

## ORDINANCE # 24-18

AN ORDINANCE AMENDING THE SANDY CITY MUNICIPAL CODE TITLE 1, "THE CODE; ORDINANCES; ETHICS", CHAPTER 4, "ADMINISTRATIVE CODE ENFORCEMENT", AND TITLE 19, "PROPERTY MAINTENANCE", CHAPTER 1, "ADMINISTRATION" TO MAKE MINOR TEXT AMENDMENTS; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, it is necessary to amend the Sandy City Municipal Code Title 1, "The Code; Ordinances; Ethics" and Title 19, "Property Maintenance" to make minor text amendments clarifying applicability of the City's administrative code enforcement process to violations of local ordinances and State statutes; and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

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

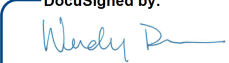
Section 1. Amendment. Title 1 and Title 19 are hereby amended as set forth in **Exhibit "A"** which is attached hereto and by this reference made a part hereof. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

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 of 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 up on 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:  
  
688E7E8272014B1...  
Wendy Downs, City Recorder

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

APPROVED this 23<sup>rd</sup> day of October, 2024.

\_\_\_\_\_  
Monica Zoltanski, Mayor

ATTEST:

DocuSigned by:  
  
\_\_\_\_\_  
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Wendy Downs, City Recorder



PUBLISHED this 23<sup>rd</sup> day of October, 2024.

## **Exhibit “A”**

## Exhibit "A"

(redlined and clean version of Title 1 and 19 changes)

### **Sec 1-4-2. – Scope.**

The provisions of this chapter may be applied to all violations of the Sandy City Code and applicable state law. It has been designed as an additional remedy for the City to use in achieving compliance with its ordinances.

### **Sec 1-4-3. Definitions.**

(7) Cost, Administrative means costs incurred by the City, including without limitation wages, professional hearing officer services, supplies and overhead, to enforce compliance with the Sandy City Code or applicable state law.

### **Sec 1-4-7. Administrative Hearing.**

- (a) A person has the right to request an administrative hearing if the ~~person pays a filing fee as established in the City's fee schedule and is a~~ responsible person ~~who~~ has received an administrative citation, itemized statement of costs, notice of emergency abatement, or if the responsible person received an administrative order and is requesting a determination of compliance.
- (g) Upon receipt of a request for an administrative hearing ~~and payment of applicable filing fee~~, the administrative hearing officer shall:
- (1) Schedule a hearing to be held within ~~21~~35 calendar days; and
  - (2) Provide written notice to the responsible person and the City of the date, time and location of the hearing at least five business days before the scheduled hearing date.

### **Sec 1-4-4. – Criminal Prosecution Right.**

The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances or applicable state law. The City may choose to file both, or one or the other. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute ~~City ordinance~~ violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. If the City chooses to file both civil and criminal charges for the same day of violation, no civil fines may be assessed, but all other remedies are available.

### **Sec. 1-4-9. - Powers of Administrative Hearing Officer.**

(a) *Hearing.*

(2) An administrative hearing officer shall have authority to hold administrative hearings related to violations of the Sandy City Code and applicable state law.

(6) An administrative hearing officer may assess civil fines and costs of abatement and administrative costs to a responsible person. An administrative hearing officer may reduce civil fines or costs upon a finding of good cause. The administrative hearing officer may reduce the fines to what is just and equitable under the circumstances. However, the administrative hearing officer shall not reduce and shall order the responsible person to pay: (1) all actual costs incurred by the City; and (2) all administrative costs and base fines as established in the City's fee schedule.

(b) *Administrative Orders.*

(7) An administrative hearing officer may issue an administrative order revoking or suspending a business license, a building permit, 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 real property or a structure where a violation is located ~~as provided in the Sandy City Code~~.

(8) An administrative hearing officer may order any action reasonably necessary to obtain compliance with the applicable City ordinances and state law.

**Sec 1-4-15. Abatement.**

(a) Any condition caused, maintained, or permitted to exist in violation of any provision of the Sandy City Code or applicable state law may be abated by the City pursuant to the procedures set forth in this chapter.

(b) An enforcement official is authorized to enter upon any property or premises to ~~abate any violation of the Sandy City Code~~ perform abatement pursuant to an administrative order or as authorized by the Director with the approval of the Chief Administrative Officer. The administrative hearing officer may assess all actual and administrative costs incurred by the City for the abatement to the responsible persons<sup>§</sup>, and the City may pursue any and all remedies available under the law to collect such costs. If additional abatements for the same or substantially similar violations are necessary within one year of a final administrative order, the administrative hearing officer may assess additional costs against the responsible persons for the subsequent abatements.

**Sec 1-4-18. Civil Fines.**

(a) *Assessment.*

- (1) Any person violating any provision of the Sandy City Code or applicable state law may be subject to assessment of civil fines for each violation, except civil fines shall not be assessed when a criminal case has been filed for the same violation.

#### **Sec 1-4-19. Recovery of Fines and Costs.**

(a) Purpose.

- (1) The City Council finds that there is a need to recover actual and administrative costs incurred by the City to enforce compliance with the Sandy City Code and applicable state law.

(e) The City Council finds that recordation of code enforcement tax liens will assist in the collection of fines and costs and otherwise achieve compliance with Sandy City Code and applicable state law. The City Council further finds that collection of civil fines and costs is important in deterring future violations and maintaining the integrity of the Sandy City Code. The procedures established in this title shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the Sandy City Code and applicable state law.

#### **Title 19**

#### **Sec. 19-1-7. - Abatement of Weeds, Garbage or Refuse.**

- (a) *Failure to Remove Violation.* If any owner or occupant of property described in the notice provided in this title shall fail to eradicate or destroy and remove such weeds, garbage or refuse in accordance with such notice, the Director or his designee is authorized to act in accordance with U.C.A. 1953, § 10-11-3, as amended, or its successor.

~~(b) *Hearing.* If a property owner files an objection in accordance with U.C.A. 1953, § 10-11-3(1)(b)(ii), as amended, or its successor, the City shall hold a hearing in accordance with U.C.A. 1953, § 10-11-3(3), as amended, or its successor.~~

~~(1) *Hearing Officer.* The Mayor shall appoint a Hearing Officer to review and determine the actual cost of the abatement after appropriate notice is given.~~

~~(2) *Notice.* Notice of the hearing shall be given:~~

~~a. In accordance with the Open and Public Meetings Act (U.C.A. 1953, § 52-4-101 et seq.); and~~

~~b. Not less than ten calendar days before the hearing, the property owner making such objection by mail addressed to:~~

~~1. The address to which the Notice of Violation was served; or~~

~~2. The address set forth on the written objection (if different from the address in Subsection (b)(2)b.1 of this section.~~

(Clean version of Title 1 and 19 changes)

**Sec 1-4-2. – Scope.**

The provisions of this chapter may be applied to all violations of the Sandy City Code and applicable state law. It has been designed as an additional remedy for the City to use in achieving compliance with its ordinances.

**Sec 1-4-3. Definitions.**

(7) Cost, Administrative means costs incurred by the City, including without limitation wages, professional hearing officer services, supplies and overhead, to enforce compliance with the Sandy City Code or applicable state law.

**Sec 1-4-7. Administrative Hearing.**

(b) A person has the right to request an administrative hearing if the responsible person ~~who~~ has received an administrative citation, itemized statement of costs, notice of emergency abatement, or if the responsible person received an administrative order and is requesting a determination of compliance.

(g) Upon receipt of a request for an administrative hearing, the administrative hearing officer shall:

- (1) Schedule a hearing to be held within 35 calendar days; and
- (2) Provide written notice to the responsible person and the City of the date, time and location of the hearing at least five business days before the scheduled hearing date.

**Sec 1-4-4. – Criminal Prosecution Right.**

The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances or applicable state law. The City may choose to file both, or one or the other. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. If the City chooses to file both civil and criminal charges for the same day of violation, no civil fines may be assessed, but all other remedies are available.

**Sec. 1-4-9. - Powers of Administrative Hearing Officer.**

(c) *Hearing.*

(2) An administrative hearing officer shall have authority to hold administrative hearings related to violations of the Sandy City Code and applicable state law.

(6) An administrative hearing officer may assess civil fines and costs of abatement and administrative costs to a responsible person. An administrative hearing officer may reduce civil fines or costs upon a finding of good cause. The administrative hearing officer may reduce the fines to what is just and equitable under the circumstances. However, the administrative hearing officer shall not reduce and shall order the responsible person to pay: (1) all actual costs incurred by the City; and (2) all administrative costs and base fines as established in the City's fee schedule.

(d) Administrative Orders.

(7) An administrative hearing officer may issue an administrative order revoking or suspending a business license, a building permit, 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 real property or a structure where a violation is located.

(8) An administrative hearing officer may order any action reasonably necessary to obtain compliance with the applicable City ordinances and state law.

**Sec 1-4-15. Abatement.**

(a) Any condition caused, maintained, or permitted to exist in violation of any provision of the Sandy City Code or applicable state law may be abated by the City pursuant to the procedures set forth in this chapter.

(b) An enforcement official is authorized to enter upon any property or premises to perform abatement pursuant to an administrative order or as authorized by the Director with the approval of the Chief Administrative Officer. The administrative hearing officer may assess all actual and administrative costs incurred by the City for the abatement to the responsible persons, and the City may pursue any and all remedies available under the law to collect such costs. If additional abatements for the same or substantially similar violations are necessary within one year of a final administrative order, the administrative hearing officer may assess additional costs against the responsible persons for the subsequent abatements.

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Title 19

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