

**LOCAL GOVERNMENT SNOW REMOVAL**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Schultz**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses a county's authority to prohibit certain snow removal.

**Highlighted Provisions:**

This bill:

- ▶ prevents a county from prohibiting a person from removing snow from a road at the person's own expense in order to access property that the person owns; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-34-1**, as last amended by Laws of Utah 2014, Chapter 405

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

Section 1. Section **17-34-1** is amended to read:

**17-34-1. Counties may provide municipal services -- Limitation -- First-class counties to provide certain services -- Counties allowed to provide certain services in recreational areas.**



28 (1) For purposes of this chapter, except as otherwise provided in Subsection (3):

29 (a) "Greater than class C radioactive waste" [~~has the same meaning as~~] means the same  
30 as that term is defined in Section 19-3-303.

31 (b) "High-level nuclear waste" [~~has the same meaning as~~] means the same as that term  
32 is defined in Section 19-3-303.

33 (c) "Municipal-type services" means:

34 (i) fire protection service;

35 (ii) waste and garbage collection and disposal;

36 (iii) planning and zoning;

37 (iv) street lighting;

38 (v) animal services;

39 (vi) storm drains;

40 (vii) snow removal services;

41 [~~(vii)~~] (viii) traffic engineering;

42 [~~(viii)~~] (ix) code enforcement;

43 [~~(ix)~~] (x) business licensing;

44 [~~(x)~~] (xi) building permits and inspections;

45 [~~(xi)~~] (xii) in a county of the first class;

46 (A) advanced life support and paramedic services; and

47 (B) detective investigative services; and

48 [~~(xii)~~] (xiii) all other services and functions that are required by law to be budgeted,  
49 appropriated, and accounted for from a municipal services fund or a municipal capital projects  
50 fund as defined under Chapter 36, Uniform Fiscal Procedures Act for Counties.

51 (d) "Placement" [~~has the same meaning as~~] means the same as that term is defined in  
52 Section 19-3-303.

53 (e) "Storage facility" [~~has the same meaning as~~] means the same as that term is defined  
54 in Section 19-3-303.

55 (f) "Transfer facility" [~~has the same meaning as~~] means the same as that term is defined  
56 in Section 19-3-303.

57 (2) A county may:

58 (a) provide municipal-type services to areas of the county outside the limits of cities

59 and towns without providing the same services to cities or towns; and

60 (b) fund those services by:

61 (i) levying a tax on taxable property in the county outside the limits of cities and towns;

62 (ii) charging a service charge or fee to persons benefitting from the municipal-type

63 services; or

64 (iii) providing funds to a municipal services district in accordance with Section

65 [17B-2a-1109](#).

66 (3) A county may not:

67 (a) provide, contract to provide, or agree in any manner to provide municipal-type  
68 services, as these services are defined in Section [19-3-303](#), to any area under consideration for  
69 a storage facility or transfer facility for the placement of high-level nuclear waste, or greater  
70 than class C radioactive waste; or

71 (b) seek to fund services for these facilities by:

72 (i) levying a tax; or

73 (ii) charging a service charge or fee to persons benefitting from the municipal-type  
74 services.

75 (4) Each county of the first class shall provide to the area of the county outside the  
76 limits of cities and towns:

77 (a) advanced life support and paramedic services; and

78 (b) detective investigative services.

79 (5) (a) A county may provide fire, paramedic, and police protection services in any area  
80 of the county outside the limits of cities and towns that is designated as a recreational area in  
81 accordance with the provisions of this Subsection (5).

82 (b) A county legislative body may designate any area of the county outside the limits of  
83 cities and towns as a recreational area if:

84 (i) the area has fewer than 1,500 residents and is primarily used for recreational  
85 purposes, including canyons, ski resorts, wilderness areas, lakes and reservoirs, campgrounds,  
86 or picnic areas; and

87 (ii) the county legislative body makes a finding that the recreational area is used by  
88 residents of the county who live both inside and outside the limits of cities and towns.

89 (c) Fire, paramedic, and police protection services needed to primarily serve those

90 involved in the recreation activities in areas designated as recreational areas by the county  
91 legislative body in accordance with Subsection (5)(b) may be funded from the county general  
92 fund.

93 (6) If a county does not provide snow removal services under this chapter to an area of  
94 the county, regardless of whether the area is designated as recreational, the county may not  
95 prohibit a person from removing snow, at the person's own expense and in order to access  
96 property that the person owns, from:

97 (a) a county road within the area; or

98 (b) a road within the area that the county controls through the road's dedications to the  
99 public.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**