

Code Enforcement Fundamentals

Office of the Property Rights Ombudsman

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



General Overview

- Three levels of Code Enforcement action:
 1. Administrative
 2. Civil
 3. Criminal
- Best practice consists of having an adopted process, and operating through it systematically and progressively



State Statute

- State Statute 10-3-7 details regulations regarding code enforcement
- States that a municipality:
 - 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



State Statute (cont.)

- Other key statutes:
 - 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.
 - 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*



Helpful Next Steps and Thoughts

- 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 next steps for full resolution

R6 REGIONAL COUNCIL



Helpful Next Steps and Thoughts (cont.)

Examples:

- ***Sevier County***
 - Nuisance Ordinance (Ordinance 2022-10-1)
 - Code (Title 14, Chapter 14.60)

- ***City of Provo***
 - Nuisance Ordinance (Ordinance 1999-38)
 - Code (Title 7, Chapter 7.01)



Recent Legislative Considerations

Utah Code 10-9a-802(2)(a)

A municipality may enforce the municipality's ordinance by withholding a building permit

Changes to the State Construction Code (HB 518)

Utah Code 15A-1-104(3)-(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.



Common Code Enforcement Topics & Issues

Outside Storage	Snow Removal	Home-Based Business Activity
Weed Control	Fencing Standards	Signage
Property Nuisance	Setback Encroachment	Animal Control
Street/Sidewalk Obstruction	Parking	Limited Staff
Inoperable Vehicles	Short Term Rentals	Muni Code Language