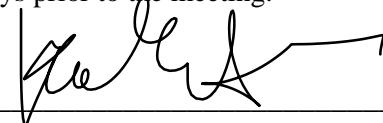


## PUBLIC HEARING

The Millville City Planning Commission will hold a public hearing on **May 2, 2024** starting at **8:05 p.m.** at the Millville City Office, 510 East 300 South, Millville, Utah 84326, for the purpose of receiving public input regarding changes to the Millville City Code 16.12.040: Notice of Noncompliance

Copies of the information pertaining to the hearing are available for inspection on the city website at <http://millvillecity.org> or by contacting the Planning Development Coordinator Kara Everton at (480) 528-1467. Interested persons are encouraged to attend and make comment or submit written comment prior to the hearing.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during public meetings should notify Kara Everton at (480) 528-1467 at least ten working days prior to the meeting.



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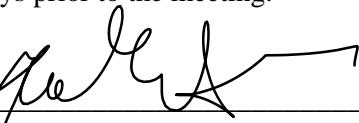
Kara Everton  
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Kara Everton  
Millville City Development Coordinator

**MILLVILLE CITY CODE**  
**TITLE 16 - SUBDIVISIONS**  
**CHAPTER 16.12 - ADMINISTRATION AND ENFORCEMENT**

[16.12.010: SUBDIVISION ORDINANCE FEES](#)

[16.12.020: FEES FOR APPEAL](#)

[16.12.030: ADMINISTRATION](#)

[16.12.040: NOTICE OF NONCOMPLIANCE ~~RESERVED~~](#)

[16.12.050: VACATIONS](#)

[16.12.060: PENALTIES](#)

[16.12.070: ADMINISTRATIVE LIABILITY](#)

**16.12.010: SUBDIVISION ORDINANCE FEES**

All fees required by the subdivision ordinance of the city shall be set by resolution of the city council and shall be published by the city in the fee schedule. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

**16.12.020: FEES FOR APPEAL**

There shall be no fee for an appeal to the city council from a decision of the commission with respect to this title.

The fee for an appeal to the appeal authority from a decision made by the city council with respect to this title shall be set by resolution of the council. (Ord. 2008-4, 2008: Ord. 2007-8, 2007: Ord. 94-3 § 1)

## **16.12.030: ADMINISTRATION**

- A. These regulations shall be administered and enforced by the city planner or other entity as designated by the city council.
- B. All subdivision plats, plans, and other required associated information (subdivision plans) submitted to the city shall first have been examined by the city engineer, the city planner, land use authority, culinary water authority and sanitary use authority in accordance with the procedures established by these regulations. As part of their examination, the city planner and the planning commission may consult with other public or private agencies to determine whether or not the subdivision plans, as proposed, will contribute to the orderly growth and development of the city. The actions of the city planner, the planning commission and the council shall be governed by the procedures and schedules hereinafter set forth.
- C. Pursuant to the provisions for urban development (as defined in the Utah code as amended), when any part of a subdivision lies outside of, but within one-half (½) mile of the city, that subdivision shall be approved by the city council of the city before it is finally approved by the Cache County board of commissioners.
- D. The city shall not extend utilities and services and shall not approve any proposed subdivision of land which, by itself or as a part of a larger tract, is contiguous to the boundaries of the city unless the preliminary subdivision plans submitted to the city planner is accompanied by a properly acknowledged petition for annexation to the city and a separate application for proper zoning.
- E. The city planner shall review both the annexation petition and the preliminary subdivision plans for accuracy and completeness and shall process the subdivision plans as if the land were already part of the city. The required subdivision plans and the annexation petition may be considered simultaneously by the city, however, final action by the city council on the annexation petition and zoning shall be preceded or be taken concurrently with final action on the final subdivision plans. (Ord. 2022-2, 2022: Ord. 2008-4, 2008: Ord. 2000-13 § 2: Ord. 94-3 § 1)

## **16.12.040: NOTICE OF NONCOMPLIANCE ~~RESERVED~~**

- A. Upon inspection and discovery that any provision of the City's Subdivision Code has been or is being violated, the City may provide written Notice of Violation to the owner of

the property that is the subject of the violation and to any other party who may be responsible for the violation.

B. The written Notice of Violation shall:

1. Indicate the nature of the violation;
2. Identify the action necessary to correct the violation;
3. Give the property owner fourteen (14) days from the date of the receipt of the Notice to correct the violation;
4. State the action the City intends to make if the violation is not corrected within the fourteen (14) day period; and
5. State that the property owner may request a hearing with the Planning Commission if the property owner disagrees with the determinations set forth in the Notice of Violation.

C. The Notice of Violation shall be served upon the property owner and/or the violator by personal delivery, by certified mail, return receipt required, to the address listed on the County Assessor's records for the property.

D. Within fourteen (14) days of the day on which the Notice of Violation is served on the property owner, the property owner may request a hearing with the Planning Commission to present facts and arguments as to why the property owner is entitled to relief from the Notice of Violation. The property owner shall file the request for a hearing in writing with the City clerk. The written request for a hearing shall set forth the property owner's position as to why the property owner is entitled to relief. The City clerk shall notify the Planning Commission of the request for a hearing and the request shall be placed on the agenda for the next regularly scheduled meeting of the Planning Commission, but in no event later than thirty (30) days from the date the City clerk receives the request for a hearing. The Planning Commission shall review the Notice of Violation, the written request for a hearing, and any other information that the property owner or any other interested party may present, and make a determination as to whether the violation set forth in the Notice of Violation has taken place or exists. The City shall have the burden of proving by a preponderance of the evidence the violation took place or exists.

E. If the property owner has not requested a hearing with the Planning Commission within the fourteen (14) day period, or if after a hearing on the matter the Planning Commission determines that the violation set forth in the Notice of Violation has taken place, the Planning Commission or any other person designated by the City may record a Notice of

Noncompliance on title to the property that is the subject of the Notice of Violation. The Notice of Noncompliance shall generally explain the nature of the violation, indicate that no permits or licenses, including but not limited to, a building permit, may be issued for any structure located on the subject property, and meet all other requirements for the recording of documents in the Cache County Recorder's Office.

- F. If the City subsequently determines that the violation of the City's Subdivision Code for which a Notice of Noncompliance has been recorded has been cured or that the property which is the subject of the Notice of Noncompliance is otherwise no longer in violation, the Planning Commission, City Council, or other person designated by the City shall record a release of the Notice of Noncompliance on title to the subject property.
- G. Notwithstanding anything to the contrary in any ordinance or code of the City, until such time as the violation for which a Notice of Noncompliance issued under this Section has been cured or otherwise resolved, the City may withhold or deny the issuance of any permits, licenses, or connections of any kind including but not limited to, a building permit, water connection, or other similar permit or connection, for the property in violation or any structure thereon. (Ord. 2024-3, 2024: Ord. 2008-4, 2008: Ord. 2003-4 § 3, 2003: Ord. 94-3 § 1)

## **16.12.050: VACATIONS**

- A. Pursuant to the provisions of sections 10-9-808 through 10-9-810 of the Utah code any plat may be vacated by the owners before any substantial improvements have been made in the subdivision, by submitting a copy of the plat to the commission along with a written request for a vacation. The written request shall be by all of the owners. The commission shall make a recommendation on the vacation to the city council, and the council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such a plat.
- B. Streets and alleys platted and laid out under the provisions of these regulations or laid out under any prior law of the state of Utah may be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.
- C. Any part of a plat may be vacated under the provisions and subject to the conditions of subsection A of this section, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in such plat and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public

highways laid out according to law. The request for vacation shall be made by all of the owners.

- D. When any part of a plat shall be vacated as aforesaid, streets, alleys, and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.
- E. The county recorder shall write in plain, legible letters across that part of the plat so vacated the word "vacated" and also make a reference on the same to the volume and page in which the instrument of vacation is recorded.
- F. Land covered by a vacated plat may be replatted as described by these regulations. Any later replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

## **16.12.060: PENALTIES**

- A. Violation Of Provisions: Any person who violates any provision of these regulations and any person who, as an agent for a subdivider, developer or owner of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of these regulations shall be guilty of a class C misdemeanor and shall be subject to fine, imprisonment or both. The city may bring a suit to enjoin any violation of the provisions of this title by action for injunction and may recover the penalty by civil action. If such penalty has not been paid when the subdivision plan is admitted for final approval, the city council shall not approve the plan until the penalty is paid. Each day of violation constitutes a new offense.
- B. Removal, Destruction Or Defacement Of Monuments Or Corners:
  - 1. No person shall wrongfully, wilfully or negligently remove, destroy or deface any survey monument, corner, or witness corner.
  - 2. Any person who violates this subsection is guilty of a class C misdemeanor and is additionally responsible for:
    - a. The costs of any necessary legal action; and

- b. The costs of reestablishing the survey monument, corner, or witness corner. (Ord. 2008-4, 2008: Ord. 2000-13 § 2)

## **16.12.070: ADMINISTRATIVE LIABILITY**

The city shall hold harmless the public works department, other city agencies and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the department, agency or official or their authorized agents in the discharge of their duties hereunder. Any suit brought against the city or the city administration because of any such act or omission in the carrying out of the provisions of these regulations shall be defended by the city's legal department through final determination of such proceedings. (Ord. 2008-4, 2008: Ord. 94-3 § 1)