

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