

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

34 (2) (a) Except as provided in Subsection (2)(b), the governing body may prescribe a
35 civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum
36 class B misdemeanor fine under Section 76-3-301.

37 (b) A municipality may not impose a civil penalty and adjudication for the violation of
38 a municipal moving traffic ordinance.

39 (3) (a) ~~[A]~~ Except as provided in Subsection (3)(b) or Section 77-7-18, a municipal
40 officer or official who is not a law enforcement officer described in [accordance with] Section
41 53-13-103 or a special function officer described in Section 53-13-105 may not issue a criminal
42 citation for a violation that is punished as a misdemeanor.

43 (b) Notwithstanding Subsection (3)(a), the following may issue a criminal citation for a
44 violation that is punished as a misdemeanor if the violation threatens the health and safety of an
45 animal or the public:

- 46 (i) a fire officer described in Section 53-7-102; or
- 47 (ii) an animal control officer described in Section 11-46-102.

48 Section 2. Section 77-7-18 is amended to read:

49 **77-7-18. Citation on misdemeanor or infraction charge.**

50 (1) Any person subject to arrest or prosecution on a misdemeanor or infraction charge
51 may be issued and delivered a citation that requires the person to appear at the court of the
52 magistrate with territorial jurisdiction.

53 (2) The following may issue the citation ~~[may be issued by]~~ described in Subsection
54 (1):

- 55 ~~[(1)]~~ (a) a peace officer, in lieu of or in addition to taking the person into custody;
- 56 ~~[(2)]~~ (b) any public official of any county or municipality charged with the enforcement
57 of the law;

- 58 [~~3~~] (c) a port-of-entry agent as defined in Section [72-1-102](#);
- 59 [~~4~~] (d) an animal control officer of a county, municipality, or special service district
- 60 under Title 17D, Chapter 1, Special Service District Act, who is authorized to provide animal
- 61 control service; and
- 62 [~~5~~] (e) a volunteer authorized to issue a citation under Section [~~41-6a-213~~]
- 63 [41-6a-217](#).

64 Section 3. **Effective date.**

65 If approved by two-thirds of all the members elected to each house, this bill takes effect

66 on May 1, 2018.