

LAND USE PENALTIES

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: Wayne L. Niederhauser

LONG TITLE

General Description:

This bill amends provisions related to certain civil penalties established by a municipality or county.

Highlighted Provisions:

This bill:

- ▶ requires that a municipality or county provide:
 - notice of an ordinance violation to the owner of record;
 - the owner of record a reasonable opportunity to cure an ordinance violation; and
 - a schedule of the civil penalties for an ordinance violation; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-803, as renumbered and amended by Laws of Utah 2005, Chapter 254

17-27a-803, as renumbered and amended by Laws of Utah 2005, Chapter 254

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



28 Section 1. Section 10-9a-803 is amended to read:

29 **10-9a-803. Penalties -- Notice.**

30 (1) The municipality may, by ordinance, establish civil penalties for violations of any
31 of the provisions of this chapter or of any ordinances adopted under the authority of this
32 chapter.

33 (2) Violation of any of the provisions of this chapter or of any ordinances adopted
34 under the authority of this chapter is punishable as a class C misdemeanor upon conviction
35 either:

36 (a) as a class C misdemeanor; or

37 (b) by imposing the appropriate civil penalty adopted under the authority of this
38 section.

39 (3) Prior to imposing upon an owner of record a civil penalty established by ordinance
40 under authority of this chapter, a municipality shall provide:

41 (a) written notice, by mail or hand delivery, of each ordinance violation to the address
42 of the:

43 (i) owner of record on file in the office of the county recorder; or

44 (ii) person designated, in writing, by the owner of ~~H~~→ [recorder] record ←~~H~~ as the
44a owner's agent for the
45 purpose of receiving notice of an ordinance violation;

46 (b) the owner of record a reasonable opportunity to cure a noticed violation; and

47 (c) a schedule of the civil penalties that may be imposed upon the expiration of a time
48 certain.

49 Section 2. Section 17-27a-803 is amended to read:

50 **17-27a-803. Penalties -- Notice.**

51 (1) The county may, by ordinance, establish civil penalties for violations of any of the
52 provisions of this chapter or of any ordinances adopted under the authority of this chapter.

53 (2) Violation of any of the provisions of this chapter or of any ordinances adopted
54 under the authority of this chapter is punishable as a class C misdemeanor upon conviction
55 either:

56 (a) as a class C misdemeanor; or

57 (b) by imposing the appropriate civil penalty adopted under the authority of this
58 section.

59 (3) Prior to imposing upon an owner of record a civil penalty established by ordinance
60 under authority of this chapter, a county shall provide:

61 (a) written notice, by mail or hand delivery, of each ordinance violation to the address
62 of the:

63 (i) owner of record on file in the office of the county recorder; or

64 (ii) person designated, in writing, by the owner of ~~H~~→ [recorder] record ←~~H~~ as the
64a owner's agent for the
65 purpose of receiving notice of an ordinance violation;

66 (b) the owner of record a reasonable opportunity to cure a noticed violation; and

67 (c) a schedule of the civil penalties that may be imposed upon the expiration of a time
68 certain.

Legislative Review Note
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Office of Legislative Research and General Counsel