

Municipal Ordinance Amendments
 2025 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Norman K Thurston
 Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions relating to the imposition of a civil penalty for a municipal ordinance violation.

Highlighted Provisions:

This bill:

- ▶ allows a municipality to impose a civil fine that exceeds the maximum Class B misdemeanor fine under Section 76-3-301 if the municipality has previously imposed a fine on the individual for the same violation three or more times within the past 12 months.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-703, as last amended by Laws of Utah 2020, Chapter 89

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

Section 1. Section **10-3-703** is amended to read:

10-3-703 . Criminal penalties for violation of ordinance -- Civil penalties prohibited -- Exceptions.

(1)(a) The governing body of a municipality may impose a criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Section 76-3-301, by a term of imprisonment up to six months, or by both the fine and term of imprisonment.

(b) Notwithstanding Subsection (1)(a), a municipality may not impose a criminal penalty greater than an infraction for a violation pertaining to an individual's pet, as defined

- 31 in Section 4-12-102, or an individual's use of the individual's residence unless:
- 32 (i) the violation:
- 33 (A) is a nuisance as defined in Subsection 78B-6-1101(1); and
- 34 (B) threatens the health, safety, or welfare of the individual or an identifiable third
- 35 party; or
- 36 (ii) the municipality has imposed a fine on the individual for a violation that involves
- 37 the same residence or pet on three previous occasions within the past 12 months.
- 38 (c) Subsection (1)(b) does not apply to municipal enforcement of a building code or fire
- 39 code ordinance in accordance with Title 15A, State Construction and Fire Codes Act.
- 40 (2)(a) Except as provided in Subsection (2)(b) and subject to Subsection (2)(c), the
- 41 governing body may prescribe a civil penalty for the violation of any municipal
- 42 ordinance~~[by a fine not to exceed the maximum class B misdemeanor fine under~~
- 43 ~~Section 76-3-301]~~.
- 44 (b) A municipality may not impose a civil penalty and adjudication for the violation of a
- 45 municipal moving traffic ordinance.
- 46 (c) A civil penalty that is a fine under this Subsection (2) may not exceed the maximum
- 47 class B misdemeanor fine under Section 76-3-301, unless the municipality has
- 48 previously imposed a civil or criminal fine on the individual for the same violation
- 49 three or more times within the 12 months immediately preceding the violation.
- 50 (3)(a) Except as provided in Subsection (3)(b) or Section 77-7-18, a municipal officer or
- 51 official who is not a law enforcement officer described in Section 53-13-103 or a
- 52 special function officer described in Section 53-13-105 may not issue a criminal
- 53 citation for a violation that is punished as a misdemeanor.
- 54 (b) Notwithstanding Subsection (1) or (3)(a), the following may issue a criminal citation
- 55 for a violation that is punished as a misdemeanor if the violation threatens the health
- 56 and safety of an animal or the public:
- 57 (i) a fire officer described in Section 53-7-102; or
- 58 (ii) an animal control officer described in Section 11-46-102.
- 59 (4) A municipality may not issue more than one infraction within a 14-day time period for a
- 60 violation described in Subsection (1)(b) that is ongoing.

61 Section 2. **Effective Date.**

62 This bill takes effect on May 7, 2025.