Effective 5/12/2020
10-3-703 Criminal penalties for violation of ordinance -- Civil penalties prohibited -- Exceptions.

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

(b) Notwithstanding Subsection (1)(a), a municipality may not impose a criminal penalty greater than an infraction for a violation pertaining to an individual's pet, as defined in Section 4-12-102, or an individual's use of the individual's residence unless:

(i) the violation:
   (A) is a nuisance as defined in Subsection 78B-6-1101(1); and  
   (B) threatens the health, safety, or welfare of the individual or an identifiable third party; or  
(ii) the municipality has imposed a fine on the individual for a violation that involves the same residence or pet on three previous occasions within the past 12 months.

(c) Subsection (1)(b) does not apply to municipal enforcement of a building code or fire code ordinance in accordance with Title 15A, State Construction and Fire Codes Act.

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

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

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

(b) Notwithstanding Subsection (1) or (3)(a), the following may issue a criminal citation for a violation that is punished as a misdemeanor if the violation threatens the health and safety of an animal or the public:

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

(4) A municipality may not issue more than one infraction within a 14-day time period for a violation described in Subsection (1)(b) that is ongoing.

Amended by Chapter 89, 2020 General Session