

## H.B. 202

# LOCAL GOVERNMENT NUISANCE ORDINANCE REFORM

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 4, 2020 3:52 PM

Representative **Jefferson Moss** proposes 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 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 penalty for a~~  
118 ~~violation pertaining to an individual's residence only if the violation of the ordinance is a~~  
119 ~~nuisance, as defined in Subsection 78B-6-1101(1), on the surrounding neighbors or adjacent~~  
120 ~~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<sup>121</sup>  
ordinance includes any possibility of

~~(b)~~ (c) When a penalty for a violation of an

5. Page 5, Line 128:

128 on a highway. =

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