

ORDINANCE # 24-17

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE, CHAPTER 11, “SPECIAL USE STANDARDS”, SECTION 26, “RESIDENTIAL SHORT-TERM RENTALS (STR)” AND CHAPTER 15, “SENSITIVE AREA OVERLAY ZONE”, SECTION 7, “VIOLATIONS, ENFORCEMENT AND PENALTIES”; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to revise Title 21 of the Sandy City Municipal Code, Chapter 11, “Special Use Standards”, Section 26, “Residential Short-Term Rentals (STR)” and Chapter 15, “Sensitive Area Overlay Zone”, Section 7, “Violations, Enforcement and Penalties”. The purpose of the code amendment is to remove the fine amounts from the Land Development Code and place them within the City’s Fee Schedule with some minor text changes associated with removing the fines; and

WHEREAS, the Planning Commission held a public hearings on September 19, 2024, which meeting was preceded by notice posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – <http://www.sandy.utah.gov>, and the Utah Public Notice Website – <http://pmn.utah.gov> on September 5, 2024; and

WHEREAS, following the public hearing before the Planning Commission, the Commission made a recommendation to the City Council regarding the amendment; and

WHEREAS, a public meeting was held by the Sandy City Council on October 15, 2024 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonable and appropriate to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the forgoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. whereby appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 21 is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this 15 day of October, 2024.

DocuSigned by:



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Zach Robinson, Sandy City Council Chair

ATTEST:

DocuSigned by:



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City Recorder

PRESENTED to the Mayor of Sandy City for her approval this 23rd day of October, 2024.

APPROVED this 23rd day of October, 2024.

DocuSigned by:



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Monica Zoltanski, Mayor

ATTEST:

DocuSigned by:



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City Recorder

PUBLISHED this 23 day of October, 2024.



Exhibit "A"
"Redlined Version"

Title 21 Chapter 11 Special Use Standards, and Chapter 15 Sensitive Area Overlay Zone, is amended as follows:

CHAPTER 21-11. SPECIAL USE STANDARDS

21-11-26 Residential Short-Term Rental (STR)

(g) *Enforcement and Fines.* Upon a determination that a violation exists, the Community Development Director, or designee, ~~will~~ shall contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Director, or designee, may determine.

~~(4) Each day that a violation occurs or continues is a separate violation.~~

~~(2)~~ 1 For any violation of this section, the issuing officer may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.

a. ~~For the first violation within any 12-month period, the penalty shall be \$500.00~~

b. ~~For a second violation within any 12-month period, the penalty shall be \$750.00.~~

e. Upon ~~For~~ a third violation within any 12-month period, in addition to the civil fine, the STRL and STR special use permit shall be automatically revoked. ~~penalty shall be \$1,000.00 and automatic revocation of the STRL and special use permit.~~ The owner shall be ineligible for a STR special use permit and a STRL for a period of two years from the date of the third notice of violation.

~~b.~~ For any violation within any 12-month period following the third violation, the penalty shall be a civil fine \$1,000.00 and the ~~STR~~ owner shall be banned from receiving a STR special use permit and a STRL.

(2) Fines shall be assessed and accrued pursuant to the current fee schedule and as outlined in Title 1, Chapter 4 of this Code.

CHAPTER 21-15. SENSITIVE AREA OVERLAY ZONE

21-15-7 Violation, enforcement and penalties.

(e) *Fines.* Violations of this Chapter shall result in ~~administrative~~ civil fines pursuant to Title 1, Chapter 4 of this Code and the current fee schedule ~~Table 1 shown below.~~ Base fines shall be assessed for the initial violation and daily fines shall accrue in accordance with Title 1, Chapter 4 of this Code. The following periods of time shall not be assessed a daily fine:

(1) The number of days under City review and processing of a complete permit application.

(2) Seasonal conditions such as snow, excessive moisture, or environmental factors that would prevent the physical remediation of the violation, as determined by the Director, or designee.

Table 1		
	Base Fine	Daily Fine (additional to base fine)
Minor Violation – encroachment less than 2560 sq ft of affected area	\$1,000 <u>See fee schedule</u>	\$10 <u>See fee schedule</u>
Intermediate Violation – Encroachment between 250 sq ft and 1,000 sq ft of affected area	\$3000 <u>See fee schedule</u>	\$18 <u>See fee schedule</u>
Major Violation – Encroachment greater than 1,000 sq ft of affected area	\$5000 <u>See fee schedule</u>	\$25 <u>See fee schedule</u>

(f) *Abatement of Daily Fines for Correction and Payment.* The base fine shall not be forgiven or abated. The total daily fine amount may be partially abated after the violation is cured and inspected and approved by the City.

- (1) The Hearing Officer ~~Director, or designee, may~~ shall reduce the total daily fine amount for promptly curing the violation pursuant to the following schedule:

Table 2		
	Length of Time to Cure	Reduction to Total Daily Fine Amount
Minor and Intermediate Violations	30 days	100%
	60 Days	75%
	120 Days	50%
	180 Days	25%
	Over 180 Days	0%
Major Violations	90 Days	75%
	180 Days	50%
	365 Days	25%
	Over 365 Days	0%

(g) *Final Assessment.* The final assessment of the daily fine will be determined by the Hearing Officer ~~Director, or designee~~, and issued to the responsible party upon the earlier of the following to occur:

- (1) Final approval of the corrective work by the City; or
- (2) Expiration of the time for correction as set forth in the citation.

~~(h) *Payment and Collection.* The City will give written notice to the responsible party of each assessed fine. Payment must be made within 30 days. Thereafter the City will take all lawful action to collect the assessed amount.~~

~~(h)~~ ~~*Appeal*~~ *Administrative Hearing.* A person may request an administrative hearing pursuant to Title 1 Chapter 4 of this Code.

“Clean Version”

Title 21 Chapter 11 Special Use Standards, and Chapter 15 Sensitive Area Overlay Zone, is amended as follows:

CHAPTER 21-11. SPECIAL USE STANDARDS

21-11-26 Residential Short-Term Rental (STR)

(g) *Enforcement and Fines.* Upon a determination that a violation exists, the Community Development Director, or designee, shall contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within forty-eight (48) hours, or such later time the Director, or designee, may determine.

- (1) For any violation of this section, the issuing officer may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.
 - a. Upon a third violation within any twelve (12) month period, in addition to the civil fine, the STRL and STR special use permit shall be automatically revoked. The owner shall be ineligible for a STR special use permit and a STRL for a period of two (2) years from the date of the third notice of violation.
 - b. For any violation within any twelve (12) month period following the third violation, the penalty shall be a civil fine and the owner shall be banned from receiving a STR special use permit and a STRL.
- (2) Fines shall be assessed and accrued pursuant to the current fee schedule and as outlined in Title 1, Chapter 4 of this Code.

CHAPTER 21-15. SENSITIVE AREA OVERLAY ZONE

21-15-7 Violation, enforcement and penalties.

- (e) *Fines.* Violations of this Chapter shall result in civil fines pursuant to Title 1, Chapter 4 of this Code and the current fee schedule. The following periods of time shall not be assessed a daily fine:
- (1) The number of days under City review and processing of a complete permit application.
 - (2) Seasonal conditions such as snow, excessive moisture, or environmental factors that would prevent the physical remediation of the violation, as determined by the Director, or designee.

Table 1		
	Base Fine	Daily Fine (additional to base fine)
Minor Violation – encroachment less than 2560 sq ft of affected area	See fee schedule	See fee schedule
Intermediate Violation – Encroachment between 250 sq ft and 1,000 sq ft of affected area	See fee schedule	See fee schedule
Major Violation – Encroachment greater than 1,000 sq ft of affected area	See fee schedule	See fee schedule

- (f) *Abatement of Daily Fines for Correction and Payment.* The base fine shall not be forgiven or abated. The total daily fine amount may be partially abated after the violation is cured and inspected and approved by the City.
- (1) The Hearing Officer shall reduce the total daily fine amount for promptly curing the violation pursuant to the following schedule:

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	Length of Time to Cure	Reduction to Total Daily Fine Amount

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(g) *Final Assessment.* The final assessment of the daily fine will be determined by the Hearing Officer and issued to the responsible party upon the earlier of the following to occur:

- (1) Final approval of the corrective work by the City; or
- (2) Expiration of the time for correction as set forth in the citation.

(h) *Administrative Hearing.* A person may request an administrative hearing pursuant to [Title 1](#) Chapter 4 of this Code.