

1 **NUISANCE ORDINANCES FOR MUNICIPALITIES**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lincoln Fillmore**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to and imposes limitations on enforcement of
10 municipal nuisance ordinances.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ imposes limitations on enforcement of nuisance ordinances involving a person's use
15 of the person's primary residence;
- 16 ▶ provides certain exceptions; and
- 17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **10-8-60**, Utah Code Annotated 1953

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

27 Section 1. Section **10-8-60** is amended to read:



28 **10-8-60. Nuisances.**

29 (1) As used in this section:

30 (a) "Nuisance" means:

31 (i) for a municipality, the same as that term is defined in the municipality's ordinances;

32 and

33 (ii) a specific problem on a property as reported by a property owner or resident:

34 (A) whose property is located near the property that is the subject of the report; and

35 (B) upon whom the nuisance has an actual effect.

36 (b) "Officer" means a law enforcement officer, a code enforcement officer, a
37 prosecutor, or an employee of a municipality.

38 (2) [~~They~~] A municipality may declare what [~~shall be~~] constitutes a nuisance, [~~and~~]
39 abate [~~the same~~] nuisances, and impose fines upon [~~persons~~] any person who [~~may create,~~
40 ~~continue~~] creates or continues a nuisance or [~~suffer nuisances~~] suffers a nuisance to exist.

41 (3) Except as provided in Subsection (4), an officer may not enforce an ordinance that
42 involves a restriction of a person's use of the person's primary residence unless the officer:

43 (a) becomes aware of the nuisance through the complaint of a property owner or
44 resident described in Subsection (1)(a)(ii); and

45 (b) reasonably believes that the use involves or produces:

46 (i) a nuisance on the person's neighbors;

47 (ii) a particularized and verifiable threat to public health or safety; or

48 (iii) a substantially negative impact upon the property value of surrounding property.

49 (4) Subsection (3) does not apply if:

50 (a) the person is suspected of violating a state law; or

51 (b) the use in question relates to a business that is not a home-based business that is
52 licensed in accordance with Section [10-1-203](#).