

1 **PROHIBITING RESIDENTIAL LOTS FROM**
2 **CROSSING COUNTY LINES**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: David L. Hogue**

6 **This act modifies the Utah Municipal Code and the county code to prohibit residential lots**
7 **under one acre in size from crossing county boundary lines. The act also prohibits the**
8 **division of a residence by a county line. The act provides an effective date.**

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **10-9-811**, as last amended by Chapter 241, Laws of Utah 2001

12 **17-27-811**, as last amended by Chapter 241, Laws of Utah 2001

13 *Be it enacted by the Legislature of the state of Utah:*

14 Section 1. Section **10-9-811** is amended to read:

15 **10-9-811. Prohibited acts.**

16 (1) (a) An owner of any land located in a subdivision, as defined in this chapter, who
17 transfers or sells any land in that subdivision before a plat of the subdivision has been approved
18 and recorded violates this part for each lot or parcel transferred or sold.

19 (b) The description by metes and bounds in the instrument of transfer or other documents
20 used in the process of selling or transferring does not exempt the transaction from being a violation
21 of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

22 (c) Notwithstanding any other provision of this Subsection (1), the recording of an
23 instrument of transfer or other document used in the process of selling or transferring real property
24 that violates this part:

25 (i) does not affect the validity of the instrument or other document; and

26 (ii) does not affect whether the property that is the subject of the instrument or other
27 document complies with applicable municipal ordinances on land use and development.



28 (2) (a) A municipality may bring an action against an owner to require the property to
29 conform to the provisions of this part or an ordinance enacted under the authority of this part.

30 (b) An action under this Subsection (2) may include an injunction, abatement, merger of
31 title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.

32 (c) A municipality need only establish the violation to obtain the injunction.

33 (3) (a) Residential parcels of less than one acre in size may not be divided by the boundary
34 line between two or more counties.

35 (b) A residence on a residential parcel of one acre in size or larger may not be divided by
36 the boundary line between two or more counties.

37 Section 2. Section **17-27-811** is amended to read:

38 **17-27-811. Owner may not sell land before plat recorded -- Improper recording does**
39 **not affect validity of document or compliance with ordinances -- Action by county.**

40 (1) (a) An owner of any land located in a subdivision, as defined in this chapter, who
41 transfers or sells any land in that subdivision before a plat of the subdivision has been approved
42 and recorded as required in this part violates this part for each lot or parcel transferred or sold.

43 (b) The description by metes and bounds in the instrument of transfer or other documents
44 used in the process of selling or transferring does not exempt the transaction from a violation of
45 Subsection (2)(a) or from the penalties or remedies provided in this chapter.

46 (c) Notwithstanding any other provision of this Subsection (1), the recording of an
47 instrument of transfer or other document used in the process of selling or transferring real property
48 that violates this part:

49 (i) does not affect the validity of the instrument or other document; and

50 (ii) does not affect whether the property that is the subject of the instrument or other
51 document complies with applicable municipal ordinances on land use and development.

52 (2) (a) A county may bring an action against an owner to require the property to conform
53 to the provisions of this part or an ordinance enacted under the authority of this part.

54 (b) An action under this Subsection (2) may include an injunction, abatement, merger of
55 title, or any other appropriate action or proceedings to prevent, enjoin, or abate the violation.

56 (c) A county need only establish the violation to obtain the injunction.

57 (3) (a) Residential parcels of less than one acre in size may not be divided by the boundary
58 line between two or more counties.

59 (b) A residence on a residential parcel of one acre in size or larger may not be divided by
60 the boundary line between two or more counties.

61 Section 3. **Effective date.**

62 If approved by two-thirds of all the members elected to each house, this act takes effect
63 upon approval by the governor, or the day following the constitutional time limit of Utah
64 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
65 date of veto override.

Legislative Review Note
as of 10-31-01 7:20 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Political Subdivisions Interim Committee recommended this bill.