



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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February 4, 2020

Mr. Speaker,

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 202**, LOCAL GOVERNMENT NUISANCE ORDINANCE REFORM, by Representative J. Moss, with the following amendments:

1. *Page 1, Lines 12 through 13:*

12           ▶        ~~{ prohibits a municipality or county from imposing a criminal penalty~~  
~~for violation of~~  
13    ~~an ordinance unless the violation is a nuisance; and }~~    limits the circumstances  
under which a municipality or county may impose a criminal penalty for a violation  
of an ordinance; and

2. *Page 2, Lines 33 through 36:*

33           (b) Notwithstanding Subsection (1)(a), a municipality may   ~~{ impose a criminal~~  
~~penalty~~  
34    ~~for a violation pertaining to an individual's use of the individual's residence only if~~  
~~the violation~~  
35    ~~of the ordinance is a nuisance, as defined in Subsection 78B-6-1101(1), on the~~  
~~surrounding~~  
36    ~~neighbors or adjacent properties of the individual's residence. }~~   not impose a  
criminal penalty greater than an infraction for a violation pertaining to an  
individual's use of the individual's residence unless:  
(i) the violation:  
(A) is a nuisance as defined in Subsection 78B-6-1101(1); and  
(B) threatens the health, safety, or welfare of the individual or an identifiable  
third party; or  
(ii) the municipality has imposed a fine on the individual for a violation that

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involves the same residence on three previous occasions within the previous 12 months.

3. Page 2, Line 50:

50 (ii) an animal control officer described in Section 11-46-102. =  
(4) For purposes of this section, an ongoing violation constitutes a single violation.

=

4. Page 4, Line 117 through Page 5, Line 121:

117 (b) Notwithstanding Subsection (2)(a), a county may {~~impose the criminal~~  
118 ~~penalty for a~~  
119 ~~violation pertaining to an individual's residence only if the violation of the ordinance~~  
120 ~~is a~~  
~~nuisance, as defined in Subsection 78B-6-1101(1), on the surrounding neighbors or~~  
~~adjacent~~  
~~properties of the individual's residence.~~} not impose a criminal penalty greater  
than an infraction for a violation pertaining to an individual's use of the individual's  
residence unless:  
(i) the violation:  
(A) is a nuisance as defined in Subsection 78B-6-1101(1); and  
(B) threatens the health, safety, or welfare of the individual or an identifiable  
third party; or  
(ii) the county has imposed a fine on the individual for a violation that involves the  
same residence on three previous occasions within the past 12 months. 121

[~~(b)~~] (c) When a penalty for a violation of an ordinance includes any possibility of

5. Page 5, Line 128:

128 on a highway. =  
(4) For purposes of this section, an ongoing violation constitutes a single violation.

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Respectfully,

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Stephen G. Handy  
Chair

Voting: 9-1-1

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