

THE CITY OF WEST JORDAN, UTAH

**ORDINANCE NO. 24-49**

**AN ORDINANCE AMENDING WEST JORDAN CITY CODE TITLE 16  
ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM**

WHEREAS, the City of West Jordan adopted West Jordan City Code (“City Code”) in 2009; and

WHEREAS, the City Council of the City of West Jordan desires to amend Title 16 in City Code, regarding the Administrative Code Enforcement Hearing Program; and

WHEREAS, the City Council held a public meeting on November 6, 2024 regarding the proposed City Code amendments; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:


**Section 1. Amendment of Code Provisions.** City Code Title 16 is amended to read as shown in Attachment A (legislative version) and B (clean version) to this Ordinance.

**Section 2. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

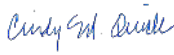

**Section 3. Effective Date.** This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 6<sup>th</sup> DAY OF NOVEMBER 2024.

CITY OF WEST JORDAN

By:   
Zach Jacob  
Council Chair

ATTEST:

   
Cindy M. Quick, MMC  
Council Office Clerk

<b>Voting by the City Council</b>	<b>"YES"</b>	<b>"NO"</b>
Council Chair Zach Jacob	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Chad Lamb	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Bob Bedore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kent Shelton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(continued on the next page)

**PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON NOVEMBER 12, 2024.**

Mayor's Action:   X   Approve            Veto

By:   
Mayor Dirk Burton

  Nov 14, 2024    
Date

ATTEST: \_\_\_\_\_

Tangee Sloan, CMC  
City Recorder

**STATEMENT OF APPROVAL/PASSAGE (check one)**

  X   The Mayor approved and signed Ordinance No. 24-49.

       The Mayor vetoed Ordinance No. 24-49 on \_\_\_\_\_ and the City Council timely overrode the veto of the Mayor by a vote of \_\_\_\_ to \_\_\_\_.

       Ordinance No. 24-49 became effective by operation of law without the Mayor's approval or disapproval.

Tangee Sloan, CMC  
City Recorder

**CERTIFICATE OF PUBLICATION**

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the   15th   day of   November   2024. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

Tangee Sloan, CMC  
City Recorder

*(Attachment on the following page)*

**Attachment 1**

**(to ORDINANCE NO. 24-49**

**AN ORDINANCE AMENDING WEST JORDAN CITY CODE TITLE 16 ADMINISTRATIVE  
CODE ENFORCEMENT HEARING PROGRAM)**

1 16-1A-1: ~~SHORT~~ TITLE:

2 This title shall be known as the ADMINISTRATIVE ~~CODE ENFORCEMENT~~ HEARING  
3 PROGRAM. ~~(ACE HEARING PROGRAM). or This title shall also be known as~~ TITLE 16, West  
4 Jordan City Code. It may be cited and pleaded under either designation. (Ord. 18-31, 9-11-  
5 2018)

6  
7 16-1A-2: DECLARATION OF PURPOSE:

8 The City Council of the City of West Jordan finds that the enforcement of City this Code  
9 ~~and ordinances and~~ applicable State codes ~~throughout the City is an important public~~  
10 ~~service. Code enforcement~~ is vital to the protection of the public's health, safety, and quality  
11 of life. ~~The City Council recognizes that enforcement starts with the drafting of precise~~  
12 ~~regulations that can be effectively applied in administrative code enforcement hearings and~~  
13 ~~judicial proceedings.~~ The City Council further finds that ~~a comprehensive code enforcement~~  
14 ~~system that uses a combination of both~~ judicial and administrative remedies ~~is are~~ critical  
15 ~~to gain for~~ compliance with ~~these regulations.~~ City ordinances. ~~Failure to comply with an~~  
16 ~~administrative code enforcement action may require the City Attorney to file a judicial~~  
17 ~~action to gain compliance~~ The City Attorney may file a judicial action pursue judicial  
18 remedies to gain compliance with any administrative code enforcement action. (Ord. 18-  
19 31, 9-11-2018)

20  
21 16-1A-3: SCOPE:

22 The provisions of this title may be applied to all ordinance violations. ~~of this Code. It has~~  
23 ~~been designed as~~ This Title is an additional remedy for the City to use in achieving to  
24 achieve compliance of its ordinances. (Ord. 18-31, 9-11-2018)

25  
26 16-1A-4: EXISTING LAW CONTINUED:

27 ~~The provisions of~~ This title ~~does~~ not invalidate any other title or ordinance, ~~but and~~ shall  
28 be read in conjunction with those titles and ordinances as an additional remedy ~~available~~  
29 ~~for enforcement of those ordinances.~~ (Ord. 18-31, 9-11-2018)

30  
31 16-1A-5: CRIMINAL PROSECUTION RIGHT:

32 The ~~City-city~~ has sole discretion in deciding whether to file a civil or criminal case for the  
33 violation of any ~~of its ordinance~~ ordinances. ~~The City may choose to file both, or one or the~~  
34 ~~other. The enactment of this administrative remedy shall in no~~ This Title does not way  
35 interfere with the ~~City's-city's~~ right to prosecute City-city ordinance violations as criminal  
36 offenses. The ~~City-city~~ may use any ~~of the remedies available under the law in both civil and~~  
37 ~~or criminal~~ prosecution remedy available under the law. If the ~~City-city files~~ chooses to file  
38 both civil and criminal charges for the same day of violation, no civil penalties may be  
39 assessed, but all other remedies are available. (Ord. 18-31, 9-11-2018)

40  
41 16-1A-6: EFFECT OF HEADING:

42 Title, chapter, ~~article~~article, and section headings ~~contained herein shall not be deemed to~~  
43 ~~do not~~ govern, limit, modify, or in any manner affect the scope, meaning, or intent of the  
44 provisions of any title, chapter, article, or section hereof. (Ord. 18-31, 9-11-2018)

45  
46 16-1A-7: VALIDITY OF TITLE - SEVERABILITY:

47 If any section, subsection, sentence, clause, phrase, portion, or provision of this title is ~~for~~  
48 ~~any reason~~ held to be invalid or unconstitutional by ~~the decision of any~~ court of competent  
49 jurisdiction, such decision shall not affect the validity of the remaining portions of this title.  
50 ~~The City Council of this City hereby declares that it would have adopted~~adopts ~~this title and~~  
51 ~~each section, subsection, sentence, clause, phrase, portion, or provision thereof,~~  
52 ~~irrespective of the fact that any one or more sections, subsections, clauses, phrases,~~  
53 ~~portions, or provisions be declared invalid or unconstitutional. This section shall apply to~~  
54 ~~all amendments heretofore or hereafter made to this title.~~ (Ord. 18-31, 9-11-2018)

55  
56 16-1A-8: NO MANDATORY DUTY - CIVIL LIABILITY:

57 ~~It is the intent of the City Council that in establishing performance standards or~~  
58 ~~establishing an obligation to act by a City officer or employee, these~~ This title shall not be  
59 interpreted to impose an affirmative obligation or duty on any city employee. No tort  
60 liability shall exist if an officer or employee fails to perform their directed duty ~~This Title or~~  
61 ~~any other ordinance that establishes any performance standard or obligation standards~~  
62 ~~shall not be construed as creating~~ does not establish any mandatory duty for purposes of  
63 tort liability if the officer or employee fails to perform his or her directed duty or duties.  
64 (Ord. 18-31, 9-11-2018)

65  
66 16-1A-9: GENERAL RULES OF INTERPRETATION OF ORDINANCES:

- 67 A. For purposes of this title:
- 68 1. Any gender includes the other gender.
  - 69 2. "Shall" is mandatory; "may" is permissive.
  - 70 3. The singular number includes the plural, and the plural the singular.
  - 71 4. Words used in the present tense include the past and future tense, and vice versa.
  - 72 5. Words and phrases used in this title and not specifically defined shall be construed
- 73 according to the context and approved usage of the language. (Ord. 18-31, 9-11-2018)

74  
75 16-1A-10: DEFINITIONS APPLICABLE TO TITLE GENERALLY:

76 The following words and phrases, ~~whenever used in this title, shall be constructed as are~~  
77 ~~defined as follows in this section,~~ unless a different meaning is specifically defined  
78 elsewhere in this title and specifically stated to apply:

79 ABATEMENT: ~~Means~~ Any action the City may take on public or private property and any  
80 adjacent property as ~~may be~~ necessary to remove or alleviate a violation, including, but not  
81 limited to, demolition, removal, repair, boarding, and securing or replacement of property.  
82 ABATE: Actions taken to correct, reduce, or eliminate an existing condition. This definition  
83 does not apply to the seizing or destruction of animals.

84 ADMINISTRATIVE CITATION/CIVIL CITATION: A notice that a civil violation of this code  
85 has occurred, issued by an officer or other person authorized to issue such notice  
86 consistent with Utah Code Annotated section 10-3-703 or other applicable laws or state  
87 statutes or their successors.

88 ADMINISTRATIVE CODE ENFORCEMENT ORDER: ~~Means an~~An order issued by ~~the an~~  
89 Administrative Law Judge. The order may include an order to abate the violation, pay civil  
90 penalties and administrative costs, or take any other action as authorized or required by  
91 this title and applicable State codes.

92 ADMINISTRATIVE LAW JUDGE: ~~The A~~ professionally trained individual retained by  
93 contract by the mayor to fulfill the responsibilities set forth in this title.

94 ANIMAL ~~CONTROL SERVICES~~ ADMINISTRATOR: ~~Means T~~he Supervisor of the Animal  
95 ~~Control Services~~ Division.

96 BUSINESS OWNER: Any principal in thea business including a Manager, Owner, or Officer.  
97 ~~CHIEF EXECUTIVE OFFICER: The mayor.~~

98 CITY: ~~Means t~~The area within the territorial ~~City-city~~ limits of the City of West Jordan, and  
99 such territory outside of this ~~City-city~~ over which the ~~City-city~~ has jurisdiction or control by  
100 virtue of any ~~constitutional or incorporation provisions contract~~ or ~~provision of~~ any law.

101 CITY COUNCIL: ~~Means t~~The City Council of the City of West Jordan.

102 CODE ENFORCEMENT LIEN: ~~Means aA~~ lien recorded to collect outstanding civil penalties,  
103 administrative fees, and costs.

104 CODE ENFORCEMENT PERFORMANCE BOND: ~~Means aA~~ bond posted by a responsible  
105 person to ensure compliance with this ~~Codecode~~, applicable State titles, a judicial action, or  
106 an administrative code enforcement order.

107 CODE ENFORCEMENT SUPERVISOR: ~~Means theThe~~ Supervisor of the ~~Ordinance Code~~  
108 Enforcement Division.

109 ENFORCEMENT OFFICIAL: ~~Means aA~~ny person authorized to enforce violations of this  
110 ~~Code-code~~ or applicable State codes.

111 FINANCIAL INSTITUTION: ~~Means aA~~ny person ~~or entity~~ that holds a recorded mortgage or  
112 deed of trust on a property.

113 GOOD CAUSE: ~~Means An~~ incapacitating illness; death; lack of proper notice; unavailability  
114 due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a  
115 required act causes an imminent and irreparable injury; and acts of nature adverse to  
116 performing required acts.

117 IMMINENT LIFE SAFETY HAZARD: ~~Means aA~~ny condition that creates a present, extreme,  
118 and immediate danger to life, property, health, or public safety.

119 LEGAL INTEREST: ~~Means aA~~ny interest that is represented by a document, such as a deed  
120 of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or  
121 other similar instrument that is recorded with the County Recorder.

122 NOTICE OF COMPLIANCE: ~~Means aA~~ document issued by the ~~Citycity~~, representing that a  
123 property complies with the requirements outlined in the notice of violation.

124 NOTICE OF SATISFACTION AND RELEASE OF JUDGMENT: ~~Means aA~~ document or form  
125 approved by the Code Enforcement Supervisor or ~~his or hertheir~~ designee, which indicates  
126 that all outstanding civil penalties and costs have been either paid in full, or that the ~~City~~

127 ~~city~~ has negotiated an agreed amount, or that a subsequent administrative or judicial  
128 decision has resolved the outstanding debt. In addition to the satisfaction of the financial  
129 debt, the property must also be in compliance with the requirements outlined in the notice  
130 of violation.

131 NOTICE OF VIOLATION: ~~Means a~~A written notice prepared by an enforcement official that  
132 informs a responsible person of code violations and orders them to take certain steps to  
133 correct the violations.

134 OATH: Includes affirmations and oaths.

135 PERSON: ~~Means a~~Any natural person, firm, joint venture, joint stock company, partnership,  
136 association, club, company, corporation, business trust, organization, or the manager,  
137 lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is  
138 recognized by law as the subject of rights or duties.

139 PROPERTY OWNER: ~~Means t~~The record owner of real property based on the County  
140 Assessor's records.

141 PUBLIC NUISANCE: ~~Means a~~Any condition caused, maintained, or permitted to exist that  
142 ~~constitutes a threat to~~threatens the public's health, safety, and welfare, or that significantly  
143 obstructs, injures, or interferes with the reasonable or free use of property in a  
144 neighborhood, ~~or~~ community, ~~or~~ by any considerable number of persons. A public  
145 nuisance also has the same meaning as set forth in the Utah Code Annotated.

146 RESPONSIBLE PERSON: ~~Means a~~A person who is alleged to have caused, encouraged, aided,  
147 allowed, facilitated, or maintained a violation of this ~~Code code~~ or applicable State codes.  
148 ~~This, including includes~~ but is not limited to the property owner, tenant, person with a  
149 legal interest in the real property, ~~and/or or any~~ person in possession of the real property,  
150 ~~etc.~~

151 WRITTEN: Includes handwritten, typewritten, photocopied, ~~completed form~~, computer  
152 printed ~~document, or facsimile, sent by facsimile, emailed, texted, or sent in any other~~  
153 ~~electronic or digital format.~~ (Ord. 18-31, 9-11-2018; amd. Ord. 21-04, 2-10-2021)

154  
155 16-1A-11: ACTS INCLUDE CAUSING, AIDING, AND ABETTING:

156 Whenever any act or omission is made unlawful in this title, it may include causing,  
157 permitting, aiding, or abetting such act or omission. (Ord. 18-31, 9-11-2018)

158  
159

160 ARTICLE B. SERVICE REQUIREMENTS

161 SECTION:

162 16-1B-1: Service Of Process

163 16-1B-2: Constructive Notice Of Recorded Documents

164

165 16-1B-1: SERVICE OF PROCESS:

166 A. ~~Initial Service- Unless specified otherwise, w~~Whenever service is required to be given  
167 under this title ~~for enforcement purposes~~, the document~~(s)~~ shall be served by any of the  
168 following methods, unless different provisions are otherwise specifically stated to apply:

169 1. Regular mail, postage prepaid, to the ~~last known address of the registered agent,~~  
170 owner(s) as shown on the records of the County Assessor's office or other responsible  
171 person(s);

172 2. Posting the notice conspicuously on the property. If not inhabited or occupied, ~~t~~The  
173 notice must also be mailed as in subsection A1 of this section. The form of the posted notice  
174 shall be approved by the Code Enforcement Supervisor or ~~his or her~~their designee;

175 3. Personal service pursuant to Utah Rules of Civil Procedure rule 4(d)(1) or rule  
176 4(d)(5); or

177 4. Published in a newspaper of general circulation where the identity or whereabouts  
178 of the person to be served are unknown and cannot be ascertained through reasonable  
179 diligence, or where service is impracticable under the circumstances, or where there exists  
180 good cause to believe that the person to be served is avoiding service of process~~Publication~~  
181 ~~in a newspaper of general circulation once per week for four (4) weeks where the identity~~  
182 ~~or whereabouts of the person to be served are unknown and cannot be ascertained through~~  
183 ~~reasonable diligence, where service is impracticable under the circumstances, or where~~  
184 ~~there exists good cause to believe that the person to be served is avoiding service of~~  
185 ~~process.~~

186 B. Ongoing Documents to be served. Ongoing documents that are required to bme served  
187 may be served in any method above or by regular US Mail. Service by regular mail in the  
188 manner described above shall be deemed served on the third day after the date of mailing.

189 C. If service complies with the requirements of this section, it shall be ~~deemed a~~valid  
190 ~~service~~ even if a party claims not to have received the service and it shall not affect the  
191 validity of any proceedings taken under this title.

192 D. The failure to serve all responsible person(s) shall not affect the validity of any  
193 proceedings against any other responsible person that was successfully served. (Ord. 18-  
194 31, 9-11-2018)

195  
196 16-1B-2: CONSTRUCTIVE NOTICE OF RECORDED DOCUMENTS:

197 Whenever a document is recorded with the County Recorder as authorized or required by  
198 this title or applicable State codes, recordation shall provide constructive notice of the  
199 information contained in the recorded documents. (Ord. 18-31, 9-11-2018)

200  
201 ARTICLE C. GENERAL AUTHORITY AND OFFENSES

202 SECTION:

203 16-1C-1: General Enforcement Authority

204 16-1C-2: Adoption Of Policy And Procedures

205 16-1C-3: Authority To Inspect

206 16-1C-4: Power To Arrest

207 16-1C-5: False Information Or Refusal Prohibited

208 16-1C-6: Failure To Obey A Subpoena

209  
210 16-1C-1: GENERAL ENFORCEMENT AUTHORITY:



211 A. Whenever the Code Enforcement Supervisor or enforcement official finds that a  
212 violation of this Code or applicable State codes has occurred or continues to exist,  
213 the appropriate administrative enforcement procedure may be used, ~~as outlined in~~  
214 ~~this title.~~ The Code Enforcement Supervisor or any designated enforcement official  
215 has the authority and power necessary to gain compliance with the provisions of  
216 this Code and applicable State codes. These powers include the power to issue  
217 notices of violation and administrative citations, inspect public and private  
218 property, ~~revoke or suspend a city-issued license,~~ abate public and private property,  
219 and use ~~whatever~~ judicial and administrative remedies ~~are~~ available under this  
220 Code or applicable State codes. (Ord. 18-31, 9-11-2018)

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221 B. ~~Whenever the Animal Control Services Administrator or Animal Control~~  
222 ~~Officer finds that a violation of this Code or applicable State codes has~~  
223 ~~occurred or continues to exist, the appropriate administrative enforcement~~  
224 ~~procedure may be used. the Animal Control Administrator or Animal Control~~  
225 ~~Officer has the authority and power necessary to gain compliance with the~~  
226 ~~provisions of this Code and applicable State codes. These powers include the~~  
227 ~~power to issue notices of violation and administrative citations. NOTE: any~~  
228 ~~removal of animals must be done through appropriate judicial order as~~  
229 ~~further defined in set forth by this Chapter.~~

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#### 230 16-1C-2: ADOPTION OF POLICY AND PROCEDURES:

231 — The ~~Mayor mayor or mayor's designee is authorized to may~~ develop policies and  
232 procedures, consistent with this title, relating to the hearing procedures, scope of  
233 hearings, subpoena powers, and other matters relating to the Administrative Code  
234 Enforcement-Hearing Program. ~~However, any such policies and procedures shall not~~  
235 ~~be inconsistent with this title or State or Federal law. If no policies and procedures~~  
236 ~~are specifically adopted by the mayor, the procedure for administrative hearings, as~~  
237 ~~found in Title 63G, Chapter 4 of the Utah State Code shall be used insofar as they do~~  
238 ~~not conflict with this title.~~ (Ord. 18-31, 9-11-2018; amd. Ord. 21-11, 3-24-2021)

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239 —  
240 —  
241 ~~The mayor or ayor's designee develops policies and procedures to regulate the hearing~~  
242 ~~process for any violation of this Code and applicable State codes that are handled pursuant~~  
243 ~~to the administrative abatement procedures, the emergency abatement procedures, the~~  
244 ~~demolition procedures, or the administrative citation procedures.~~

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245 A.  
246 — ~~The mayor or mayor's designee shall issue and publish policies, procedures, and~~  
247 ~~rules for the conduct of all hearings which may include: an explanation of the~~  
248 ~~hearing process, the types of evidence that will be permitted, the length of the~~  
249 ~~hearing, the issues to be addressed, how witnesses will be examined.~~

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250 —  
251 — ~~The mmayor or mmayor's designee may issuedevelop policies and procedures~~  
252 ~~regarding the disqualification and replacement of an Administrative Law Judge~~

253 B.

254 C. ~~A.~~ ~~The mayor or mayor's designee is authorized to~~ may develop policies and  
255 procedures, consistent with this title, to assist in the assessment of civil penalties for  
256 administrative citations.

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257  
258 ~~Any such policies and procedures shall not be inconsistent with this title or State or~~  
259 ~~Federal law.~~

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260  
261 16-1C-3: AUTHORITY TO INSPECT:

262 A. Subject to State and Federal law, the Code Enforcement Supervisor .Animal Control  
263 Supervisor. or any designated enforcement official is authorized to may enter upon  
264 any property, ~~or~~ premises, or air space to ascertain whether the provisions of this  
265 Code or applicable State codes are being obeyed and to make any examinations and  
266 surveys as may be necessary in the performance of the enforcement duties. This  
267 may include the taking of photographs, video, samples, or other physical evidence.  
268 All inspections, entries, examinations, and surveys shall be done in a reasonable  
269 manner based upon appropriate cause, ~~subject to State and Federal law.~~

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270  
271 B. If the responsible person refuses to allow the enforcement official to enter the  
272 property, the enforcement official ~~shall~~ may obtain an appropriate search  
273 administrative warrant (from any ~~judge~~ judge or ~~Magistrate~~ magistrate of  
274 competent jurisdiction). ~~The enforcement official will follow the procedures in Utah~~  
275 ~~Rules of Criminal Procedure, Rule 40 (k).~~ (Ord. 18-31, 9-11-2018)

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276  
277 16-1C-4: ~~POWER TO ARREST~~ REPEALED:

278 ~~Subject to other applicable law, the Code Enforcement Supervisor or any designated~~  
279 ~~enforcement official is authorized to arrest, without a warrant, any person whenever there~~  
280 ~~is reasonable cause to believe that the person has committed a violation of this Code or~~  
281 ~~applicable State codes in the enforcement official's presence. If allowed by law, ~~t~~The Code~~  
282 ~~Enforcement Supervisor or enforcement official can arrest a person by issuing an~~  
283 ~~administrative citation. (Ord. 18-31, 9-11-2018)~~

284  
285 16-1C-5: FALSE INFORMATION OR REFUSAL PROHIBITED:

286 ~~It shall be unlawful for any person to willfully make a false statement or refuse to give his~~  
287 ~~or her name or address with intent to deceive or interfere with a City employee when in the~~  
288 ~~performance of his or her official duties under the provisions of this title. A violation of this~~  
289 ~~section is a Class B misdemeanor~~  
290 ~~A person commits a class C misdemeanor if, with the intent of misleading an enforcement~~  
291 ~~official as to the person's identity, birth date, or place of residence, the person knowingly~~  
292 ~~refuses to give their name, -gives a false name, birth date, or address to a peace officer in~~  
293 ~~the lawful discharge of the peace officer's official duties. (Ord. 18-31, 9-11-2018)~~

294  
295 16-1C-6: FAILURE TO OBEY A SUBPOENA:

296 It is unlawful for any person to refuse or fail to obey a subpoena issued for an  
297 administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt  
298 and may be prosecuted as a Class B misdemeanor. (Ord. 18-31, 9-11-2018)

299  
300

301 CHAPTER 2  
302 ADMINISTRATIVE ~~CODE ENFORCEMENT~~ HEARING PROCEDURES

303  
304 ARTICLE A. GENERAL PROVISIONS  
305 SECTION:

- 306 16-2A-1: Authority  
307 16-2A-2: Notice Of Violation  
308 16-2A-3: Failure To Bring Property Into Compliance  
309 16-2A-4: Inspections

310

311 16-2A-1: AUTHORITY:

312 ~~The City may abate~~ Any condition caused, maintained, or permitted to exist in violation  
313 of any provisions of this Code or applicable State codes ~~that constitutes a violation may be~~  
314 ~~abated by the City~~ pursuant to the procedures set forth in this article. (Ord. 18-31, 9-11-  
315 2018)

316

317 16-2A-2: NOTICE OF VIOLATION ~~/ ADMINISTRATIVE CITATION~~ CONTENTS:

318 A. ~~Whenever the Code Enforcement Supervisor or any designated enforcement official~~  
319 ~~determines that a violation of this Code or applicable State codes has occurred or continues~~  
320 ~~to exist, the Code Enforcement Supervisor or enforcement official may choose to proceed~~  
321 ~~under the administrative abatement procedures. If this procedure is used, a notice of~~  
322 ~~violation shall be issued to a responsible person.~~ The notice of violation ~~/ administrative~~  
323 ~~citation~~ shall include the following information:

- 324 1. Name of property owner and any other known responsible persons;  
325 2. Street address of violation;  
326 3. Date violation observed;  
327 4. All code sections violated and description of ~~condition of the property that violates~~  
328 ~~the applicable codes~~ the violation;

329 ~~—5. A statement explaining the type of remedial action required to permanently correct~~  
330 ~~outstanding violations, which may include corrections, repairs, demolition, removal, or~~  
331 ~~other appropriate action;~~

332 ~~6.5.~~ A specific date to correct the violations, which date shall be at least ~~fourteen (14)~~  
333 calendar days from the date of service;

334 ~~—7. Explanation of the consequences should the responsible person fail to comply with~~  
335 ~~the terms and deadlines as prescribed in the notice of violation, which may include, but is~~  
336 ~~not limited to, criminal prosecution; civil penalties; revocation of permits; recordation of~~  
337 ~~the notice of violation; withholding of future Municipal permits; abatement of the violation;~~  
338 ~~costs; administrative fees; and any other legal remedies;~~

339 ~~—8. The amount of the civil penalty on each violation and the penalty will immediately~~  
340 ~~accrue daily, up to the maximum allowed by State law~~~~this chapter, until the property is~~  
341 ~~brought into compliance;~~

342 ~~96. Explanation that only one notice of violation is required for any 12-month period,~~  
343 ~~and that civil penalties begin immediately upon any subsequent violations of the notice.~~  
344 ~~The responsible person may request a hearing on the renewed violations by following the~~  
345 ~~same procedure as provided for the original notice~~~~the revocation of certain permits or~~  
346 ~~licenses may require a waiting period before the license can be reapplied for;~~

347 ~~107. Procedures to request a hearing as provided in section 16-2E-3 of this chapter,~~  
348 ~~and consequences for failure to request one.~~

349 ~~B. —B.~~ The notice ~~of violation~~~~of violation~~ shall be served by one of the methods of  
350 service listed in section 16-1B-1 of this title.

351 ~~C.~~ More than one notice of violation ~~may~~ be issued against the same responsible  
352 person, if it encompasses different dates, or different violations.

354 ~~D.~~ Failure to include all items listed in subsection A of this section ~~shall not affect the~~  
355 ~~validity of~~~~does not invalidate~~ the notice of violation. Any defect in the notice may be  
356 amended ~~fifteen (15)~~ calendar days prior to any administrative hearing. (Ord. 18-31, 9-11-  
357 2018)

358 16-2A-3: FAILURE TO BRING ~~PROPERTY VIOLATION~~ INTO COMPLIANCE:

360 ~~—A. If a responsible person fails to bring a violation into compliance by the date set forth~~  
361 ~~in the notice of violation, civil penalties shall be owed to the City for each subsequent day of~~  
362 ~~violation, according to the City Consolidated Fee Schedule uniform fee schedule, up to~~  
363 ~~maximum amounts allowed by State law, pursuant to subsection 16-2A-2A8 of this~~  
364 ~~article. Payment of the imposed penalty shall not excuse the failure to correct the violations,~~  
365 ~~nor shall it bar any further enforcement action authorized by State law or this title.~~

366 ~~—B. Failure to comply with the notice of violation is a Class B misdemeanor. (Ord. 18-31, 9-~~  
367 ~~11-2018)~~

368 16-2A-4: INSPECTIONS:

370 It shall be the duty of ~~t~~~~The~~ responsible person served with a ~~n~~~~Notice of~~~~Violation~~~~citation~~ to  
371 request an inspection by the Code Enforcement Supervisor or ~~his~~~~the~~ designated  
372 enforcement official when ~~his or her~~~~the~~ property ~~at issue~~ has been brought into  
373 compliance. It is prima facie evidence that the violation remains on the property if no  
374 inspection is requested. Civil penalties accumulate ~~daily~~ until the property has been  
375 inspected and a notice of compliance is issued. Reinspection fees shall be assessed if more  
376 than one inspection is necessary. (Ord. 18-31, 9-11-2018)

377 ARTICLE B. EMERGENCY ABATEMENT ~~OF PROPERTY~~

379 SECTION:

380 16-2B-1: Authority

381 16-2B-2: Procedures

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382 16-2B-3: Notice Of Emergency Abatement

383

384 16-2B-1: AUTHORITY:

385 A. Whenever the Code Enforcement Supervisor ~~or Fire Marshall determines~~Marshall  
386 determines in writing that an imminent life safety hazard exists that requires immediate  
387 correction or elimination, the Code Enforcement Supervisor may exercise the following  
388 powers without prior notice to the responsible person:

389 1. Order the immediate vacation of any tenants, and prohibit occupancy until all  
390 hazards are corrected or eliminated;

391 2. Post the premises as unsafe, substandard, or dangerous;

392 3. Board, fence, or secure the building or site;

393 4. Raze or grade that portion of the building or site to prevent further collapse, and  
394 remove any hazard to the general public;

395 5. Make any minimal emergency repairs as necessary to eliminate any imminent life  
396 safety hazard; or

397 6. Take any other action appropriate to eliminate the emergency.

398 B. Subject to State and Federal law, the Code Enforcement Supervisor or Fire Marshall  
399 has the authority, based on appropriate cause, to enter the property without a search  
400 warrant or court order to accomplish the above listed acts to abate the imminent life safety  
401 hazard.

402 C. The responsible person shall be liable for all costs associated with the abatement of  
403 the life safety hazard. Costs may be recovered pursuant to this title. (Ord. 18-31, 9-11-  
404 2018)

405 D. A copy of the written determination shall be submitted to the City Attorney's Office.

406

407 16-2B-2: PROCEDURES:

408 A. The Code Enforcement Supervisor or Fire Marshall shall pursue only the minimum  
409 level of correction or abatement as necessary to eliminate the immediacy of the hazard.  
410 Costs incurred by the City during the emergency abatement process shall be assessed and  
411 recovered against the responsible person through the procedures outlined in ~~the~~  
412 ~~"remedies" section of~~ this title.

413 B. The Code Enforcement Supervisor or Fire Marshall may also pursue any other  
414 administrative or judicial remedy to abate any remaining violations. (Ord. 18-31, 9-11-  
415 2018)

416

417 16-2B-3: NOTICE OF EMERGENCY ABATEMENT:

418 After an emergency abatement, the City shall notify, in writing, the owner and any or  
419 responsible person of the abatement action taken. This abatement notice and invoice shall  
420 be served within ~~fourteen (14)~~ calendar days of completion of the abatement. Notice shall  
421 be served in accordance with 16-1B-1 of this Code. (Ord. 18-31, 9-11-2018)

422

423 ARTICLE C. DEMOLITIONS

424 SECTION:

425 16-2C-1: Authority  
426 16-2C-2: Procedures

427  
428 16-2C-1: AUTHORITY:

429 Whenever the Code Enforcement Supervisor, building official, fire inspector, or other  
430 designated City representative determines that a property or building requires demolition,  
431 any one of them may order the offending structure to be demolished or removed, ~~or~~  
432 ~~exercise any or all of the powers listed in section 16-2B-1 of this chapter~~ once appropriate  
433 notice has been given ~~to a responsible person~~ pursuant to the Uniform Code for the  
434 Abatement of Dangerous Buildings ~~Abatement of Dangerous Buildings Code~~ or the State  
435 Fire Codes ~~as required under State law~~. The responsible person shall be liable for all costs  
436 associated with the demolition. Costs may be recovered pursuant to this title. The "Uniform  
437 Code for the Abatement of Dangerous Buildings" (hereinafter "UCADB"), 1997 edition, is  
438 hereby adopted for the purposes of this chapter, insofar as it does not conflict with city law.  
439 (Ord. 18-31, 9-11-2018)

440  
441 16-2C-2: PROCEDURES:

442 Once the Code Enforcement Supervisor has determined that the ~~City-city~~ building official or  
443 the fire inspector has complied with all of the notice requirements of the applicable laws,  
444 the property will be abated pursuant to the abatement remedy. Other legal remedies may  
445 also be pursued. (Ord. 18-31, 9-11-2018)

446  
447 ARTICLE D. ADMINISTRATIVE CITATIONS

448 SECTION:

449 16-2D-1: Declaration Of Purpose

450 16-2D-2: Authority

451 16-2D-3: Procedures

452 16-2D-4: ~~Contents Of Administrative Citation~~ ~~Repealed~~

453 16-2D-5: ~~Civil Penalties Assessed~~ ~~Repealed~~

454

455 16-2D-1: DECLARATION OF PURPOSE:

456 In addition to criminal methods of enforcement, the ~~City-city Council-council~~ finds that  
457 there is a need for an alternative method of enforcement for violations of this Code and  
458 applicable State codes. The City Council further finds that an appropriate method of  
459 enforcement is an administrative citation program.

460 ~~The procedures established in this article shall be in addition to criminal, civil, or any other~~  
461 ~~legal remedy established by law that may be pursued to address violations of this Code or~~  
462 ~~applicable State codes.~~ (Ord. 18-31, 9-11-2018)

463

464 16-2D-2: AUTHORITY:

465 A. Any person violating any provision of this ~~Code-code~~ or applicable State codes may be  
466 issued an administrative citation by an enforcement official ~~as provided in this article.~~

**Commented [KG1]:** The ADBC requires property owner...

**Commented [KG2]:** he "Uniform Code for the Abatement of Dangerous Buildings" (hereinafter "UCADB"), 1997 edition, published by the International Conference of Building Officials, is hereby adopted might be some language

**Commented [KG3]:** looks like this is 15-5-202 may need reference

**Commented [KG4]:** this is redundant

467 B. A civil penalty shall be assessed by means of an administrative citation issued by the  
468 enforcement ~~official, and official and~~ shall be payable directly to the City Treasurer's Office.

469 C. Penalties assessed by means of an administrative citation shall be collected in  
470 accordance with the procedures specified in ~~the remedies section of~~ this title. (Ord. 18-31,  
471 9-11-2018)

472  
473 16-2D-3: PROCEDURES:

474 A. Upon discovering any violation of this ~~Code code~~ or applicable State codes an  
475 enforcement official may issue an administrative citation to a responsible person. ~~The~~  
476 ~~administrative citation shall be served on the responsible person in any any manner set~~  
477 ~~forth in section 16-1B-1 of this title.~~ The administrative citation shall be issued on a form  
478 approved by the ~~Code Enforcement Supervisor~~ City Attorney's Office.

479 B. If the responsible person is a business, the enforcement official shall attempt to locate  
480 the business owner and issue the administrative citation to the business owner. If the  
481 enforcement official can only locate the manager of the business, the administrative  
482 citation may be given to the manager of the business. A copy of the administrative citation  
483 ~~may also~~ shall be served on the business owner, ~~and or the~~ registered agent of the  
484 business, ~~or any other responsible person~~ in the manner prescribed in section 16-1B-1 of  
485 this title.

486 C. If the administrative citation is ~~being served and~~ issued personally ~~pursuant to~~  
487 ~~subsection 16-1B-1A3 of this title,~~ the enforcement official shall attempt to obtain the  
488 signature of that person on the administrative citation. If the responsible person refuses or  
489 fails to sign the administrative citation, the failure or refusal to sign shall not affect the  
490 validity of the citation and subsequent proceedings.

491 D. If the administrative citation cannot be served and issued personally, the  
492 administrative citation may be issued and served in any manner described in subsection  
493 16-1B-1 ~~A1 or A2~~ of this title.

494 E. ~~The~~ administrative citation shall ~~also~~ contain the signature of the enforcement official.

495 F. Compliance with the procedures in this section shall be deemed to provide the  
496 responsible person being cited with actual or constructive notice of the administrative  
497 citation for purposes of any proceedings taken under this article. (Ord. 18-31, 9-11-2018)

498  
499 16-2D-4: CONTENTS OF ADMINISTRATIVE CITATION:

500 A. The administrative citation shall identify the date and location of the violations and  
501 the approximate time the violations were observed.

502 B. The administrative citation shall identify the code sections violated and the titles of  
503 those sections.

504 C. The administrative citation shall state the amount of penalty imposed for the  
505 violations.

506 D. The administrative citation shall explain how the penalty shall be paid, the time  
507 period by which the penalty shall be paid, and the consequences of failure to pay the  
508 penalty.

509 E. The administrative citation shall identify the right ~~to and procedures to~~ request a  
510 hearing ~~and the procedures to do so~~.



511 F. The citation shall contain the signature of the enforcement official and the signature of  
512 the responsible person, if he or she can be located, as outlined in section 16-2D-3 of this  
513 ~~article~~ title.

514 G. Failure to include all items listed in this section shall not affect the validity of the  
515 ~~notice of violation citation~~. Any defect in the ~~notice citation~~ may be amended ~~fifteen (15)~~  
516 calendar days prior to any administrative hearing. (Ord. 18-31, 9-11-2018)

517  
518 16-2D-5: CIVIL PENALTIES ASSESSED:  
519 ~~A. The mayor is authorized to develop policies and procedures, consistent with this title,~~  
520 ~~to assist in the assessment of civil penalties for administrative citations.~~

521 BA. Civil penalties shall be assessed immediately for each violation listed on the  
522 administrative citation. The penalties shall be those established in the ~~City uniform fee~~  
523 ~~schedule~~. Consolidated Fee Schedule.

524 ~~CB.~~ Payment of the penalty shall not excuse the failure to correct the violations, nor  
525 shall it bar any further enforcement action authorized by State law or this title. (Ord. 18-31,  
526 9-11-2018; amd. Ord. 21-04, 2-10-2021)

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528 ARTICLE E. ADMINISTRATIVE ~~CODE ENFORCEMENT~~ HEARING PROCEDURES  
529 SECTION:

- 530 16-2E-1: Declaration Of Purpose
- 531 16-2E-2: Authority And Scope Of Hearings
- 532 16-2E-3: Request For Administrative ~~Code Enforcement~~ Hearing
- 533 16-2E-4: Default Hearings And Orders
- 534 16-2E-5: Notification Of Administrative ~~Code Enforcement~~ Hearing
- 535 16-2E-6: Disqualification Of Administrative Law Judge
- 536 16-2E-7: Powers Of The Administrative Law Judge
- 537 16-2E-8: Procedures At Administrative ~~Code Enforcement~~ Hearing
- 538 16-2E-9: Failure To Attend Administrative ~~Code Enforcement~~ Hearing
- 539 16-2E-10: Administrative Code Enforcement Order
- 540 16-2E-11: Failure To Comply With Order

541  
542 16-2E-1: DECLARATION OF PURPOSE:  
543 The City Council finds ~~that there is a need~~ it necessary to establish uniform procedures for  
544 administrative ~~code enforcement~~ hearings conducted ~~pursuant to this Code in the City. It is~~  
545 ~~the purpose and intent of~~ The City city Council council intends to afford due process of law  
546 to any person who is directly affected by an administrative ~~code enforcement~~ action. Due  
547 process of law includes notice, an opportunity to participate in the administrative hearing,  
548 and an explanation of the reasons justifying the administrative action. These procedures  
549 are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues  
550 raised in any administrative code enforcement action. (Ord. 18-31, 9-11-2018)

551  
552 16-2E-2: AUTHORITY AND SCOPE OF HEARINGS:



553 ~~Enforcement of City Code violations may be conducted through the Administrative Law~~  
554 ~~Judge Program. The Administrative Law Judge is authorized to hear all matters concerning~~  
555 ~~code violations. The Administrative Law Judge shall make findings and rulings based on~~  
556 ~~evidence presented at a hearing and shall assess any necessary fines or sanctions. The~~  
557 ~~mayor is authorized to develop policies and procedures, consistent with this title and State~~  
558 ~~and Federal law, to regulate the hearing process for any violation of this Code and~~  
559 ~~applicable State codes that are handled pursuant to the administrative abatement~~  
560 ~~procedures, the emergency abatement procedures, the demolition procedures, or the~~  
561 ~~administrative citation procedures. (Ord. 18-31, 9-11-2018; amd. Ord. 21-04, 2-10-2021)~~

562  
563 16-2E-3: REQUEST FOR ADMINISTRATIVE ~~CODE ENFORCEMENT~~ HEARING:

564 A. Within ~~fourteen (14)~~ calendar days from the date of service of one of the following  
565 notices, a responsible person has the right to request an administrative ~~code enforcement~~  
566 hearing to challenge the identified code violations:

- 567 1. Notice of violation;
- 568 2. Notice of itemized bill for costs; or
- 569 3. Administrative citation.

570 B. The request for hearing shall be made in writing and filed with the ~~Administrative~~  
571 ~~Law Judge and the City's Director of Community Preservation. City Recorder:~~

572 1. Using a form approved by the City Attorney's Office. or

573 2. -In any written manner that reasonably complies with this section. This section  
574 shall be liberally construed.

575 3. -The request shall contain the case number or citation number, the address of the  
576 violation, the mailing address of the responsible person filing the request, the  
577 residential address of the responsible person filing the request, a description of the  
578 reasons a hearing is being requested, and the signature of the responsible person  
579 filing the request.

580 C. Within ~~fourteen seven (147)~~ calendar days after receiving the written notice of the  
581 request for hearing, ~~The Administrative Law Judge shall set a hearing, to be held within~~  
582 ~~sixty (6450) calendar days of the written hearing request, and the Administrative Law~~  
583 ~~Judge shall serve the notice of administrative code enforcement hearing set forth in section~~  
584 ~~16-2E-5 of this article upon the City and responsible person.~~

585 D. Failure to request a hearing as provided shall constitute a waiver of the right to a  
586 hearing and a waiver of the right to challenge the action.

587 E. ~~The Administrative Law Judge shall set a hearing, to be held within sixty (60) calendar~~  
588 ~~days of the written hearing request. (Ord. 18-31, 9-11-2018)~~

589 16-2E-4: DEFAULT HEARINGS AND ORDERS:

591 A. A default hearing may be requested by the city in any case that has outstanding or  
592 unpaid civil penalties, fines, fees ~~and/or~~ costs due to the ~~c~~City before collection, if a hearing  
593 on that case has not already been held.

594 ~~B. -B.~~ At the default hearing, the responsible person shall have the opportunity to  
595 present evidence to show that good cause exists as to why the Administrative Law

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596 Judge should not issue an order of default. The Administrative Law Judge lacks  
597 jurisdiction to hear or address any other matters at a default hearing and shall not  
598 accept any evidence not relevant to showing that good cause exists as to why the  
599 Administrative Law Judge should not issue an order of default. A case in default shall be  
600 considered a judgment on the merits unless otherwise specified by the Administrative  
601 Law Judge. (Ord. 18-31, 9-11-2018)

602 C. Notice of a default hearing must be served according to section 16-2E-5(D).

603  
604 16-2E-5: NOTIFICATION OF ADMINISTRATIVE ~~CODE ENFORCEMENT~~ HEARING:

605 A. Written notice of the day, time, and place of the hearing shall be served on the  
606 responsible person and ~~City's Director of Community Preservation~~ appropriate division by  
607 the Administrative Law Judge as soon as practicable prior to the date of the hearing, but in  
608 no event less than ~~14~~ seven (7) ~~ten (10)~~ calendar days ~~of when the Administrative Law~~  
609 ~~Judge set the hearing prior to the hearing.~~

610 B. The format and contents of the hearing notice shall be in accordance with established  
611 rules and policies, promulgated in advance by the Administrative Law Judge, which may  
612 include an explanation of the hearing process, the types of evidence that will be permitted,  
613 the length of the hearing, the issues to be addressed, and how witnesses will be examined.

614 C. The notice of hearing shall be served upon the city by personally serving notice on the  
615 city ~~City recorder~~ Recorder, pursuant to subsection 16-1B-1A of this title, by certified U.S.  
616 mail, postage prepaid.

617 ~~D. —D.—~~ The notice of hearing shall be served ~~personally~~ on the responsible person,  
618 business owner, or registered agent pursuant to subsection 16-1B-1(A) of this title.

619 E. Written notice of a default hearing must be served by certified U.S. mail, postage  
620 prepaid to the registered agent, to the last known address of the owner(s) as shown on  
621 the records of the County Assessor's office, to the registered vehicle owner, or to other  
622 responsible person(s) as appropriate, addressed to the responsible person at mailing  
623 address listed on the request for hearing as required by subsection 16-2E-3B of this  
624 article, or, if service cannot be effectuated personally or by mail, by publication  
625 pursuant to section 16-1B-1A of this title. (Ord. 18-31, 9-11-2018; amd. Ord. 21-04, 2-  
626 10-2021)

627  
628 16-2E-6: DISQUALIFICATION OF ADMINISTRATIVE LAW JUDGE:

629 The Administrative Law Judge is subject to disqualification ~~may be disqualified for bias,~~  
630 prejudice, interest, or any other reason for which a Judge may be disqualified in a court of  
631 law. The mayor is authorized to promulgate, consistent with this title, rules and procedures  
632 for disqualification and replacement, as approved by the City Council. (Ord. 18-31, 9-11-  
633 2018; amd. Ord. 21-04, 2-10-2021)

634  
635 16-2E-7: ~~6~~ POWERS OF THE ADMINISTRATIVE LAW JUDGE:

636 A. The Administrative Law Judge has the authority to hold hearings, determine if  
637 violations of City-city ordinances exist, order compliance with City-city ordinances, and  
638 enforce compliance as provided in this title on any matter subject to the provisions of this  
639 title.

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640 B. The Administrative Law Judge may continue a hearing based on good cause shown by  
641 one of the parties to the hearing, in ~~a written letter writing to the~~ served on the  
642 Administrative Law Judge, ~~copied to the the City, and~~ other party or parties, by regular  
643 U.S. mail.

644 1. -The Administrative Law Judge must enter on the record the good cause on which a  
645 continuance is granted and;

646 2. -~~Sserve his the findings and continuance~~ on the City-city and responsible person  
647 pursuant to subsection 16-2E-5C or D of this article as applicable.

648 C. The Administrative Law Judge, at the request of any party to the hearing, may sign  
649 subpoenas for witnesses, documents, and other evidence where the attendance of the  
650 witness for the admission of evidence is deemed necessary to decide the issues at the  
651 hearing.

652 1. All costs related to the subpoena, including witness and mileage fees, shall be borne  
653 by the party requesting the subpoena.

654 2. The ~~Administrative Law Judge~~ Mayor shall may develop policies and procedures  
655 relating to the issuance of subpoenas in administrative code enforcement hearings,  
656 including the form of the subpoena and related costs.

657 D. The Administrative Law Judge has continuing jurisdiction over the subject matter of  
658 an administrative code enforcement hearing for the purposes of:

659 1. ~~g~~Granting a continuance;

660 2. ~~O~~Ordering compliance by issuing an administrative code enforcement order using  
661 any remedies available under the law;

662 3. ~~e~~Ensuring compliance of that order, which includes the right to authorize the City  
663 city to enter and abate a violation. ~~This does not include the ability to enter~~  
664 ~~property to seize an animal on an animal control case except Animal Control issues~~  
665 ~~that require the seizure of an animal;~~

666 4. ~~modifying~~ Modifying an administrative code enforcement order; or, where  
667 extraordinary circumstances exist, granting a new hearing.

668 F. ~~E.~~ ~~The Administrative Law Judge has the authority to require a responsible~~  
669 ~~person found liable by the Administrative Law Judge to post a code enforcement~~  
670 ~~performance bond to ensure compliance with an administrative code enforcement~~  
671 ~~order. The Administrative Law Judge does not have the authority to order a vicious animal~~  
672 ~~destroyed. The West Jordan Justice Court, or other Court of competent jurisdiction, is~~  
673 ~~authorized to order the destruction of animals. Destruction of Animals is done through~~  
674 ~~criminal action or seeking an order from a court of competent jurisdiction.~~ (Ord. 18-31, 9-  
675 11-2018)

676  
677 16-2E-87: PROCEDURES AT ADMINISTRATIVE ~~CODE ENFORCEMENT~~ HEARING:

678 A. ~~A.~~ ~~Administrative code enforcement~~ hearings are intended to be informal in nature.  
679 Formal rules of evidence and discovery do not apply; however, an informal exchange  
680 of discovery may be ~~required~~ conducted. Any request for discovery must be in writing  
681 and served on the other party in a manner specified in either subsection 16-2E-5 (C)  
682 ~~or (D) of this article, no less more than twenty eight twenty eight (28) seven~~ calendar  
683 days ~~before the hearing date~~ after the request for a hearing is filed. If notice of the

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684 ~~hearing was given less than 28 calendar days prior to the hearing, the request for~~  
685 ~~discovery shall be served on the other party no less than 3 days after receiving notice~~  
686 ~~of the hearing.~~

687 B. ~~Responses to discovery are due no more than seven days after receipt of the~~  
688 ~~request. The party receiving the discovery request shall have fourteen (14) calendar~~  
689 ~~days to serve their responses in a manner specified in either subsection 16-2E-5C or D~~  
690 ~~of this article. If the hearing is scheduled less than 14 calendar days after the request~~  
691 ~~is received, the party receiving the discovery request shall server their responses at~~  
692 ~~least two (2) days prior to the hearing.~~

693 C. Failure to request discovery in a timely manner shall not be a basis for a continuance.

694 D. Complainant information is protected and shall not be released unless the  
695 complainant is a witness at the hearing.

696 E. The procedure and format of the administrative hearing shall follow the standard  
697 procedures ~~promulgated by the Administrative Law Judge established by the Mayor.~~

698 BF. The ~~City-city~~ bears the burden of proof at an administrative ~~code enforcement~~  
699 hearing to establish the existence of the violation of this ~~Codecode, asserted in the Notice of~~  
700 ~~Violation, notice of~~ itemized bill for costs, administrative citation, notice of demolition, or  
701 notice of emergency abatement.

702 ~~CG.~~ The standard of proof to be used ~~in all administrative hearings is by the~~  
703 ~~Administrative Law Judge in deciding the issues at an administrative hearing is~~ proof by a  
704 preponderance of the evidence.

705 ~~DH.~~ Each party shall have the opportunity to cross-examine witnesses and present  
706 evidence in support of ~~his or her case the party's their case.~~

707 1. A written declaration signed under penalty of perjury may be accepted in lieu of a  
708 personal appearance.

709 2. Testimony may be given ~~by via~~ telephone or other electronic means.

710 3. If a party is not represented and has no witnesses, they may testify and present  
711 evidence accordingly.

712 EJ. All hearings are open to the public. ~~They Hearings~~ shall be recorded ~~by audio tape.~~

713 I. ~~Hearings a~~ shall be held at City Hall or other appropriate ~~city facility. Zoom or~~  
714 ~~electronic Hearings may be conducted online hearings are permitted when approved by the~~  
715 ~~ALJ Administrative Law Judge. 2 However, H~~ hearings may be held in part at the location of  
716 the violation if, in the determination of the Administrative Law Judge, that will help in ~~his~~  
717 ~~the~~ adjudication of the case.

718 ~~FK.~~ The responsible person has a right to be represented by an attorney. If an attorney  
719 will be representing the responsible person at the hearing, ~~a Nnotice of Aappearance notice~~  
720 ~~of the attorney's name, address, and telephone number~~ must be given to the ~~City-city~~ at  
721 least ~~one day seven days~~ prior to the hearing. ~~If notice is not given If the Nnotice of~~  
722 ~~Aappearance is not timely filed,~~ the hearing may be continued at the ~~City's-city's~~ request,  
723 and all costs of the continuance assessed to the responsible person.

724 G. No new hearing shall be granted, unless the Administrative Law Judge determines that  
725 extraordinary circumstances exist which justify a new hearing. (Ord. 18-31, 9-11-2018)

726  
727 16-2E-98: FAILURE TO ATTEND ADMINISTRATIVE ~~CODE ENFORCEMENT~~ HEARING:

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728 A. Any party whose property or actions are the subject of any ~~administrative code~~  
729 ~~enforcement~~ hearing and who fails to appear at the hearing is deemed to waive the  
730 right to a hearing.

731 B. ~~When a party fails to appear, a default judgment~~ Such ~~waiver~~ shall be entered as a  
732 judgment in favor of the ~~City~~ city, by the Administrative Law Judge, ~~provided that proper~~  
733 ~~notice of the hearing has been provided, as set forth in this title.~~ (Ord. 18-31, 9-11-2018)

734 C. Any motion to set aside a default judgement:

735 1. Shall be filed with the Administrative Law Judge ~~no later than~~ within 415 days  
736 from the date of the administrative order; and:

737 2. ~~Shall use the standards of Utah Rules of Civil Procedure 60(b) If a timely motion~~  
738 ~~to set aside the default judgment is received, and good cause is shown, the Administrative~~  
739 ~~Law Judge may grant the motion and reschedule a hearing. The Administrative Law Judge~~  
740 ~~may require the moving party to pay the costs incurred by the city.~~

741  
742  
743 16-2E-109: ADMINISTRATIVE ~~CODE ENFORCEMENT~~ ORDER:

744 A. ~~A.~~ Prior to the issuance of an administrative ~~code enforcement~~ order by the  
745 Administrative Law Judge, the parties may enter into a stipulated agreement, which  
746 must be signed by both parties.

747 1. This agreement, if approved by the Administrative Law Judge, shall be entered by  
748 the Administrative Law Judge as the administrative ~~code enforcement~~ order.

749 2. Entry of this agreement shall constitute a waiver of the right to a hearing and the  
750 right to appeal.

751 B. ~~B.~~ Once the presentation of evidence and testimony is concluded in the  
752 administrative ~~code enforcement~~ hearing, the Administrative Law Judge shall issue an  
753 administrative ~~code enforcement~~ order that:

754 ~~Includes Findings of Fact and Conclusions of Law;~~

755 1. ~~that a~~ Affirms, modifies, or rejects the notice or citation; and states the legal and factual  
756 basis for ~~his~~ the decision;

757 2. ~~The Administrative Law Judge~~ May ~~may~~ assess an amount of civil penalties and costs  
758 that are due pursuant to the ~~City~~ city Consolidated Fee Schedule ~~uniform fee schedule~~  
759 and the procedures in this ~~title~~ title;

760 3. ~~May condition the total or partial assessment of civil penalties on the responsible~~  
761 ~~person's ability to complete compliance by specified deadlines.~~

762 4. ~~May revoke a kennel permit, an animal license, or the right to possess animals.~~

763 5. ~~May revoke or suspend a business license;~~

764 6. ~~May revoke or suspend an alcohol license;~~

765 7. ~~May order the forfeiture of an animal along with an appropriate deadline for the~~  
766 ~~forfeiture;~~

767 8. ~~The Administrative Law Judge~~ May order the responsible person to post a  
768 performance bond to ensure compliance with the order.

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769 C. The Administrative Law Judge may order the ~~City-city~~ to enter the property and abate  
770 all violations, ~~except for the seizure and removal of animals, which may include removing~~  
771 ~~animals kept in violation of this Code.~~  
772 ~~-D. The Administrative Law Judge may revoke a kennel permit, an animal license, or the~~  
773 ~~right to possess animals as provided in this Code.~~  
774 ~~-E. As part of the administrative code enforcement order, the Administrative Law Judge~~  
775 ~~may condition the total or partial assessment of civil penalties on the responsible person's~~  
776 ~~ability to complete compliance by specified deadlines.~~  
777 ~~-F.D.~~ The Administrative Law Judge may schedule ~~subsequent~~ review hearings as ~~may be~~  
778 necessary or as requested ~~by a party to the hearing~~ to ensure compliance with the  
779 administrative ~~code enforcement~~ order.  
780 ~~-G.E. The Administrative Law Judge may order the responsible person to post a~~  
781 ~~performance bond to ensure compliance with the order.~~  
782 ~~-H.FE.~~ The administrative ~~code enforcement~~ order shall become final on the date of the  
783 signing of the order.  
784 ~~-I.GF.~~ The administrative ~~code enforcement~~ order shall be served on all parties by any one  
785 of the methods listed in subsection 16-2E-5(C) or (D) of this article within ~~fourteen (14)~~  
786 calendar days of becoming final. (Ord. 18-31, 9-11-2018)

787  
788 16-2E-104: FAILURE TO COMPLY WITH ORDER:

789 A. Upon the failure of the responsible person to comply with the terms and deadlines set  
790 forth in the administrative ~~code enforcement~~ order, the ~~City-city~~ may use all appropriate  
791 legal means to recover the civil penalties and administrative costs ~~to obtain compliance.~~  
792 ~~B. B-B.~~ After the ~~Administrative Law Judge issues an administrative issuance of the~~  
793 ~~code enforcement~~ order, the Administrative Law Judge shall monitor the violations  
794 and determine compliance. ~~If the Administrative Law Judge determines there has~~  
795 ~~been a failure to comply, the Administrative Law Judge may:~~  
796 ~~1. If the Administrative Law Judge determines there has been a failure to comply with~~  
797 ~~the administrative code enforcement order, he may modify. Modify his the order;~~  
798 ~~2. May -or~~ issue new orders, including assessing fines and penalties, up to the  
799 maximum allowed by law, or  
800 ~~3. authorizing. Authorize~~ the ~~City-city~~ to abate the violation, ~~as he determines~~  
801 ~~necessary to achieve compliance.~~ (Ord. 18-31, 9-11-2018)

802  
803  
804  
805  
806 ARTICLE F. ADMINISTRATIVE ENFORCEMENT APPEALS  
807 SECTION:  
808 ~~16-2F-1: Appeal Of Administrative Code Enforcement Hearing Decision~~  
809  
810 16-2F-1: APPEAL OF ADMINISTRATIVE ~~CODE ENFORCEMENT~~ HEARING DECISION:

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§11 A. Any person adversely affected by any decision made ~~under this Title in the exercise of~~  
§12 ~~the provisions of this title~~ may file a petition for review of the decision or order with the  
§13 District Court within ~~thirty (30)~~ calendar days after the date the administrative ~~code~~  
§14 ~~enforcement~~ order becomes final. ~~as set forth in subsection 16-2E-10H of this chapter.~~

§15 B. ~~All administrative remedies must be exhausted prior to seeking.~~ ~~No person may~~  
§16 ~~challenge in a~~ District Court ~~an review of the~~ Administrative Law Judge's decision, ~~until~~  
§17 ~~that person has exhausted his or her administrative remedies.~~

§18 C. ~~Within thirty (30) calendar days after submitting the petition,~~ ~~†~~The party petitioning  
§19 for appeal shall request a copy of the record of the proceedings, including transcripts of  
§20 hearings ~~within thirty (30) calendar days after submitting the petition, when necessary.~~  
§21 The Administrative Law Judge shall not submit copies of files or transcripts to the  
§22 reviewing court until the party petitioning for appeal has paid all required costs.

§23 —1. If a transcript of a hearing cannot be prepared because the ~~tape~~ recording is  
§24 incomplete or unintelligible, the District Court may, in its discretion, remand the  
§25 matter to the Administrative Law Judge for a supplemental proceeding to complete  
§26 the record. The District Court may limit the scope of the supplemental proceeding to  
§27 issues that, in the court's opinion, need to be clarified. ~~The Administrative Law Judge~~  
§28 ~~will create the record as required by the District Court.~~

§29 D. The District Court's review is limited to the record for the administrative code  
§30 enforcement order that is being appealed. The court shall not accept nor consider any  
§31 evidence that is not part of the record of that decision.

§32 E. The courts shall:

- §33 1. Presume that the Administrative Law Judge's decision and orders are valid; and
- §34 2. Review the record only to determine whether the decision was arbitrary, capricious,  
§35 or illegal; or review the record according to the appropriate standard established by State  
§36 law. (Ord. 18-31, 9-11-2018)

### §37 CHAPTER 3

### §38 ADMINISTRATIVE AND JUDICIAL REMEDIES

### §39 ARTICLE A. RECORDATION OF NOTICES OF VIOLATIONS

#### §40 SECTION:

§41 16-3A-1: Declaration Of Purpose

§42 16-3A-2: Authority

§43 16-3A-3: Procedures For Recordation

§44 16-3A-4: Service Of Notice Of Recordation

§45 16-3A-5: Failure To Request

§46 16-3A-6: Notice Of Compliance - Procedures

§47 16-3A-7: Prohibition Against Issuance Of Municipal Permits

§48 16-3A-8: Cancellation Of Recorded Notice Of Violation

§49

§50 16-3A-1: DECLARATION OF PURPOSE:

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853 The City Council finds that there is a need for alternative methods of enforcement for  
854 violations of this Code and applicable State codes that are found to exist on real property.  
855 The City Council further finds that an appropriate method of enforcement for these types of  
856 violations is the issuance and recordation of notices of violation.  
857 The procedures established in this article shall be in addition to criminal, civil, or any other  
858 remedy established by law that may be pursued to address the violation of this Code or  
859 applicable State codes. (Ord. 18-31, 9-11-2018)

860  
861 16-3A-2: AUTHORITY:

862 Whenever the Code Enforcement Supervisor determines that a ~~ny real~~ property or ~~other~~  
863 ~~cited~~ violation has not been brought into compliance as required in this title, the Code  
864 Enforcement Supervisor ~~has the authority to may~~ record the notice of violation or  
865 administrative code enforcement order with the Recorder's Office of Salt Lake County.  
866 (Ord. 18-31, 9-11-2018)

867  
868 16-3A-3: PROCEDURES FOR RECORDATION:

869 A. If an administrative hearing is held, and an order is issued in the City's favor, the Code  
870 Enforcement Supervisor or enforcement official may record the administrative ~~code~~  
871 ~~enforcement~~ order with the Recorder's Office of Salt Lake County.

872 B. The recordation shall include the name of the property owner, the parcel number, the  
873 legal description of the parcel, and a copy of the notice of violation or administrative code  
874 enforcement order. (Ord. 18-31, 9-11-2018)

875  
876 16-3A-4: SERVICE OF NOTICE OF RECORDATION:

877 A notice of the recordation shall be served on the responsible person and the property  
878 owner pursuant to any of the methods of service set forth in section 16-1B-1 of this title.  
879 (Ord. 18-31, 9-11-2018)

880  
881 16-3A-5: FAILURE TO REQUEST:

882 The failure of any person to file a request for an administrative code enforcement hearing  
883 when served with a notice of violation shall constitute a waiver of the right to an  
884 administrative hearing and shall not affect the validity of the recorded notice of violation.  
885 (Ord. 18-31, 9-11-2018)

886  
887 16-3A-6: NOTICE OF COMPLIANCE - PROCEDURES:

888 A. When the violations have been corrected, the responsible person or property owner  
889 shall request an inspection ~~of the property~~ from ~~the Code Enforcement Supervisor~~ ~~the~~  
890 ~~appropriate enforcement official~~.

891 B. Upon receipt of a request for inspection, the ~~Code Enforcement Supervisor or his~~  
892 ~~designee~~ ~~enforcement official~~ shall reinspect the property as soon as practicable to  
893 determine whether the violations listed in the notice of violation or the order have been  
894 corrected, and whether all necessary permits have been issued and final inspections have



§95 been performed. Any daily fees shall be suspended until ~~the Code Enforcement Supervisor~~  
§96 ~~or his designee can reinspect the property.~~ the property is reinspected

§97 C. The ~~Code Enforcement Supervisor~~ appropriate enforcement official shall serve a  
§98 notice of compliance to the responsible person or property owner in the manner provided  
§99 in section 16-1B-1 of this title, if the ~~Code Enforcement Supervisor~~ enforcement official  
900 determines that:

- 901 1. All violations listed in the recorded notice of violation or order have been corrected;
- 902 2. All necessary permits have been issued and finalized;
- 903 3. All civil penalties assessed ~~against the property~~ have been paid or satisfied; and
- 904 4. The party requesting the notice of compliance has paid all administrative fees and  
905 costs.

906 D. If the ~~Code Enforcement Supervisor~~ Enforcement Official denies a request to issue a  
907 notice of compliance, ~~upon request~~ the ~~Code Enforcement Supervisor~~ enforcement official  
908 shall serve the responsible person with a written explanation setting forth the reasons for  
909 the denial. The written explanation shall be served by any of the methods of service listed  
910 in section 16-1B-1 of this title. (Ord. 18-31, 9-11-2018)

911  
912 16-3A-7: PROHIBITION AGAINST ISSUANCE OF MUNICIPAL PERMITS:  
913 The City may withhold business licenses; permits for kennels; or permits for any alteration,  
914 repair, or construction pertaining to any existing or new structures or signs on the  
915 property, or any permits pertaining to the use and development of the real property or the  
916 structure until a notice of compliance has been issued ~~by the Code Enforcement Supervisor.~~  
917 The City may not withhold permits that are necessary to obtain a notice of compliance or  
918 that are necessary to correct serious health and safety violations. (Ord. 18-31, 9-11-2018)

919  
920 16-3A-8: CANCELLATION OF RECORDED NOTICE OF VIOLATION:  
921 The Code Enforcement Supervisor or responsible person shall record the notice of  
922 compliance with the Recorder's Office of Salt Lake County. Recordation of the notice of  
923 compliance shall have the effect of canceling the recorded notice of violation. (Ord. 18-31,  
924 9-11-2018)

925  
926 ARTICLE B. ADMINISTRATIVE CIVIL PENALTIES  
927 SECTION:

- 928 16-3B-1: Authority  
929 ~~16-3B-2: Procedures For Assessing Civil Penalties~~  
930 16-3B-~~3~~2: Determination Of Civil Penalties  
931 16-3B-~~4~~3: Modification Of Civil Penalties  
932 16-3B-~~5~~4: Failure To Pay Penalties

933  
934 16-3B-1: AUTHORITY:  
935 A. Any person violating any provision of this Code or applicable State codes may be  
936 subject to the assessment of civil penalties for each violation.

937 B. Each and every day a violation of any provision of this ~~Code-code~~ or applicable State  
938 codes exists is a separate violation subject to the assessment of civil penalties, up to the  
939 maximum allowed by law. ~~No additional notice is required for these separate violations.~~

940 C. Civil penalties cannot be assessed when a criminal case has been filed for the same  
941 date and violation, because fines will be assessed with the criminal case.

942 D. Interest may be assessed per ~~City-city~~ policy on all outstanding civil penalties balances  
943 until the case has been paid in full.

944 E. Civil penalties for violations of any provision of this ~~Code-code~~ or applicable State  
945 codes may be assessed pursuant to the ~~City-city Consolidated Fee Schedule with a~~  
946 ~~maximum fine of \$750 per violation, uniform fee schedule.~~ (Ord. 18-31, 9-11-2018)

947  
948 ~~16-3B-2: PROCEDURES FOR ASSESSING CIVIL PENALTIES:~~

949 ~~—A. If a responsible person fails to bring a violation into compliance within fourteen (14)~~  
950 ~~calendar days of service of the notice of violation, civil penalties shall be owed to the City~~  
951 ~~for each and every subsequent day of violation. No additional notice is required for these~~  
952 ~~subsequent days of violation, unless an appeal has been filed.~~

953 ~~—B. Civil penalties are assessed and owing immediately for any violation of this Code or~~  
954 ~~applicable State codes for an administrative citation. (Ord. 18-31, 9-11-2018)~~

955  
956 ~~16-3B-3: DETERMINATION OF CIVIL PENALTIES:~~

957 A. Civil penalties shall be assessed per day pursuant to the ~~City-city Consolidated Fee~~  
958 ~~Schedule uniform fee schedule~~ for a notice of violation unless brought into compliance by  
959 the due date.

960 B. Civil penalties shall continue to accrue until the violation(s) has/have been brought  
961 into compliance with this ~~Code-code~~ or applicable State codes, or until the total amount of  
962 civil penalties has reached the maximum allowed by law per violation. (Ord. 18-31, 9-11-  
963 2018)

964  
965 ~~16-3B-4: MODIFICATION OF CIVIL PENALTIES:~~

966 A. ~~Upon completion of the notice of violation or administrative enforcement order, The~~  
967 ~~the~~ Administrative Law Judge may modify the civil penalties on a finding of good cause.

968 B. Civil penalties may be waived or modified by the Administrative Law Judge if there is  
969 a finding of good cause based on the responsible person's claim of legal nonconforming use  
970 or approved conditional use and:

971 1. The ~~City's city's~~ need to verify the claim; or

972 2. The responsible person's filing of an application for either use before expiration of  
973 the date to correct.

974 C. The parties may negotiate a modification of civil penalties in a written stipulation or  
975 agreement to gain expeditious compliance with this ~~Codecode~~, the administrative ~~code~~  
976 ~~enforcement~~ order, or if otherwise the interest of resolving the matter. (Ord. 18-31, 9-11-  
977 2018)

978  
979 ~~16-3B-5: FAILURE TO PAY PENALTIES:~~

980 The failure of any person to pay civil penalties assessed within the specified time may  
981 result in the ~~Code Enforcement Supervisor's~~City pursuing any legal remedy to collect the  
982 civil penalties as provided in all laws, rules, and regulations. (Ord. 18-31, 9-11-2018)

983

984 ARTICLE C. ABATEMENT OF VIOLATIONS OF PROPERTY

985 SECTION:

986 16-3C-1: Authority To Abate

987 16-3C-2: Procedures For Abatement

988

989 16-3C-1: AUTHORITY TO ABATE:

990 Subject to State and Federal law, the Code Enforcement Supervisor is authorized to enter  
991 upon any property or premises to abate the violation of this ~~Code-code~~ and applicable State  
992 codes. The Code Enforcement Supervisor is authorized to assess all costs for the abatement  
993 to the responsible person and use any remedy available under the law to collect the costs. If  
994 additional abatements are necessary within two ~~(2)~~ years, treble costs may be assessed  
995 against the responsible person(s) for the actual abatement. (Ord. 18-31, 9-11-2018)

996

997 16-3C-2: PROCEDURES FOR ABATEMENT:

998 A. Once the procedures set forth in this title have been completed, the violation may be  
999 abated by ~~City-city~~ personnel or by a private contractor acting under the direction of the  
1000 ~~Citycity~~.

1001 B. City personnel or a private contractor may enter upon private property in a  
1002 reasonable manner to abate the ordinance violation ~~as specified in the notice of violation~~  
1003 ~~or as directed in the~~ administrative ~~code enforcement~~ order.

1004 C. If the responsible person abates the violation before the ~~c~~City performs the actual  
1005 abatement but after the deadline for bringing the property into compliance with this ~~Code~~  
1006 ~~code~~ set forth in a notice of violation or administrative ~~code enforcement~~ order, the ~~Code~~  
1007 ~~code~~ Enforcement Supervisor may still assess applicable costs incurred by the ~~City-city~~  
1008 against the responsible person.

1009 D. When the abatement is completed, a notice of costs describing the work performed  
1010 and an itemized bill of the total abatement costs shall be prepared by the Code  
1011 Enforcement Supervisor. The notice shall contain the names and addresses of the  
1012 responsible persons of each parcel, and the tax parcel number.

1013

1014 E. The Code Enforcement Supervisor shall serve the notice of costs and the itemized bill  
1015 of costs on the responsible person(s) ~~including property owner~~ in any manner authorized  
1016 by ~~subsection 16-1B-1A of this~~ title within ~~fourteen (14)~~ calendar days. The notice shall  
1017 demand full payment within ~~twenty (20)~~ calendar days of the date of the notice to the City  
1018 Treasurer.

1019 F. The notice of costs and itemized bill shall inform the responsible person of their right  
1020 to request a hearing (for the limited purpose of disputing the costs for the abatement) and  
1021 how to do so. (Ord. 18-31, 9-11-2018)

1022

1023 ARTICLE D. COSTS

1024 SECTION:

1025 16-3D-1: Declaration Of Purpose

1026 16-3D-2: Authority

1027 16-3D-3: Notification Of Assessment Of Reinspection Fees

1028 16-3D-4: Failure To Timely Pay Costs

1029

1030 16-3D-1: DECLARATION OF PURPOSE:

1031 A. The ~~City-city Council council~~ finds that there is a need to recover costs incurred by  
1032 enforcement officials and other ~~City-city~~ personnel who spend considerable time ~~inspecting~~  
1033 ~~and reinspecting properties~~ ~~enforcing code~~ throughout the ~~City-city~~ in an effort to ensure  
1034 compliance with this ~~Code-code~~ or applicable State codes.

1035 B. The ~~City-city Council council~~ further finds that the assessment of costs is an  
1036 appropriate method to recover expenses incurred for actual costs of abating violations,  
1037 reinspection fees, ~~mailing costs~~, filing fees, attorney fees, Administrative Law Judge fees,  
1038 title search, and any additional actual costs incurred by the ~~City-city~~ for each individual  
1039 case. The assessment and collection of costs shall not preclude the imposition of any  
1040 administrative or judicial civil penalties or fines for violations of this Code or applicable  
1041 State codes. (Ord. 18-31, 9-11-2018)

1042

1043 16-3D-2: AUTHORITY:

1044 A. Whenever actual costs are incurred by the ~~City-city on a property~~ to obtain  
1045 compliance with provisions of this ~~Code-code~~ and applicable State codes, the ~~Code~~  
1046 ~~appropriate Enforcement Official or~~ Enforcement Supervisor may assess costs against the  
1047 responsible person.

1048 B. Once a notice of violation has been issued, the ~~property-violation~~ will be reinspected  
1049 one time. Any additional inspections shall be subject to reinspection fees pursuant to the  
1050 City ~~Consolidated Fee Schedule~~ ~~uniform fee schedule~~. (Ord. 18-31, 9-11-2018)

1051

1052 16-3D-3: NOTIFICATION OF ASSESSMENT OF REINSPECTION FEES:

1053 A. Notification of reinspection fees shall be provided on the notice of violation served to  
1054 the responsible person(s).

1055 B. Reinspection fees assessed or collected pursuant to this article shall not be included in  
1056 any other costs assessed.

1057 C. The failure of any responsible person to receive notice of the reinspection fees shall  
1058 not affect the validity of any fees imposed under this article. (Ord. 18-31, 9-11-2018)

1059

1060 16-3D-4: FAILURE TO TIMELY PAY COSTS:

1061 The failure of any person to pay assessed costs by the deadline specified in the invoice shall  
1062 result in accrued interest ~~(and a possible late fee)~~, ~~if allowed by and~~ pursuant to ~~City-city~~  
1063 policy and the City ~~fee schedule~~ ~~Consolidated Fee Schedule~~. (Ord. 18-31, 9-11-2018)

1064

1065 ARTICLE E. INJUNCTIONS

1066 SECTION:  
1067 16-3E-1: Civil Violations - Injunctions  
1068  
1069 16-3E-1: CIVIL VIOLATIONS - INJUNCTIONS:  
1070 In addition to any other remedy provided under this ~~Code code~~ or State codes, including  
1071 criminal prosecution or administrative remedies, ~~any provision of this Code may be~~  
1072 ~~enforced by injunction issued in the Third District Court upon a suit brought by the City.~~  
1073 ~~the City may enforce any provision of this code by seeking judicial orders, including~~  
1074 ~~injunctions in Third District Court.~~ (Ord. 18-31, 9-11-2018)  
1075  
1076 ARTICLE F. PERFORMANCE BONDS  
1077 SECTION:  
1078 16-3F-1: Performance Bond Required  
1079  
1080 16-3F-1: PERFORMANCE BOND REQUIRED:  
1081 A. As part of any notice, order, or action, the Administrative Law Judge ~~has the authority~~  
1082 ~~to may~~ require responsible persons to post a performance bond to ensure compliance with  
1083 this Code, applicable State codes, or any judicial action. The bond shall be posted in the  
1084 manner determined by the Administrative Law Judge.  
1085 B. If the responsible person fails to comply with the notice, order, or action, the bond will  
1086 be forfeited to the ~~City city~~. The bond will not be used to offset the other outstanding costs  
1087 and fees associated with the case.  
1088 C. Forfeiture of performance bonds shall not be considered part of any punishment or  
1089 fine regarding the underlying violation. (Ord. 18-31, 9-11-2018)  
1090  
1091 CHAPTER 4  
1092 RECOVERY OF CODE ENFORCEMENT PENALTIES AND COSTS  
1093  
1094 ARTICLE A. CODE ENFORCEMENT TAX LIENS  
1095 SECTION:  
1096 16-4A-1: Declaration Of Purpose  
1097 16-4A-2: Procedures For Tax Liens Without A Judgment  
1098 16-4A-3: Procedures For Tax Liens With A Judgment  
1099 16-4A-4: Cancellation Of Code Enforcement Tax Lien  
1100  
1101 16-4A-1: DECLARATION OF PURPOSE:  
1102 The ~~City city Council council~~ finds that recordation of code enforcement tax liens will assist  
1103 in the collection of civil penalties, administrative costs, and administrative fees assessed by  
1104 the administrative code enforcement hearing program or judicial orders. The ~~City city~~  
1105 ~~Council council~~ further finds that collection of civil penalties, costs, and fees assessed for  
1106 code enforcement violations is important in deterring future violations and maintaining the  
1107 integrity of the ~~City's city's~~ code enforcement system. The procedures established in this

1108 article shall be used to complement existing administrative or judicial remedies that may  
1109 be pursued to address violations of this ~~Code-code~~ or applicable State codes. (Ord. 18-31, 9-  
1110 11-2018)

1111

1112 16-4A-2: PROCEDURES FOR TAX LIENS WITHOUT A JUDGMENT:

1113 A. Once the ~~City-city~~ has abated a property for weeds, garbage, refuse, or unsightly or  
1114 deleterious objects or structures, the Code Enforcement Supervisor may prepare three ~~(3)~~  
1115 copies of the Itemized Statement of Costs incurred in the removal and destruction of the  
1116 violations and deliver them to the City Treasurer within ~~ten-(10)~~ calendar days after  
1117 completion of the work of removing the violations.

1118 B. The Code Enforcement Supervisor shall send, by registered mail to the property  
1119 owner's last known address, a copy of the Itemized Statement of Costs informing him or  
1120 her that a code enforcement tax lien is being recorded for the amount of actual costs of  
1121 abatement. Payment shall be due within ~~twenty-(20)~~ calendar days from the date of  
1122 mailing.

1123 C. Unless otherwise provided for by law, after sending the Itemized Statement of Costs,  
1124 the Code Enforcement Supervisor may record a code enforcement tax lien against the  
1125 property with the County Treasurer's Office.

1126 D. Unless otherwise provided for by law, the failure of any person with a financial  
1127 interest in the property to actually receive the notice of the lien shall not affect the validity  
1128 of the lien or any proceedings taken to collect the outstanding costs of abatement. (Ord. 18-  
1129 31, 9-11-2018)

1130

1131 16-4A-3: PROCEDURES FOR TAX LIENS WITH A JUDGMENT:

1132 Unless otherwise provided for by law, once a judgment has been obtained from the  
1133 appropriate court or judicial forum assessing costs against the responsible person(s), the  
1134 Code Enforcement Supervisor may record a code enforcement tax lien against any real  
1135 property owned by the responsible person(s). (Ord. 18-31, 9-11-2018)

1136

1137 16-4A-4: CANCELLATION OF CODE ENFORCEMENT TAX LIEN:

1138 Once payment in full is received for the outstanding civil penalties and costs, or the amount  
1139 is deemed satisfied pursuant to a subsequent administrative or judicial order, the Code  
1140 Enforcement Supervisor shall either record a notice of satisfaction and release of judgment,  
1141 or provide the property owner or financial institution with the notice of satisfaction and  
1142 release of judgment so that it can record this notice with the County Assessor's Office, as  
1143 set forth by law. The notice of satisfaction and release of judgment shall include the same  
1144 information as provided for in the original code enforcement tax lien. Such notice of  
1145 satisfaction and release of judgment shall cancel the code enforcement tax lien. (Ord. 18-31,  
1146 9-11-2018)

1147

1148 ARTICLE B. WRIT OF EXECUTION

1149 SECTION:

1150 16-4B-1: Recovery Of Costs By Writ Of Execution

1151  
1152 16-4B-1: RECOVERY OF COSTS BY WRIT OF EXECUTION:  
1153 After obtaining a judgment, the Code Enforcement Supervisor may collect the obligation by  
1154 use of all appropriate legal means. This may include the execution on personal property  
1155 owned by the responsible person by filing a writ with the applicable court. (Ord. 18-31, 9-  
1156 11-2018)  
1157  
1158 ARTICLE C. WRIT OF GARNISHMENT  
1159 SECTION:  
1160 16-4C-1: Recovery Of Costs By Writ Of Garnishment  
1161  
1162 16-4C-1: RECOVERY OF COSTS BY WRIT OF GARNISHMENT:  
1163 After obtaining a judgment, the Code Enforcement Supervisor may collect the obligation by  
1164 use of all appropriate legal means. This may include the garnishment of paychecks,  
1165 financial accounts, and other income or financial assets by filing a writ with the applicable  
1166 court. (Ord. 18-31, 9-11-2018)

**16-1A-1: TITLE:**

This title shall be known as the ADMINISTRATIVE HEARING PROGRAM or TITLE 16, West Jordan City Code. It may be cited and pleaded under either designation. (Ord. 18-31, 9-11-2018)

**16-1A-2: DECLARATION OF PURPOSE:**

The City Council of the City of West Jordan finds that the enforcement of City ordinances and applicable State codes is vital to the protection of the public's health, safety, and quality of life. The City Council further finds that both judicial and administrative remedies are critical for compliance with city ordinances. The City Attorney may pursue judicial remedies to gain compliance with any administrative code enforcement action. (Ord. 18-31, 9-11-2018)

**16-1A-3: SCOPE:**

The provisions of this title may be applied to all ordinance violations. (Ord. 18-31, 9-11-2018)

**16-1A-4: EXISTING LAW CONTINUED:**

This title does not invalidate any other title or ordinance and shall be read in conjunction with those titles and ordinances as an additional remedy. (Ord. 18-31, 9-11-2018)

**16-1A-5: CRIMINAL PROSECUTION RIGHT:**

The city has sole discretion in deciding whether to file a civil or criminal case for the violation of any ordinance. This Title does not interfere with the city's right to prosecute city ordinance violations as criminal offenses. The city may use any civil or criminal remedy available under the law. If the city files both civil and criminal charges for the same day of violation, no civil penalties may be assessed, but all other remedies are available. (Ord. 18-31, 9-11-2018)

**16-1A-6: EFFECT OF HEADING:**

Title, chapter, article, and section headings do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, article, or section hereof. (Ord. 18-31, 9-11-2018)

**16-1A-7: VALIDITY OF TITLE - SEVERABILITY:**

If any section, subsection, sentence, clause, phrase, portion, or provision of this title is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. (Ord. 18-31, 9-11-2018)

**16-1A-8: NO MANDATORY DUTY - CIVIL LIABILITY:**

This title shall not be interpreted to impose an affirmative obligation or duty on any city employee. No tort liability shall exist if an officer or employee fails to perform their directed duty. (Ord. 18-31, 9-11-2018)

**16-1A-9: GENERAL RULES OF INTERPRETATION OF ORDINANCES:**

**A. For purposes of this title:**

1. Any gender includes the other gender.
2. "Shall" is mandatory; "may" is permissive.
3. The singular number includes the plural, and the plural the singular.
4. Words used in the present tense include the past and future tense, and vice versa.



5. Words and phrases used in this title and not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 18-31, 9-11-2018)

**16-1A-10: DEFINITIONS APPLICABLE TO TITLE GENERALLY:**

The following words and phrases, are defined as follows unless a different meaning is specifically defined elsewhere in this title and specifically stated to apply:

**ABATEMENT:** Any action the City may take on public or private property and any adjacent property as necessary to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding, and securing or replacement of property.

**ABATE:** Actions taken to correct, reduce, or eliminate an existing condition. This definition does not apply to the seizing or destruction of animals.

**ADMINISTRATIVE CITATION/CIVIL CITATION:** A notice that a civil violation of this code has occurred, issued by an officer or other person authorized to issue such notice consistent with Utah Code Annotated section 10-3-703 or other applicable laws or state statutes or their successors.

**ADMINISTRATIVE CODE ENFORCEMENT ORDER:** An order issued by an Administrative Law Judge. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this title and applicable State codes.

**ADMINISTRATIVE LAW JUDGE:** A professionally trained individual retained by contract by the mayor to fulfill the responsibilities set forth in this title.

**ANIMAL SERVICES ADMINISTRATOR:** The Supervisor of the Animal Services Division.

**BUSINESS OWNER:** Any principal in a business including a Manager, Owner, or Officer.

**CITY:** The area within the territorial city limits of the City of West Jordan, and such territory outside of this city over which the city has jurisdiction or control by virtue of any contract or provision of any law.

**CITY COUNCIL:** The City Council of the City of West Jordan.

**CODE ENFORCEMENT LIEN:** A lien recorded to collect outstanding civil penalties, administrative fees, and costs.

**CODE ENFORCEMENT PERFORMANCE BOND:** A bond posted by a responsible person to ensure compliance with this code, applicable State titles, a judicial action, or an administrative code enforcement order.

**CODE ENFORCEMENT SUPERVISOR:** The Supervisor of the Code Enforcement Division.

**ENFORCEMENT OFFICIAL:** Any person authorized to enforce violations of this code or applicable State codes.

**FINANCIAL INSTITUTION:** Any person or entity that holds a recorded mortgage or deed of trust on a property.

**GOOD CAUSE:** An incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; and acts of nature adverse to performing required acts.

**IMMINENT LIFE SAFETY HAZARD:** Any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

**LEGAL INTEREST:** Any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.

**NOTICE OF COMPLIANCE:** A document issued by the city, representing that a property complies with the requirements outlined in the notice of violation.

**NOTICE OF SATISFACTION AND RELEASE OF JUDGMENT:** A document or form approved by the Code Enforcement Supervisor or their designee, which indicates that all outstanding civil penalties and costs have been either paid in full, or that the city has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.

**NOTICE OF VIOLATION:** A written notice prepared by an enforcement official that informs a responsible person of code violations and orders them to take certain steps to correct the violations.

**OATH:** Includes affirmations and oaths.

**PERSON:** Any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.

**PROPERTY OWNER:** The record owner of real property based on the County Assessor's records.

**PUBLIC NUISANCE:** Any condition caused, maintained, or permitted to exist that threatens the public's health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood, community, or by any considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah Code Annotated.

**RESPONSIBLE PERSON:** A person who is alleged to have caused, encouraged, aided, allowed, facilitated, or maintained a violation of this code or applicable State codes. This includes but is not limited to the property owner, tenant, person with a legal interest in the real property, or any person in possession of the real property.

**WRITTEN:** Includes handwritten, typewritten, photocopied, completed form, computer printed document, or facsimile. (Ord. 18-31, 9-11-2018; amd. Ord. 21-04, 2-10-2021)

**16-1A-11: ACTS INCLUDE CAUSING, AIDING, AND ABETTING:**

Whenever any act or omission is made unlawful in this title, it may include causing, permitting, aiding, or abetting such act or omission. (Ord. 18-31, 9-11-2018)

**ARTICLE B. SERVICE REQUIREMENTS**

**SECTION:**

16-1B-1: Service Of Process

16-1B-2: Constructive Notice Of Recorded Documents

**16-1B-1: SERVICE OF PROCESS:**

- A. Initial Service- Whenever service is required to be given under this title, the document shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:
1. Regular mail, postage prepaid, to the registered agent, owner(s) as shown on the records of the County Assessor's office or other responsible person(s);
  2. Posting the notice conspicuously on the property. If not inhabited or occupied, the notice must also be mailed as in subsection A1 of this section. The form of the posted notice shall be approved by the Code Enforcement Supervisor or their designee;
  3. Personal service pursuant to Utah Rules of Civil Procedure rule 4(d)(1) or rule 4(d)(5); or
  4. Published in a newspaper of general circulation where the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, or where service is impracticable under the circumstances, or where there exists good cause to believe that the person to be served is avoiding service of process.
- B. Ongoing documents that are required to be served may be served in any method above. Service by regular mail in the manner described above shall be deemed served on the third day after the date of mailing.
- C. If service complies with the requirements of this section, it shall be valid even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this title.
- D. The failure to serve all responsible person(s) shall not affect the validity of any proceedings against any other responsible person that was successfully served. (Ord. 18-31, 9-11-2018)

## 16-1B-2: CONSTRUCTIVE NOTICE OF RECORDED DOCUMENTS:

Whenever a document is recorded with the County Recorder as authorized or required by this title or applicable State codes, recordation shall provide constructive notice of the information contained in the recorded documents. (Ord. 18-31, 9-11-2018)

## ARTICLE C. GENERAL AUTHORITY AND OFFENSES

### SECTION:

16-1C-1: General Enforcement Authority

16-1C-2: Adoption Of Policy And Procedures

16-1C-3: Authority To Inspect

16-1C-4: Power To Arrest

16-1C-5: False Information Or Refusal Prohibited

16-1C-6: Failure To Obey A Subpoena

### 16-1C-1: GENERAL ENFORCEMENT AUTHORITY:

A. Whenever the Code Enforcement Supervisor or enforcement official finds that a violation of this Code or applicable State codes has occurred or continues to exist, the appropriate administrative enforcement procedure may be used. The Code Enforcement Supervisor or any designated enforcement official has the authority and power necessary to gain compliance with the provisions of this Code and applicable State codes. These powers include the power to issue notices of violation and administrative citations, inspect public and private property, revoke or suspend a city-issued license, abate public and private property, and use judicial and administrative remedies available under this Code or applicable State codes. (Ord. 18-31, 9-11-2018)

B. Whenever the Animal Services Administrator or Animal Control Officer finds that a violation of this Code or applicable State codes has occurred or continues to exist, the appropriate administrative enforcement procedure may be used. the Animal Control Administrator or Animal Control Officer has the authority and power necessary to gain compliance with the provisions of this Code and applicable State codes. These powers include the power to issue notices of violation and administrative citations. NOTE: any removal of animals must be done through judicial order as set forth by this Chapter.

### 16-1C-2: ADOPTION OF POLICY AND PROCEDURES:

- A. The mayor or mayor's designee may develop policies and procedures, consistent with this title, relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the Administrative Hearing Program. If no policies and procedures are specifically adopted by the mayor, the procedure for administrative hearings, as found in Title 63G, Chapter 4 of the Utah State Code shall be used insofar as they do not conflict with this title. (Ord. 18-31, 9-11-2018; amd. Ord. 21-11, 3-24-2021)
- B. The mayor or mayor's designee may develop policies and procedures regarding the disqualification and replacement of an Administrative Law Judge
- C. The mayor or mayor's designee may develop policies and procedures, consistent with this title, to assist in the assessment of civil penalties for administrative citations.

### 16-1C-3: AUTHORITY TO INSPECT:

- A. Subject to State and Federal law, the Code Enforcement Supervisor, Animal Control Supervisor, or any designated enforcement official is authorized to enter upon any property, premises, or air space to ascertain whether the provisions of this Code or applicable State codes are being obeyed and to make any examinations and surveys as may be necessary in the performance of the enforcement duties. This may include the taking of photographs, video, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon appropriate cause
  
- B. If the responsible person refuses to allow the enforcement official to enter the property, the enforcement official may obtain an appropriate administrative warrant from any judge or magistrate of competent jurisdiction. (Ord. 18-31, 9-11-2018)

16-1C-4: REPEALED

16-1C-5: FALSE INFORMATION OR REFUSAL PROHIBITED:

A person commits a class C misdemeanor if, with the intent of misleading an enforcement official as to the person's identity, birth date, or place of residence, the person knowingly refuses to give their name, gives a false name, birth date, or address to a peace officer in the lawful discharge of the peace officer's official duties. (Ord. 18-31, 9-11-2018)

16-1C-6: FAILURE TO OBEY A SUBPOENA:

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and may be prosecuted as a Class B misdemeanor. (Ord. 18-31, 9-11-2018)

CHAPTER 2  
ADMINISTRATIVE HEARING PROCEDURES

ARTICLE A. GENERAL PROVISIONS

SECTION:

16-2A-1: Authority

16-2A-2: Notice Of Violation

16-2A-3: Failure To Bring Property Into Compliance

16-2A-4: Inspections

16-2A-1: AUTHORITY:

The city may abate any condition caused, maintained, or permitted to exist in violation of any provisions of this Code or applicable State codes pursuant to the procedures set forth in this article. (Ord. 18-31, 9-11-2018)

16-2A-2: NOTICE OF VIOLATION CONTENTS:

A. The notice of violation shall include the following information:

1. Name of property owner and any other known responsible persons;

2. Street address of violation;
3. Date violation observed;
4. All code sections violated and description of the violation;
5. A specific date to correct the violations, which date shall be at least 14 calendar days from the date of service;
6. Explanation that the revocation of certain permits or licenses may require a waiting period before the license can be reapplied for;
7. Procedures to request a hearing as provided in section 16-2E-3 of this chapter, and consequences for failure to request one.

B. The notice of violation shall be served by one of the methods of service listed in section 16-1B-1 of this title.

C. More than one notice of violation may be issued against the same responsible person, if it encompasses different dates, or different violations.

D. Failure to include all items listed in subsection A of this section does not invalidate the notice of violation. Any defect in the notice may be amended 15 calendar days prior to any administrative hearing. (Ord. 18-31, 9-11-2018)

#### 16-2A-3: FAILURE TO BRING VIOLATION INTO COMPLIANCE:

Payment of the imposed penalty shall not excuse the failure to correct the violations, nor shall it bar any further enforcement action authorized by State law or this title.

#### 16-2A-4: INSPECTIONS:

It shall be the duty of the responsible person served with a notice or citation to request an inspection by the Code Enforcement Supervisor or the designated enforcement official when the property at issue has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested. Civil penalties accumulate until the property has been inspected and a notice of compliance is issued. Reinspection fees shall be assessed if more than one inspection is necessary. (Ord. 18-31, 9-11-2018)

### ARTICLE B. EMERGENCY ABATEMENT

#### SECTION:

16-2B-1: Authority

16-2B-2: Procedures

16-2B-3: Notice Of Emergency Abatement

#### 16-2B-1: AUTHORITY:

A. Whenever the Code Enforcement Supervisor or Fire Marshall determines in writing that an imminent life safety hazard exists that requires immediate correction or elimination, the Code Enforcement Supervisor may exercise the following powers without prior notice to the responsible person:

1. Order the immediate vacation of any tenants, and prohibit occupancy until all hazards are corrected or eliminated;
2. Post the premises as unsafe, substandard, or dangerous;
3. Board, fence, or secure the building or site;
4. Raze or grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;

5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or

6. Take any other action appropriate to eliminate the emergency.

B. Subject to State and Federal law, the Code Enforcement Supervisor or Fire Marshall has the authority, based on appropriate cause, to enter the property without a search warrant or court order to accomplish the above listed acts to abate the imminent life safety hazard.

C. The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this title. (Ord. 18-31, 9-11-2018)

D. A copy of the written determination shall be submitted to the City Attorney's Office.

#### 16-2B-2: PROCEDURES:

A. The Code Enforcement Supervisor or Fire Marshall shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures outlined in this title.

B. The Code Enforcement Supervisor or Fire Marshall may also pursue any other administrative or judicial remedy to abate any remaining violations. (Ord. 18-31, 9-11-2018)

#### 16-2B-3: NOTICE OF EMERGENCY ABATEMENT:

After an emergency abatement, the City shall notify, in writing, the owner and any responsible person of the abatement action taken. This abatement notice and invoice shall be served within 14 calendar days of completion of the abatement. Notice shall be served in accordance with 16-1B-1 of this Code. (Ord. 18-31, 9-11-2018)

### ARTICLE C. DEMOLITIONS

#### SECTION:

16-2C-1: Authority

16-2C-2: Procedures

#### 16-2C-1: AUTHORITY:

Whenever the Code Enforcement Supervisor, building official, fire inspector, or other designated City representative determines that a property or building requires demolition, any one of them may order the offending structure to be demolished or removed, once appropriate notice has been given pursuant to the Uniform Code for the Abatement of Dangerous Buildings or the State Fire Code. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this title. The "Uniform Code for the Abatement of Dangerous Buildings" (hereinafter "UCADB"), 1997 edition, is hereby adopted for the purposes of this chapter, insofar as it does not conflict with city law. (Ord. 18-31, 9-11-2018)

#### 16-2C-2: PROCEDURES:

Once the Code Enforcement Supervisor has determined that the city building official or the fire inspector has complied with all of the notice requirements of the applicable laws, the property will be abated pursuant to the abatement remedy. Other legal remedies may also be pursued. (Ord. 18-31, 9-11-2018)

### ARTICLE D. ADMINISTRATIVE CITATIONS

SECTION:

16-2D-1: Declaration Of Purpose

16-2D-2: Authority

16-2D-3: Procedures

16-2D-4: Repealed

16-2D-5: Repealed

16-2D-1: DECLARATION OF PURPOSE:

In addition to criminal methods of enforcement, the city council finds that there is a need for an alternative method of enforcement for violations of this Code and applicable State codes. The City Council further finds that an appropriate method of enforcement is an administrative citation program. (Ord. 18-31, 9-11-2018)

16-2D-2: AUTHORITY:

A. Any person violating any provision of this code or applicable State codes may be issued an administrative citation by an enforcement official.

B. A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official and shall be payable directly to the City Treasurer's Office.

C. Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this title. (Ord. 18-31, 9-11-2018)

16-2D-3: PROCEDURES:

A. Upon discovering any violation of this code or applicable State codes an enforcement official may issue an administrative citation to a responsible person. The administrative citation shall be issued on a form approved by the City Attorney's Office.

B. If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue the administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may be served on the business owner or the registered agent of the business in the manner prescribed in section 16-1B-1 of this title.

C. If the administrative citation is issued personally the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

D. If the administrative citation cannot be served and issued personally, the administrative citation may be issued and served in any manner described in subsection 16-1B-1 of this title.

E. The administrative citation shall contain the signature of the enforcement official.

F. Compliance with the procedures in this section shall be deemed to provide the responsible person being cited with actual or constructive notice of the administrative citation for purposes of any proceedings taken under this article. (Ord. 18-31, 9-11-2018)

16-2D-4: CONTENTS OF ADMINISTRATIVE CITATION:

A. The administrative citation shall identify the date and location of the violations and the approximate time the violations were observed.



B. The administrative citation shall identify the code sections violated and the titles of those sections.

C. The administrative citation shall state the amount of penalty imposed for the violations.

D. The administrative citation shall explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty.

E. The administrative citation shall identify the right and procedures to request a hearing.

F. The citation shall contain the signature of the enforcement official and the signature of the responsible person, if he or she can be located, as outlined in section 16-2D-3 of this title.

G. Failure to include all items listed in this section shall not affect the validity of the citation. Any defect in the citation may be amended 15 calendar days prior to any administrative hearing. (Ord. 18-31, 9-11-2018)

#### 16-2D-5: CIVIL PENALTIES ASSESSED:

A. Civil penalties shall be assessed immediately for each violation listed on the administrative citation. The penalties shall be those established in the Consolidated Fee Schedule.

B. Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar any further enforcement action authorized by State law or this title. (Ord. 18-31, 9-11-2018; amd. Ord. 21-04, 2-10-2021)

### ARTICLE E. ADMINISTRATIVE HEARING PROCEDURES SECTION:

16-2E-1: Declaration Of Purpose

16-2E-2: Authority And Scope Of Hearings

16-2E-3: Request For Administrative Hearing

16-2E-4: Default Hearings And Orders

16-2E-5: Notification Of Administrative Hearing

16-2E-6: Disqualification Of Administrative Law Judge

16-2E-7: Powers Of The Administrative Law Judge

16-2E-8: Procedures At Administrative Hearing

16-2E-9: Failure To Attend Administrative Hearing

16-2E-10: Administrative Code Enforcement Order

16-2E-11: Failure To Comply With Order

#### 16-2E-1: DECLARATION OF PURPOSE:

The City Council finds it necessary to establish uniform procedures for administrative hearings conducted in the city. The city council intends to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action. (Ord. 18-31, 9-11-2018)

#### 16-2E-2: AUTHORITY AND SCOPE OF HEARINGS:

The Administrative Law Judge is authorized to hear all matters concerning code violations. The Administrative Law Judge shall make findings and rulings based on evidence presented at a

hearing and shall assess any necessary fines or sanctions.. (Ord. 18-31, 9-11-2018; amd. Ord. 21-04, 2-10-2021)

#### 16-2E-3: REQUEST FOR ADMINISTRATIVE HEARING:

A. Within 14 calendar days from the date of service of one of the following notices, a responsible person has the right to request an administrative hearing to challenge the identified code violations:

1. Notice of violation;
2. Notice of itemized bill for costs; or
3. Administrative citation.

B. The request for hearing shall be made in writing and filed with the City Recorder:

1. Using a form approved by the City Attorney's Office. or
2. In any written manner that reasonably complies with this section. This section shall be liberally construed.
3. The request shall contain the case number or citation number, the address of the violation, the mailing address of the responsible person filing the request, the residential address of the responsible person filing the request, a description of the reasons a hearing is being requested, and the signature of the responsible person filing the request.

C. Within seven 7 calendar days after receiving the written notice of the request for hearing, The Administrative Law Judge shall set a hearing, to be held within 45 calendar days of the written hearing request.

D. Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.

E. . (Ord. 18-31, 9-11-2018)

#### 16-2E-4: DEFAULT HEARINGS AND ORDERS:

A. A default hearing may be requested by the city in any case that has outstanding or unpaid civil penalties, fines, fees or costs due to the city before collection, if a hearing on that case has not already been held.

B. At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists as to why the Administrative Law Judge should not issue an order of default. The Administrative Law Judge lacks jurisdiction to hear or address any other matters at a default hearing and shall not accept any evidence not relevant to showing that good cause exists as to why the Administrative Law Judge should not issue an order of default. A case in default shall be considered a judgment on the merits unless otherwise specified by the Administrative Law Judge. (Ord. 18-31, 9-11-2018)

C. Notice of a default hearing must be served according to section 16-2E-5(D).

#### 16-2E-5: NOTIFICATION OF ADMINISTRATIVE HEARING:

A. Written notice of the day, time, and place of the hearing shall be served on the responsible person and appropriate division by the Administrative Law Judge as soon as practicable prior to the date of the hearing, but in no event less than 14 calendar days prior to the hearing.

B. The format and contents of the hearing notice shall be in accordance with established rules and policies.

C. The notice of hearing shall be served upon the city by personally serving notice on the City Recorder.

- D. The notice of hearing shall be served on the responsible person, business owner, or registered agent pursuant to subsection 16-1B-1(A) of this title.
- E. Written notice of a default hearing must be served by certified U.S. mail, to the registered agent, to the last known address of the owner(s) as shown on the records of the County Assessor's office, to the registered vehicle owner, or to other responsible person(s) as appropriate. (Ord. 18-31, 9-11-2018; amd. Ord. 21-04, 2-10-2021)

#### 16-2E-6: POWERS OF THE ADMINISTRATIVE LAW JUDGE:

A. The Administrative Law Judge has the authority to hold hearings, determine if violations of city ordinances exist, order compliance with city ordinances, and enforce compliance as provided in this title on any matter subject to the provisions of this title.

B. The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing, in writing served on the Administrative Law Judge the city, and other party or parties, by regular U.S. mail.

1. The Administrative Law Judge must enter on the record the good cause on which a continuance is granted and;
2. Serve the findings on the city and responsible person pursuant to subsection 16-2E-5C or D of this article as applicable.

C. The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness for the admission of evidence is deemed necessary to decide the issues at the hearing.

1. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.
2. The mayor may develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.

D. The Administrative Law Judge has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of:

1. Granting a continuance;
2. Ordering compliance by issuing an administrative code enforcement order using any remedies available under the law;
3. Ensuring compliance of that order, which includes the right to authorize the city to enter and abate a violation. This does not include the ability to enter property to seize an animal on an animal control case;
4. Modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.

E. The Administrative Law Judge does not have the authority to order a vicious animal destroyed. The West Jordan Justice Court, or other Court of competent jurisdiction, is authorized to order the destruction of animals. (Ord. 18-31, 9-11-2018)

#### 16-2E-7: PROCEDURES AT ADMINISTRATIVE HEARING:

- A. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be conducted. Any request for discovery must be in writing and served on the other party in a manner specified in either subsection 16-2E-5(C) or (D) no more than seven calendar days after the request for a hearing is filed.
- B. Responses to discovery are due no more than seven days after receipt of the request.

- C. Failure to request discovery in a timely manner shall not be a basis for a continuance.
- D. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing.
- E. The procedure and format of the administrative hearing shall follow the standard procedures established by the Mayor.
- F. The city bears the burden of proof at an administrative hearing to establish the existence of the violation of this code, itemized bill for costs, administrative citation, notice of demolition, or notice of emergency abatement.
- G. The standard of proof to be used in all administrative hearings is proof by a preponderance of the evidence.
- H. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of their case.
  - 1. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance.
  - 2. Testimony may be given via telephone or other electronic means.
  - 3. If a party is not represented and has no witnesses, they may testify and present evidence accordingly.
- I. All hearings are open to the public. Hearings shall be recorded.
- J. Hearings shall be held at City Hall or other appropriate city facility. Hearings may be conducted online when approved by the Administrative Law Judge. However, hearings may be held in part at the location of the violation if, in the determination of the Administrative Law Judge, that will help in the adjudication of the case.
- K. The responsible person has a right to be represented by an attorney. If an attorney will be representing the responsible person at the hearing, a notice of appearance must be given to the city at least seven days prior to the hearing. If the notice of appearance is not timely filed, the hearing may be continued at the city's request, and all costs of the continuance assessed to the responsible person.
- L. No new hearing shall be granted, unless the Administrative Law Judge determines that extraordinary circumstances exist which justify a new hearing. (Ord. 18-31, 9-11-2018)

#### 16-2E-8: FAILURE TO ATTEND ADMINISTRATIVE HEARING:

- A. Any party whose property or actions are the subject of any hearing and who fails to appear at the hearing is deemed to waive the right to a hearing.
- B. When a party fails to appear, a default judgment shall be entered as a judgment in favor of the city. (Ord. 18-31, 9-11-2018)
- C. Any motion to set aside a default judgement:
  - 1. Shall be filed with the Administrative Law Judge within 15 days from the date of the administrative order; and
  - 2. If a timely motion to set aside the default judgment is received, and good cause is shown, the Administrative Law Judge may grant the motion and reschedule a hearing. The Administrative Law Judge may require the moving party to pay the costs incurred by the city.

#### 16-2E-9: ADMINISTRATIVE ORDER:

- A. Prior to the issuance of an administrative order by the Administrative Law Judge, the parties may enter into a stipulated agreement, which must be signed by both parties.
  - 1. This agreement, if approved by the Administrative Law Judge, shall be entered by the Administrative Law Judge as the administrative order.

2. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.
- B. Once the presentation of evidence and testimony is concluded in the administrative hearing, the Administrative Law Judge shall issue an administrative order that:
  1. Affirms, modifies, or rejects the notice or citation and states the legal and factual basis for the decision;
  2. May assess an amount of civil penalties and costs that are due pursuant to the city Consolidated Fee Schedule and the procedures in this title;
  3. May condition the total or partial assessment of civil penalties on the responsible person's ability to complete compliance by specified deadlines.
  4. May revoke a kennel permit, an animal license, or the right to possess animals.
  5. May revoke or suspend a business license;
  6. May revoke or suspend an alcohol license;
  7. May order the forfeiture of an animal along with an appropriate deadline for the forfeiture;
  8. May order the responsible person to post a performance bond to ensure compliance with the order.
- C. The Administrative Law Judge may order the city to enter the property and abate all violations except for the seizure and removal of animals.
- D. The Administrative Law Judge may schedule review hearings as necessary or as requested to ensure compliance with the administrative order.
- E. The administrative order shall become final on the date of the signing of the order.
- F. The administrative order shall be served on all parties by any one of the methods listed in subsection 16-2E-5(C) or (D) of this article within 14 calendar days of becoming final. (Ord. 18-31, 9-11-2018)

#### 16-2E-10: FAILURE TO COMPLY WITH ORDER:

- A. Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative order, the city may use all appropriate legal means to recover the civil penalties and administrative costs.
- B. After the issuance of the order, the Administrative Law Judge shall monitor the violations and determine compliance. If the Administrative Law Judge determines there has been a failure to comply, the Administrative Law Judge may:
  1. Modify the order;
  2. May issue new orders, including assessing fines and penalties, up to the maximum allowed by law, or
  3. Authorize the city to abate the violation. (Ord. 18-31, 9-11-2018)

#### ARTICLE F. ADMINISTRATIVE ENFORCEMENT APPEALS SECTION:

##### 16-2F-1: APPEAL OF ADMINISTRATIVE HEARING DECISION:

- A. Any person adversely affected by any decision made under this title may file a petition for review of the decision or order with the District Court within 30 calendar days after the date the administrative order becomes final.
- B. All administrative remedies must be exhausted prior to seeking District Court review of the Administrative Law Judge's decision.

C. The party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings within 30 calendar days after submitting the petition, The Administrative Law Judge shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs.

1. If a transcript of a hearing cannot be prepared because the recording is incomplete or unintelligible, the District Court may, in its discretion, remand the matter to the Administrative Law Judge for a supplemental proceeding to complete the record. The District Court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.

D. The District Court's review is limited to the record for the administrative code enforcement order that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.

E. The court shall:

1. Presume that the Administrative Law Judge's decision and orders are valid; and  
2. Review the record only to determine whether the decision was arbitrary, capricious, or illegal; or review the record according to the appropriate standard established by State law. (Ord. 18-31, 9-11-2018)

## CHAPTER 3

### ADMINISTRATIVE AND JUDICIAL REMEDIES

#### ARTICLE A. RECORDATION OF NOTICES OF VIOLATIONS

##### SECTION:

16-3A-1: Declaration Of Purpose

16-3A-2: Authority

16-3A-3: Procedures For Recordation

16-3A-4: Service Of Notice Of Recordation

16-3A-5: Failure To Request

16-3A-6: Notice Of Compliance - Procedures

16-3A-7: Prohibition Against Issuance Of Municipal Permits

16-3A-8: Cancellation Of Recorded Notice Of Violation

##### 16-3A-1: DECLARATION OF PURPOSE:

The City Council finds that there is a need for alternative methods of enforcement for violations of this Code and applicable State codes that are found to exist on real property. The City Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of notices of violation.

The procedures established in this article shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of this Code or applicable State codes. (Ord. 18-31, 9-11-2018)

##### 16-3A-2: AUTHORITY:

Whenever the Code Enforcement Supervisor determines that any real property or other cited violation has not been brought into compliance as required in this title, the Code Enforcement Supervisor may record the notice of violation or administrative code enforcement order with the Recorder's Office of Salt Lake County. (Ord. 18-31, 9-11-2018)

#### 16-3A-3: PROCEDURES FOR RECORDATION:

A. If an administrative hearing is held, and an order is issued in the City's favor, the Code Enforcement Supervisor or enforcement official may record the administrative order with the Recorder's Office of Salt Lake County.

B. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, and a copy of the notice of violation or administrative code enforcement order. (Ord. 18-31, 9-11-2018)

#### 16-3A-4: SERVICE OF NOTICE OF RECORDATION:

A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in section 16-1B-1 of this title. (Ord. 18-31, 9-11-2018)

#### 16-3A-5: FAILURE TO REQUEST:

The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation. (Ord. 18-31, 9-11-2018)

#### 16-3A-6: NOTICE OF COMPLIANCE - PROCEDURES:

A. When the violations have been corrected, the responsible person or property owner shall request an inspection from the appropriate enforcement official.

B. Upon receipt of a request for inspection, the enforcement official shall reinspect the property as soon as practicable to determine whether the violations listed in the notice of violation or the order have been corrected, and whether all necessary permits have been issued and final inspections have been performed. Any daily fees shall be suspended until the property is reinspected

C. The appropriate enforcement official shall serve a notice of compliance to the responsible person or property owner in the manner provided in section 16-1B-1 of this title, if the enforcement official determines that:

1. All violations listed in the recorded notice of violation or order have been corrected;
2. All necessary permits have been issued and finalized;
3. All civil penalties assessed have been paid or satisfied; and
4. The party requesting the notice of compliance has paid all administrative fees and costs.

D. If the Enforcement Official denies a request to issue a notice of compliance, the enforcement official shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in section 16-1B-1 of this title. (Ord. 18-31, 9-11-2018)

#### 16-3A-7: PROHIBITION AGAINST ISSUANCE OF MUNICIPAL PERMITS:

The City may withhold business licenses; permits for kennels; or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of the real property or the structure until a notice of compliance has been issued. The City may not withhold permits that are necessary to obtain a notice of compliance or that are necessary to correct serious health and safety violations. (Ord. 18-31, 9-11-2018)

#### 16-3A-8: CANCELLATION OF RECORDED NOTICE OF VIOLATION:

The Code Enforcement Supervisor or responsible person shall record the notice of compliance with the Recorder's Office of Salt Lake County. Recordation of the notice of compliance shall have the effect of canceling the recorded notice of violation. (Ord. 18-31, 9-11-2018)

#### ARTICLE B. ADMINISTRATIVE CIVIL PENALTIES

##### SECTION:

##### 16-3B-1: Authority

##### 16-3B-2: Determination Of Civil Penalties

##### 16-3B-3: Modification Of Civil Penalties

##### 16-3B-4: Failure To Pay Penalties

##### 16-3B-1: AUTHORITY:

A. Any person violating any provision of this Code or applicable State codes may be subject to the assessment of civil penalties for each violation.

B. Each and every day a violation of any provision of this code or applicable State codes exists is a separate violation subject to the assessment of civil penalties, up to the maximum allowed by law.

C. Civil penalties cannot be assessed when a criminal case has been filed for the same date and violation, because fines will be assessed with the criminal case.

D. Interest may be assessed per city policy on all outstanding civil penalties balances until the case has been paid in full.

E. Civil penalties for violations of any provision of this code or applicable State codes may be assessed pursuant to the city Consolidated Fee Schedule. (Ord. 18-31, 9-11-2018)

##### 16-3B-2: DETERMINATION OF CIVIL PENALTIES:

A. Civil penalties shall be assessed per day pursuant to the city Consolidated Fee Schedule for a notice of violation unless brought into compliance by the due date.

B. Civil penalties shall continue to accrue until the violation(s) has/have been brought into compliance with this code or applicable State codes, or until the total amount of civil penalties has reached the maximum allowed by law per violation. (Ord. 18-31, 9-11-2018)

##### 16-3B-3: MODIFICATION OF CIVIL PENALTIES:

A. The Administrative Law Judge may modify the civil penalties on a finding of good cause.

B. Civil penalties may be waived or modified by the Administrative Law Judge if there is a finding of good cause based on the responsible person's claim of legal nonconforming use or approved conditional use and:

1. The city's need to verify the claim; or

2. The responsible person's filing of an application for either use before expiration of the date to correct.

C. The parties may negotiate a modification of civil penalties in a written stipulation or agreement to gain expeditious compliance with this code, the administrative order, or if otherwise the interest of resolving the matter. (Ord. 18-31, 9-11-2018)

##### 16-3B-4: FAILURE TO PAY PENALTIES:



The failure of any person to pay civil penalties assessed within the specified time may result in the city pursuing any legal remedy to collect the civil penalties as provided in all laws, rules, and regulations. (Ord. 18-31, 9-11-2018)

## ARTICLE C. ABATEMENT OF VIOLATIONS OF PROPERTY

### SECTION:

16-3C-1: Authority To Abate

16-3C-2: Procedures For Abatement

#### 16-3C-1: AUTHORITY TO ABATE:

Subject to State and Federal law, the Code Enforcement Supervisor is authorized to enter upon any property or premises to abate the violation of this code and applicable State codes. The Code Enforcement Supervisor is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs. If additional abatements are necessary within two years, treble costs may be assessed against the responsible person(s) for the actual abatement. (Ord. 18-31, 9-11-2018)

#### 16-3C-2: PROCEDURES FOR ABATEMENT:

A. Once the procedures set forth in this title have been completed, the violation may be abated by city personnel or by a private contractor acting under the direction of the city.

B. City personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as directed in the administrative order.

C. If the responsible person abates the violation before the city performs the actual abatement but after the deadline for bringing the property into compliance with this code set forth in a notice of violation or administrative order, the code Enforcement Supervisor may still assess applicable costs incurred by the city against the responsible person.

D. When the abatement is completed, a notice of costs describing the work performed and an itemized bill of the total abatement costs shall be prepared by the Code Enforcement Supervisor. The notice shall contain the names and addresses of the responsible persons of each parcel, and the tax parcel number.

E. The Code Enforcement Supervisor shall serve the notice of costs and the itemized bill of costs on the responsible person(s) including property owner in any manner authorized by title within 14 calendar days. The notice shall demand full payment within 20 calendar days of the date of the notice to the City Treasurer.

F. The notice of costs and itemized bill shall inform the responsible person of their right to request a hearing (for the limited purpose of disputing the costs for the abatement) and how to do so. (Ord. 18-31, 9-11-2018)

## ARTICLE D. COSTS

### SECTION:

16-3D-1: Declaration Of Purpose

16-3D-2: Authority

16-3D-3: Notification Of Assessment Of Reinspection Fees

16-3D-4: Failure To Timely Pay Costs

#### 16-3D-1: DECLARATION OF PURPOSE:

A. The city council finds that there is a need to recover costs incurred by enforcement officials and other city personnel who spend considerable time enforcing code throughout the city in an effort to ensure compliance with this code or applicable State codes.

B. The city council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, reinspection fees, mailing costs, filing fees, attorney fees, Administrative Law Judge fees, title search, and any additional actual costs incurred by the city for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of this Code or applicable State codes. (Ord. 18-31, 9-11-2018)

#### 16-3D-2: AUTHORITY:

A. Whenever actual costs are incurred by the city to obtain compliance with provisions of this code and applicable State codes, the Enforcement Official or Enforcement Supervisor may assess costs against the responsible person.

B. Once a notice of violation has been issued, the violation will be reinspected one time. Any additional inspections shall be subject to reinspection fees pursuant to the City Consolidated Fee Schedule. (Ord. 18-31, 9-11-2018)

#### 16-3D-3: NOTIFICATION OF ASSESSMENT OF REINSPECTION FEES:

A. Notification of reinspection fees shall be provided on the notice of violation served to the responsible person(s).

B. Reinspection fees assessed or collected pursuant to this article shall not be included in any other costs assessed.

C. The failure of any responsible person to receive notice of the reinspection fees shall not affect the validity of any fees imposed under this article. (Ord. 18-31, 9-11-2018)

#### 16-3D-4: FAILURE TO TIMELY PAY COSTS:

The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in accrued interest and late fees, pursuant to city policy and the City Consolidated Fee Schedule. (Ord. 18-31, 9-11-2018)

### ARTICLE E. INJUNCTIONS

#### SECTION:

##### 16-3E-1: Civil Violations - Injunctions

#### 16-3E-1: CIVIL VIOLATIONS - INJUNCTIONS:

In addition to any other remedy provided under this code or State codes, including criminal prosecution or administrative remedies, the city may enforce any provision of this code by seeking judicial orders, including injunctions in Third District Court. (Ord. 18-31, 9-11-2018)

### ARTICLE F. PERFORMANCE BONDS

#### SECTION:

##### 16-3F-1: Performance Bond Required

#### 16-3F-1: PERFORMANCE BOND REQUIRED:

A. As part of any notice, order, or action, the Administrative Law Judge may require responsible persons to post a performance bond to ensure compliance with this Code, applicable State codes, or any judicial action. The bond shall be posted in the manner determined by the Administrative Law Judge.

B. If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to the city. The bond will not be used to offset the other outstanding costs and fees associated with the case.

C. Forfeiture of performance bonds shall not be considered part of any punishment or fine regarding the underlying violation. (Ord. 18-31, 9-11-2018)

## CHAPTER 4

### RECOVERY OF CODE ENFORCEMENT PENALTIES AND COSTS

#### ARTICLE A. CODE ENFORCEMENT TAX LIENS

##### SECTION:

16-4A-1: Declaration Of Purpose

16-4A-2: Procedures For Tax Liens Without A Judgment

16-4A-3: Procedures For Tax Liens With A Judgment

16-4A-4: Cancellation Of Code Enforcement Tax Lien

##### 16-4A-1: DECLARATION OF PURPOSE:

The city council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders. The city council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the city's code enforcement system. The procedures established in this article shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of this code or applicable State codes. (Ord. 18-31, 9-11-2018)

##### 16-4A-2: PROCEDURES FOR TAX LIENS WITHOUT A JUDGMENT:

A. Once the city has abated a property for weeds, garbage, refuse, or unsightly or deleterious objects or structures, the Code Enforcement Supervisor may prepare three copies of the Itemized Statement of Costs incurred in the removal and destruction of the violations and deliver them to the City Treasurer within 10 calendar days after completion of the work of removing the violations.

B. The Code Enforcement Supervisor shall send, by registered mail to the property owner's last known address, a copy of the Itemized Statement of Costs informing him or her that a code enforcement tax lien is being recorded for the amount of actual costs of abatement. Payment shall be due within 20 calendar days from the date of mailing.

C. Unless otherwise provided for by law, after sending the Itemized Statement of Costs, the Code Enforcement Supervisor may record a code enforcement tax lien against the property with the County Treasurer's Office.

D. Unless otherwise provided for by law, the failure of any person with a financial interest in the property to actually receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding costs of abatement. (Ord. 18-31, 9-11-2018)

#### 16-4A-3: PROCEDURES FOR TAX LIENS WITH A JUDGMENT:

Unless otherwise provided for by law, once a judgment has been obtained from the appropriate court or judicial forum assessing costs against the responsible person(s), the Code Enforcement Supervisor may record a code enforcement tax lien against any real property owned by the responsible person(s). (Ord. 18-31, 9-11-2018)

#### 16-4A-4: CANCELLATION OF CODE ENFORCEMENT TAX LIEN:

Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Code Enforcement Supervisor shall either record a notice of satisfaction and release of judgment, or provide the property owner or financial institution with the notice of satisfaction and release of judgment so that it can record this notice with the County Assessor's Office, as set forth by law. The notice of satisfaction and release of judgment shall include the same information as provided for in the original code enforcement tax lien. Such notice of satisfaction and release of judgment shall cancel the code enforcement tax lien. (Ord. 18-31, 9-11-2018)

### ARTICLE B. WRIT OF EXECUTION

#### SECTION:

##### 16-4B-1: Recovery Of Costs By Writ Of Execution

#### 16-4B-1: RECOVERY OF COSTS BY WRIT OF EXECUTION:

After obtaining a judgment, the Code Enforcement Supervisor may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ with the applicable court. (Ord. 18-31, 9-11-2018)

### ARTICLE C. WRIT OF GARNISHMENT

#### SECTION:

##### 16-4C-1: Recovery Of Costs By Writ Of Garnishment

#### 16-4C-1: RECOVERY OF COSTS BY WRIT OF GARNISHMENT:

After obtaining a judgment, the Code Enforcement Supervisor may collect the obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court. (Ord. 18-31, 9-11-2018)










# Ordinance No. 24-49 Amending Title 16 Administrative Code Enforcement Hearing Program


Final Audit Report


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