

West's Utah Code Annotated [Currentness](#)

Title 10. Utah Municipal Code

▣ [Chapter 8](#). Powers and Duties of Municipalities

▣ [Article 1](#). General Powers

→ **§ 10-8-53.5. Regulation of carbon monoxide detectors--Enforcement against occupant only**

(1) Subject to Subsection (2), a municipality may not enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling.

(2) Subsection (1) may not be construed to affect:

(a) a building permit applicant's obligation to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction; or

(b) a municipality's ability to require a building permit applicant to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction.

CREDIT(S)

U.C.A. 1953 § 10-8-53.5, UT ST § 10-8-53.5

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Title 17. Counties

▾ [Chapter 50](#). General Provisions for Counties

▾ [Part 3](#). County Powers

➔ **§ 17-50-327. Regulation of carbon monoxide detectors--Enforcement against occupant only**

(1) Subject to Subsection (2), a county may not enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling.

(2) Subsection (1) may not be construed to affect:

(a) a building permit applicant's obligation to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction; or

(b) a county's ability to require a building permit applicant to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction.

CREDIT(S)

U.C.A. 1953 § 17-50-327, UT ST § 17-50-327

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Title 26A. Local Health Authorities ([Refs & Annos](#))

▢ [Chapter 1](#). Local Health Departments

▢ [Part 1](#). Local Health Authorities

→ **§ 26A-1-114. Powers and duties of departments**

(1) A local health department may:

(a) subject to the provisions in [Section 26A-1-108](#), enforce state laws, local ordinances, department rules, and local health department standards and regulations relating to public health and sanitation, including the plumbing code administered by the Division of Occupational and Professional Licensing under [Section 58-56-4](#) and under Title 26, Chapter 15a, Food Safety Manager Certification Act, in all incorporated and unincorporated areas served by the local health department;

(b) establish, maintain, and enforce isolation and quarantine, and exercise physical control over property and over individuals as the local health department finds necessary for the protection of the public health;

(c) establish and maintain medical, environmental, occupational, and other laboratory services considered necessary or proper for the protection of the public health;

(d) establish and operate reasonable health programs or measures not in conflict with state law which:

(i) are necessary or desirable for the promotion or protection of the public health and the control of disease;  
or

(ii) may be necessary to ameliorate the major risk factors associated with the major causes of injury, sickness, death, and disability in the state;

(e) close theaters, schools, and other public places and prohibit gatherings of people when necessary to protect the public health;

(f) abate nuisances or eliminate sources of filth and infectious and communicable diseases affecting the public health and bill the owner or other person in charge of the premises upon which this nuisance occurs for the cost of abatement;

(g) make necessary sanitary and health investigations and inspections on its own initiative or in cooperation with the Department of Health or Environmental Quality, or both, as to any matters affecting the public health;

(h) pursuant to county ordinance or interlocal agreement:

(i) establish and collect appropriate fees for the performance of services and operation of authorized or required programs and duties;

(ii) accept, use, and administer all federal, state, or private donations or grants of funds, property, services, or materials for public health purposes; and

(iii) make agreements not in conflict with state law which are conditional to receiving a donation or grant;

(i) prepare, publish, and disseminate information necessary to inform and advise the public concerning:

(i) the health and wellness of the population, specific hazards, and risk factors that may adversely affect the health and wellness of the population; and

(ii) specific activities individuals and institutions can engage in to promote and protect the health and wellness of the population;

(j) investigate the causes of morbidity and mortality;

(k) issue notices and orders necessary to carry out this part;

(l) conduct studies to identify injury problems, establish injury control systems, develop standards for the correction and prevention of future occurrences, and provide public information and instruction to special high risk groups;

(m) cooperate with boards created under [Section 19-1-106](#) to enforce laws and rules within the jurisdiction of the boards;

(n) cooperate with the state health department, the Department of Corrections, the Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime Victim Reparations Board to conduct testing for HIV infection of convicted sexual offenders and any victims of a sexual offense;

(o) investigate suspected bioterrorism and disease pursuant to [Section 26-23b-108](#); and

(p) provide public health assistance in response to a national, state, or local emergency, a public health emergency as defined in [Section 26-23b-102](#), or a declaration by the President of the United States or other federal official requesting public health-related activities.

(2) The local health department shall:

(a) establish programs or measures to promote and protect the health and general wellness of the people within the boundaries of the local health department;

(b) investigate infectious and other diseases of public health importance and implement measures to control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health which may include involuntary testing of convicted sexual offenders for the HIV infection pursuant to [Section 76-5-502](#) and voluntary testing of victims of sexual offenses for HIV infection pursuant to [Section 76-5-503](#);

(c) cooperate with the department in matters pertaining to the public health and in the administration of state health laws; and

(d) coordinate implementation of environmental programs to maximize efficient use of resources by developing with the Department of Environmental Quality a Comprehensive Environmental Service Delivery Plan which:

(i) recognizes that the Department of Environmental Quality and local health departments are the foundation for providing environmental health programs in the state;

(ii) delineates the responsibilities of the department and each local health department for the efficient delivery of environmental programs using federal, state, and local authorities, responsibilities, and resources;

(iii) provides for the delegation of authority and pass through of funding to local health departments for environmental programs, to the extent allowed by applicable law, identified in the plan, and requested by the local health department; and

(iv) is reviewed and updated annually.

(3) The local health department has the following duties regarding public and private schools within its boundar-

ies:

(a) enforce all ordinances, standards, and regulations pertaining to the public health of persons attending public and private schools;

(b) exclude from school attendance any person, including teachers, who is suffering from any communicable or infectious disease, whether acute or chronic, if the person is likely to convey the disease to those in attendance; and

(c)(i) make regular inspections of the health-related condition of all school buildings and premises;

(ii) report the inspections on forms furnished by the department to those responsible for the condition and provide instructions for correction of any conditions that impair or endanger the health or life of those attending the schools; and

(iii) provide a copy of the report to the department at the time the report is made.

(4) If those responsible for the health-related condition of the school buildings and premises do not carry out any instructions for corrections provided in a report in Subsection (3)(c), the local health board shall cause the conditions to be corrected at the expense of the persons responsible.

(5) The local health department may exercise incidental authority as necessary to carry out the provisions and purposes of this part.

(6) Nothing in this part may be construed to authorize a local health department to enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling.

#### CREDIT(S)

Laws 1981, c. 126, § 23; Laws 1989, c. 269, § 3; Laws 1990, c. 186, § 902; Laws 1991, c. 112, §§ 16, 242; Laws 1991, c. 269, § 17; Laws 1993, c. 40, § 2; Laws 1995, c. 218, § 2, eff. May 1, 1995; Laws 1998, c. 345, § 8, eff. May 4, 1998; Laws 2002, c. 249, § 14, eff. May 6, 2002; Laws 2003, c. 3, § 1, eff. May 5, 2003; Laws 2003, c. 171, § 4, eff. July 1, 2004; Laws 2008, c. 339, § 2, eff. July 1, 2008; Laws 2009, c. 304, § 3, eff. May 12, 2009; Laws 2009, c. 339, § 3, eff. May 12, 2009.

**Codifications** C. 1953, §§ 26-24-14, 17A-3-514.

## HISTORICAL AND STATUTORY NOTES

Composite section by the Office of Legislative Research and General Counsel of Laws 2003, c. 3, § 1 and Laws 2003, c. 171, § 4.

Composite section by the Office of Legislative Research and General Counsel of Laws 2009, c. 304, § 3 and Laws 2009, c. 339, § 3.

## CROSS REFERENCES

Injunctions, generally, see [Rules Civ. Proc., Rule 65A](#).

Nuisance offenses, criminal code, see [§ 76-10-801 et seq.](#)

Nuisance proceedings, generally, see [§ 78B-6-1101 et seq.](#)

## LIBRARY REFERENCES

[Health](#)  [366, 367](#).

Westlaw Key Number Searches: 198Hk366; 198Hk367.

## RESEARCH REFERENCES

Encyclopedias

[99 Am. Jur. Trials 289](#), Retaliatory Eviction Claims.

## UNITED STATES CODE ANNOTATED



Bioterrorism preparedness and other public health emergencies, grants to states, see [42 U.S.C.A. § 274d-3](#).

## NOTES OF DECISIONS

Fees [2](#)

Public hearing [1](#)

[1](#). Public hearing

Provision of statute granting local board of health authority to enact rules, regulations, or standards necessary for promotion of public health and prevention of outbreaks and spread of diseases, which delineates steps which local board must follow in its rulemaking process, creates “notice and comment” public hearing rulemaking process, not trial-type procedure. U.C.A.1953, 26-24-20(3). [Utah Restaurant Ass'n v. Salt Lake City-County Bd. of Health, 1989, 771 P.2d 671](#), certiorari denied [789 P.2d 33](#). [Administrative Law And Procedure](#)  [392.1](#); [Health](#)  [374](#)

Although local board of health must consider all material presented to it during public comment period and at public hearing that is relevant to proposed rule or regulation, Local Health Department Act does not restrict it to acting only on such data or testimony when finally adopting rules or regulations; it may rely on its own experience, its expertise, and any facts known to it from whatever source they are drawn. U.C.A.1953, 26-24-20(3). [Utah Restaurant Ass'n v. Salt Lake City-County Bd. of Health, 1989, 771 P.2d 671](#), certiorari denied [789 P.2d 33](#). [Administrative Law And Procedure](#) 🔑 392.1; [Health](#) 🔑 376

Adverse public input, once considered by local board of health, may be disregarded when adopting rules or regulations, even if unrebutted by testimony or evidence presented at public hearing. U.C.A.1953, 26-24-20(3). [Utah Restaurant Ass'n v. Salt Lake City-County Bd. of Health, 1989, 771 P.2d 671](#), certiorari denied [789 P.2d 33](#). [Administrative Law And Procedure](#) 🔑 392.1; [Health](#) 🔑 376

## 2. Fees

Local board of health's food service establishment inspection fee standards were appropriately adopted, even though prepared on basis of information provided by health department staff to board before public hearing and not on basis of evidence submitted at public hearing. U.C.A.1953, 26-24-20(3). [Utah Restaurant Ass'n v. Salt Lake City-County Bd. of Health, 1989, 771 P.2d 671](#), certiorari denied [789 P.2d 33](#). [Food](#) 🔑 3

Food service establishment “inspection fee” resolution adopted by local board of health was not invalid as unauthorized tax; board found that only portion of cost of inspection program would be paid for by proposed fees, fees had to be deposited in special account, to be drawn upon to support inspection program, and fees could be spent for no other purpose. [Utah Restaurant Ass'n v. Salt Lake City-County Bd. of Health, 1989, 771 P.2d 671](#), certiorari denied [789 P.2d 33](#). [Food](#) 🔑 3

Charge imposed by local board of health on health department program participants to defray costs of program is “fee” within purview of Local Health Department Act, which gives local health department authority to establish and collect appropriate fees. U.C.A.1953, 26-24-14(14). [Utah Restaurant Ass'n v. Salt Lake City-County Bd. of Health, 1989, 771 P.2d 671](#), certiorari denied [789 P.2d 33](#). [Health](#) 🔑 366

Local Health Departments (LHDs) may charge fees for school food service inspections under one of two conditions: (1) Single county LHDs may assess fees if their sponsoring counties authorize them to do so by ordinance. (2) Multicounty LHDs may assess fees if the counties comprising their LHD reach an “interlocal agreement” authorizing the imposition of inspection fees. Op.Atty.Gen. No. 06-002, (Oct. 30, 2006) [2006 WL 4595737](#).

U.C.A. 1953 § 26A-1-114, UT ST § 26A-1-114

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