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 76-9-1101.
(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 76-9-1101.
(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 76-9-1107.
(i) "Tobacco product" means:
(i) the same as that term is defined in Section 76-9-1101; or
(ii) tobacco paraphernalia as defined in Section 76-9-1101.
(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 17, Part 4, Offenses Concerning a Pattern of Unlawful Activity;

(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 173, 2025 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 -- Evidence of short-term rental -- Removing a listing.

(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) "Permit number" means a unique identifier issued by a county and may include a business license number.

(c) "Request" means a formal inquiry made by a county to a short-term rental website that is not a legal requirement.

(d) "Residential unit" means a residential structure or any portion of a residential structure that is occupied as a residence.

(e) "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.

(f) "Short-term rental website" means a website or other digital platform 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.

(g) "URL" means uniform resource locater.

(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) If a county regulates short-term rentals, Subsection (2)(b) does not prevent the county from using a listing or offering of a short-term rental on a short-term rental website as evidence that a short-term rental took place so long as the county has additional information to support the position that a property owner or lessee violated a county ordinance.

(4) A county may adopt an ordinance requiring the owner or lessee of a short-term rental to obtain a business license or other permit from the county before operating a short-term rental within an unincorporated area of the county.

(5)

(a) A county may not regulate a short-term rental website.

(b) If a county allows short-term rentals within a portion of or all residential or commercial unincorporated zones in the county, the legislative body of a county may only request a short-term rental website to remove a short-term rental listing or offering from the short-term rental website after notice from the county, as described in Subsection (5), only if the short-term rental is operating in violation of business license requirements or zoning requirements.

(6) A county that provides a notice to a short-term rental website that a short-term rental within the unincorporated county is in violation of the county's business licensing requirements or zoning requirements shall identify in the notice:

(a) the listing or offering to be removed by the listing's or offering's URL; and

(b) the reason for the requested removal.

(7) If a legislative body imposes transient room tax on the rental of rooms in hotels, motels, inns, trailer courts, campgrounds, tourist homes, and similar accommodations for stays of less than 30 consecutive days as authorized by Section 59-12-301:

(a) the county may utilize a listing or offering of a short-term rental on a short-term rental website as evidence that the owner or lessee of a short-term rental may be subject to the transient room tax; and
(b) the county auditor may utilize the listing or offering of a short-term rental on a short-term rental website when making a referral to the State Tax Commission, as described in Section 59-12-302.
(8) 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 37, 2025 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 1,150,000 or more is a county of the first class.

(b) A county with a population of 260,000 or more but less than 1,150,000 is a county of the second class.

(c) A county with a population of 40,000 or more but less than 260,000 is a county of the third class.

(d) A county with a population of 12,000 or more but less than 40,000 is a county of the fourth class.

(e) A county with a population of 5,000 or more but less than 12,000 is a county of the fifth class.

(f) A county with a population less than 5,000 is a county of the sixth class.

Amended by Chapter 217, 2025 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) the estimate of the Utah Population Committee created in Section 63C-20-103; or

(b) if the Utah Population Committee estimate is not available, the census or census estimate of the United States Bureau of the Census.

(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 400, 2025 General Session