county executive may allow the claim in part and may order a warrant drawn for the portion allowed.
(b) If the claimant is unwilling to receive the amount in full payment, the county executive may again consider the claim.
(3) No claim may be paid if paying the claim would exceed the current unencumbered funds.

Amended by Chapter 241, 2001 General Session

17-50-403 Action on rejected claim -- Limitation.

(1) A claimant dissatisfied with the rejection of a claim or demand or with the amount allowed on an account may sue the county on the claim, demand, or account at any time within one year after the first rejection of the claim, demand, or account by the county executive, but not afterward.
(2) If in such action judgment is recovered for more than the county executive allowed, costs shall be taxed against the county, but if no more is recovered than the county executive allowed, costs shall be taxed against the plaintiff.
(3) On presentation of a certified copy of a judgment against the county, the county executive shall allow and pay the same.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-404 Judgments against county -- Payment.

(1) If a judgment is obtained against a county, it shall be paid as are other county charges.
(2) The county legislative body shall levy and authorize the collection of a sufficient amount of revenue to pay off and discharge such judgment in addition to the ordinary expenses of the county, but the property of the county and of the persons owning property situated or liable to taxation in the county may not be liable to judgment lien or to seizure or sale upon execution or other process of any court.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-405 County legislative body claim for expenses -- County attorney's opinion of legality.

(1) Each claim against the county presented by a member of the county legislative body for the member's expenses shall:
  (a) be itemized and verified as other claims;
  (b) state that the service has been actually rendered; and
  (c) be presented to the county attorney or, in a county that has a district attorney but not a county attorney, the district attorney.
(2)
  (a) The county or district attorney, as the case may be, shall endorse on the claim, in writing, the attorney's opinion as to its legality.
  (b) If the attorney declares the claim illegal, the attorney shall state specifically the reasons why it is illegal, and the county executive shall reject the claim.

Renumbered and Amended by Chapter 133, 2000 General Session

17-50-406 Officers not to advocate claims -- Right to oppose claims.

(1) No county officer may, except for the officer's own services, present any claim, account, or demand for allowance against the county or in any way advocate the relief asked in the claim or demand made by any other person.
(2) Notwithstanding Subsection (1), a county officer may forward to the county executive a claim made by another and may endorse on the claim the officer's recommendation to the county executive regarding payment of the claim.

(3) Any person may appear before the county executive and oppose the allowance of any claim or demand made against the county.

Renumbered and Amended by Chapter 133, 2000 General Session

Part 5
Classification

17-50-501 Classification of counties.
(1) Each county shall be classified according to its population.
(2)
  (a) A county with a population of 1,000,000 or more is a county of the first class.
  (b) A county with a population of 175,000 or more but less than 1,000,000 is a county of the second class.
  (c) A county with a population of 40,000 or more but less than 175,000 is a county of the third class.
  (d) A county with a population of 11,000 or more but less than 40,000 is a county of the fourth class.
  (e) A county with a population of 4,000 or more but less than 11,000 is a county of the fifth class.
  (f) A county with a population less than 4,000 is a county of the sixth class.

Amended by Chapter 24, 2021 General Session

17-50-502 Change of class of county.
(1) Each county shall retain its classification under Section 17-50-501 until changed as provided in this section.
(2) The lieutenant governor shall monitor the population figure for each county as shown on:
  (a) each official census or census estimate of the United States Bureau of the Census; or
  (b) if the population figure for a county is not available from the United States Bureau of the Census, the population estimate from the Utah Population Committee.
(3) After July 1, 2021, if the applicable population figure under Subsection (2) indicates that a county's population has increased beyond the limit for its current class, the lieutenant governor shall:
  (a) prepare a certificate indicating the class in which the county belongs based on the increased population figure; and
  (b) within 10 days after preparing the certificate, deliver a copy of the certificate to the county legislative body and, if the county has an executive that is separate from the legislative body, the executive of the county whose class was changed.
(4) A county's change in class is effective on the date of the lieutenant governor's certificate under Subsection (3).

Amended by Chapter 14, 2019 General Session

Chapter 51

Reserved

Chapter 52a
Changing Forms of County Government

Part 1
General Provisions

17-52a-101 Title.

This chapter is known as "Changing Forms of County Government."

Enacted by Chapter 68, 2018 General Session

17-52a-102 Definitions.

As used in this chapter:

(1) "Optional plan" means a plan establishing an alternate form of government for a county as provided in Section 17-52a-404.

(2) "Study committee" means the committee that has five members appointed and charged with the duties as provided in Section 17-52a-403.

Amended by Chapter 47, 2020 General Session

17-52a-103 Forms of county government -- County commission form required unless another is adopted -- Restrictions on form of county government.

(1) Subject to Subsection (2), each county shall operate under one of the following forms of county government:

(a) the county commission form under Section 17-52a-201;

(b) the expanded county commission form under Section 17-52a-202;

(c) the county executive and council form under Section 17-52a-203; or

(d) the council-manager form under Section 17-52a-204.

(2) Unless a county adopts another form of government as provided in this chapter, the county shall operate under the county commission form of government under Section 17-52a-201.

(3)

(a) In a county that operates under a form of government that is not described in Subsection (2):

(i) the county's legislative body shall, before July 1, 2018, initiate the process under Section 17-52a-302 of changing the county's form of government;

(ii) the county shall hold a special election on November 6, 2018;

(iii) if the voters approve the appointment of a study committee at the special election described in Subsection (3)(a)(ii):

(A) the study committee may not recommend under Section 17-52a-403 that the county retain the county's current form of government; and

(B) the county shall hold an election described in Section 17-52a-501 before December 31, 2020, on an optional plan that the study committee creates; and

(iv) the registered voters of the county may not repeal an optional plan under Section 17-52a-505 that is adopted at an election described in Subsection (3)(a)(iii)(B).

(b) If the voters of a county described in Subsection (3)(a) do not approve a change in the county's form of government at an election described in Subsection (3)(a)(iii)(B) before December 31, 2020:
(i) the county shall operate under the county commission form of government under Section 17-52a-201; and
(ii) the county shall transition to the form of government described in Subsection (3)(b)(i) in the same manner as if the voters of the county had approved the change in the form of government described in Subsection (3)(b)(i) in the applicable election described in Subsection (3)(b).
(4) In a county of the fifth or sixth class, if the county legislative body under Section 17-52a-302 or the registered voters under Section 17-52a-303, after March 24, 2020, initiate the process to adopt an optional plan, the proposed optional plan may only propose a form of government authorized under Section 17-52a-405.

Amended by Chapter 47, 2020 General Session
Revisor instructions Chapter 47, 2020 General Session

Part 2
Forms of County Government

17-52a-201 County commission form of government -- Commission member elections.
(1) As used in this section:
(a) "Midterm vacancy" means a county commission position that is being filled at an election for less than the position's full term as established in:
(i) Subsection (4)(a); or
(ii) a county's optional plan under Subsection 17-52a-404(5)(b).
(b) "Open position" means a county commission position that is being filled at a regular general election for the position's full term as established in:
(i) Subsection (4)(a); or
(ii) a county's optional plan under Subsection 17-52a-404(5)(b).
(c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a), chosen to conduct county commissioner elections in accordance with Subsection (6).
(2) A county commission consisting of three members shall govern each county operating under the county commission form of government.
(3) A county commission under a county commission form of government is both the county legislative body and the county executive and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.
(4) Except as otherwise provided in an optional plan adopted under this chapter:
(a) the term of office of each county commission member is four years;
(b) the terms of county commission members shall be staggered so that two members are elected at a regular general election date that alternates with the regular general election date of the other member; and
(c) each county commission member shall be elected:
(i) at large, unless otherwise required by court order; and
(ii) subject to the provisions of this section, in accordance with Title 20A, Election Code.

(5) Except as provided in Subsection (6):
(a) if two county commission positions are vacant for an election, the positions shall be designated "county commission seat A" and "county commission seat B";
(b) each candidate who files a declaration of candidacy when two positions are vacant shall designate on the declaration of candidacy form whether the candidate is a candidate for seat A or seat B; and
(c) no person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.
(6)
(a) A county of the first or second class may, through an optional plan as described in Subsection 17-52a-404(5) or by ordinance, choose to conduct county commissioner elections in accordance with this Subsection (6).
(b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk of an opt-in county shall, if there is at least one open position and at least one midterm vacancy, designate:
(i) each open position as "open position"; and
(ii) each midterm vacancy as "midterm vacancy."
(c) An individual who files a declaration of candidacy for the office of county commissioner in an opt-in county:
(i) if there is more than one open position, is not required to indicate which open position the individual is running for;
(ii) if there is at least one open position and at least one midterm vacancy, shall designate on the declaration of candidacy whether the individual is filing for an open position or a midterm vacancy; and
(iii) may not file a declaration of candidacy for an open position and a midterm vacancy in the same election.
(d) If there is an open position and a midterm vacancy being voted upon in the same election in an opt-in county, the county clerk shall indicate on the ballot for the election which positions are open positions and which positions are midterm vacancies.
(e) In an opt-in county:
(i) the candidates for open positions, in a number equal to the number of open positions, who receive the highest number of votes are:
(A) for the purposes of a regular primary election, nominated by the candidates' party for the open positions; and
(B) for the purposes of a regular general election, elected to fill the open positions; and
(ii) the candidates for midterm vacancies, in a number equal to the number of midterm vacancies, who receive the highest number of votes are:
(A) for the purposes of a regular primary election, nominated by the candidates' party for the midterm vacancies; and
(B) for the purposes of a regular general election, elected to fill the midterm vacancies.

Renumbered and Amended by Chapter 68, 2018 General Session

17-52a-202 Expanded county commission form of government -- Commission member elections.

(1) As used in this section:
(a) "Midterm vacancy" means the same as that term is defined in Section 17-52a-201.
(b) "Open position" means the same as that term is defined in Section 17-52a-201.

(c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a), chosen to conduct county commissioner elections in accordance with Subsection (6).

(2) A county commission consisting of five or seven members shall govern each county operating under an expanded county commission form of government.

(3) A county commission under the expanded county commission form of government is both the county legislative body and the county executive and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

(4) Except as otherwise provided in an optional plan adopted under this chapter:

(a) the term of office of each county commission member is four years;

(b) the terms of county commission members shall be staggered so that approximately half the members are elected at alternating regular general election dates; and

(c) each county commission member shall be elected:

(i) at large, unless otherwise required by court order; and

(ii) subject to the provisions of this section, in accordance with Title 20A, Election Code.

(5) Except as provided in Subsection (6):

(a) if multiple at-large county commission positions are vacant for an election, the positions shall be designated "county commission seat A," "county commission seat B," and so on as necessary for the number of vacant positions;

(b) each candidate who files a declaration of candidacy when multiple positions are vacant shall designate the letter of the county commission seat for which the candidate is a candidate; and

(c) no person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.

(6)

(a) A county of the first or second class may, through an optional plan as described in Subsection 17-52a-404(5) or by ordinance, choose to conduct county commissioner elections in accordance with this Subsection (6).

(b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk of an opt-in county shall, if there is at least one open position and at least one midterm vacancy, designate:

(i) each open position as "open position"; and

(ii) each midterm vacancy as "midterm vacancy."

(c) An individual who files a declaration of candidacy for the office of county commissioner in an opt-in county:

(i) if there is more than one open position, is not required to indicate which open position the individual is running for;

(ii) if there is at least one open position and at least one midterm vacancy, shall designate on the declaration of candidacy whether the individual is filing for an open position or a midterm vacancy; and

(iii) may not file a declaration of candidacy for an open position and a midterm vacancy in the same election.

(d) If there is an open position and a midterm vacancy being voted upon in the same election in an opt-in county, the county clerk shall indicate on the ballot for the election which positions are open positions and which positions are midterm vacancies.

(e) In an opt-in county:

(i) the candidates for open positions, in a number equal to the number of open positions, who receive the highest number of votes are:

(A) for the purposes of a regular primary election, nominated by the candidates' party for the open positions; and
(B) for the purposes of a regular general election, elected to fill the open positions; and
(ii) the candidates for midterm vacancies, in a number equal to the number of midterm vacancies, who receive the highest number of votes are:
(A) for the purposes of a regular primary election, nominated by the candidates' party for the midterm vacancies; and
(B) for the purposes of a regular general election, elected to fill the midterm vacancies.

Renumbered and Amended by Chapter 68, 2018 General Session

17-52a-203 County executive-council form of county government.

(1)
(a) The following shall govern a county operating under the form of government known as the "county executive-council" form:
(i) an elected county council;
(ii) an elected county executive; and
(iii) other officers and employees authorized by law.
(b) The optional plan shall provide for the qualifications, time, and manner of election, term of office and compensation of the county executive.
(2) The county executive is the chief executive officer or body of the county.
(3) In the county executive-council form of county government:
(a) the county council is the county legislative body and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body; and
(b) the county executive has the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.
(4) References in any statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the county executive-council form of county government, means:
(a) the county council, with respect to legislative functions, duties, and powers; and
(b) the county executive, with respect to executive functions, duties, and powers.

Renumbered and Amended by Chapter 68, 2018 General Session

17-52a-204 Council-manager form of county government.

(1)
(a) The following shall govern a county operating under the form of government known as the "council-manager" form:
(i) an elected county council;
(ii) a county manager appointed by the council; and
(iii) other officers and employees authorized by law.
(b) The optional plan shall provide for the qualifications, time and manner of appointment subject to Subsections (6) and (7), term of office, compensation, and removal of the county manager.
(2) The county manager is the administrative head of the county government and has the powers, functions, and duties of a county executive, except:
(a) as the county legislative body otherwise provides by ordinance; and
(b) that the county manager may not veto any ordinances enacted by the council.
(3)

(a) An individual member of the council may not directly or indirectly, by suggestion or otherwise:
(i) attempt to influence or coerce the manager in:
(A) making any appointment;
(B) removing any officer or employee; or
(C) purchasing supplies;
(ii) attempt to exact any promise relative to any appointment from any candidate for manager; or
(iii) discuss directly or indirectly with the manager the matter of specific appointments to any county office or employment.
(b)
(i) A member of the county council who violates the provisions of this Subsection (3) shall forfeit the member's county council office.
(ii) Nothing in this section shall be construed, however, as prohibiting the council from fully and freely discussing with or suggesting to the manager anything pertaining to county affairs or the interests of the county.
(iii) The county manager may not take part in securing, or contributing any money toward, the nomination or election of any candidate for a county office.
(iv) The optional plan may provide procedures for implementing this Subsection (3).
(4) In the council-manager form of county government:
(a) the legislative powers of the county are vested in the county council; and
(b) the executive powers of the county are vested in the county manager.
(5) A reference in statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the council-manager form of county government, means:
(a) the county council, with respect to legislative functions, duties, and powers; and
(b) the county manager, with respect to executive functions, duties, and powers.
(6)
(a) As used in this Subsection (6), "interim vacancy period" means the period of time that:
(i) begins on the day on which a general election described in Section 17-16-6 is held to elect a council member; and
(ii) ends on the day on which the council member-elect begins the council member's term.
(b)
(i) The county council may not appoint a county manager during an interim vacancy period.
(ii) Notwithstanding Subsection (6)(b)(i):
(A) the county council may appoint an interim county manager during an interim vacancy period; and
(B) the interim county manager's term shall expire once a new county manager is appointed by the new administration after the interim vacancy period has ended.
(c) Subsection (6)(b) does not apply if all the county council members who held office on the day of the county general election whose term of office was vacant for the election are re-elected to the council for the following term.
(7) A county council that appoints a county manager in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the county manager.

Amended by Chapter 67, 2020 General Session

Part 3
Procedure for Initiating Adoption of Optional Plan

17-52a-301 Procedure for initiating adoption of optional plan -- Limitations -- Pending proceedings.

(1) An optional plan proposing an alternate form of government for a county may be adopted as provided in this chapter.

(2) The process to adopt an optional plan establishing an alternate form of county government may be initiated by:

(a) the county legislative body as provided in Section 17-52a-302; or

(b) registered voters of the county as provided in Section 17-52a-303.

(3)

(a) If the process to adopt an optional plan is initiated under Laws of Utah 1973, Chapter 26, Section 3, 4, or 5, or Section 17-52a-302 or 17-52a-303, the county legislative body may not initiate the process again under Section 17-52a-302, and registered voters may not initiate the process again under Section 17-52a-303, until:

(i) the first initiated process concludes with an election under Section 17-52a-501;

(ii) the first initiated process concludes under Subsection 17-52a-403(7) because the study committee recommended that the county's form of government not change; or

(iii) the first initiated process concludes because registered voters fail to submit a sufficient number of valid signatures for a petition before the deadline described in Subsection 17-52a-303(2)(c).

(b) A county legislative body may not initiate the process to adopt an optional plan under Section 17-52a-302 within four years of an election at which voters first elect elected county officials in accordance with Section 17-52a-503 and as specified in an optional plan proposed as a result of a process initiated by the county legislative body.

(c) Registered voters of a county may not initiate the process to adopt an optional plan under Section 17-52a-303 within four years of an election at which voters first elect elected county officials in accordance with Section 17-52a-503 and as specified in an optional plan proposed as a result of a process initiated by registered voters.

Amended by Chapter 47, 2020 General Session

17-52a-302 County legislative body initiation of adoption of optional plan -- Procedure.

(1)

(a) A county legislative body may only initiate the process of adopting an optional plan by:

(i) approving a motion to establish a study committee to study changing the form of government; and

(ii) adopting a resolution to submit to the voters the question of whether the county should adopt an optional plan proposed by the study committee described in Subsection (1)(a)(i).

(b) The county legislative body may not submit to the voters an optional plan unless the optional plan complies with the requirements of Sections 17-52a-404 and 17-52a-405.

(2)

(a) No later than 10 days after the day on which the county legislative body approves a motion as described in Subsection (1)(a)(i), the county legislative body shall notify the county executive of the county legislative body's approval to establish a study committee.

(b) No later than 10 days after the day on which the county legislative body adopts a resolution as described in Subsection (1)(a)(ii), the legislative body shall send a copy of the optional plan that the legislative body recommends to:
(i) the county clerk; and
(ii) the county attorney for review in accordance with Section 17-52a-406.

Amended by Chapter 47, 2020 General Session

17-52a-303 Registered voter initiation of adoption of optional plan -- Certification of petition signatures -- Removal of signature -- Procedure.

(1)
(a) Registered voters of a county may initiate the process of adopting an optional plan by filing with the county clerk a notice of intent to gather signatures for a petition:
(i) for the establishment of a study committee described in Section 17-52a-403; or
(ii) to adopt an optional plan that:
(A) accompanies the petition during the signature gathering process and accompanies the petition in the submission to the county clerk under Subsection (2)(b); and
(B) complies with the requirements described in Sections 17-52a-404 and 17-52a-405.
(b) A notice of intent described in Subsection (1)(a) shall:
(i) designate five sponsors for the petition;
(ii) designate a contact sponsor to serve as the primary contact for the petition sponsors;
(iii) list the mailing address and telephone number of each of the sponsors; and
(iv) be signed by each of the petition sponsors.
(c) Registered voters of a county may not file a notice of intent to gather signatures in bad faith.

(2)
(a) The sponsors of a petition may circulate the petition after filing a notice of intent to gather signatures under Subsection (1).
(b)
(i) Except as provided in Subsection (2)(b)(ii), the petition is valid if the petition contains the number of legal signatures required under Subsection 20A-7-501(2).
(ii) For a county of the fifth or sixth class, the petition is valid if the petition contains at least the number of legal signatures equal to 30% of the number of active voters, as defined in Section 20A-7-501, in the county.
(iii) The county clerk may not count a signature that was collected for the petition before the petition sponsors filed a notice of intent under Subsection (1)(a).
(iv) Notwithstanding any other provision of law, an individual may not sign a petition circulated under this section by electronic signature as defined in Section 20A-1-202.
(c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit the completed petition and any amended or supplemental petition described in Subsection (4) with the county clerk not more than 180 days after the day on which the sponsors file the notice described in Subsection (1).
(d)
(i) Within 30 days after the day on which the sponsors submit a petition, the sponsors shall submit financial disclosures to the county clerk that include:
(A) a list of each contribution received by the sponsors and the name of the donor; and
(B) a list of each expenditure for purposes of furthering or sponsoring the petition and the recipient of each expenditure.
(ii) The county clerk shall publish the financial disclosures described in Subsection (2)(d)(i).

(iii) All sponsors of a petition shall date and sign each list described in Subsection (2)(d)(i).

(3) Within 30 days after the day on which the sponsors submit a petition under Subsection (2)(c) or an amended or supplemental petition under Subsection (4), the county clerk shall:

(a)

(i) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter; and

(ii) determine whether the petition or amended or supplemental petition has been signed by the required number of registered voters;

(b)

(i) if the petition was signed by a sufficient number of registered voters:

(A) certify the petition;

(B) deliver the petition to the county legislative body and county executive; and

(C) notify the contact sponsor in writing of the certification; or

(ii) if the petition was not signed by a sufficient number of registered voters:

(A) reject the petition; and

(B) notify the county legislative body and the contact sponsor in writing of the rejection and the reasons for the rejection; and

(c) for a petition described in Subsection (1)(a)(ii), no later than 10 days after the day on which the county clerk certifies the petition under Subsection (3)(b)(i), the county clerk shall send a copy of the optional plan that accompanied the petition to the county attorney for review in accordance with Section 17-52a-406.

(4) The sponsors of a petition circulated under this section may submit supplemental signatures for the petition:

(a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and

(b) before the earlier of:

(i) the deadline described in Subsection (2)(c); or

(ii) 20 days after the day on which the county clerk rejects the petition under Subsection (3)(b)(ii).

(5) With the unanimous approval of petition sponsors, a petition filed under this section may be withdrawn at any time within 90 days after the day on which the county clerk certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an election under Section 17-52a-501 if the petition included a notification to petition signers, in conspicuous language and in a conspicuous location, that the petition sponsors are authorized to withdraw the petition.

(6)

(a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the sponsors submit the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (6)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Amended by Chapter 116, 2023 General Session

17-52a-305 Public hearings.

The county legislative body shall hold four public hearings on a proposed optional plan within 45 days after the day on which:
(1) the county legislative body adopts a resolution that proposes an optional plan under Subsection 17-52a-302(1)(a)(ii); or
(2) the county clerk certifies, in accordance with Subsection 17-52a-303(3), a petition that proposes an optional plan under Subsection 17-52a-303(1)(a)(ii).

Amended by Chapter 47, 2020 General Session

Part 4
Study Committee and Optional Plan

17-52a-402 Convening of first meeting of study committee.
(1) The county executive shall convene the first meeting of the study committee no later than 10 days after the day on which the county executive receives notification:
  (a) of the establishment of a study committee by the county legislative body as described in Section 17-52a-302; or
  (b) of a certified petition from the county clerk as described in Section 17-52a-303.
(2)
  (a) At the study committee's first meeting, the study committee shall select a chair from among the members of the study committee.
  (b) The chair of the study committee is responsible for convening each future meeting of the study committee.

Amended by Chapter 47, 2020 General Session

17-52a-403 Study committee -- Members -- Powers and duties -- Proposed plan and report -- Services provided by county.
(1)
  (a) A study committee consists of:
    (i) for a study committee established by the county legislative body under Section 17-52a-302, five members appointed by the county legislative body; or
    (ii) for a study committee established by the registered voters through a petition under Section 17-52a-303:
      (A) two members appointed by the sponsors of the petition;
      (B) two members appointed by the county legislative body; and
      (C) one member appointed by the county's council of governments.
  (b) A member of a study committee:
    (i) may not receive compensation for service on the study committee;
    (ii) may not hold an elected county office or have filed a current declaration of candidacy for an elected county office; and
    (iii) shall be a registered voter.
  (c) The county legislative body shall reimburse each member of a study committee for necessary expenses incurred in performing the member's duties on the study committee.
(2) A study committee may:

(a) adopt rules for the study committee's own organization and procedure and to fill a vacancy in its membership;
(b) establish advisory boards or committees and include on the advisory boards or committees persons who are not members of the study committee; and
(c) request the assistance and advice of any officers or employees of any agency of state or local government.

(3)
(a) A study committee shall:
(i) study the form of government within the county and compare it with other forms available under this chapter;
(ii) determine whether the administration of local government in the county could be strengthened, made more clearly responsive or accountable to the people, or significantly improved in the interest of economy and efficiency by a change in the form of county government;
(iii) hold public hearings and community forums and other means the committee considers appropriate to disseminate information and stimulate public discussion of the committee's purposes, progress, and conclusions; and
(iv) file a written report of the study committee's findings and recommendations with the county executive, the county legislative body, and the county clerk no later than one year after the convening of the study committee's first meeting under Section 17-52a-402.
(b) Within 10 days after the day on which the study committee submits the study committee's report under Subsection (3)(a)(iv), if the report recommends a change in the form of county government, the county clerk shall send to the county attorney a copy of the optional plan recommended in the report for review in accordance with Section 17-52a-406.

(4) Each study committee report under Subsection (3)(a)(iv) shall include:
(a) the study committee's recommendation as to whether the form of county government should be changed to another form authorized under this chapter;
(b) if the study committee recommends changing the form of government, a complete detailed draft of a proposed optional plan to change the form of county government, including all necessary implementing provisions; and
(c) any additional recommendations the study committee considers appropriate to improve the efficiency and economy of the administration of local government within the county.

(5)
(a) If the study committee's report recommends a change in the form of county government, the study committee may conduct additional public hearings after filing the report under Subsection (3)(a)(iv) and, following the hearings and subject to Subsection (5)(b), alter the report or proposed optional plan.
(b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration to the report or proposed optional plan:
(i) that would recommend the adoption of an optional form different from that recommended in the original report; or
(ii) within the 160-day period before the election under Section 17-52a-501.

(6) Each meeting that the study committee holds shall be open to the public.

(7) If the study committee's report does not recommend a change in the form of county government, the report is final, the study committee is dissolved, and the process to change the county's form of government is concluded.

(8) The county legislative body shall provide for the study committee:
(a) suitable meeting facilities;

(b) necessary secretarial services;
(c) necessary printing and photocopying services;
(d) necessary clerical and staff assistance; and
(e) adequate funds for the employment of independent legal counsel and professional consultants that the study committee reasonably determines to be necessary to help the study committee fulfill its duties.
(9) The county legislative body may not interfere with the work of the study committee.

Amended by Chapter 47, 2020 General Session

17-52a-404 Contents of proposed optional plan.
(1) The study committee or the sponsors of a petition described in Subsection 17-52a-303(1)(a)(ii) shall ensure that an optional plan the committee or registered voters propose under this chapter, respectively:
(a) proposes the adoption of one of the forms of county government authorized in Subsection 17-52a-405(1)(a);
(b) contains detailed provisions relating to the transition from the existing form of county government to the form proposed in the optional plan, including provisions relating to the:
(i) election or appointment of officers specified in the optional plan for the new form of county government;
(ii) retention, elimination, or combining of existing offices and, if an office is eliminated, the division or department of county government responsible for performing the duties of the eliminated office;
(iii) continuity of existing ordinances and regulations;
(iv) continuation of pending legislative, administrative, or judicial proceedings;
(v) making of interim and temporary appointments; and
(vi) preparation, approval, and adjustment of necessary budget appropriations;
(c) specifies the date the optional plan becomes effective if adopted, which may not be earlier than the first day of January next following the election of officers under the new plan; and
(d) notwithstanding any other provision of this title and except with respect to an optional plan that proposes the adoption of the county commission or expanded county commission form of government, with respect to the county budget provides that:
(i) the county executive's role is to prepare and present a proposed budget to the county legislative body; and
(ii) the county legislative body's role is to adopt a final budget.
(2) Subject to Subsection (3), an optional plan may include provisions that are considered necessary or advisable to the effective operation of the proposed optional plan.
(3) An optional plan may not:
(a) include any provision that is inconsistent with or prohibited by the Utah Constitution or any statute;
(b) specify compensation, including benefits, for any appointed or elected county official;
(c) specify the full or part-time status of any appointed or elected county official; or
(d) if the optional plan specifies that county council or commission members are to be elected from districts, establish, divide, abolish, alter, change, or otherwise attempt to draw boundaries of election districts or impair the duties of the county legislative body as described in Section 17-52a-503.

(4) The optional plan proponent described in Subsection (1) shall ensure that an optional plan proposing to change the form of government to the county executive-council form under Section 17-52a-203 or the council-manager form under Section 17-52a-204:
(a) provides for the same executive and legislative officers as are specified in the applicable section for the form of government that the optional plan proposes;
(b) provides for the election of the county council;
(c) specifies the number of county council members, which shall be an odd number from three to nine;
(d) subject to Subsection (3)(d), specifies whether the members of the county council are to be elected from districts, at large, or by a combination of at large and by district;
(e) specifies county council members' qualifications and terms and whether the terms are to be staggered; and
(f) contains procedures for filling vacancies on the county council, consistent with the provisions of Section 20A-1-508.
(5) The optional plan proponent described in Subsection (1) shall ensure that an optional plan proposing to change the form of government to the county commission form under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202 specifies:
(a)
(i) for the county commission form of government, that the county commission shall have three members; or
(ii) for the expanded county commission form of government, whether the county commission shall have five or seven members;
(b) the terms of office for county commission members and whether the terms are to be staggered;
(c) subject to Subsection (3)(d), whether members of the county commission are to be elected from districts, at large, or by a combination of at large and from districts;
(d) if any members of the county commission are to be elected from districts, the district residency requirements for those commission members; and
(e) if any members of the county commission are to be elected at large, whether the election of county commission members is subject to the provisions of Subsection 17-52a-201(6) or Subsection 17-52a-202(6).

Amended by Chapter 47, 2020 General Session

17-52a-405 Plan may propose changing forms of county government -- Partisan elections.
(1)
(a) The optional plan proponent described in Subsection 17-52a-404(1) shall ensure that each optional plan proposes changing the form of county government to:
(i) for a county of the first, second, third, or fourth class:
(A) the county commission form under Section 17-52a-201;
(B) the expanded county commission form under Section 17-52a-202;
(C) the county executive and council form under Section 17-52a-203; or
(D) the council-manager form under Section 17-52a-204; and
(ii) for a county of the fifth or sixth class:
(A) the county commission form under Section 17-52a-201; or
(B) the expanded county commission form under Section 17-52a-202.
(b) The optional plan proponent described in Subsection 17-52a-404(1) may not recommend an optional plan that:

(i) proposes changing the form of government to a form not authorized in Subsection (1)(a);
(ii) provides for the nonpartisan election of elected officers;
(iii) imposes a limit on the number of terms or years that an elected officer may serve;
(iv) provides for elected officers to be subject to a recall election; or
(v) provides, in a county with a population of 225,000 or more, for a full-time county commission in an expanded county commission form of government under Section 17-52a-202.

(2) A county that provides for the election of the county's elected officers through a partisan election may not change to a process that provides for the election of the county's elected officers through a nonpartisan election.

Amended by Chapter 47, 2020 General Session

17-52a-406 County attorney review of proposed optional plan -- Conflict with statutory or constitutional provisions -- Processing of optional plan after attorney review.

(1) As used in this section:
(a) "Proposed optional plan" means an optional plan that is submitted to the county attorney for review in accordance with a provision of this chapter.
(b) "Requesting entity" means the person who submits a proposed optional plan to the county attorney for review in accordance with a provision of this chapter.

(2)
(a) Within 45 days after the day on which the county attorney receives a proposed optional plan from a requesting entity, the county attorney shall review the proposed optional plan and send a written report containing the information described in Subsection (2)(b) to:
(i) the requesting entity; and
(ii)
(A) the petition sponsors, if the proposed optional plan was recommended under Section 17-52a-303; or
(B) the study committee, if the proposed optional plan was recommended under Section 17-52a-403.
(b) A report from the county attorney under Subsection (2)(a) shall:
(i) state the county attorney's opinion as to whether implementation of the proposed optional plan would result in a violation of any applicable statutory or constitutional provision;
(ii) if the county attorney concludes that a violation would result:
(A) identify specifically each statutory or constitutional provision that implementation of the proposed optional plan would violate;
(B) identify specifically each provision or feature of the proposed optional plan that would result in a statutory or constitutional violation if the proposed optional plan is implemented; and
(C) recommend how the proposed optional plan may be modified to avoid the statutory or constitutional violation.

(3)
(a) The proposed optional plan may not be the subject of an election under Section 17-52a-501 if:
(i) the county attorney has not reviewed and submitted a written report in accordance with this section; or
(ii) the county attorney concludes that implementation of the proposed optional plan would result in a violation of an applicable statutory or constitutional provision.
(b) The study committee may:

(i) modify a proposed optional plan that the study committee recommends in accordance with Section 17-52a-403 to avoid a violation that a county attorney's report describes under Subsection (2); and

(ii) file a new report under Subsection 17-52a-403(3)(a)(iv).

(c) A county legislative body may:

(i) modify a proposed optional plan that the county legislative body proposes in accordance with Section 17-52a-302 or 17-52a-403 to avoid a violation that a county attorney's report describes under Subsection (2); and

(ii) within 10 days of modifying the proposed optional plan, send the modified proposed optional plan to:

(A) the county clerk, if the proposed optional plan was proposed in accordance with Section 17-52a-302; and

(B) the county attorney for review in accordance with this section.

(d)

(i) The petition sponsors may:

(A) modify a proposed optional plan that the petition proposes in accordance with Subsection 17-52a-303(1)(a)(ii) to avoid a violation that a county attorney's report describes under Subsection (2); and

(B) submit the modified proposed optional plan to the county clerk.

(ii) Upon receipt of a modified proposed optional plan described in Subsection (3)(d)(i), the county clerk shall send the modified proposed optional plan to the county attorney for review in accordance with this section.

(4) The county executive, county legislative body, county attorney, and county clerk shall treat the following as an original:

(a) a new report that a study committee files under Subsection 17-52a-403(3)(a)(iv);

(b) a modified proposed optional plan that a county legislative body sends under Subsection (3)(c); and

(c) a modified proposed optional plan that petition sponsors submit to the county clerk and that the county clerk sends under Subsection (3)(d).

(5) If the county attorney's written report under Subsection (2)(b) does not identify any provisions or features of the proposed optional plan that, if implemented, would violate a statutory or constitutional provision, the proposed optional plan is subject to the provisions described in Section 17-52a-501.

Amended by Chapter 47, 2020 General Session

Part 5
Adoption and Implementation of Optional Plan

17-52a-501 Election on recommended optional plan.

(1) If the county attorney finds under Section 17-52a-406 that a proposed optional plan does not violate a statutory or constitutional provision, a county shall hold an election on the optional plan at the next regular general election that is not less than 65 days after the day on which the county attorney submits to the county clerk the attorney's report described in Section 17-52a-406.

(2) The county clerk shall prepare the ballot for an election under this section so that the question on the ballot states substantially the following:

"Shall _____ County adopt the alternate form of government known as the (insert the proposed form of government) as recommended in the proposed optional plan?"

(3) The county clerk shall:

(a) publish the complete text of the proposed optional plan in a newspaper of general circulation within the county at least once during two different calendar weeks within the 30-day period immediately before the date of the election described in Subsection (1);

(b) post the complete text of the proposed optional plan in a conspicuous place on the county's website during the 45-day period that immediately precedes the election on the optional plan; and

(c) make a complete copy of the optional plan and the study committee report available free of charge to any member of the public who requests a copy.

(4) A county clerk shall declare an optional plan as adopted by the voters if a majority of voters voting on the optional plan vote in favor of the optional plan.

Amended by Chapter 47, 2020 General Session

17-52a-502 Voter information pamphlet.

(1) In anticipation of an election under Section 17-52a-501, the county clerk shall prepare a voter information pamphlet to inform the public of the proposed optional plan in accordance with the provisions of Title 20A, Chapter 7, Part 7, Voter Information Pamphlet.

(2) In preparing a voter information pamphlet under this section, the county clerk shall:

(a) allow proponents and opponents of the proposed optional plan to provide written statements to be included in the pamphlet; and

(b) ensure each written statement described in Subsection (2)(a) is printed in the same font style and point size.

(3) A county clerk shall cause the publication and distribution of the pamphlet in a manner that the county clerk determines is adequate.

Amended by Chapter 47, 2020 General Session

17-52a-503 Adoption of optional plan -- Election of new county officers -- Effect of adoption.

(1) If a proposed optional plan is approved at an election held under Section 17-52a-501:

(a) on or before November 1 of the year immediately following the year of the election described in Section 17-52a-501 in which the optional plan is approved, the county legislative body shall:

(i) if the proposed optional plan under Section 17-52a-404 specifies that one or more members of the county legislative body are elected from districts, adopt the geographic boundaries of each council or commission member district; and

(ii) adopt the compensation, including benefits, for each member of the county legislative body;

(b) the elected county officers specified in the plan shall be elected at the next regular general election following the election under Section 17-52a-501, according to the procedure and schedule established under Title 20A, Election Code, for the election of county officers;

(c) the proposed optional plan:

(i) becomes effective according to the optional plan's terms;

(ii) subject to Subsection 17-52a-404(1)(c), at the time specified in the optional plan, is a public record open to inspection by the public; and

(iii) is judicially noticeable by all courts;
(d) the county clerk shall, within 10 days of the canvass of the election, file with the lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct copy;
(e) all public officers and employees shall cooperate fully in making the transition between forms of county government; and
(f) the county legislative body may enact and enforce necessary ordinances to bring about an orderly transition to the new form of government, including any transfer of power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent with the approved optional plan and necessary or convenient to place it into full effect.
(2) An action by the county legislative body under Subsection (1)(a) is not an amendment for purposes of Section 17-52a-504.
(3) Adoption of an optional plan does not alter or affect the boundaries, organization, powers, duties, or functions of any:
(a) school district;
(b) justice court;
(c) special district under Title 17B, Limited Purpose Local Government Entities - Special Districts;
(d) special service district under Title 17D, Chapter 1, Special Service District Act;
(e) city or town; or
(f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.
(4)
(a) After adoption of the optional plan, the county legislative body may adopt a change to the geographic boundaries of a council or commission member's district.
(b) An action by the county legislative body under Subsection (4)(a) is not an amendment for purposes of Section 17-52a-504.
(5) After the adoption of an optional plan, the county remains vested with all powers and duties vested generally in counties by statute.

Amended by Chapter 15, 2023 General Session

17-52a-504 Amendment of optional plan.
(1) Subject to Subsection (2), an optional plan, after going into effect following an election held under Section 17-52a-501, may be amended by an affirmative vote of two-thirds of the county legislative body.
(2) Notwithstanding Subsection (1), an amendment to an optional plan that is in effect may not take effect until a majority of registered voters voting in a general or special election at which the amendment is proposed approve the amendment, if the amendment changes:
(a) the size or makeup of the legislative body, except for adjustments necessary due to decennial reapportionment;
(b) the distribution of powers between the executive and legislative branches of county government; or
(c) the status of the county executive or legislative body from full-time to part-time or vice versa.

Renumbered and Amended by Chapter 68, 2018 General Session

17-52a-505 Repeal of optional plan -- Certification of petition signatures -- Removal of signature.

(1) An optional plan that the voters in an election adopt under this chapter may be repealed as provided in this section.
(2) Registered voters of a county that has adopted an optional plan may initiate the process of repealing an optional plan by filing a petition for the repeal of the optional plan.
(3)
(a) Registered voters of a county may not file a petition to repeal an optional plan sooner than four years or more than five years after the election of county officers under Section 17-52a-503.
(b)
(i) If the registered voters file a petition to repeal an optional plan under this section, the petition is certified, and the optional plan is not repealed at an election described in Subsection (9), the voters may not circulate or file a subsequent petition to repeal until at least four, and not more than five, years after the certification of the original petition.
(ii) If, after four years, the voters file a subsequent petition under Subsection (3)(b)(i), the voters:
(A) may not circulate or file another petition to repeal until at least four, and not more than five, years after certification of the subsequent petition; and
(B) shall wait an additional four, and not more than five, years after the date of certification of the previous petition for each petition filed thereafter.
(4) A petition described in Subsection (2) shall:
(a) be signed by registered voters residing in the county:
(i) equal in number to at least 15% of the total number of votes cast in each precinct described in Subsection (4)(a)(ii) for all candidates for president of the United States at the most recent election in which a president of the United States was elected; and
(ii) who represent at least 85% of the voting precincts located within the county;
(b) designate up to five of the petition signers as sponsors, designating one petition signer as the contact sponsor, with the mailing address and telephone number of each; and
(c) be filed in the office of the clerk of the county in which the petition signers reside.
(5) Within 30 days after the filing of a petition under Subsection (2) or an amended petition under Subsection (6), the county clerk shall:
(a)
(i) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter; and
(ii) determine whether the required number of voters have signed the petition or amended petition has been signed by the required number of registered voters; and
(b)
(i) if a sufficient number of voters have signed the petition, certify the petition or amended petition and deliver it to the county legislative body, and notify in writing the contact sponsor of the certification; or
(ii) if a sufficient number of voters have not signed the petition, reject the petition or the amended petition and notify the county legislative body and the contact sponsor in writing of the rejection and the reasons for the rejection.
(6) If a county clerk rejects a petition or an amended petition under Subsection (5)(b)(ii), the petition may be amended or an amended petition may be further amended with additional signatures and refiled within 20 days of the date of rejection.
(7)
(a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the sponsors file the

petition in the office of the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (7)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

(8) If a county clerk certifies a petition under Subsection (2), the county legislative body shall hold an election on the proposal to repeal the optional plan at the next regular general election that is at least 60 days after the day on which the county clerk certifies the petition.

(9) If, at an election held under Subsection (8), a majority of voters voting on the proposal to repeal the optional plan vote in favor of repealing:

(a) the optional plan is repealed, effective January 1 of the year following the election of county officers under Subsection (9)(c);

(b) upon the effective date of the repeal under Subsection (9)(a), the form of government under which the county operates reverts to the form it had before the optional plan was adopted; and

(c) the county officers under the form of government to which the county reverts, who are different than the county officers under the repealed optional plan, shall be elected at the next regular general election following the election under Subsection (8).

Amended by Chapter 116, 2023 General Session

Chapter 53
County Executive, Legislative Body, and Other Officers

Part 1
General Provisions

17-53-101 County officers enumerated.

(1) The elected officers of a county are:

(a)

(i) in a county operating under a county commission or expanded county commission form of government, county commission members; or

(ii) in a county operating under one of the other forms of county government under Subsection 17-52a-405(1)(a), county legislative body members and the county executive;

(b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a county attorney, a district attorney in a county which is part of a prosecution district, a county surveyor, and a county assessor; and

(c) any others provided by law.

(2) Notwithstanding Subsection (1), in counties having a taxable value of less than $100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the duties of the office without extra compensation.

Amended by Chapter 68, 2018 General Session

17-53-103 Unauthorized payment or warrant -- Investigation by another county attorney -- Action to enjoin or recover payment.

(1)
(a) If a county officer, without authority of law, orders any money paid for any purpose, or if any other county officer draws a warrant in the officer's own favor or in favor of any other person without being authorized to do so by the county legislative body or by law, the county attorney of that county shall request a county attorney from another county to investigate whether an unauthorized payment has been ordered or an unauthorized warrant drawn.
(b) If the county attorney requests a county attorney from another county to investigate under Subsection (1)(a), the county attorney shall deputize the investigating county attorney.

(2) If an investigating county attorney determines that an unauthorized payment has been ordered or that an unauthorized warrant has been drawn, that county attorney may commence and prosecute an action in the name of the county:
(a) if the payment has not been made or the warrant paid, to enjoin the payment of the unauthorized payment or of the unauthorized warrant; or
(b) if the payment has been made or the warrant paid, to recover from the payee or the county officer and the officer's official bondsman the amount paid.

(3) An order of the county legislative body is not necessary in order to maintain an action under Subsection (2).

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-104 Vacancy in a county office -- Vacancies in the office of county attorney or district attorney.

(1) Except as provided in Subsection (2), a vacancy in a county office shall be filled as provided in Section 20A-1-508.

(2) A vacancy in the office of county attorney or district attorney shall be filled as provided in Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-105 Deposit of money in treasury.

Each officer who collects any money on behalf of the county shall as rapidly as it is collected deposit it into the county treasury.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-106 Supervision of county elected officers -- Legislative body and executive may examine and audit accounts and conduct investigation.

(1) As used in this section, "professional duties" means a county elected officer's functions, duties, and responsibilities specifically provided for by law and includes:
(a) the exercise of professional judgment and discretion reasonably related to the officer's required functions, duties, and responsibilities; and
(b) the management of deputies and other employees under the supervision of the elected officer under statute or county ordinance, policy, or regulation.

(2)
(a) A county legislative body and a county executive each:

(i) may generally direct and supervise all elected county officers and employees to ensure compliance with general county administrative ordinances, rules, or policies;
(ii) may not direct or supervise other elected county officers or their sworn deputies with respect to the performance of the professional duties of the officers or deputies;
(iii) may examine and audit the accounts of all county officers having the care, management, collection, or distribution of money belonging to the county, appropriated to the county, or otherwise available for the county's use and benefit; and
(iv) may investigate any matter pertaining to a county officer or to the county or its business or affairs, and may require the attendance of witnesses and take evidence in any such investigation.
(b) In an investigation under Subsection (2)(a)(iv):
(i) the county executive or any member of the county legislative body may issue subpoenas and administer oaths to witnesses; and
(ii) if the county legislative body appoints members of the legislative body as a committee and confers on the committee power to hear or take evidence, the committee shall have the same power as the full county legislative body.
(3) Nothing in this section may be construed to prohibit the county executive or county legislative body from initiating an action for removal or prosecution of an elected county officer as provided by statute.

Amended by Chapter 11, 2002 General Session
Amended by Chapter 185, 2002 General Session

Part 2
County Legislative Body

17-53-201 General powers, duties, and functions of county legislative body.
(1) Except as expressly provided otherwise in statute, each county legislative body shall exercise all legislative powers, have all legislative duties, and perform all legislative functions of the county, including those enumerated in this part.
(2) A county legislative body may take any action required by law and necessary to the full discharge of its duties, even though the action is not expressly authorized by statute.

Amended by Chapter 241, 2001 General Session

17-53-202 Eligibility -- Election.
Each member of a county legislative body shall:
(1) be a registered voter of the county which the member represents; and
(2) have been a registered voter for at least one year immediately preceding the member's election.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-203 Chair -- Oaths -- Quorum.
(1) Each county legislative body shall elect one of their number chair and may elect a vice chair.
(2)

(a) The chair shall preside at all meetings of the county legislative body, and in case of the chair's absence or inability to act, the vice chair, if there is one, shall preside.
(b) If both the chair and vice chair, if there is one, are absent or unable to act, the members present shall, by an order entered in their minutes, select one of their number to act as chair temporarily.
(3) Any member of the county legislative body may administer oaths to any person when necessary in the performance of official duties.
(4) Not less than a majority of members shall constitute a quorum for the transaction of business, and no act of the county legislative body shall be valid or binding unless a majority of members present when a quorum is present concurs therein.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-204 Meetings -- At county seat -- Exception.
(1)
(a) The county legislative body shall provide by ordinance for the holding of regular meetings of the county legislative body.
(b) The county legislative body may cancel a regular meeting as the county legislative body considers appropriate.
(2)
(a) Except as provided in Subsection (2)(b), each regular meeting of the county legislative body shall be held at the county seat.
(b) If approved by a vote of the county legislative body, a county legislative body may hold an occasional meeting outside the county seat as the public business requires.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-205 Special meetings -- How called -- Business limited.
(1) If the business of the county requires a special meeting of the legislative body, such meeting may be ordered by a majority of the legislative body or by the chair.
(2) Each order calling a special meeting shall:
(a) be signed by the members or chair calling the meeting;
(b) be entered in the minutes of the legislative body; and
(c) specify the business to be transacted at the meeting.
(3) No business other than that specified in the order may be transacted at a special meeting unless all members of the county legislative body are present and give their consent.
(4) Except as otherwise provided by county ordinance, the county clerk shall give five days notice of each special meeting to each member of a county legislative body that does not join in the order calling the meeting.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-206 Meetings to comply with open meetings law -- Records and minutes -- Compelling attendance at meetings of legislative body.
(1) As used in this section, "rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
(a) parliamentary order and procedure;
(b) ethical behavior; and

(c) civil discourse.
(2) Each meeting of the county legislative body shall comply with Title 52, Chapter 4, Open and Public Meetings Act.
(3)
(a) Subject to Subsection (3)(b), a county legislative body shall:
(i) adopt rules of order and procedure to govern a public meeting of the legislative body;
(ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (3)(a)(i); and
(iii) make the rules of order and procedure described in Subsection (3)(a)(i) available to the public:
(A) at each meeting of the county legislative body; and
(B) on the county's public website, if available.
(b) Subsection (3)(a) does not affect a county legislative body's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
(4) The chair and clerk of the county legislative body shall sign the records and minutes of the county legislative body.
(5) The legislative body of a county may compel the attendance of its own members at its meetings and provide penalties it considers necessary for the failure to comply with an exercise of the authority to compel attendance.

Amended by Chapter 107, 2011 General Session

17-53-206.5 Expulsion of members prohibited -- Exception for disorderly conduct.
(1) Except as provided in Subsection (2), the governing body may not expel a member of the governing body from an open public meeting or prohibit the member from attending an open public meeting.
(2) Except as provided in Subsection (3), following a two-thirds vote of the members of the governing body, the governing body may fine or expel a member of the governing body for:
(a) disorderly conduct at the open public meeting;
(b) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or
(c) a commission of a crime during the open public meeting.
(3) A governing body may adopt rules or ordinances that expand the reasons or establish more restrictive procedures for the expulsion of a member from a public meeting.

Enacted by Chapter 196, 2015 General Session

17-53-207 Rules and regulations governing legislative body and transaction of business.
The county legislative body may make and enforce such rules and regulations for the government of itself, the preservation of order, and the transaction of business as may be necessary.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-208 Ordinances -- Effective dates -- Publication -- Adoption of ordinances printed in book form -- Review of nuisance ordinances.
(1) The enacting clause of an ordinance adopted by the county legislative body shall be as follows: "The County Legislative Body of _____County ordains as follows:".

(2)
(a) The chair of the county legislative body shall sign, and the county clerk shall attest to, each ordinance.
(b) If the county legislative body votes to adopt an ordinance, county staff shall:
(i) record the vote of each county legislative body member in attendance and enter each vote in the minutes of the meeting; and
(ii) enter the full text of the adopted ordinance in the county ordinance book.
(3)
(a) No ordinance passed by the county legislative body may take effect within less than 15 days after its passage.
(b) The county legislative body shall, before the ordinance may take effect:
(i) deposit a copy of the ordinance in the office of the county clerk; and
(ii)
(A) publish a short summary of the ordinance, together with a statement that a complete copy of the ordinance is available at the county clerk's office and with the name of the members voting for and against the ordinance:
(I) for at least one publication in:
(Aa) a newspaper published in and having general circulation in the county, if there is one; or
(Bb) if there is none published in the county, in a newspaper of general circulation within the county; and
(II) as required in Section 45-1-101; or
(B) post a complete copy of the ordinance in nine public places within the county.
(4) Any ordinance printed by authority of the county legislative body in book form or electronic media, or any general revision of county ordinances printed in book form or electronic media, may be adopted by an ordinance making reference to the printed ordinance or revision if a copy of the ordinance or revision is filed in the office of the county clerk at the time of adoption for use and examination by the public.
(5) If the county legislative body adopts an ordinance establishing rules and regulations, printed as a code in book form or electronic media, for the construction of buildings, the installation of plumbing, the installation of electric wiring, or other related or similar work, the county legislative body may adopt the ordinance by reference to the code book if a copy of the code book is filed in the office of the county clerk at the time of the adoption of the ordinance for use and examination by the public.
(6) If, in the opinion of the county legislative body, an ordinance is necessary for the immediate preservation of the peace, health, or safety of the county and the county's inhabitants, the ordinance may, if clearly stated in the ordinance, take effect immediately upon publication in one issue of a newspaper published in and having general circulation in the county, if there is one, and if there is none published in the county, then immediately after posting at the courthouse door.
(7) An ordinance may take effect at a later date than provided in this section, if the ordinance clearly states the later effective date.
(8) An order entered in the minutes of the county legislative body that an ordinance has been duly published or posted shall be prima facie proof of the publication or posting.

Amended by Chapter 89, 2020 General Session

17-53-209 Records to be kept.

The legislative body of each county shall cause to be kept:
(1) a minute record, in which shall be recorded all orders and decisions made by the county legislative body and the daily proceedings had at all regular and special meetings;
(2) an allowance record, in which shall be recorded all orders for the allowance of money from the county treasury, to whom made and on what account, dating, numbering, and indexing the same through each year;
(3) a road record, containing all proceedings and adjudications relating to the establishment, maintenance, charge, and discontinuance of roads and road districts, and all contracts and other matters pertaining thereto;
(4) a franchise record, containing all franchises granted by the board, for what purpose, the length of time, and to whom granted, the amount of bond and license tax required or other consideration to be paid;
(5) an ordinance record, in which shall be entered all ordinances or laws duly passed by the county legislative body; and
(6) a warrant record, to be kept by the county auditor, in which shall be entered in the order of drawing all warrants drawn on the treasurer, with their number and reference to the order on the minute record, with date, amount, on what account, and the name of the payee.

Amended by Chapter 297, 2011 General Session

17-53-210 Dividing county into precincts and districts.

A county legislative body may divide the county into precincts, districts, or other entities as permitted or required by law, and may change them and create others as convenience requires.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-211 Fees for services -- Exceptions.

The legislative body of each county shall adopt an ordinance or resolution that establishes fees for services provided by each county officer, except:
(1) fees for the recorder, sheriff, and county constables; and
(2) fees established by statute.

Amended by Chapter 319, 2022 General Session

17-53-212 Examination and audit of accounts.

(1) As used in this section, "finance officer" means the same as that term is defined in Section 17-36-3.
(2) A county legislative body may examine and audit the accounts of all officers having the care, management, collection, or disbursement of money belonging to the county or appropriated by law or otherwise for its use and benefit.
(3)
  (a) Subject to Subsection (3)(b), the finance officer of the county shall reply to each request for financial information by a county legislative body or any individual member of a county legislative body within five business days after the day on which the request is received.
  (b) If a request for financial information requires an extended time period to research and compile, the finance officer of the county shall provide written notice to the legislative body that includes an explanation for the delay and the date when the information will be provided to the legislative body.

(4) A county legislative body may hire professional staff to provide technical assistance and analysis of all financial matters of the county.
(5) Nothing in this section may be construed to affect a county auditor's authority under Chapter 19a, County Auditor.

Amended by Chapter 288, 2022 General Session

17-53-213 Special funds.

A county legislative body may establish a salary fund and such other county funds as it considers necessary for the proper transaction of the business of the county, and may transfer money from one fund to another as the public interest requires, except as otherwise specifically provided in statute.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-214 Seal for county.

The legislative body of each county shall:
(1) adopt a seal for the county, the impression of which shall contain the words "State of Utah, County of _____"; and
(2) file an impression of the seal in the office of the county clerk and with the Division of Archives.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-215 Seal for clerk of district court.

If a county provides clerk services to that county's district court, the legislative body of the county shall:
(1) provide a seal for the clerk of the district court of the county, the impression of which shall contain the words "District Court, State of Utah," together with the name of the county; and
(2) file an impression of the seal in the office of the county clerk and with the Division of Archives.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-216 Business license fees and taxes -- Application information to be transmitted to the county assessor.

(1) As used in this section, "business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.
(2) Except as provided in Subsection (4), the legislative body of a county may by ordinance provide for the licensing of businesses within the unincorporated areas of the county for the purpose of regulation, and may impose fees on businesses to recover the county's costs of regulation.
(3) All license fees and taxes shall be uniform in respect to the class upon which they are imposed.
(4)
(a) As used in this Subsection (4):
(i)
(A) "Event requirement" means a requirement a county imposes on individuals who participate in a county event.
(B) "Event requirement" does not include a requirement that is inconsistent with Subsection (4)(b).

(ii) "Exempt individual" means an individual who, under Subsection (4)(b), may not be required to have a business license or permit.
(iii) "County event" means an event hosted or sponsored by a county.
(b) A county may notrequire a license or permit for a business that is operated:
(i) only occasionally; and
(ii) by an individual who is under 19 years old.
(c) Subsection (4)(b) does not prevent a county from imposing an event requirement on an exempt individual who participates in a county event.
(5) A county may not:
(a) charge a license fee for a home based business unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone; or
(b) require, as a condition of obtaining or maintaining a license or permit for a business:
(i) that an employee or agent of a business complete education, continuing education, or training that is in addition to requirements under state law or state licensing requirements; or
(ii) that a business disclose financial information, inventory amounts, or proprietary business information except as specifically authorized under state or federal law.
(6) The county business licensing agency shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.
(7) This section may not be construed to enhance, diminish, or otherwise alter the taxing power of counties existing prior to the effective date of Laws of Utah 1988,
Chapter 144.

Amended by Chapter 423, 2024 General Session

17-53-217 Commanding services of sheriff.

A county legislative body may direct the sheriff to serve notices, subpoenas, citations, or other process issued by the legislative body, and to attend in person or by deputy all meetings of the legislative body to preserve order.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-218 Duties as board of equalization.

The legislative body of each county shall perform such duties as a county board of equalization as are provided by law.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-219 Auditor statement of county debt.

The legislative body of each county shall have prepared by the auditor under its direction prior to the annual meeting for levying taxes a statement showing the indebtedness of the county, funded and floating, stating the amount of each class and the rate of interest borne by such indebtedness or any part of it.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-220 Taxation for county purposes.

A county legislative body may levy taxes upon the taxable property within the county for all county purposes.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-221 Tax for care, relief, and burial of indigents.

(1) A county legislative body may, if it considers it necessary and expedient so to do, annually at its session at which the annual tax levy for county purposes is fixed and levied, assess and levy a tax for:
  (a) the care, maintenance, and relief of the indigent sick or dependent poor persons having a lawful settlement in the county;
  (b) the temporary relief of indigent persons not having a lawful settlement in the county temporarily residing therein, and for the burial of such indigent persons who die within the county;
  (c) the erection and maintenance of hospitals, infirmaries, and farms in connection with Subsections (1)(a) and (b);
  (d) the employment of a superintendent for such county hospitals and infirmaries, and any other necessary help in them; and
  (e) the salary of the county physician for attending the indigent sick or dependent poor and other duties as provided by law.
(2) The taxes authorized under Subsection (1) shall be assessed, levied, and collected in the same manner as other county taxes are assessed, levied, and collected.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-222 Tax for exhibits encouraging trade.

A county legislative body may levy a special tax on the taxable property within the county for the purpose of creating a fund to be used for collecting, preparing, and maintaining an exhibit of the products and industries of the county at any domestic or foreign exposition, fair, or livestock show for the purpose of encouraging immigration and increasing trade in the products of the state and for the purpose of maintaining, conducting, and furnishing facilities for livestock or other exhibitions or for the purpose of promoting and making water surveys, collecting data relating to the supply, distribution and use of water or the necessity for drainage or other reclamation work and the compilation of data or information to encourage the conservation of water for the reclamation of lands within the county or counties of the state either by the county or through the instrumentality of a corporation not for pecuniary profit, organized for that purpose.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-223 Ordinances -- Power to enact -- Penalty for violation.

(1) A county legislative body may:
  (a) pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by this title, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county;
  (b) enforce obedience to ordinances with fines or penalties as the county legislative body considers proper; and

(c) pass ordinances to control air pollution.

(2)

(a) Punishment imposed under Subsection (1)(b) shall be by fine, not to exceed the maximum fine for a class B misdemeanor under Section 76-3-301, imprisonment, or both fine and imprisonment.

(b) Notwithstanding Subsection (2)(a), a county 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 county 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 (2)(b) does not apply to county enforcement of a building code or fire code ordinance in accordance with Title 15A, State Construction and Fire Codes Act.

(d) When a penalty for a violation of an ordinance includes any possibility of imprisonment, the county legislative body shall include in the ordinance a statement that the county is required, under Section 78B-22-301, to provide for indigent defense services, as that term is defined in Section 78B-22-102.

(e) Notwithstanding any other provision of law, 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;

(ii) a law enforcement officer described in Section 53-13-103; or

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

(3)

(a) Except as specifically authorized by statute, the county legislative body may not impose a civil penalty for the violation of a county traffic ordinance.

(b) Subsection (3)(a) does not apply to an ordinance regulating the parking of vehicles on a highway.

(4) A county may not issue more than one infraction within a 14-day period for a violation described in Subsection (2)(b) that is ongoing.

Amended by Chapter 89, 2020 General Session

17-53-224 Rewards for information -- Law enforcement -- Protection of county property.

(1)

(a) A county legislative body may appropriate funds from the county treasury for the offering and payment of rewards for information which directly assists in the enforcement of law and protection of county property.

(b) The offering and payment of rewards shall be made under conditions and limitations as established by the county legislative body.

(2) With the prior approval of the county legislative body, any county officer or agency may offer rewards to the same extent and for the same purposes authorized by Subsection (1).

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-225 County legislative body may adopt Utah Procurement Code -- Retention of records.

(1) A county legislative body may adopt any or all of the provisions of Title 63G, Chapter 6a, Utah Procurement Code, or the rules promulgated pursuant to that code.

(2) Whenever any county is required by law to receive bids for purchases, construction, repairs, or any other purpose requiring the expenditure of funds, that county shall keep on file all bids received, together with proof of advertisement by publication or otherwise, for:

(a) at least three years following the letting of any contract pursuant to those bids; or

(b) three years following the first advertisement for the bids, if all bids pursuant to that advertisement are rejected.

Amended by Chapter 347, 2012 General Session

17-53-226 Investigation by legislative body -- Witnesses -- Hearings.

(1) A county legislative body may investigate any matter pertaining to the county or its business or affairs or any county officer, and may require the attendance of witnesses and take evidence in its investigations.

(2) At such investigations, any member of the county legislative body may administer oaths to witnesses.

(3) If the county legislative body appoints a member of its body a committee upon any subject or matter and confers upon that member power to hear or take evidence, such committee shall have the same powers in the premises as the county legislative body itself.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-227 Breach of duty by county legislative body member -- Penalty.

A member of a county legislative body who, without just cause, refuses or neglects to perform a duty imposed upon the member or willfully violates any law governing the member as a member of the county legislative body, or who, as a county legislative body member, willfully, fraudulently, or corruptly attempts to perform an act unauthorized by law shall, in addition to the penalty provided in the criminal code:

(1) forfeit to the county $500 for every such act, to be recovered on the member's official bond; and

(2) be further liable on the member's official bond to any person injured by the act for all damages sustained.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-228 Administrative hearings and procedures -- Penalty for code violation.

(1) A county may adopt an ordinance establishing an administrative hearing process to review and decide matters relating to the violation, enforcement, or administration of a county civil ordinance, including an ordinance related to the following:

(a) a building code;

(b) planning and zoning;

(c) animal control;

(d) licensing;

(e) health and safety;

(f) county employment; or

(g) sanitation.

(2) An ordinance adopted in accordance with Subsection (1) shall provide appropriate due process protections for a party participating in an administrative hearing.
(3) An administrative hearing held in accordance with an ordinance described in Subsection (1) may be conducted by an administrative law judge.
(4) A county may not impose a civil penalty and adjudication for the violation of a county moving traffic ordinance.
(5)
(a) A county may not impose a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance unless the county 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 county 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 county 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

Part 3
County Executive

17-53-301 General powers, duties, and functions of county executive.
(1) The elected county executive is the chief executive officer of the county.
(2) Each county executive shall exercise all executive powers, have all executive duties, and perform all executive functions of the county, including those enumerated in this part, except as expressly provided otherwise in statute and except as contrary to the powers, duties, and functions of other county officers expressly provided for in:
(a) Chapter 16, County Officers;
(b) Chapter 17, County Assessor;
(c) Chapter 18a, Powers and Duties of County and District Attorney;
(d) Chapter 19a, County Auditor;
(e) Chapter 20, County Clerk;
(f) Chapter 21, Recorder;
(g) Chapter 22, Sheriff;
(h) Chapter 23, County Surveyor; and
(i) Chapter 24, County Treasurer.
(3) A county executive may take any action required by law and necessary to the full discharge of the executive's duties, even though the action is not expressly authorized in statute.

Amended by Chapter 258, 2015 General Session

17-53-302 County executive duties.

Each county executive shall:

(1) exercise supervisory control over all functions of the executive branch of county government;

(2) direct and organize the management of the county in a manner consistent with state law, county ordinance, and the county's optional plan of county government;

(3)

(a) carry out programs and policies established by the county legislative body; and

(b) ensure that all departments of county government comply with programs and policies established by the county legislative body;

(4) faithfully ensure compliance with all applicable laws and county ordinances;

(5) exercise supervisory and coordinating control over all departments of county government;

(6) except as otherwise vested in the county legislative body by state law or by the optional plan of county government, and subject to Section 17-53-317, appoint, suspend, and remove the directors of all county departments and all appointive officers of boards and commissions;

(7) except as otherwise delegated by statute to another county officer, exercise administrative and auditing control over all funds and assets, tangible and intangible, of the county;

(8) except as otherwise delegated by statute to another county officer, supervise and direct centralized budgeting, accounting, personnel management, purchasing, and other service functions of the county;

(9) conduct planning studies and make recommendations to the county legislative body relating to financial, administrative, procedural, and operational plans, programs, and improvements in county government;

(10) maintain a continuing review of expenditures and of the effectiveness of departmental budgetary controls;

(11) develop systems and procedures, not inconsistent with statute, for planning, programming, budgeting, and accounting for all activities of the county;

(12) if the county executive is an elected county executive, exercise a power of veto over the legislative enactments by the county legislative body, which are defined as county ordinances and budget appropriations, and include an item veto upon budget appropriations, in the manner provided by the optional plan of county government;

(13) review, negotiate, approve, and execute contracts for the county, unless otherwise provided by statute;

(14) perform all other functions and duties required of the executive by state law, county ordinance, and the optional plan of county government; and

(15) sign on behalf of the county all deeds that convey county property.

Amended by Chapter 39, 2022 General Session
Amended by Chapter 260, 2022 General Session

17-53-303 Examination and audit of accounts.

(1) As used in this section, "finance officer" means the same as that term is defined in Section 17-36-3.

(2) The county executive may examine and audit the accounts of all officers having the care, management, collection, or disbursement of money belonging to the county or appropriated by law or otherwise for its use and benefit.

(3)

(a) Subject to Subsection (3)(b), the finance officer of the county shall reply to each request for financial information by a county executive within five business days after the day on which the request is received.
(b) If a request for financial information requires an extended time period to research and compile, the finance officer of the county shall provide written notice to the county executive that includes an explanation for the delay and the date when the information will be provided to the county executive.
(4) Nothing in this section may be construed to affect a county auditor's authority under Chapter 19a, County Auditor.

Amended by Chapter 288, 2022 General Session

17-53-304 Commanding services of sheriff.

The county executive may direct the county sheriff to serve notices, subpoenas, citations, or other process issued by the executive, and to attend in person or by deputy all meetings conducted by the executive to preserve order.

Enacted by Chapter 133, 2000 General Session

17-53-305 Warrants -- Authority to draw on treasurer.

The county executive may settle and allow all accounts legally chargeable against the county, after their examination by the county auditor, and order warrants to be drawn on the county treasurer for those accounts.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-306 Warrants -- Required information -- Payment -- Registration.

(1) Each warrant drawn by order of the county executive on the county treasurer for current expenses during each year shall specify the liability for which it is drawn, when it accrued, and the funds from which it is to be paid.
(2) Each warrant shall be paid in the order of presentation to the treasurer.
(3) If the money in the treasury is insufficient to pay a warrant, the treasurer shall register the warrant and pay it in the order of registration.
(4) Accounts for county charges of every description shall be presented to the auditor and county executive to be audited as prescribed in statute.

Enacted by Chapter 133, 2000 General Session

17-53-307 County purchasing agent -- Appointment -- Compensation -- Oath -- Supervision -- Duties.

(1) The county executive, with the advice and consent of the county legislative body, in each county having a taxable value in excess of $500,000,000 may appoint a county purchasing agent.
(2) The agent shall qualify by taking, subscribing, and filing the constitutional oath and giving bond to the county in a sum fixed by the county legislative body.
(3)
(a) The county purchasing agent shall, under the direction and supervision of the county executive and except as provided in Subsection (3)(b):

(i) negotiate for the purchase of or contract for all supplies and materials required by the county;
(ii) submit all contracts and purchases negotiated by the purchasing agent under Subsection (3)(a)(i) to the county executive for approval and ratification; and
(iii) keep an accurate and complete record of all purchases and a detailed disposition of them and, when required by the county legislative body, make a complete and detailed report to it of business transacted.
(b) Subject to Subsection (3)(c), the county executive may structure the county purchasing agent's office so that:
(i) the county purchasing agent's office is physically located within the county auditor's office; and
(ii) the county purchasing agent receives direction and supervision from the county auditor.
(c) The county executive:
(i) may not structure the county purchasing agent's office as described in Subsection (3)(b) unless:
(A) the county executive receives the advice and consent of the county council; and
(B) the county executive and county auditor agree, in writing, to the proposed structure, including the level of direction and supervision of the county purchasing agent retained by the county executive; and
(ii) shall maintain the level of direction and supervision over the county purchasing agent as agreed upon with the county auditor.
(4) The county executive may exclude from the purchasing agent's responsibility a county clerk's duties concerning elections or a sheriff's duties under Section 17-22-8.

Amended by Chapter 140, 2011 General Session

17-53-309 Approval of cost-increase changes in plans and specifications -- Delegation.
(1) If the county executive adopts plans and specifications for the alteration, construction, or repair of any public building or other public structure, the plans and specifications may not be altered or changed in any manner that would increase the cost of altering, constructing, or repairing the building or structure, unless the county executive approves the alteration or change in the plans and specifications.
(2) The county executive may adopt policies and procedures to delegate authority to approve alterations or changes in plans and specifications to a county employee, including the county engineer, architect, surveyor, or director of the department or division responsible for the work.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-310 Changes or alterations in contract -- Liability of county.
(1) If the county executive enters into a contract for the construction, alteration, or repair of any public building or other public structure, the contract may be altered or changed only if the alteration or change is within the general scope of the contract.
(2) If a change or alteration in the contract is made:
(a) the particular change or alteration shall be specified in writing; and
(b) the increase or decrease in cost due to the change or alteration shall be established by the county executive according to either the provisions of the contract or established principles of the construction industry.
(3)

(a) The county executive may adopt policies and procedures to delegate authority for approval of changes or alterations in the contract to a county employee, including the county engineer, architect, surveyor, or director of the department or division responsible for the work.
(b) Unless the requirements of this section are met, the county is not liable for any extra work done on the buildings or public structures.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-311 Contracting for management, maintenance, operation, or construction of jails.
(1)
(a) With the approval of the sheriff, a county executive may contract with private contractors for management, maintenance, operation, and construction of county jails.
(b) A county executive may include a provision in the contract that allows use of a building authority created under the provisions of Title 17D, Chapter 2, Local Building Authority Act, to construct or acquire a jail facility.
(c) A county executive may include a provision in the contract that requires that any jail facility meet any federal, state, or local standards for the construction of jails.
(2) If a county executive contracts only for the management, maintenance, or operation of a jail, the county executive shall include provisions in the contract that:
(a) require the private contractor to post a performance bond in the amount set by the county legislative body;
(b) establish training standards that shall be met by jail personnel;
(c) require the private contractor to provide and fund training for jail personnel so that the personnel meet the standards established in the contract and any other federal, state, or local standards for the operation of jails and the treatment of jail prisoners;
(d) require the private contractor to indemnify the county for errors, omissions, defalcations, and other activities committed by the private contractor that result in liability to the county;
(e) require the private contractor to show evidence of liability insurance protecting the county and its officers, employees, and agents from liability arising from the construction, operation, or maintenance of the jail, in an amount not less than those specified in Title 63G, Chapter 7, Governmental Immunity Act of Utah;
(f) require the private contractor to:
(i) receive all prisoners committed to the jail by competent authority; and
(ii) provide them with necessary food, clothing, and bedding in the manner prescribed by the governing body; and
(g) prohibit the use of inmates by the private contractor for private business purposes of any kind.
(3) A contractual provision requiring the private contractor to maintain liability insurance in an amount not less than the liability limits established by Title 63G, Chapter 7, Governmental Immunity Act of Utah, may not be construed as waiving the limitation on damages recoverable from a governmental entity or its employees established by that chapter.

Amended by Chapter 297, 2011 General Session

17-53-312 County resource development committee -- Membership -- Term -- Compensation and expenses -- Duties.
(1)

(a) A county executive may, with the advice and consent of the county legislative body, appoint a county resource development committee of three or more members, at least one of which shall be a member of the county legislative body.
(b) Each member of a county resource development committee shall be a resident of the county.
(2)
(a) The term of each member of a county resource development committee shall be two years and until a successor has been appointed.
(b) The legislative body of each county with a county resource development committee shall provide by ordinance for the filling of a vacancy in the membership of the committee and for the removal of a member for nonperformance of duty or misconduct.
(3)
(a) Each member shall serve without compensation.
(b) The county legislative body may reimburse a member for actual expenses incurred in performing the member's duties and responsibilities on the committee, upon presentation of proper receipts and vouchers.
(4) The committee may elect such officers from its members as it considers appropriate and may, with the consent and approval of the county legislative body, employ an executive director for the committee.
(5) The committee shall:
(a) assist in promoting the development of the county's mineral, water, manpower, industrial, historical, cultural, and other resources; and
(b) make such recommendations to the county for resource development as the committee considers advisable.
(6) The county executive may cooperate and enter into contracts with municipalities, local communities, other counties, and the state for the purpose of promoting the development of the economic, historical, and cultural resources of the county.

Enacted by Chapter 133, 2000 General Session

17-53-313 Hiring of professional architect, engineer, or surveyor.

Notwithstanding the adoption of some or all of the provisions of Title 63G, Chapter 6a, Utah Procurement Code, under Section 17-53-225, each county executive that engages the services of a professional architect, engineer, or surveyor and considers more than one such professional for the engagement:
(1) shall consider, as a minimum, in the selection process:
(a) the qualifications, experience, and background of each firm submitting a proposal;
(b) the specific individuals assigned to the project and the time commitments of each to the project; and
(c) the project schedule and the approach to the project that the firm will take; and
(2) may engage the services of a professional architect, engineer, or surveyor based on the criteria under Subsection (1) rather than solely on lowest cost.

Amended by Chapter 347, 2012 General Session

17-53-314 Restrictions on county procurement of architect-engineer services.
(1) As used in this section, "architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.

(2) When a county elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process:
(a) a higher education entity, or any part of one, may not submit a proposal in response to the county's competitive procurement process; and
(b) the county may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.

Enacted by Chapter 21, 2000 General Session

17-53-315 Actions -- Control and direction.
(1)
(a) A county executive may control and direct the prosecution, defense, and settlement of all lawsuits and other actions:
(i) to which the county is a party;
(ii) as to which the county may be required to pay the judgment or the costs of prosecution or defense; or
(iii) as further provided by county ordinance.
(b) If necessary, the county executive may, upon the recommendation of the county or district attorney or if required by court order, employ counsel to represent the county in the lawsuit or other action or assist the county attorney or, in a county that does not have a county attorney, the district attorney in conducting those lawsuits or any other actions where the county attorney or district attorney, as the case may be, is authorized by law to act.
(2) If a lawsuit or other action is brought or prosecuted by another elected official or a board or other entity of the county under a statutory duty, that other elected official, board, or other entity may control and direct the lawsuit or other action, consistent with applicable law.

Amended by Chapter 241, 2001 General Session

17-53-316 Executive orders.
(1) The county executive may issue an executive order to:
(a) establish an executive policy;
(b) implement an executive practice; or
(c) execute a legislative policy or ordinance, as provided by statute.
(2)
(a) The county executive may not issue an executive order that:
(i) is inconsistent with county ordinances that address the same subject as the executive order or with policies established by the county legislative body that address the same subject as the executive order; or
(ii) expands or narrows legislative action taken or legislative policy issued by the county legislative body.
(b) If a county legislative body adopts an ordinance or establishes a policy that conflicts with an existing executive order, the ordinance or policy adopted or established by the county legislative body supersedes the executive order.
(3) Each executive order exercising supervisory power over other elected county officers shall be consistent with the authority given the county executive under Section 17-53-106.

Amended by Chapter 260, 2022 General Session

17-53-317 Executive appointment with advice and consent of county legislative body.

(1) The appointment of a person to fill a position on a board, committee, or similar body whose membership is appointed by the county shall be by the county executive, with the advice and consent of the county legislative body.

(2)

(a) As used in this Subsection (2), "interim vacancy period" means:

(i) for a county commission form or expanded county commission form of government, the period of time that:

(A) begins on the day on which a general election described in Section 17-16-6 is held to elect a commission member; and

(B) ends on the day on which the commission member-elect begins the council member's term; or

(ii) for a county executive-council form of government, the period of time that:

(A) begins on the day on which a general election described in Section 17-16-6 is held to elect a county executive; and

(B) ends on the day on which the county executive-elect begins the county executive's term.

(b)

(i) A county commission in a county commission form of government, or a county commission in an expanded county commission form of government, may not appoint during an interim period vacancy a manager, a chief executive officer, a chief administrative officer, or a similar position to perform executive and administrative duties or functions.

(ii) Notwithstanding Subsection (2)(b)(i):

(A) a county commission in a county commission form of government, or a county commission in an expanded county commission form of government, may appoint an interim manager, a chief executive officer, a chief administrative officer, or a similar position during an interim vacancy period; and

(B) the interim appointee's term shall expire once a new manager, a chief executive officer, a chief administrative officer, or a similar position is appointed by the new administration after the interim vacancy period has ended.

(c) Subsection (2)(b) does not apply if all the county commission members who held office on the day of the county general election whose term of office was vacant for the election are re-elected to the county commission for the following term.

(d)

(i) A county executive in a county executive-council form of government may not appoint during an interim vacancy period a manager, a chief executive officer, a chief administrative officer, or a similar position to perform executive and administrative duties or functions.

(ii) Notwithstanding Subsection (2)(d)(i):

(A) a county executive in a county executive-council form of government may appoint an interim manager, a chief executive officer, a chief administrative officer, or a similar position during an interim vacancy period; and

(B) the interim appointee's term shall expire once a new manager, a chief executive officer, a chief administrative officer, or a similar position is appointed by the new county executive after the interim vacancy period has ended.

(e) Subsection (2)(d) does not apply if the county executive who held office on the day of the county general election is re-elected to the office of county executive for the following term.

(3) A county commission in a county commission form of government, a county commission in an expanded county commission form of government, or a county executive in a county executive-council form of government that appoints a manager, a chief executive officer, a chief

administrative officer, or a similar position in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the manager, chief executive officer, chief administrative officer, or similar position.

Amended by Chapter 209, 2011 General Session

17-53-318 Governing body as cooperating agency in federal land planning and regulation.

(1) As used in this section:
(a) "Cooperating agency" means:
(i) a cooperating agency as defined in 43 CFR 1601.0-5; or
(ii) a cooperating agency as defined in 40 CFR 1508.5.
(b) "General plan" means the general plan described in Title 17, Chapter 27a, Part 4, General Plan.
(c) "Governing body" means, respectively:
(i) a county commission;
(ii) a county council and county executive; or
(iii) a county council and county manager.
(2) A governing body or a person designated by the governing body:
(a) may represent the county as a cooperating agency; and
(b) is considered to have special expertise:
(i) in a matter related to the:
(A) National Environmental Policy Act of 1969, 42 U.S.C. Sec. 4321 et seq.;
(B) Federal Land Policy Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;
(C) Wilderness Act of 1964, 16 U.S.C. Sec. 1131 et seq.;
(D) Multiple-Use Sustained Yield Act of 1960, 16 U.S.C. Sec. 528 et seq.;
(E) National Forest Management Act of 1976, 16 U.S.C. Sec. 1600 et seq.; or
(F) an energy policy and conservation act amended by the Energy Policy Act of 2005, 42 U.S.C. Sec. 16511 et seq.;
(ii) in a matter related to federal land development and planning, the implementation of a federal resource management plan, and other related federal land management actions;
(iii) regarding whether a federal land development and plan, resource management plan, or other related federal land management action is consistent with an adopted county general plan; and
(iv) on a subject matter for which it has statutory responsibility, including a subject matter related to the health, safety, welfare, custom, culture, or socioeconomic viability of a county.
(3) A county through its governing body or a person designated by the governing body may participate in efforts to coordinate and make consistent the federal agency resource management plan or other related management action with the general plan as provided in:
(a) the Federal Land Policy Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;
(b) 16 U.S.C. Sec. 1604; or
(c) any other federal law or rule that provides for coordination and consistency with local government plans and policies.

Enacted by Chapter 97, 2013 General Session

Chapter 55
Criminal Justice Coordinating Councils

Part 1
General Provisions

17-55-101 Definitions.

As used in this part:

(1) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

(2) "Criminal justice agency" means an agency or institution directly involved in the apprehension, prosecution, or incarceration of a person involved in criminal activity.

(3) "Criminal justice coordinating council" or "council" means a council created by a county or counties in accordance with Section 17-55-201.

(4) "Criminal justice system" means the continuum of criminal justice agencies and post-incarceration services that an individual may encounter as a result of the individual's criminal activity.

(5)

(a) "Post-incarceration services" means services that may assist an individual who is leaving incarceration to reintegrate into the community.

(b) "Post-incarceration services" includes:

(i) educational services;

(ii) housing services;

(iii) health care services;

(iv) workforce services; and

(v) human services programs.

Enacted by Chapter 187, 2022 General Session

Part 2
Criminal Justice Coordinating Councils

17-55-201 Criminal justice coordinating councils -- Creation -- Strategic plan -- Reporting requirements.

(1)

(a) Beginning January 1, 2023, a county shall:

(i) create a criminal justice coordinating council; or

(ii) jointly with another county or counties, create a criminal justice coordinating council.

(b) The purpose of a council is to coordinate and improve components of the criminal justice system in the county or counties.

(2)

(a) A council shall include:

(i) one county commissioner or county council member;

(ii) the county sheriff or the sheriff's designee;

(iii) one chief of police of a municipality within the county or the chief's designee;

(iv) the county attorney or the attorney's designee;

(v) one public defender or attorney who provides public defense within the county;
(vi) one district court judge;
(vii) one justice court judge;
(viii) one representative from the Division of Adult Probation and Parole within the Department of Corrections;
(ix) one representative from the local mental health authority within the county; and
(x) one individual who is:
(A) a crime victim; or
(B) a victim advocate, as defined in Section 77-38-403.
(b) A council may include:
(i) an individual representing:
(A) local government;
(B) human services programs;
(C) higher education;
(D) peer support services;
(E) workforce services;
(F) local housing services;
(G) mental health or substance use disorder providers;
(H) a health care organization within the county;
(I) a local homeless council;
(J) family counseling and support groups; or
(K) organizations that work with families of incarcerated individuals; or
(ii) an individual with lived experiences in the criminal justice system.
(3)
(a) A member who is an elected county official shall serve as chair of the council.
(b) The council shall elect the member to serve as chair under Subsection (3)(a).
(4)
(a) A council shall develop and implement a strategic plan for the county's or counties' criminal justice system that includes:
(i) mapping of all systems, resources, assets, and services within the county's or counties' criminal justice system;
(ii) a plan for data sharing across the county's or counties' criminal justice system;
(iii) recidivism reduction objectives; and
(iv) community reintegration goals.
(b) The commission may assist a council in the development of a strategic plan.
(5) As part of the council's duties described in Subsection (4)(a)(i), the council shall prepare a list of private probation providers for a court to provide to defendants as described in Section 77-18-105.
(6) Before November 30 of each year, a council shall provide a written report to the commission regarding:
(a) the implementation of a strategic plan described in Subsection (4); and
(b) any data on the impact of the council on the criminal justice system in the county or counties.

Amended by Chapter 187, 2024 General Session