

From Small Towns to College Towns to Resort Towns: Code Enforcement for Utah Communities

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Disclaimers

- This is a general overview of State Statute and is not intended to be comprehensive or situation/location specific
- If you have a specific scenario, consult the State Statute (Utah Code 10-3, Part 7) and local ordinance(s), as applicable
- Always feel free to call the Ombudsman's Office
 - Phone: 801-530-6391



**When I'm told I need a permit
to build on my own property.**



Code Enforcement in Statute

Key LUDMA Statutes:

- Utah Code §10-3-7 (for cities and towns) and §17-53-2-223 (for counties) details regulations regarding code enforcement.
- Sections state that an agency:
 - shall exercise its legislative powers through ordinances
 - may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law



Code Enforcement in Statute (cont.)

Other key statutes:

- Utah Code §78B-6-1101(1): defines Nuisance as “anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.” A nuisance may be the subject of an action.
- Utah Code §53-13-103 and §53-13-105: Prohibits municipal officers or officials not properly classified as law enforcement or special function officers from issuing citations*



Addressing Code Enforcement

Three levels of Code Enforcement action:

- Administrative
 - Civil
 - Criminal
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- Best practice: Have an adopted process and operate through it systematically and progressively with solid documentation of steps taken.



Recent Legislation Impacting Code Enforcement

Recent Legislative Considerations:

- **Utah Code §10-9a-802-2a**
 - A municipality may enforce the municipality's ordinance by withholding a building permit
- **Utah Code §15a-1-104-3 and 4**
 - A municipality may not withhold a permit or project approval for a project because of a “completed noncompliant structure” if the structure has existed for five or more years and does not pose a health, life or safety concern.
 - A municipality may require a permit for a “completed noncompliant structure” if the structure is less than ten years old or poses a health, life, or safety concern.



Recent Legislation Impacting Code Enforcement

Recent Legislative Considerations:

- SB 256 (2025)
 - This bill modifies provisions related to the authority of municipalities and counties regarding short-term rentals.
 - Addresses agencies regulating short-term rentals using a listing or offering on a short-term rental website as evidence
 - Addresses business licensing
 - Discusses taxation details



Questions to Consider

- How do we avoid making policies we can't enforce?
- How do we keep our process as simple as possible?
- Are we going to use administrative or civil enforcement mechanisms?
- Who is going to do the enforcing, and where are they housed?
- What is realistic for our current staff levels?
- How are we going to fund enforcement activities?
- Are there additional resources or partnerships we can engage in to help us with code enforcement?
- How are we communicating our policies to the community?

Helpful Next Steps

- Understand that your process needs to be in an ordinance; acting both as your protection and guide
- Court rulings favor proof of a clear and documented process
- There are many good processes used throughout the state which:
 - Establish Code Enforcement Officer details, responsibilities, etc.
 - Define violations
 - Detail enforcement, fees, penalties, abatement process, etc.
 - Establish an appeal process
 - Provide the next steps for full resolution
- Seek the process that is most effective for your agency
- Commit to diligence in your enforcement

Code Enforcement Examples

- **Brian Head**

- Code (Title 4, Chapter 3)
- Code (Title 9, Chapter 13)



BRIAN HEAD

- **City of Provo**

- Nuisance Ordinance (Ordinance 1999-38)
- Code (Title 7, Chapter 7.01)

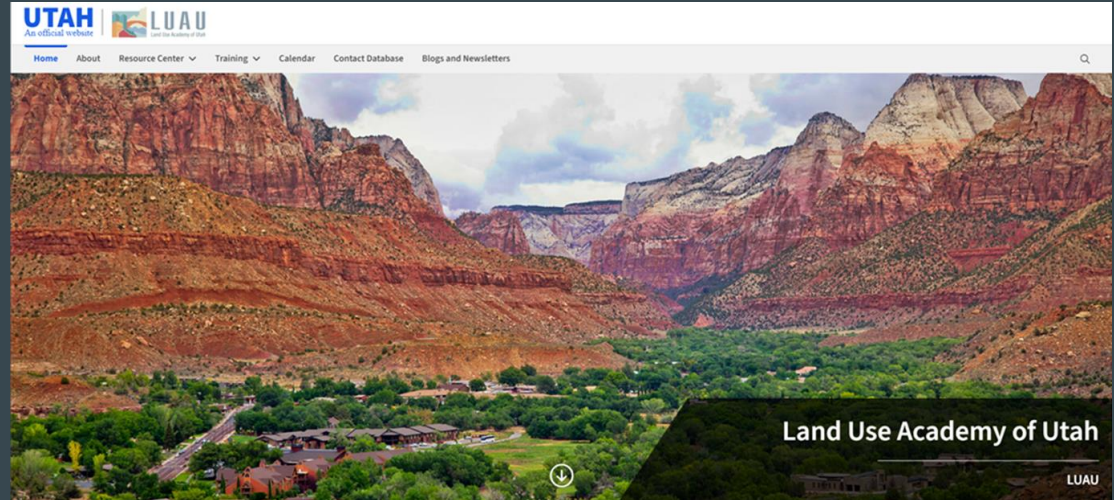
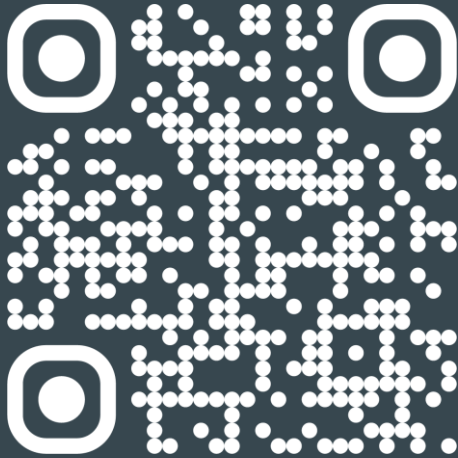


Coming Up!

- GNAR Course on Short-term Rentals (STRs)
 - Should be available in early June 2025
 - Great content on enforcement that is applicable to all community development topics



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