

## SB0107S01 compared with SB0107

~~{deleted text}~~ shows text that was in SB0107 but was deleted in SB0107S01.

Inserted text shows text that was not in SB0107 but was inserted into SB0107S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Lincoln Fillmore proposes the following substitute bill:

### NUISANCE ORDINANCES FOR MUNICIPALITIES

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends provisions related to and imposes limitations on enforcement of municipal ~~{nuisance}~~ ordinances.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~{imposes limitations on}~~ for each municipal ordinance that restricts the use of an individual's property, requires a municipality to identify in the ordinance the negative impact that the ordinance intends to abate;
- ▶ requires municipalities to revise the existing ordinances to comply with this bill;
- ▶ prohibits enforcement of ~~{nuisance ordinances involving a person's use of the person's primary residence;~~

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~~provides certain exceptions}~~ an ordinance that restricts the use of an individual's property unless the violation of the ordinance causes the identified negative impact that the ordinance intends to abate; and

- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

10-8-60, Utah Code Annotated 1953

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

Section 1. Section 10-8-60 is amended to read:

10-8-60. Nuisances~~;~~

~~(1) As used in this section:~~

~~(a) "Nuisance" means:~~

~~(i) for a municipality, the same as that term is defined in the municipality's ordinances; and~~

~~(ii) a specific problem on a property as reported by a property owner or resident;~~

~~(A) whose property is located near the property that is the subject of the report; and~~

~~(B) upon whom the nuisance has an actual effect.~~

~~(b) "Officer" means a law enforcement officer, a code enforcement officer, a prosecutor, or an employee of a municipality.~~

~~(2) -- Restrictive ordinances required to identify negative impacts.~~

~~(1) [They] A municipality may:~~

~~(a) declare what [shall be] constitutes a nuisance~~;~~ and;~~

~~(b) abate [the same] nuisances~~;~~ and~~

~~(c) impose fines upon [persons] any person who [may create, continue] creates or continues a nuisance or [suffer nuisances] suffers a nuisance to exist.~~

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~~(3) Except as provided in Subsection (4), an officer}~~ (a) If a municipality enacts an ordinance that restricts an individual's use of the individual's primary residence, the municipality shall ensure that the ordinance identifies the negative impact of the restricted use that the ordinance intends to abate.

(b) Before July 1, 2020, a municipality shall review and revise the municipality's existing ordinances to ensure that any ordinance that restricts an individual's use of a primary residence complies with Subsection (2)(a).

(3) A municipality may not enforce an ordinance }that involves a restriction of a person's use of the person's primary residence unless the officer:

~~— (a) becomes aware of the nuisance through the complaint of a property owner or resident }~~ described in Subsection (1)(a)(ii); and

~~— (b) reasonably believes that the use involves or produces:~~

~~— (i) a nuisance on the person's neighbors;~~

~~— (ii) a particularized and verifiable threat to public health or safety; or~~

~~— (iii) a substantially}~~ 2) unless the use of the individual's property that constitutes a violation of the ordinance causes a nuisance or the negative impact }upon the property value of surrounding property.

~~— (4) Subsection (3) does not apply if:~~

~~— (a) the person is suspected of violating a state law; or~~

~~— (b) the use in question relates to a business that is not a home-based business that is licensed in accordance with Section 10-1-203.~~

}that the ordinance identifies as the effect the ordinance intends to abate.