



THE CITY OF WEST JORDAN CITY COUNCIL MEETING November 06, 2024

8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

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CITY COUNCIL MEETING 6:00 PM

1. PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT

Please address comments to the Council Chair without expecting debate or response. It is our desire that each person attending a meeting feel safe, respected, and comfortable participating in their government. We hope commenters will have the same goal striving to keep comments respectful, professional, and free from profanity, personal attacks, and indecency. Please provide your full name and limit your remarks to three (3) minutes. Alternatively written comments may also be submitted.

3. REPORTS TO COUNCIL

- a. City Council Reports
- b. Council Office Report
- c. Mayor's Report
- d. City Administrator's Report

4. PUBLIC HEARINGS

- a. **Ordinance No. 24-40** amending West Jordan City Code Sections 13-17-2, 12-3-2 and 13-5L-7 to establish sign standards for the Planned Community Hillside (PCH) Zone.

5. BUSINESS ITEMS

- a. **Ordinance No. 24-49** amendments to West Jordan City Code Title 16 – Administrative Code Enforcement Hearing Program
- b. **Ordinance No. 24-51** amending Title 7 – Motor Vehicles and Traffic

6. CONSENT ITEMS

Items not requiring public discussion or which have previously been discussed may be adopted by one single motion. Council Members may request to pull an item for further discussion and consideration.

- a. Approve Meeting Minutes
 - October 16, 2024 – Committee of the Whole Meeting
 - October 23, 2024 – Regular City Council Meeting
 - October 23, 2024 – Committee of the Whole Meeting

7. ADJOURN

UPCOMING CITY COUNCIL MEETINGS

- Wednesday, November 13, 2024 – Committee of the Whole Meeting – 6:00p
- Wednesday, November 20, 2024 – Regular City Council Meeting – 6:00p
- Wednesday, December 4, 2024 – Regular City Council Meeting – 6:00p
- Wednesday, December 18, 2024 – Regular City Council Meeting – 6:00p

Interested parties may contact the Council PRIOR to the meeting in one of the following ways: *(your comment will not be part of the meeting but will be provided to all members of the entire City Council)*

- Call the 24-hour Public Comment Line PRIOR to the meeting and leave a message: **(801) 569-5052**. Please include your name and phone number.
- Send an email to councilcomments@westjordan.utah.gov. Please include your name and phone number.

You can follow the City Council on Facebook @WestJordanCityCouncil

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ELECTRONIC PARTICIPATION

One or more council members may participate electronically in this meeting using online video conferencing technology per Utah Code (§52-4-207) and West Jordan City Code 1-13-1-E. Participation will be broadcast and amplified so all present in the meeting will be able to hear or see the communication.

INTELLECTUAL PROPERTY PERMISSION NOTICE

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CERTIFICATE OF POSTING

I certify that the foregoing agenda was posted at the principal office of the public body, on the Utah Public Notice website <https://www.utah.gov/pmn/>, on West Jordan City's website <https://westjordan.primegov.com/public/portal>, and notification was sent to the Salt Lake Tribune, Deseret News, and West Jordan Journal.

***Please note:** agenda items are subject to change and may be reordered or tabled in order to accommodate the needs of the City Council, staff, and the public.*

Posted and dated November 1, 2024 Cindy M. Quick, MMC, Council Office Clerk



REQUEST FOR COUNCIL ACTION

Action: Need Council to take action

Meeting Date Requested : 11/06/2024

Presenter: Ray McCandless

Deadline of item :

Applicant: West Jordan City

Department Sponsor: Community Development

Agenda Type: PUBLIC HEARINGS

Presentation Time: 5 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Ordinance No. 24-40 amending West Jordan City Code Sections 13-17-2, 12-3-2 and 13-5L-7 to establish sign standards for the Planned Community Hillside (PCH) Zone.

2. EXECUTIVE SUMMARY

The Council is being asked to approve proposed amendments to City Code Sections 13-17-2, 12-3-2 and 13-5L-7 to establish sign standards for the Planned Community Hillside (PCH) zone where none currently exist.

3. TIME SENSITIVITY / URGENCY

None

4. FISCAL NOTE

N/A

5. PLANNING COMMISSION RECOMMENDATION

On August 20, 2024, the Planning Commission reviewed this request and in a 5-0 vote, recommended that the City Council approve the proposed changes with the added recommendation that the heading of City Code, Section 13-17-2 include a reference to Administrative Conditional Uses to be consistent with the table of permitted and conditional uses as shown in the proposed text.

6. STAFF ANALYSIS

In 2021, the Planned Community Hillside Zoning Ordinance (PCH) was approved to guide the development of the Terraine (formerly Wood Ranch) master planned community, however, no sign standards specific to the PCH zone were ever developed in conjunction with that process. The proposed text amendment will establish sign standards for the PCH Zone where there currently are none. Since the PCH zone is a Planned Community zone, the proposed standards closely match those of the Planned Community (PC) zoning district, however, Roof Signs have been added as a permitted use to the table of permitted and conditional uses in City Code, Section 13-17-2. (As a side note, Roof Signs were added to accommodate a proposed roof sign which will act as an entryway feature for the Terraine Development).

III. FINDINGS OF FACT:

City Code, Section 13-7D-6.B; Zoning Text Amendment: Amendment to the text of this title or of any other land use regulation title in this code shall be recommended for approval by the planning

commission to the city council only if affirmative determinations are made regarding each of the following criteria:

Criteria 1: The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;

Discussion: The 2023 General Plan states the following:

“Signs are an integral element in the urban fabric of the City. They contribute to the character of different areas and are often a major prominent identifying feature”.

- Consider sign design and location as an integral part of all development, not as an after-thought.
- Properly manage the density of signage to reduce visual “clutter” and avoid an overly distracting urban environment.
- Regulate the size and location of all signs so they do not detract from the City’s positive appearance nor impede the safety of vehicles and pedestrians.

Establishing sign standards for the PCH Zone is necessary to manage the density, size, type and location of signage in the PCH Zone.

Staff Opinion: The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan and future land use map.

Criteria 2: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;

Discussion: Title 12 of City Code states that “consistent sign control is necessary” and that the “provisions of this title are made to establish reasonable, objective and constitutional time, place, and manner regulations for all signs in the city which are visible to the public. Within those legal constraints, sign regulations adopted under this title are necessary to protect the general public health, safety, welfare, convenience and aesthetics; to protect and enhance property values; and to protect and enhance the natural setting of the city...” Sign standards are in place for the other zoning districts and should likewise apply to the PCH Zone.

Staff Opinion: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title.

Criteria 3: The proposed amendment will not create a conflict with any other section or part of this title or the general plan;

Discussion: The proposed amendment will only impact the PCH zone. Staff has not found, at this point, any conflicts with any other sections of the 2009 City Code or the general plan.

Staff Opinion: The proposed amendment will not create a conflict with any other section or part of this title or the general plan.

Criteria 4: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

Discussion: The draft ordinance as written will only impact the PCH zone and will update the West Jordan City Code. The amendment will not relieve a particular hardship or grant special privileges to any one person or entity but will result in consistent sign regulation.

Staff Opinion: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

7. MOTION RECOMMENDED

“I move to Approve/Deny Ordinance No. 24-40 amending West Jordan City Code Sections 13-17-2, 12-3-2 and 13-5L-7 to establish sign standards for the PCH Zone”

8. MAYOR RECOMMENDATION

N/A

9. PACKET ATTACHMENT(S)

Ordinance

10. OTHER INFORMATION

On October 16, 2024, this item was discussed by the Council at the Council Committee of the Whole meeting. The Council recommended that Monument Signs under 4’ should be a “Permitted Use” rather than an “Administrative Conditional Use” in the PCH zone. This is reflected in Ordinance 24-40.

West Jordan City Council Meeting

Council Staff Review



Item Name: Ordinance No. 24-40 Sign Standards for the PCH Zone
Department: Community Development
Action Needed: Approve/Not Approve Ordinance

ITEM SUMMARY

The Council is being asked to consider Ordinance No. 24-40, which amends city code sections 13-17-2, 12-3-2, and 13-5L-7, and establishes sign standards for the Planned Community Hillside (PCH) Zone, for which there are currently none.

POSSIBLE COUNCIL ACTION

Council may choose to take one of the following actions:

1. Approve the Ordinance as written and as proposed OR with stated amendments;
2. Not Approve the Ordinance;
3. Continue the item to a future specified date;
4. Move the item to an unspecified date;
5. Refer the item back to a Committee of the Whole Meeting, Council Subcommittee, or an Ad Hoc Committee;
6. Refer the item back to Council Staff or Administrative Staff.

BACKGROUND & TIMELINE

In 2021, the Planned Community Hillside Zoning Ordinance (PCH) was approved for the Terraine master planned community, but specific sign standards for this zone were never created. The proposed amendment aims to establish these sign standards, aligning them with those of the Planned Community (PC) zoning district, with the addition of Roof Signs as a permitted use.

The Planning Commission reviewed the proposal and via a 5-0 vote, have recommended that the City Council approve the changes. The Commission also included a recommendation to have the heading of City Code, Section 13-17-2, include a reference to Administrative Conditional Uses, as to be consistent with the table of permitted and conditional uses as shown in the proposed text.

The proposed amendments were discussed in the [October 16, 2024 Committee of the Whole Meeting](#) (minutes for that meeting are not yet available but video is available via the hyperlink above). Various changes were requested by council and are reflected in the analysis below.

COUNCIL OFFICE ANALYSIS

The proposed amendments are as follows:

West Jordan City Council Meeting

Council Staff Review



13-5L-7: Land Use Regulations

- Subsection I amended as to add reference to Title 13, chapter 17.

13-17-2: Types of Signs permitted in Zoning Districts

- Explanation of table amended, adding an “administrative conditional use (AC)” distinction and adding a “zoning administrator” as an alternate step in the approval process (otherwise only by the planning commission).
- PCH Zone is added to the table of Zoning Districts, specifying which items are permitted, deemed conditional or administrative conditional use, respectively.*
- “Roof” is added as a sign type.

*From the October 16, 2024 COTW meeting, Council requested the following updates to the chart found under “Types of Signs Permitted in Zoning Districts” (13-17-2):

- Monument 4 feet or less in height – from Administrative Conditional Use (AC) to Permitted (P).
- Wall – from AC to P.

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This Council Staff Review (CSR) has been created to complement the existing Request for Council Action (RCA) form submitted for the respective item.

While appropriate details may be repeated or referenced within a CSR, please refer to the RCA for department staff analysis and reporting, Planning Commission and/or Mayoral recommendations, fiscal impact, and other helpful information, as appropriate.

1 THE CITY OF WEST JORDAN, UTAH
2 ORDINANCE NO. 24-40

3 AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
4 (ADDING SIGN STANDARDS, INCLUDING ROOF SIGN STANDARDS,
5 FOR THE PLANNED COMMUNITY HILLSIDE ZONE [PCH ZONE]);
6 AMENDING CERTAIN SECTIONS IN TITLES 12 (SIGN REGULATIONS)
7 AND 13 (ZONING REGULATIONS)

8 WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and the City Council of the City (“Council” or “City Council”) desires to amend certain
9 Sections in Titles 12 (Sign Regulations) and 13 (Zoning Regulations) (“proposed City Code
10 amendments”); and
11

12 WHEREAS, the Planning Commission of the City (“Planning Commission”) held a public
13 hearing and provided a recommendation on August 20, 2024, regarding the proposed City Code
14 amendments, which are all land use regulations in the land use titles; and determined the following,
15 pursuant to City Code Section 13-7D-6B:

16 1. The proposed City Code amendments conform to the General Plan and are consistent with the
17 adopted goals, objectives and policies described therein;

18 2. The proposed City Code amendments are appropriate given the context of the request and
19 there is sufficient justification for a modification to the land use titles;

20 3. The proposed City Code amendments will not create a conflict with any other section or part
21 of the land use titles or the General Plan; and

22 4. The proposed City Code amendments do not relieve a particular hardship, nor do they confer
23 any special privileges to a single property owner or cause, and they are only necessary to make a
24 modification to the land use titles in light of corrections or changes in public policy; and

25 WHEREAS, the City Council held a committee of the whole (work session) meeting on
26 October 16, 2024 and a public hearing on November 6, 2024, regarding the proposed City Code
27 amendments, and finds it to be in the best interest of the public health, safety, and welfare of the
28 residents of the City to adopt the proposed City Code amendments.

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

31 **Section 1. Amendment of City Code Provisions.** Certain City Code Sections in Titles 12
32 (Sign Regulations) and 13 (Zoning Regulations) are amended as shown in Attachment 1 (legislative
33 version and clean version) to this Ordinance.

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

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

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PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS
DAY OF _____ 2024.

CITY OF WEST JORDAN

By: _____
Zach Jacob
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

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

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.

Mayor's Action: _____ Approve _____ Veto

By: _____
Mayor Dirk Burton Date

ATTEST:

Tangee Sloan, CMC
City Recorder

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STATEMENT OF APPROVAL/PASSAGE (check one)

_____ The Mayor approved and signed Ordinance No. 24-40.

_____ The Mayor vetoed Ordinance No. 24-40 on _____ and the
City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 24-40 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
_____ day of _____ 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 pages)

132

133

Attachment 1 to

134

ORDINANCE NO. 24-40

135

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE

136

(ADDING SIGN STANDARDS, INCLUDING ROOF SIGN STANDARDS,

137

FOR THE PLANNED COMMUNITY HILLSIDE ZONE [PCH ZONE]);

138

AMENDING CERTAIN SECTIONS IN TITLES 12 (SIGN REGULATIONS)

139

AND 13 (ZONING REGULATIONS)

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(See the following pages for the legislative version and the clean version)

142

13-5L-7 LAND USE REGULATIONS:

I. Signs. Sign regulations are found in title 12, [Sign Regulations and Chapter 13-17 Signs](#).

13-17-2: TYPES OF SIGNS PERMITTED IN ZONING DISTRICTS:

The following table lists the sign types that are allowed in each zoning district. Signs identified as "permitted" (P) are allowed by right. Signs identified as "conditional" (C) [or "administrative conditional use" \(AC\)](#) must be approved by the planning commission [or zoning administrator](#) pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title. All permitted and conditional use signs shall comply with all applicable requirements of this title and title 12 of this code. Blank spaces in the table indicate that a particular sign is not allowed in the zone.

Sign Type	Zoning District ¹																				
	A	R-1	R-2	R-3	R-R	R-E	R-M	PRD	PC	PCH	P-O	BR-P	C-G	C-M	SC-1	SC-2	SC-3	M-P	M-1	M-2	P-F
A-frame													P		P	P	P				
Animated											C	C	C	C	C	C	C				C
Awning									P	P			P	P	P	P	P		P	P	
Bench				P			P		P	P	P	P	P	P	P	P	P	P	P	P	
Billboard sign, digital display													C	C					C	C	
Billboard sign, nondigital display													C	C					C	C	
Changeable copy									P	P	P	P	P	P	P	P	P	P	P	P	P
Directional	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Directory				P					P	P	P	P	P	P	P	P	P	P	P	P	P
Electronic/LED									P		P	P	P	P	P	P	P	P	P	P	P

Freeway oriented																		C				
Historic markers	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P
Inflated display													P	P	P	P	P					
Kiosk	AC	AC	AC	AC	AC	AC	AC	AC	AC	<u>AC</u>	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
Monument 4 feet or less in height	AC	AC	AC	AC	AC	AC	AC	AC	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P
Monument over 4 feet in height				AC					P	<u>AC</u>	P	P	P	P	P	P	P			P	P	P
Nameplate	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P
Neighborhood entryway		P	P	P	P	P	P	P	P	<u>P</u>												
Neighborhood entryway monument		P	P	P	P	P	P	P	P	<u>P</u>												
Off premises development	AC	AC	AC	AC	AC	AC	AC	P	P	<u>AC</u>	P	P	P	P	P	P	P	P	P	P	P	
Planned center gateway sign									C ³		C ³	C ³					C ³	C ³	C ³			C ³
Planned center sign									AC		AC	AC					AC	AC	AC			
Pole														P	P	P	P	P				AC
Pylon, major																		P				
Pylon, minor																		P				
Roof										<u>P</u>												
Sculptured									AC	<u>AC</u>	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	
Suspended									AC	<u>AC</u>				P	P	P	P	P				

Temporary promotional				P					P	<u>P</u>	P ²		P	P	P	P	P	P	P		
Village center advertisement sign							AC ³	AC ³													
Wall	AC							P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P

Notes:

1. See section 12-3-4 of this code for sign regulations in the city center (CC) and west side planning area (WSPA) zones. See section 12-3-5 of this code for sign regulations in the transit station overlay district (TSOD).
2. See section 12-3-3 of this code for exceptions/qualifications.
3. Signs may be approved by the planning commission and city council through the development plan process, and through the site plan process. Following completion of the plan and plat approval processes, any new or replacement signs shall be subject to administrative conditional permit application and approval.

(2001 Code § 89-6-1106; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 13-04, 2-27-2013; Ord. 14-22, 6-11-2014; Ord. 14-29, 8-27-2014; Ord. 16-50, 11-16-2016)

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12-3-2: SIGN STANDARDS:

Sign Type	Sign Standards				
	Maximum Area	Maximum Height/ Projection/ Width	Density	Spacing	Front Setback
A-frame signs ¹	10 sq. ft. per sign face with a maximum of 2 sign faces	Height: 4'	1 per business	75' from any other sign	Signs must be within 20' of the primary entrance to the business
Animated signs	Integrated in the design of another approved sign and not to exceed 25% of the area of such sign	n/a	n/a	n/a	n/a
Awning signs ¹	Sign: 25% of the building facade Copy or design: 50% of the awning area	Height: 5' Projection: 3' or 33% of window height whichever is less	n/a	n/a	Awnings shall not project into any public right of way
Billboards ¹	300 sq. ft.	Height: 35'	See subsection 12-3-3D of this chapter for density	Not less than 500' from any other billboard	10'
Bus bench/shelter signs ^{1,2}	Bench sign: 16 sq. ft. Shelter sign: 22 sq. ft.	Bench sign height: 42" Shelter sign height: 6'	One at each UTA bus stop	500' from any other bench/shelter sign and 50' from any other freestanding sign, except pole signs. There is no	A minimum distance between the front edge of the bench or

				required separation between pole signs and bus bench/shelter signs	shelter and the face of the adjacent curb of 48" on state roads and 24" on city streets
Changeable copy signs ¹	Integrated with another approved sign and not to exceed 30% of the area of such sign	n/a	n/a	n/a	n/a
Directional signs ¹	6 sq. ft. 6 sq. ft. per individual sign area on a single pole, if approved with a sign development plan	Height: 6' 12' if approved with a sign development plan	See Spacing	50' from any other freestanding sign, unless approved as part of a sign development plan	Public use directional signs may be located within public rights of way Other directional signs: 18"
Directory signs	50 sq. ft.	Height: 10'	1 for each primary entrance into a commercial, industrial or office complex	n/a	10'
Electronic/LED	Integrated with another approved sign up to 50% of sign area	n/a	n/a	n/a	n/a

Freeway oriented signs ¹	950 sq. ft. For master planned developments having 5,000 linear feet or more of frontage on a freeway, not more than 1 sign may be up to 1,500 sq. ft., including the area of any shopping center logo	Height: 50' For master planned developments having 5,000 linear feet or more of frontage on a freeway, not more than 2 signs may be up to 72' in height	See Spacing	1 sign for each 800' of highway frontage	n/a
Historical markers ¹	8 sq. ft.	Height: 6'	n/a	n/a	10'
Inflated sign display ¹	n/a	Height: 25'	1 per commercial complex or 1 for each business not located in a commercial complex	200' from any other freestanding sign	In compliance with setbacks of the zone in which the sign is located
Kiosk sign ¹	Overall kiosk sign: 12'x4'6" Sign panels: 7 (1'x4')	Height: 12'	n/a	300' from any other kiosk sign; 50' from any other freestanding sign	n/a
Monument signs 4' or less in height ¹	20 sq. ft.	Height: 4' above grade or 6' above the elevation of the nearest sidewalk,	1 for each agricultural sales or service business	n/a	4' except for corner properties and all driveways,

	The architectural element shall not be considered part of the sign area	whichever is greater A domed, gabled shaped architectural element may extend 1' above the sign for a maximum height of 7' and may incorporate a building address but no other copy or logo shall be permitted within this area			where the minimum setback is 15'
Monument signs over 4' in height ¹	50 sq. ft. on sites with less than 250' of street frontage 78 sq. ft. on sites with more than 250' of street frontage The architectural element shall not be considered part of the sign area	Height: All monument signs shall sit on a base no greater than 2' in height. The sign itself shall not exceed 6' in height A domed, gabled or similar shaped architectural element may extend 1' above the sign for a cumulative height of 9' and may	1 for sites having only 1 business For all other sites, as approved on a sign development plan	Not less than 100' from any other freestanding sign	4' except for corner properties and all driveways, where the minimum setback is 15'

		<p>incorporate a building address but no other copy or logo shall be permitted within this area</p> <p>Width: The total width of the sign shall not exceed 13'</p>			
Neighborhood entryway monument sign ¹	20 sq. ft.	Height: 4' above grade or 6' above the elevation of the nearest sidewalk, whichever is greater	2 per main entrance along collector and arterial streets for each planned development and subdivision	50' from other monument sign, 100' from any other entrance or pole sign	20'
Neighborhood entryway sign ¹	20 sq. ft.	Height: Incorporated into a wall to assume the approved wall height	2 per main entrance along collector and arterial streets	50' from other neighborhood entryway sign, 100' from any other monument or pole sign	10', outside of clear vision area
Off premises development signs ¹	32 sq. ft.	Height: 12'	1 sign per 100 residential units in a development	50' from any other freestanding sign or structure	18"
Planned center gateway sign ¹	n/a, except as dictated by maximum height and minimum	Height: 30'	1 per 15 acres of total planned development area	150' from any other pole, pylon, planned center sign or planned center gateway sign, 100' from	Support columns shall be placed

	vehicle/pedestrian clearances		and included in an approved sign plan	any monument sign and 50' from any other freestanding sign, except bus bench and bus shelter signs	outside of clear vision area
Planned center sign ¹	250 sq. ft.	Height: 25'	1 per frontage onto an arterial/collector right of way	200' from any other pole sign, 150' from any monument sign and 50' from any other freestanding sign, except bus bench and bus shelter signs	n/a
Pole signs ¹	80% of the street frontage of the lot upon which the sign will be located, up to a maximum of 200 sq. ft.	Height: 25'	1 sign per 200' of street frontage and 1 additional sign for developments with 400' or more of street frontage For corner lots, each frontage shall be computed separately	200' from any other pole sign, 150' from any monument sign and 50' from any other freestanding sign, except bus bench and bus shelter signs. There is no required separation between pole signs and bus bench/shelter signs	18"
Pylon sign, minor	64 sq. ft.	Height: 12'	Approved as an element of a sign development plan	Not less than 150' from any other freestanding sign	18"
Pylon sign, major	200 sq. ft.	Height: 25'	Approved as an element of a sign development plan	200' from any other pylon sign or pole sign, 150' from any monument sign,	18"

				and 75' from any other freestanding sign	
<u>Roof Sign</u>	<u>Sign area shall not exceed 50% of roof area as viewed looking directly at the building</u> ^{3,4}	<u>Roof signs shall not exceed 4' in height or extend above the peak of the roof to which it is attached or beyond the gable end of the roof and shall be set back at least 2' from the front edge of the roof.</u>	<u>Maximum of 2 signs per overall development and no more than 1 sign per building.</u>	<u>n/a</u>	<u>n/a</u>
Sculptured signs	As approved by planning commission	Height: 8' above grade or 10' above the elevation of the nearest sidewalk, whichever is greater	n/a	n/a	10'
Suspended signs	4 sq. ft.	n/a	n/a	n/a	n/a
Temporary promotional signs ¹	Wall banners: 40 sq. ft. Freestanding signs: 24 sq. ft.	Wall banners: n/a Freestanding sign height: 6'	Wall banners: 1 per business plus 1 additional banner for a business located in a building having a	Wall banners: n/a Freestanding signs: 25' from any other freestanding sign	Wall banners shall be securely attached to the building facade

			front face of 150 linear feet or more Freestanding signs: 1 per business. Sign shall be securely attached to the ground		Freestanding signs: 18" Searchlights: 50' from the edge of any street pavement
Village center advertisement signs	15% of building facade; max. 100 sq. ft./sign	No higher than second level/story of parking structure or commercial building	As approved in the development plan	n/a	n/a
Wall signs ¹	15% of each facade of a building	Height: n/a Projection from building: Not more than 18"	1 for each business occupying a building	n/a	n/a

Notes:

1. See section [12-3-3](#) of this chapter for exceptions and qualifications.
2. See also subsection [8-8-8B](#) of this code, subsection [12-2-3F4](#) of this title and subsection [12-3-3C](#) of this chapter.
3. [Sign area \(as measured around the perimeter of the sign letters\) shall not exceed 50% of the roof area as viewed looking directly at the building.](#)



4. [Roof signs shall be constructed entirely of metal or other noncombustible material. Signs shall be certified by a professional engineer to ensure structural stability.](#)

(2001 Code § 89-6-1107; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 11-08, 3-23-2011; Ord. 14-29, 8-27-2014; Ord. 16-33, 8-24-2016; Ord. 16-50, 11-16-2016)

13-5L-7 LAND USE REGULATIONS:

- I. Signs. Sign regulations are found in title 12, Sign Regulations and Chapter 13-17 Signs.

13-17-2: TYPES OF SIGNS PERMITTED IN ZONING DISTRICTS:

The following table lists the sign types that are allowed in each zoning district. Signs identified as "permitted" (P) are allowed by right. Signs identified as "conditional" (C) or "administrative conditional use" (AC) must be approved by the planning commission or zoning administrator pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title. All permitted and conditional use signs shall comply with all applicable requirements of this title and title 12 of this code. Blank spaces in the table indicate that a particular sign is not allowed in the zone.

Sign Type	Zoning District ¹																				
	A	R-1	R-2	R-3	R-R	R-E	R-M	PRD	PC	PCH	P-O	BR-P	C-G	C-M	SC-1	SC-2	SC-3	M-P	M-1	M-2	P-F
A-frame													P		P	P	P				
Animated											C	C	C	C	C	C	C				C
Awning									P	P			P	P	P	P	P		P	P	
Bench				P			P		P	P	P	P	P	P	P	P	P	P	P	P	
Billboard sign, digital display													C	C					C	C	
Billboard sign, nondigital display													C	C					C	C	
Changeable copy									P	P	P	P	P	P	P	P	P	P	P	P	P
Directional	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Directory				P					P	P	P	P	P	P	P	P	P	P	P	P	P
Electronic/LED									P		P	P	P	P	P	P	P	P	P	P	P

Freeway oriented																		C				
Historic markers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Inflated display													P	P	P	P	P					
Kiosk	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
Monument 4 feet or less in height	AC	AC	AC	AC	AC	AC	AC	AC	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Monument over 4 feet in height				AC					P	AC	P	P	P	P	P	P	P		P	P	P	P
Nameplate	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Neighborhood entryway		P	P	P	P	P	P	P	P	P												
Neighborhood entryway monument		P	P	P	P	P	P	P	P	P												
Off premises development	AC	AC	AC	AC	AC	AC	AC	P	P	AC	P	P	P	P	P	P	P	P	P	P	P	
Planned center gateway sign									C ³		C ³	C ³					C ³	C ³	C ³			C ³
Planned center sign									AC		AC	AC					AC	AC	AC			
Pole														P	P	P	P	P				AC
Pylon, major																		P				
Pylon, minor																		P				
Roof										P												
Sculptured									AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	
Suspended									AC	AC				P	P	P	P	P				

Temporary promotional				P					P	P	P ²		P	P	P	P	P	P	P		
Village center advertisement sign							AC ³	AC ³													
Wall	AC								P	P	P	P	P	P	P	P	P	P	P	P	P

Notes:

1. See section [12-3-4](#) of this code for sign regulations in the city center (CC) and west side planning area (WSPA) zones. See section [12-3-5](#) of this code for sign regulations in the transit station overlay district (TSOD).

2. See section [12-3-3](#) of this code for exceptions/qualifications.

3. Signs may be approved by the planning commission and city council through the development plan process, and through the site plan process. Following completion of the plan and plat approval processes, any new or replacement signs shall be subject to administrative conditional permit application and approval.

(2001 Code § 89-6-1106; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 13-04, 2-27-2013; Ord. 14-22, 6-11-2014; Ord. 14-29, 8-27-2014; Ord. 16-50, 11-16-2016)

Disclaimer: This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken. For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.

Hosted by: American Legal Publishing

12-3-2: SIGN STANDARDS:

Sign Type	Sign Standards				
	Maximum Area	Maximum Height/ Projection/ Width	Density	Spacing	Front Setback
A-frame signs ¹	10 sq. ft. per sign face with a maximum of 2 sign faces	Height: 4'	1 per business	75' from any other sign	Signs must be within 20' of the primary entrance to the business
Animated signs	Integrated in the design of another approved sign and not to exceed 25% of the area of such sign	n/a	n/a	n/a	n/a
Awning signs ¹	Sign: 25% of the building facade Copy or design: 50% of the awning area	Height: 5' Projection: 3' or 33% of window height whichever is less	n/a	n/a	Awnings shall not project into any public right of way
Billboards ¹	300 sq. ft.	Height: 35'	See subsection 12-3-3D of this chapter for density	Not less than 500' from any other billboard	10'
Bus bench/shelter signs ^{1,2}	Bench sign: 16 sq. ft. Shelter sign: 22 sq. ft.	Bench sign height: 42" Shelter sign height: 6'	One at each UTA bus stop	500' from any other bench/shelter sign and 50' from any other freestanding sign, except pole signs. There is no	A minimum distance between the front edge of the bench or

				required separation between pole signs and bus bench/shelter signs	shelter and the face of the adjacent curb of 48" on state roads and 24" on city streets
Changeable copy signs ¹	Integrated with another approved sign and not to exceed 30% of the area of such sign	n/a	n/a	n/a	n/a
Directional signs ¹	6 sq. ft. 6 sq. ft. per individual sign area on a single pole, if approved with a sign development plan	Height: 6' 12' if approved with a sign development plan	See Spacing	50' from any other freestanding sign, unless approved as part of a sign development plan	Public use directional signs may be located within public rights of way Other directional signs: 18"
Directory signs	50 sq. ft.	Height: 10'	1 for each primary entrance into a commercial, industrial or office complex	n/a	10'
Electronic/LED	Integrated with another approved sign up to 50% of sign area	n/a	n/a	n/a	n/a

Freeway oriented signs ¹	950 sq. ft. For master planned developments having 5,000 linear feet or more of frontage on a freeway, not more than 1 sign may be up to 1,500 sq. ft., including the area of any shopping center logo	Height: 50' For master planned developments having 5,000 linear feet or more of frontage on a freeway, not more than 2 signs may be up to 72' in height	See Spacing	1 sign for each 800' of highway frontage	n/a
Historical markers ¹	8 sq. ft.	Height: 6'	n/a	n/a	10'
Inflated sign display ¹	n/a	Height: 25'	1 per commercial complex or 1 for each business not located in a commercial complex	200' from any other freestanding sign	In compliance with setbacks of the zone in which the sign is located
Kiosk sign ¹	Overall kiosk sign: 12'x4'6" Sign panels: 7 (1'x4')	Height: 12'	n/a	300' from any other kiosk sign; 50' from any other freestanding sign	n/a
Monument signs 4' or less in height ¹	20 sq. ft.	Height: 4' above grade or 6' above the elevation of the nearest sidewalk,	1 for each agricultural sales or service business	n/a	4' except for corner properties and all driveways,

	The architectural element shall not be considered part of the sign area	whichever is greater A domed, gabled shaped architectural element may extend 1' above the sign for a maximum height of 7' and may incorporate a building address but no other copy or logo shall be permitted within this area			where the minimum setback is 15'
Monument signs over 4' in height ¹	50 sq. ft. on sites with less than 250' of street frontage 78 sq. ft. on sites with more than 250' of street frontage The architectural element shall not be considered part of the sign area	Height: All monument signs shall sit on a base no greater than 2' in height. The sign itself shall not exceed 6' in height A domed, gabled or similar shaped architectural element may extend 1' above the sign for a cumulative height of 9' and may	1 for sites having only 1 business For all other sites, as approved on a sign development plan	Not less than 100' from any other freestanding sign	4' except for corner properties and all driveways, where the minimum setback is 15'

		<p>incorporate a building address but no other copy or logo shall be permitted within this area</p> <p>Width: The total width of the sign shall not exceed 13'</p>			
Neighborhood entryway monument sign ¹	20 sq. ft.	Height: 4' above grade or 6' above the elevation of the nearest sidewalk, whichever is greater	2 per main entrance along collector and arterial streets for each planned development and subdivision	50' from other monument sign, 100' from any other entrance or pole sign	20'
Neighborhood entryway sign ¹	20 sq. ft.	Height: Incorporated into a wall to assume the approved wall height	2 per main entrance along collector and arterial streets	50' from other neighborhood entryway sign, 100' from any other monument or pole sign	10', outside of clear vision area
Off premises development signs ¹	32 sq. ft.	Height: 12'	1 sign per 100 residential units in a development	50' from any other freestanding sign or structure	18"
Planned center gateway sign ¹	n/a, except as dictated by maximum height and minimum	Height: 30'	1 per 15 acres of total planned development area	150' from any other pole, pylon, planned center sign or planned center gateway sign, 100' from	Support columns shall be placed

	vehicle/pedestrian clearances		and included in an approved sign plan	any monument sign and 50' from any other freestanding sign, except bus bench and bus shelter signs	outside of clear vision area
Planned center sign ¹	250 sq. ft.	Height: 25'	1 per frontage onto an arterial/collector right of way	200' from any other pole sign, 150' from any monument sign and 50' from any other freestanding sign, except bus bench and bus shelter signs	n/a
Pole signs ¹	80% of the street frontage of the lot upon which the sign will be located, up to a maximum of 200 sq. ft.	Height: 25'	1 sign per 200' of street frontage and 1 additional sign for developments with 400' or more of street frontage For corner lots, each frontage shall be computed separately	200' from any other pole sign, 150' from any monument sign and 50' from any other freestanding sign, except bus bench and bus shelter signs. There is no required separation between pole signs and bus bench/shelter signs	18"
Pylon sign, minor	64 sq. ft.	Height: 12'	Approved as an element of a sign development plan	Not less than 150' from any other freestanding sign	18"
Pylon sign, major	200 sq. ft.	Height: 25'	Approved as an element of a sign development plan	200' from any other pylon sign or pole sign, 150' from any monument sign,	18"

				and 75' from any other freestanding sign	
Roof Sign	Sign area shall not exceed 50% of roof area as viewed looking directly at the building ^{3,4}	Roof signs shall not exceed 4' in height or extend above the peak of the roof to which it is attached or beyond the gable end of the roof and shall be set back at least 2' from the front edge of the roof.	Maximum of 2 signs per overall development and no more than 1 sign per building.	n/a	n/a
Sculptured signs	As approved by planning commission	Height: 8' above grade or 10' above the elevation of the nearest sidewalk, whichever is greater	n/a	n/a	10'
Suspended signs	4 sq. ft.	n/a	n/a	n/a	n/a
Temporary promotional signs ¹	Wall banners: 40 sq. ft. Freestanding signs: 24 sq. ft.	Wall banners: n/a Freestanding sign height: 6'	Wall banners: 1 per business plus 1 additional banner for a business located in a building having a	Wall banners: n/a Freestanding signs: 25' from any other freestanding sign	Wall banners shall be securely attached to the building facade

			front face of 150 linear feet or more Freestanding signs: 1 per business. Sign shall be securely attached to the ground		Freestanding signs: 18" Searchlights: 50' from the edge of any street pavement
Village center advertisement signs	15% of building facade; max. 100 sq. ft./sign	No higher than second level/story of parking structure or commercial building	As approved in the development plan	n/a	n/a
Wall signs ¹	15% of each facade of a building	Height: n/a Projection from building: Not more than 18"	1 for each business occupying a building	n/a	n/a

Notes:

1. See section [12-3-3](#) of this chapter for exceptions and qualifications.
2. See also subsection [8-8-8B](#) of this code, subsection [12-2-3F4](#) of this title and subsection [12-3-3C](#) of this chapter.
3. Sign area (as measured around the perimeter of the sign letters) shall not exceed 50% of the roof area as viewed looking directly at the building.



4. Roof signs shall be constructed entirely of metal or other noncombustible material. Signs shall be certified by a professional engineer to ensure structural stability.

(2001 Code § 89-6-1107; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 11-08, 3-23-2011; Ord. 14-29, 8-27-2014; Ord. 16-33, 8-24-2016; Ord. 16-50, 11-16-2016)



Office of the City Council

8000 South Redwood Road

West Jordan, Utah 84088

(801) 569-5017

CITY OF WEST JORDAN NOTICE OF PUBLIC HEARING

A public hearing will be held before the West Jordan City Council on **Wednesday, November 6, 2024 at 6:00 pm** (*or as soon thereafter as possible*) at **West Jordan City Hall, 8000 S. Redwood Rd, 3rd Floor, West Jordan, UT 84088.**

The purpose of the hearing is to receive public comments regarding the following:

- **Ordinance No. 24-40** amending West Jordan City Code Sections 13-17-2, 12-3-2, and 13-5L-7 to establish sign standards for the Planned Community Hillside (PCH) Zone.

In accordance with the Americans with Disabilities Act, the City of West Jordan will make reasonable accommodations for participation in the meeting. Requests for assistance can be made by contacting the Council Office at (801) 569-5017 at least three working days' advance notice of the meeting.

If you are interested in participating in the public hearing, please visit the City of West Jordan website at <https://westjordan.primegov/public/portal> approximately four (4) days prior to the meeting for packet materials and Zoom login information.

Alternatively, you may share your comments with the Council prior to the meeting by calling the 24-Hour Public Comment line at (801) 569-5052 or by emailing councilcomments@westjordan.utah.gov. For further information please contact the Council Office at (801) 569-5017.

*Posted October 23, 2024
/s/ Cindy M. Quick, MMC
Council Office Clerk*

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD AUGUST 20, 2024 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Ammon Allen, Tom Hollingsworth, John Roberts, Trish Hatch, and Jay Thomas. George Winn and Emily Gonzalez were excused.

STAFF: Scott Langford, Larry Gardner, Ray McCandless, Duncan Murray, Julie Davis, Paul Brockbank

1. Text Amendments – Sign Code/PCH Zone; Amend the 2009 West Jordan Municipal Code Sections 13-17-2, 12-3-2 and 13-5L-7 to establish sign standards for the Planned Community Hillside (PCH) Zone including allowing Roof Signs in the PCH Zone; City-wide applicability; City of West Jordan (applicant)

Ray McCandless said when the PCH zone was adopted three years ago, sign standards specific to the PCH were not adopted. Staff felt that it is important that each standalone zone is represented. The proposed standards mimic those in the P-C zone with a couple of exceptions. There is a correction to the reference of where sign standards are found. The only new sign type for this district is roof sign. Roof signs allow a wayfinding or placemaking sign on a building to identify the overall development. This is similar to the library sign on the south side of the West Jordan library with letters that are up to 4 feet high. With the standards in place, staff felt that it could be permitted instead of conditional.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for the text amendment regarding the Sign Code/PCH Zone.

Trish Hatch asked why a separate code is needed for the PCH zone instead of just using the PC zone standards, and if there are any other opportunities for a PCH zone in the city.

Ray McCandless said there is still a lot of vacant property outside of the city that may apply sometime in the future, but it is limited. He said it is good practice to have sign standards specific to each zoning district. The P-C sign standards are close to what is proposed.

Trish Hatch was concerned to think that a roof sign will take the visual impact on the hills even higher.

Ray McCandless explained that the code limits the number of roof signs to two per development (not phase) and is limited to a percentage of the roof area looking straight at it. He didn't feel it will be a problem.

Ammon Allen suggested that the paragraph before the table in 13-17-2 be updated to include a reference to administrative conditional use. He asked if roof signs are allowed in any other zone, and if they need to be added.

Scott Langford said they were part of the discussion with the creation of the Transit Station Overlay Districts, but they were never included.

Ammon Allen asked how it is decided who gets the signs or if a homeowner could request one.

Ray McCandless said a qualifier as to what 'development' is could be added.

Ammon Allen asked what it is about the Terraine development that the PCH zone should be the only place that roof signs are allowed.

Duncan Murray explained that entryway signs can be an important feature to some developments. Smaller subdivisions might have a small monument sign, but the PCH zone must have at least 400 contiguous acres. The entryway feature is used to create a sense of neighborhood or community. The developer of a 650-acre development would like to build an entryway feature using a large shed near an entrance that could house storage or seasonal decorations and equipment. The sign would be placed on the roof of the building or the gable, so the building serves two purposes.

Scott Langford said it is very common for a master planned community to have placemaking signage. The Highlands community was approved to have stone obelisks at subdivision entries. During the four years they have worked through the entitlement process with Terraine, the focus had been mostly design. The developer was told to refer to the PC zone for signage for the time being. However, as the project moves ahead, he thought that the roof sign lends itself to the unique throwback design and architecture in the master plan. This type of signage was common in the 40's and 50's. This seemed to make sense to staff as they discussed potential monuments to the community. It is unique to the PCH zone, but the commission and/or council could make a counter proposal. He explained that the cleanest way to include this sign is to add it into the code instead of updating the complicated MDA document, which also points to the code.

John Roberts asked if there is anything to limit the utility of the sign, such as digital advertising, and if they could limit the total square footage.

Larry Gardner said the proposed code limits the sign to 50% of the roof area, which he felt was reasonable. Digital display would be prohibited, and billboards are a different type of signage.

Ammon Allen opened the public hearing.

Further public comment was closed at this point for this item.

There was a discussion regarding a maximum square footage in addition to 50% of the roof area. Information regarding how the sign would be placed was given. The building in Terraine will probably be set back 600-700 feet from U-111 so a larger size is needed than what a business 50 feet from the road would need. The purpose of the sign is to advertise the community and is conceptually going to be about 200 square feet. There will probably be lights shining down on the letters, but that would be subject to a photometric plan regulation. There would not be electronic display on this type of sign.

Commissioners Hatch and Roberts agreed that the proposed code language is sufficient to keep the signage to a reasonable level, and their concerns had been assuaged.

MOTION: John Roberts moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for the text amendment regarding the Sign Code/PCH Zone with the amendment to include ‘administrative conditional (AC)’ in the descriptive language in 13-17-2. The motion was seconded by Trish Hatch and passed 5-0 in favor. George Winn and Emily Gonzalez were absent.



REQUEST FOR COUNCIL ACTION

Action: Need Council to take action

Meeting Date Requested : 11/06/2024

Presenter: Alan Anderson/Patrick Boice

Deadline of item :

Applicant:

Department Sponsor: Council Office

Agenda Type: BUSINESS ITEMS

Presentation Time: 10 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Ordinance No. 24-49 amendments to West Jordan City Code Title 16 – Administrative Code Enforcement Hearing Program

2. EXECUTIVE SUMMARY

The City Council is being asked to consider Ordinance No. 24-49 which proposes several amendments to Title 16 within the West Jordan City Code related to the Administrative Code Enforcement Hearing Program. These amendments align with recent discussions on Title 7 and amendments to parking regulations.

3. TIME SENSITIVITY / URGENCY

None

4. FISCAL NOTE

There is no cost to amend the code. Any potential fiscal impact will depend on how the mayor or administration choose to implement code enforcement in the future.

5. PLANNING COMMISSION RECOMMENDATION

N/A

6. STAFF ANALYSIS

Title 7 was most recently discussed at the [October 16, 2024, Committee of the Whole Meeting](#) (draft minutes available under CONSENT on this agenda; video available via the provided hyperlink).

Discussed amendments in that meeting were reviewed by city attorneys and are based in part on Council feedback and direction from the Committee of the Whole Meeting held on March 20, 2024 (see minutes in Attachment C).

The discussion on Title 7 Parking from the [September 18, 2024, COTW meeting](#) is included with the packet as Attachment D; video available via the provided hyperlink.

7. POSSIBLE COUNCIL ACTION

Council may choose to take one of the following actions:

1. Approve the Ordinance as written and as proposed OR with stated amendments;
2. Not Approve the Ordinance;
3. Continue the item to a future specified date;

4. Move the item to an unspecified date;
5. Refer the item back to a Committee of the Whole Meeting, Council Subcommittee, or an Ad Hoc Committee;
6. Refer the item back to Council Staff or Administrative Staff.

8. MAYOR RECOMMENDATION

N/A

9. PACKET ATTACHMENT(S)

Ordinance No. 24-49

A – Legislative Copy

B – Clean Copy

C – 3/20/2024 COTW Minutes

D – 9/18/2024 COTW Minutes

2
3 **ORDINANCE NO. 24-49**

4
5 **AN ORDINANCE AMENDING WEST JORDAN CITY CODE TITLE 16**
6 **ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM**
7

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

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

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

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

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

17 **Section 1. Amendment of Code Provisions.** City Code Title 16 is amended to read as shown
18 in Attachment A (legislative version) and B (clean version) to this Ordinance.
19

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

22 **Section 3. Effective Date.** This Ordinance shall become effective immediately upon posting
23 or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council
24 duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the
25 Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.
26

27 PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 6th DAY OF
28 NOVEMBER 2024.

CITY OF WEST JORDAN

By: _____

Zach Jacob
Council Chair

29
30
31
32
33 ATTEST:

34
35 _____
36 Cindy M. Quick, MMC
37 Council Office Clerk
38

39 Voting by the City Council	"YES"	"NO"
40 Council Chair Zach Jacob	<input type="checkbox"/>	<input type="checkbox"/>
41 Council Vice-Chair Chad Lamb	<input type="checkbox"/>	<input type="checkbox"/>
42 Council Member Bob Bedore	<input type="checkbox"/>	<input type="checkbox"/>
43 Council Member Pamela Bloom	<input type="checkbox"/>	<input type="checkbox"/>
44 Council Member Kelvin Green	<input type="checkbox"/>	<input type="checkbox"/>
45 Council Member Kent Shelton	<input type="checkbox"/>	<input type="checkbox"/>
46 Council Member Kayleen Whitelock	<input type="checkbox"/>	<input type="checkbox"/>

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PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.

Mayor's Action: Approve Veto

By: _____
Mayor Dirk Burton Date

ATTEST:

Tangee Sloan, CMC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

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 _____ day of _____ 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)

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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~~the 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~~any person authorized to enforce violations of this
110 ~~Code-code~~ or applicable State codes.

111 FINANCIAL INSTITUTION: ~~Means aA~~any 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~~any condition that creates a present, extreme,
118 and immediate danger to life, property, health, or public safety.

119 LEGAL INTEREST: ~~Means aA~~any 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)

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.~~

230
231 16-1C-2: ADOPTION OF POLICY AND PROCEDURES:

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

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.

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.

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 mmayor or mmayor'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.~~

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

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.~~

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)

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, tThe 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 eclass 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~~ ~~r~~~~f~~ ~~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

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 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~~shallmay 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)

527
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 t~~ 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)

590 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

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-76: 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.

Commented [PB5]: This is already addressed in 16-1C-2

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 letterwriting 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~~GGranting a continuance;

660 2. ~~O~~OOrdering 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~~

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

713 ~~J.~~ ~~Hearings a~~ shall be held at City Hall or other appropriate ~~C~~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 N~~notice of ~~A~~appearance ~~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 ~~N~~notice of
722 ~~Appearance 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:

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 ~~M~~ may order the responsible person to post a
768 performance bond to ensure compliance with the order.

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 ~~-FD. 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 ~~-GE. The Administrative Law Judge may order the responsible person to post a~~
781 ~~performance bond to ensure compliance with the order.~~

782 ~~-HFE. The administrative code enforcement order shall become final on the date of the~~
783 ~~signing of the order.~~

784 ~~-IGE. 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. 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:

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

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

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

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

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

832 E. The courts shall:

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

838 CHAPTER 3

839 ADMINISTRATIVE AND JUDICIAL REMEDIES

841 ARTICLE A. RECORDATION OF NOTICES OF VIOLATIONS

842 SECTION:

843 16-3A-1: Declaration Of Purpose

844 16-3A-2: Authority

845 16-3A-3: Procedures For Recordation

846 16-3A-4: Service Of Notice Of Recordation

847 16-3A-5: Failure To Request

848 16-3A-6: Notice Of Compliance - Procedures

849 16-3A-7: Prohibition Against Issuance Of Municipal Permits

850 16-3A-8: Cancellation Of Recorded Notice Of Violation

851

852 16-3A-1: DECLARATION OF PURPOSE:

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 any 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

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

897 C. The ~~Code Enforcement Supervisor~~ appropriate enforcement official shall serve a
898 notice of compliance to the responsible person or property owner in the manner provided
899 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-32: 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-43: 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-54: 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)s~~, ~~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)

1 16-1A-1: TITLE:
2 This title shall be known as the ADMINISTRATIVE HEARING PROGRAM or TITLE 16, West
3 Jordan City Code. It may be cited and pleaded under either designation. (Ord. 18-31, 9-11-
4 2018)

5
6 16-1A-2: DECLARATION OF PURPOSE:
7 The City Council of the City of West Jordan finds that the enforcement of City ordinances
8 and applicable State codes is vital to the protection of the public's health, safety, and quality
9 of life. The City Council further finds that both judicial and administrative remedies are
10 critical for compliance with city ordinances. The City Attorney may pursue judicial
11 remedies to gain compliance with any administrative code enforcement action. (Ord. 18-31,
12 9-11-2018)

13
14 16-1A-3: SCOPE:
15 The provisions of this title may be applied to all ordinance violations. (Ord. 18-31, 9-11-
16 2018)

17
18 16-1A-4: EXISTING LAW CONTINUED:
19 This title does not invalidate any other title or ordinance and shall be read in conjunction
20 with those titles and ordinances as an additional remedy. (Ord. 18-31, 9-11-2018)

21
22 16-1A-5: CRIMINAL PROSECUTION RIGHT:
23 The city has sole discretion in deciding whether to file a civil or criminal case for the
24 violation of any ordinance. This Title does not interfere with the city's right to prosecute
25 city ordinance violations as criminal offenses. The city may use any civil or criminal remedy
26 available under the law. If the city files both civil and criminal charges for the same day of
27 violation, no civil penalties may be assessed, but all other remedies are available. (Ord. 18-
28 31, 9-11-2018)

29
30 16-1A-6: EFFECT OF HEADING:
31 Title, chapter, article, and section headings do not govern, limit, modify, or in any manner
32 affect the scope, meaning, or intent of the provisions of any title, chapter, article, or section
33 hereof. (Ord. 18-31, 9-11-2018)

34
35 16-1A-7: VALIDITY OF TITLE - SEVERABILITY:
36 If any section, subsection, sentence, clause, phrase, portion, or provision of this title is held
37 to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall
38 not affect the validity of the remaining portions of this title. (Ord. 18-31, 9-11-2018)

39
40 16-1A-8: NO MANDATORY DUTY - CIVIL LIABILITY:
41 This title shall not be interpreted to impose an affirmative obligation or duty on any city
42 employee. No tort liability shall exist if an officer or employee fails to perform their
43 directed duty. (Ord. 18-31, 9-11-2018)

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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.

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

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

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

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

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

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

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

108 OATH: Includes affirmations and oaths.

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

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

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

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

124 WRITTEN: Includes handwritten, typewritten, photocopied, completed form, computer
125 printed document, or facsimile. (Ord. 18-31, 9-11-2018; amd. Ord. 21-04, 2-10-2021)
126

127 16-1A-11: ACTS INCLUDE CAUSING, AIDING, AND ABETTING:
128 Whenever any act or omission is made unlawful in this title, it may include causing,
129 permitting, aiding, or abetting such act or omission. (Ord. 18-31, 9-11-2018)

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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

172 16-1C-5: False Information Or Refusal Prohibited

173 16-1C-6: Failure To Obey A Subpoena

174

175 16-1C-1: GENERAL ENFORCEMENT AUTHORITY:

176 A. Whenever the Code Enforcement Supervisor or enforcement official finds that a
177 violation of this Code or applicable State codes has occurred or continues to exist,
178 the appropriate administrative enforcement procedure may be used. The Code
179 Enforcement Supervisor or any designated enforcement official has the authority
180 and power necessary to gain compliance with the provisions of this Code and
181 applicable State codes. These powers include the power to issue notices of violation
182 and administrative citations, inspect public and private property, revoke or suspend
183 a city-issued license, abate public and private property, and use judicial and
184 administrative remedies available under this Code or applicable State codes. (Ord.
185 18-31, 9-11-2018)

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

194 16-1C-2: ADOPTION OF POLICY AND PROCEDURES:

195 A. The mayor or mayor's designee may develop policies and procedures, consistent
196 with this title, relating to the hearing procedures, scope of hearings, subpoena
197 powers, and other matters relating to the Administrative Hearing Program. If no
198 policies and procedures are specifically adopted by the mayor, the procedure for
199 administrative hearings, as found in Title 63G, Chapter 4 of the Utah State Code shall
200 be used insofar as they do not conflict with this title. (Ord. 18-31, 9-11-2018; amd.
201 Ord. 21-11, 3-24-2021)

202 B. The mayor or mayor's designee may develop policies and procedures regarding the
203 disqualification and replacement of an Administrative Law Judge

204 C. The mayor or mayor's designee may develop policies and procedures, consistent
205 with this title, to assist in the assessment of civil penalties for administrative
206 citations.

207

208 16-1C-3: AUTHORITY TO INSPECT:

209 A. Subject to State and Federal law, the Code Enforcement Supervisor, Animal Control
210 Supervisor, or any designated enforcement official is authorized to enter upon any
211 property, premises, or air space to ascertain whether the provisions of this Code or
212 applicable State codes are being obeyed and to make any examinations and surveys
213 as may be necessary in the performance of the enforcement duties. This may include
214 the taking of photographs, video, samples, or other physical evidence. All

215 inspections, entries, examinations, and surveys shall be done in a reasonable
216 manner based upon appropriate cause

217

218 B. If the responsible person refuses to allow the enforcement official to enter the
219 property, the enforcement official may obtain an appropriate administrative
220 warrant from any judge or magistrate of competent jurisdiction. (Ord. 18-31, 9-11-
221 2018)

222

223 16-1C-4: REPEALED

224

225 16-1C-5: FALSE INFORMATION OR REFUSAL PROHIBITED:

226

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

231

232 16-1C-6: FAILURE TO OBEY A SUBPOENA:

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

236

237

238 CHAPTER 2

239 ADMINISTRATIVE HEARING PROCEDURES

240

241 ARTICLE A. GENERAL PROVISIONS

242 SECTION:

243 16-2A-1: Authority

244 16-2A-2: Notice Of Violation

245 16-2A-3: Failure To Bring Property Into Compliance

246 16-2A-4: Inspections

247

248 16-2A-1: AUTHORITY:

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

252

253 16-2A-2: NOTICE OF VIOLATION CONTENTS:

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

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

256 2. Street address of violation;

- 257 3. Date violation observed;
258 4. All code sections violated and description of the violation;
259 5. A specific date to correct the violations, which date shall be at least 14 calendar days
260 from the date of service;
261 6. Explanation that the revocation of certain permits or licenses may require a waiting
262 period before the license can be reapplied for;
263 7. Procedures to request a hearing as provided in section 16-2E-3 of this chapter, and
264 consequences for failure to request one.
265 B. The notice of violation shall be served by one of the methods of service listed in
266 section 16-1B-1 of this title.
267 C. More than one notice of violation may be issued against the same responsible person,
268 if it encompasses different dates, or different violations.
269 D. Failure to include all items listed in subsection A of this section does not invalidate the
270 notice of violation. Any defect in the notice may be amended 15 calendar days prior to any
271 administrative hearing. (Ord. 18-31, 9-11-2018)

272

273 16-2A-3: FAILURE TO BRING VIOLATION INTO COMPLIANCE:

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

276

277 16-2A-4: INSPECTIONS:

278 It shall be the duty of the responsible person served with a notice or citation to request an
279 inspection by the Code Enforcement Supervisor or the designated enforcement official
280 when the property at issue has been brought into compliance. It is prima facie evidence
281 that the violation remains on the property if no inspection is requested. Civil penalties
282 accumulate until the property has been inspected and a notice of compliance is issued.
283 Reinspection fees shall be assessed if more than one inspection is necessary. (Ord. 18-31, 9-
284 11-2018)

285

286 ARTICLE B. EMERGENCY ABATEMENT

287 SECTION:

288 16-2B-1: Authority

289 16-2B-2: Procedures

290 16-2B-3: Notice Of Emergency Abatement

291

292 16-2B-1: AUTHORITY:

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

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

- 299 2. Post the premises as unsafe, substandard, or dangerous;
300 3. Board, fence, or secure the building or site;
301 4. Raze or grade that portion of the building or site to prevent further collapse, and
302 remove any hazard to the general public;
303 5. Make any minimal emergency repairs as necessary to eliminate any imminent life
304 safety hazard; or
305 6. Take any other action appropriate to eliminate the emergency.

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

310 C. The responsible person shall be liable for all costs associated with the abatement of
311 the life safety hazard. Costs may be recovered pursuant to this title. (Ord. 18-31, 9-11-
312 2018)

313 D. A copy of the written determination shall be submitted to the City Attorney's Office.
314

315 16-2B-2: PROCEDURES:

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

320 B. The Code Enforcement Supervisor or Fire Marshall may also pursue any other
321 administrative or judicial remedy to abate any remaining violations. (Ord. 18-31, 9-11-
322 2018)

323

324 16-2B-3: NOTICE OF EMERGENCY ABATEMENT:

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

329

330 ARTICLE C. DEMOLITIONS

331 SECTION:

332 16-2C-1: Authority

333 16-2C-2: Procedures

334

335 16-2C-1: AUTHORITY:

336 Whenever the Code Enforcement Supervisor, building official, fire inspector, or other
337 designated City representative determines that a property or building requires demolition,
338 any one of them may order the offending structure to be demolished or removed, once
339 appropriate notice has been given pursuant to the Uniform Code for the Abatement of
340 Dangerous Buildings or the State Fire Code. The responsible person shall be liable for all
341 costs associated with the demolition. Costs may be recovered pursuant to this title. The

342 “Uniform Code for the Abatement of Dangerous Buildings” (hereinafter “UCADB”), 1997
343 edition, is hereby adopted for the purposes of this chapter, insofar as it does not conflict
344 with city law. (Ord. 18-31, 9-11-2018)

345

346 16-2C-2: PROCEDURES:

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

351

352 ARTICLE D. ADMINISTRATIVE CITATIONS

353 SECTION:

354 16-2D-1: Declaration Of Purpose

355 16-2D-2: Authority

356 16-2D-3: Procedures

357 16-2D-4: Repealed

358 16-2D-5: Repealed

359

360 16-2D-1: DECLARATION OF PURPOSE:

361 In addition to criminal methods of enforcement, the city council finds that there is a need
362 for an alternative method of enforcement for violations of this Code and applicable State
363 codes. The City Council further finds that an appropriate method of enforcement is an
364 administrative citation program.

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

366

367 16-2D-2: AUTHORITY:

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

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

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

374

375 16-2D-3: PROCEDURES:

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

379 B. If the responsible person is a business, the enforcement official shall attempt to locate
380 the business owner and issue the administrative citation to the business owner. If the
381 enforcement official can only locate the manager of the business, the administrative
382 citation may be given to the manager of the business. A copy of the administrative citation

383 may be served on the business owner or the registered agent of the business in the manner
384 prescribed in section 16-1B-1 of this title.

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

389 D. If the administrative citation cannot be served and issued personally, the
390 administrative citation may be issued and served in any manner described in subsection
391 16-1B-1 of this title.

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

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

396

397 16-2D-4: CONTENTS OF ADMINISTRATIVE CITATION:

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

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

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

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

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

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

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

415 16-2D-5: CIVIL PENALTIES ASSESSED:

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

419 B. Payment of the penalty shall not excuse the failure to correct the violations, nor shall
420 it bar any further enforcement action authorized by State law or this title. (Ord. 18-31, 9-
421 11-2018; amd. Ord. 21-04, 2-10-2021)

422

423 ARTICLE E. ADMINISTRATIVE HEARING PROCEDURES

424 SECTION:

425 16-2E-1: Declaration Of Purpose

- 426 16-2E-2: Authority And Scope Of Hearings
- 427 16-2E-3: Request For Administrative Hearing
- 428 16-2E-4: Default Hearings And Orders
- 429 16-2E-5: Notification Of Administrative Hearing
- 430 16-2E-6: Disqualification Of Administrative Law Judge
- 431 16-2E-7: Powers Of The Administrative Law Judge
- 432 16-2E-8: Procedures At Administrative Hearing
- 433 16-2E-9: Failure To Attend Administrative Hearing
- 434 16-2E-10: Administrative Code Enforcement Order
- 435 16-2E-11: Failure To Comply With Order

436

437 16-2E-1: DECLARATION OF PURPOSE:

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

445

446 16-2E-2: AUTHORITY AND SCOPE OF HEARINGS:

447 The Administrative Law Judge is authorized to hear all matters concerning code violations.
448 The Administrative Law Judge shall make findings and rulings based on evidence presented
449 at a hearing and shall assess any necessary fines or sanctions.. (Ord. 18-31, 9-11-2018;
450 amd. Ord. 21-04, 2-10-2021)

451

452 16-2E-3: REQUEST FOR ADMINISTRATIVE HEARING:

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

- 456 1. Notice of violation;
- 457 2. Notice of itemized bill for costs; or
- 458 3. Administrative citation.

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

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

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

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

473 E. . (Ord. 18-31, 9-11-2018)
474

475 16-2E-4: DEFAULT HEARINGS AND ORDERS:

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

479 B. At the default hearing, the responsible person shall have the opportunity to present
480 evidence to show that good cause exists as to why the Administrative Law Judge should
481 not issue an order of default. The Administrative Law Judge lacks jurisdiction to hear or
482 address any other matters at a default hearing and shall not accept any evidence not
483 relevant to showing that good cause exists as to why the Administrative Law Judge
484 should not issue an order of default. A case in default shall be considered a judgment on
485 the merits unless otherwise specified by the Administrative Law Judge. (Ord. 18-31, 9-
486 11-2018)

487 C. Notice of a default hearing must be served according to section 16-2E-5(D).
488

489 16-2E-5: NOTIFICATION OF ADMINISTRATIVE HEARING:

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

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

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

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

500 E. Written notice of a default hearing must be served by certified U.S. mail, to the
501 registered agent, to the last known address of the owner(s) as shown on the records of
502 the County Assessor's office, to the registered vehicle owner, or to other responsible
503 person(s) as appropriate. (Ord. 18-31, 9-11-2018; amd. Ord. 21-04, 2-10-2021)
504
505

506 16-2E-6: POWERS OF THE ADMINISTRATIVE LAW JUDGE:

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

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

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

515 2. Serve the findings on the city and responsible person pursuant to subsection 16-2E-5C
516 or D of this article as applicable.

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

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

523 2. The mayor may develop policies and procedures relating to the issuance of
524 subpoenas in administrative code enforcement hearings, including the form of the
525 subpoena and related costs.

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

528 1. Granting a continuance;

529 2. Ordering compliance by issuing an administrative code enforcement order using
530 any remedies available under the law;

531 3. Ensuring compliance of that order, which includes the right to authorize the city to
532 enter and abate a violation. This does not include the ability to enter property to
533 seize an animal on an animal control case;

534 4. Modifying an administrative code enforcement order; or, where extraordinary
535 circumstances exist, granting a new hearing.

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

539

540 16-2E-7: PROCEDURES AT ADMINISTRATIVE HEARING:

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

546 B. Responses to discovery are due no more than seven days after receipt of the request.

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

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

550 E. The procedure and format of the administrative hearing shall follow the standard
551 procedures established by the Mayor.

552 F. The city bears the burden of proof at an administrative hearing to establish the
553 existence of the violation of this code, itemized bill for costs, administrative citation, notice
554 of demolition, or notice of emergency abatement.

555 G. The standard of proof to be used in all administrative hearings is proof by a
556 preponderance of the evidence.

557 H Each party shall have the opportunity to cross-examine witnesses and present evidence
558 in support of their case.

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

561 2. Testimony may be given via telephone or other electronic means.

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

564 I. All hearings are open to the public. Hearings shall be recorded.

565 J. Hearings shall be held at City Hall or other appropriate city facility. Hearings may be
566 conducted online when approved by the Administrative Law Judge. However, hearings
567 may be held in part at the location of the violation if, in the determination of the
568 Administrative Law Judge, that will help in the adjudication of the case.

569 K. The responsible person has a right to be represented by an attorney. If an attorney will
570 be representing the responsible person at the hearing, a notice of appearance must be
571 given to the city at least seven days prior to the hearing. If the notice of appearance is not
572 timely filed, the hearing may be continued at the city's request, and all costs of the
573 continuance assessed to the responsible person.

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

576

577 16-2E-8: FAILURE TO ATTEND ADMINISTRATIVE HEARING:

578 A. Any party whose property or actions are the subject of any hearing and who fails to
579 appear at the hearing is deemed to waive the right to a hearing.

580 B. When a party fails to appear, a default judgment shall be entered as a judgment in favor
581 of the city. (Ord. 18-31, 9-11-2018)

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

583 1. Shall be filed with the Administrative Law Judge within 15 days from the date of
584 the administrative order; and

585 2. If a timely motion to set aside the default judgment is received, and good cause is
586 shown, the Administrative Law Judge may grant the motion and reschedule a hearing. The
587 Administrative Law Judge may require the moving party to pay the costs incurred by the
588 city.

589 16-2E-9: ADMINISTRATIVE ORDER:

590 A. Prior to the issuance of an administrative order by the Administrative Law Judge, the
591 parties may enter into a stipulated agreement, which must be signed by both parties.

592 1. This agreement, if approved by the Administrative Law Judge, shall be entered by
593 the Administrative Law Judge as the administrative order.

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

619

620 16-2E-10: FAILURE TO COMPLY WITH ORDER:

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

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634 ARTICLE F. ADMINISTRATIVE ENFORCEMENT APPEALS

635 SECTION:

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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.

678 The City Council further finds that an appropriate method of enforcement for these types of
679 violations is the issuance and recordation of notices of violation.

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

683

684 16-3A-2: AUTHORITY:

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

689

690 16-3A-3: PROCEDURES FOR RECORDATION:

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

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

697

698 16-3A-4: SERVICE OF NOTICE OF RECORDATION:

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

702

703 16-3A-5: FAILURE TO REQUEST:

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

708

709 16-3A-6: NOTICE OF COMPLIANCE - PROCEDURES:

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

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

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

720 1. All violations listed in the recorded notice of violation or order have been corrected;

- 721 2. All necessary permits have been issued and finalized;
722 3. All civil penalties assessed have been paid or satisfied; and
723 4. The party requesting the notice of compliance has paid all administrative fees and
724 costs.

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

729

730 16-3A-7: PROHIBITION AGAINST ISSUANCE OF MUNICIPAL PERMITS:

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

737

738 16-3A-8: CANCELLATION OF RECORDED NOTICE OF VIOLATION:

739 The Code Enforcement Supervisor or responsible person shall record the notice of
740 compliance with the Recorder's Office of Salt Lake County. Recordation of the notice of
741 compliance shall have the effect of canceling the recorded notice of violation. (Ord. 18-31,
742 9-11-2018)

743 ARTICLE B. ADMINISTRATIVE CIVIL PENALTIES

744 SECTION:

745 16-3B-1: Authority

746 16-3B-2: Determination Of Civil Penalties

747 16-3B-3: Modification Of Civil Penalties

748 16-3B-4: Failure To Pay Penalties

749

750 16-3B-1: AUTHORITY:

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

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

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

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

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

762

763 16-3B-2: DETERMINATION OF CIVIL PENALTIES:

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

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

769
770 16-3B-3: MODIFICATION OF CIVIL PENALTIES:

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

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

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

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

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

782

783 16-3B-4: FAILURE TO PAY PENALTIES:

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

787

788 ARTICLE C. ABATEMENT OF VIOLATIONS OF PROPERTY

789 SECTION:

790 16-3C-1: Authority To Abate

791 16-3C-2: Procedures For Abatement

792

793 16-3C-1: AUTHORITY TO ABATE:

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

800

801 16-3C-2: PROCEDURES FOR ABATEMENT:

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

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

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

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

814
815 E. The Code Enforcement Supervisor shall serve the notice of costs and the itemized bill
816 of costs on the responsible person(s) including property owner in any manner authorized
817 by title within 14 calendar days. The notice shall demand full payment within 20 calendar
818 days of the date of the notice to the City Treasurer.

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

822

823 ARTICLE D. COSTS

824 SECTION:

825 16-3D-1: Declaration Of Purpose

826 16-3D-2: Authority

827 16-3D-3: Notification Of Assessment Of Reinspection Fees

828 16-3D-4: Failure To Timely Pay Costs

829

830 16-3D-1: DECLARATION OF PURPOSE:

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

834 B. The city council further finds that the assessment of costs is an appropriate method to
835 recover expenses incurred for actual costs of abating violations, reinspection fees, mailing
836 costs, filing fees, attorney fees, Administrative Law Judge fees, title search, and any
837 additional actual costs incurred by the city for each individual case. The assessment and
838 collection of costs shall not preclude the imposition of any administrative or judicial civil
839 penalties or fines for violations of this Code or applicable State codes. (Ord. 18-31, 9-11-
840 2018)

841

842 16-3D-2: AUTHORITY:

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

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

849

850 16-3D-3: NOTIFICATION OF ASSESSMENT OF REINSPECTION FEES:

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

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

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

857

858 16-3D-4: FAILURE TO TIMELY PAY COSTS:

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

862

863 ARTICLE E. INJUNCTIONS

864 SECTION:

865 16-3E-1: Civil Violations - Injunctions

866

867 16-3E-1: CIVIL VIOLATIONS - INJUNCTIONS:

868 In addition to any other remedy provided under this code or State codes, including criminal
869 prosecution or administrative remedies, the city may enforce any provision of this code by
870 seeking judicial orders, including injunctions in Third District Court. (Ord. 18-31, 9-11-
871 2018)

872

873 ARTICLE F. PERFORMANCE BONDS

874 SECTION:

875 16-3F-1: Performance Bond Required

876

877 16-3F-1: PERFORMANCE BOND REQUIRED:

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

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

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

887

888 CHAPTER 4
889 RECOVERY OF CODE ENFORCEMENT PENALTIES AND COSTS

890
891 ARTICLE A. CODE ENFORCEMENT TAX LIENS

892 SECTION:

- 893 16-4A-1: Declaration Of Purpose
- 894 16-4A-2: Procedures For Tax Liens Without A Judgment
- 895 16-4A-3: Procedures For Tax Liens With A Judgment
- 896 16-4A-4: Cancellation Of Code Enforcement Tax Lien

897
898 16-4A-1: DECLARATION OF PURPOSE:

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

907
908 16-4A-2: PROCEDURES FOR TAX LIENS WITHOUT A JUDGMENT:

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

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

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

921 D. Unless otherwise provided for by law, the failure of any person with a financial
922 interest in the property to actually receive the notice of the lien shall not affect the validity
923 of the lien or any proceedings taken to collect the outstanding costs of abatement. (Ord. 18-
924 31, 9-11-2018)

925
926 16-4A-3: PROCEDURES FOR TAX LIENS WITH A JUDGMENT:

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

931
932 16-4A-4: CANCELLATION OF CODE ENFORCEMENT TAX LIEN:
933 Once payment in full is received for the outstanding civil penalties and costs, or the amount
934 is deemed satisfied pursuant to a subsequent administrative or judicial order, the Code
935 Enforcement Supervisor shall either record a notice of satisfaction and release of judgment,
936 or provide the property owner or financial institution with the notice of satisfaction and
937 release of judgment so that it can record this notice with the County Assessor's Office, as
938 set forth by law. The notice of satisfaction and release of judgment shall include the same
939 information as provided for in the original code enforcement tax lien. Such notice of
940 satisfaction and release of judgment shall cancel the code enforcement tax lien. (Ord. 18-31,
941 9-11-2018)

942
943 ARTICLE B. WRIT OF EXECUTION
944 SECTION:

945 16-4B-1: Recovery Of Costs By Writ Of Execution

946
947 16-4B-1: RECOVERY OF COSTS BY WRIT OF EXECUTION:
948 After obtaining a judgment, the Code Enforcement Supervisor may collect the obligation by
949 use of all appropriate legal means. This may include the execution on personal property
950 owned by the responsible person by filing a writ with the applicable court. (Ord. 18-31, 9-
951 11-2018)

952
953 ARTICLE C. WRIT OF GARNISHMENT
954 SECTION:

955 16-4C-1: Recovery Of Costs By Writ Of Garnishment

956
957 16-4C-1: RECOVERY OF COSTS BY WRIT OF GARNISHMENT:
958 After obtaining a judgment, the Code Enforcement Supervisor may collect the obligation by
959 use of all appropriate legal means. This may include the garnishment of paychecks,
960 financial accounts, and other income or financial assets by filing a writ with the applicable
961 court. (Ord. 18-31, 9-11-2018)



MINUTES OF THE CITY OF WEST JORDAN
COMMITTEE OF THE WHOLE
Wednesday, March 20, 2024 – 6:00 PM
Approved April 10, 2024
8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

WORK SESSION 6:00 pm

1. CALL TO ORDER

COUNCIL: Chair Zach Jacob, Vice Chair Chad Lamb, Council Member Bob Bedore, Council Member Kelvin Green, Council Member Kent Shelton, Council Member Kayleen Whitelock

STAFF: Assistant City Attorney Chase Ames, Council Office Director Alan Anderson, Senior Assistant City Attorney Patrick Boice, Mayor Dirk Burton, Public Works Director Brian Clegg, Assistant City Administrator Jamie Davidson, Public Works Operations Manager Jason Duffin, Policy Analyst & Public Liaison Warren Hallmark, Code Enforcement Officer Brock Hudson, Assistant Planner Megan Jensen, Senior Planner Tayler Jensen, Judge Ronald Kunz, Community Development Director Scott Langford, City Administrator Korban Lee, Fire Chief Derek Maxfield, Council Office Clerk Cindy Quick, Deputy Police Chief Jeremy Robertson, Police Chief Ken Wallentine

Chair Jacob called the meeting to order at 6:00 pm and noted that Council Member Bloom was absent.

2. DISCUSSION TOPICS

a. **Discussion of policy related to West Jordan City Code Title 7 Motor Vehicles & Traffic regarding reclassifying parking violations from a criminal offense to a civil violation**

Council Member Green proposed removing the criminal aspect of parking violations to prioritize civil processes over involving police officers. He pointed out discrepancies between the city ordinance, which hadn't been updated since 2001, and changes in the State code from 2016. He and Council Member Whitelock reviewed the code together.

He sought Council Member approval to update the current ordinance to align with state code, suggesting requiring parking within 12 inches of the curb instead of 18 inches, which mirrored state code provisions.

Discussion regarding specific provisions such as bus zones, whether or not to prohibit parking for more than 72 hours, and how to administer the issuing of tickets, with Council Member Green highlighting proposed changes. Mayor Burton questioned the necessity of including certain details in city code if they were already addressed in state code. Council Members discussed various proposed amendments, including parking restrictions during snow removal months and regulations on parking RVs and trailers on public streets.

Concerns were raised about the potential impact on enforcement and staffing requirements. Council Members debated the effectiveness of transitioning parking violations to civil matters and potential implications for residents.

Council Members expressed mixed opinions on various provisions, with some advocating for further consideration and clarification before making a decision. The discussion concluded with plans to revisit the proposal after additional review and assessment of potential impacts.

Council Member Whitelock asked to move Item 2d forward for discussion. With no objection Chair Jacob moved Item 2d forward.

d. Discussion regarding possible amendments to West Jordan City Code Section 8-5-2 regarding the costs of sidewalk, curb, and gutter maintenance, repair, and replacement in the city.

Public Works Director Brian Clegg explained that the proposed amendment aimed to shift sidewalk repair fees from residents to the city in an effort to expedite repairs. Currently, residents are often unwilling to cover repair costs, resulting in delays. He highlighted cases where tree roots caused sidewalk damage and outlined the process for addressing such issues, including trimming roots and, if necessary, removing trees with resident permission. Mr. Clegg emphasized the need for efficient repairs to address safety hazards and mentioned funding from B & C road funds for this purpose.

Council Member Whitelock inquired about potential abuse of the system, to which Mr. Clegg clarified that residents would still be responsible for damage caused by heavy objects on sidewalks. He assured that funding was allocated for repairs without additional budgetary demands for now, however they may need a small increase over time.

Mr. Clegg also mentioned plans to offer reimbursement to residents hiring contractors for repairs, up to a certain amount. The Council expressed support for the amendment, with Council Member Green suggesting collaboration with Chase for further input. Additionally, Mr. Clegg pointed out that the city also offered residents a tree waiver to replace removed trees in their yards.

b. Discussion of proposed Title 13 amendments, specifically 13-2-3: Definitions.

Assistant Planner Megan Jensen highlighted the lack of defined regulations for the storage of commercial vehicles in the City Code, which has posed enforcement challenges. Civil Prosecutor Paul Dodd elaborated on a previous case that the city lost due to ambiguous definitions, emphasizing the need for clarity in the code to facilitate enforcement efforts. He expressed concern with lack of consensus in previous attempts to address the issue.

Council Member Green raised concerns that the proposed definition might make various activities illegal, citing examples of residents with work vehicles or trailers that could be

Senior Assistant City Attorney Patrick Boyce explained the State controlled alcohol licensing, and the City issued permits. Mr. Boyce recommended simplifying Title 17 to be more user friendly with clearer authority for the Licensing Department. He said the proposed amendments reduced Title 17 from around 33 pages to 8 pages and asked the Council for direction.

Council Member Green expressed support for the simplified Title 17 and shared the opinion that Title 17 needed to refer to Title 16 regarding license revocation. Mr. Boyce agreed that reference to Title 16 needed to be added.

Council Member Whitelock suggested changing language in 17-2-4E to clarify temporary closure versus permanent closure. The Council discussed extending the closure timelines from the current 10-day regulation to a 30-60 day period. Staff would investigate related State provisions. Council Member Whitelock suggested clarifying acceptable identification for alcohol permits to align with state definitions. Council Member Bloom noted that State regulations did not recognize foreign forms of identification for purchase of alcohol. A majority of the Council appeared to support bringing proposed amendments to a future Council meeting with changes discussed that evening.

f. Discussion of proposed amendments to Title 7 - Parking

Senior Assistant City Attorney Patrick Boyce presented proposed amendments to Title 7 regarding parking and explained proposed changes to the fee schedule. He said many of the proposed amendments would bring Title 7 into compliance with State Code. Council Member Green expressed support for the proposed amendments.

Mr. Boyce spoke of enforcement highlighting the need for additional personnel and time to implement the program. The Council discussed proposed amendments and advocated for public education. Council Member Whitelock noted necessary grammatical edits and planned to coordinate with staff after the meeting.

3. ADMINISTRATIVE ITEMS

None

4. ADJOURN

At 9:57 pm, Council Member Green moved to adjourn the meeting. Chair Jacob seconded the motion, which passed by unanimous vote (7-0).

I certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on September 18, 2024. This document constitutes the official minutes for the West Jordan Committee of the Whole meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this 9th day of October 2024



REQUEST FOR COUNCIL ACTION

Action: Need Council to take action

Meeting Date Requested : 11/06/2024

Presenter: Alan Anderson/Patrick Boice

Deadline of item :

Applicant:

Department Sponsor: Council Office

Agenda Type: BUSINESS ITEMS

Presentation Time: 10 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Ordinance No. 24-51 amending Title 7 – Motor Vehicles and Traffic

2. EXECUTIVE SUMMARY

The Council is being asked to adopt amendments to Title 7 related to parking, based on Council discussions from the Committee of the Whole meetings on [March 20, 2024](#) and [September 18, 2024](#), respectively.

3. TIME SENSITIVITY / URGENCY

None

4. FISCAL NOTE

There is no cost to amend the code. Any potential fiscal impact would depend on how the mayor or administration chooses to implement any change in enforcement of this code.

5. STAFF ANALYSIS

The proposed amendments to [Chapter 3 of Title 7](#) reflect updates from March 20, 2024, redline document to the version presented on September 18, 2024. Key changes include:

- 7-3-1 – Verbiage changed from “is known” to “may be cited as”
- 7-3-2 – Section reduced and simplified, unnecessary definitions removed
- 7-3-3 – Unchanged from previous proposal
- 7-3-4 – Section rewritten and simplified
 - Removing process of establishing proof of ownership and placing strict liability on the registered owner.
- 7-3-5 – Unchanged from previous proposal
- 7-3-6A – Section revised appropriately for conciseness and clarity, while adding lines 16 through 22.
- 7-3-6B – Added line 3
 - Prohibited to stand or park a vehicle... within 20 feet of a crosswalk or designated crossing
- 7-3-7B – Section rewritten and compressed, but no content deleted
- 7-3-8 – Section added
 - Specifying that an illegally parked vehicle can be immobilized, moved, or impounded
- 7-3-9 and 7-3-10 – Rewritten and expanded for clarity, addressing prohibited parking of recreational vehicles and vehicles leaking fluids, respectively.

- 7-3-11 – Regarding Prohibited obstruction of snow removal and emergency response vehicles, section is rewritten to clarify on specific prohibitions and circumstances of which, and adding subsection D regarding snowbound vehicles and semitrailers.
- 7-3-12B – “For the purpose of this section” added for clarification.
- 7-3-13 – Renamed to “Enforcement” from “Penalties”, specifying that citations may be prosecuted criminally or civilly, before referring to respective code or the fee schedule for penalties and fines, as appropriate.

As this item was Council Member-initiated and managed by Council Staff, there is no additional Council Staff Report.

6. POSSIBLE COUNCIL ACTION

Council may choose to take one of the following actions:

1. Approve the Ordinance as written and as proposed OR with stated amendments;
2. Not Approve the Ordinance;
3. Continue the item to a future specified date;
4. Move the item to an unspecified date;
5. Refer the item back to a Committee of the Whole Meeting, Council Subcommittee, or an Ad Hoc Committee;
6. Refer the item back to Council Staff or Administrative Staff.

7. MAYOR RECOMMENDATION

N/A

8. PACKET ATTACHMENT(S)

Ordinance No. 24-51

A - Legislative copy of Title 7

B - Clean copy of Title 7

C – 3/20/2024 COTW Minutes

D – 9/18/2024 COTW Minutes

ORDINANCE NO. 24-51

AN ORDINANCE AMENDING WEST JORDAN CITY CODE TITLE 7, CHAPTER 3 RELATED TO MOTOR VEHICLES AND TRAFFIC

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 a certain sections of Title 7 in City Code, regarding and related to motor vehicles and traffic; 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 7, Chapter 3 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 6th DAY OF NOVEMBER 2024.

CITY OF WEST JORDAN

By: _____

Zach Jacob
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

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

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PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.

Mayor's Action: Approve Veto

By: _____
Mayor Dirk Burton Date

ATTEST:

Tangee Sloan, CMC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

The Mayor approved and signed Ordinance No. 24-51.

The Mayor vetoed Ordinance No. 24-51 on _____ and the City Council timely overrode the veto of the Mayor by a vote of ____ to ____.

Ordinance No. 24-51 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 _____ day of _____ 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)

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Attachment 1

**(to ORDINANCE NO. 24-51
AN ORDINANCE AMENDING WEST JORDAN CITY CODE TITLE 7, CHAPTER 3 RELATED
TO MOTOR VEHICLES AND TRAFFIC)**

1 CHAPTER 3

2 STOPPING, STANDING AND PARKING

3 SECTION:

4 7-3-1: Title

5 7-3-2: ~~Scope~~Definitions

6 7-3-3: ~~Owner Responsible~~Applicability

7 7-3-4: ~~Prohibited Parking~~Owner Responsibility

8 7-3-5: ~~Additional Parking Regulations~~Parking on Streets

9 7-3-6: ~~Illegally Parked Vehicle To Be Moved Or Impounded~~Prohibited Parking

10 7-3-7: ~~Parking Regulations Applicable To Public School Grounds~~Additional Parking Regulation

11 7-3-8: ~~Prohibited Parking Of Recreational Vehicles On Street~~Illegally Parked Vehicle to be Moved or
12 Impounded

13 7-3-9: ~~Prohibited Parking Of Vehicles Leaking Fluids~~Prohibited Parking of Recreational Vehicles on Street

14 7-3-10: ~~Prohibited Parking For Snow Removal~~Prohibited Parking of Vehicles Leaking Fluids

15 7-3-11: Prohibited Obstruction of Snow Removal and Emergency Response Vehicles

16 7-3-12: ~~Penalty~~Parking of Trucks

17 7-3-13: Enforcement

18

19 7-3-1: TITLE:

20 This chapter ~~shall be known~~may be cited to as the CITY OF WEST JORDAN PARKING CODE. (2001 Code §
21 86-3-101)

22 7-3-2: ~~SCOPE~~DEFINITIONS:

23 ~~This chapter shall govern the parking, standing and stopping of vehicles upon the public roadways, upon~~
24 ~~other publicly owned properties, and upon private property upon which the public is generally invited~~
25 ~~for the purpose of vehicular parking~~Unless otherwise provided for, the definitions applicable to the
26 Chapter are the definitions contained in Utah Code 41-6a-102 or successor provision.

<u>Parking Enforcement Official</u>	<u>Means a city employee designated and authorized to enforce the provisions of the Chapter.</u>
<u>Recreational Vehicle</u>	<u>Means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use,</u>

	<u>that is either self-propelled or pulled by another vehicle. Recreational vehicle also means any off-highway vehicle as defined by state law.</u>
<u>Registered Owner</u>	<u>Means the named person(s) or entity listed on the registration issued by the Department of Motor Vehicles.</u>
<u>School Bus Parking Zone</u>	<u>Means a parking space that is clearly identified as reserved for use by a school bus.</u>
<u>Semitrailer or Trailer</u>	<u>Means the definition as set forth in Section 41-1a-102 of the Utah Code and its successor provisions.</u>
<u>Snow Event</u>	<u>Means an accumulation of one inch or more of snow.</u>
<u>Street</u>	<u>Means streets, highways, public alleys, and any other public thoroughfare for vehicular traffic. Streets include the entire width between property lines open to the public, as a matter of right, for purposes of vehicular traffic.</u>

27

28 (2001 Code § 86-3-102)

29 7-3-3: OWNER RESPONSIBLE APPLICABILITY:

30 A.—Every person in whose name a vehicle is registered or licensed shall be responsible for the parking
31 of any vehicle in violation of this chapter. It is no defense to a charge that the vehicle was illegally
32 parked by another unless it is shown that at such time the vehicle was being used without the consent
33 of the registered owner.

34 —B.—Proof that the named defendant is the registered owner of the illegally parked vehicle shall be
35 prima facie evidence that the registered owner parked the vehicle and/or that the illegally parked
36 vehicle was so parked with the knowledge and consent of the registered owner. (2001 Code § 86-3-
37 103) This Chapter governs the parking, standing, and stopping of vehicles upon public streets, publicly
38 owned properties, and upon private property upon which the public is generally invited for the purpose
39 of vehicular parking. (2001 Code § 86-3-102)

40 7-3-4: OWNER RESPONSIBILITY: If any vehicle or trailer is used in violation of the parking provisions of
41 this title, the person or entity in whose name the vehicle or trailer is registered shall be strictly liable for
42 the violation and the penalty for the violation.

43 (2001 Code § 86-3-103)

44 7-3-5: PARKING ON STREETS:

45 A. The vehicle operator shall park or stop a vehicle on a two-way street with the right-
46 hand wheels:

47 1. Parallel to and within 12 inches of the right-hand curb; or

48 2. As close as practicable to the right edge of the right-hand shoulder.

49 B. The vehicle operator shall park or stop a vehicle on a one-way street parallel to the
50 curb or edge of the roadway in the direction of authorized traffic movement with its:

51 1. Wheels within 12 inches of the curb: or

52 2. As close as practicable to the right edge of the shoulder.

53 C. The vehicle operator shall set the brakes and turn the front wheels to the curb or the
54 side of the street when parking or standing on any perceptible grade.

55

56 7-3-~~64~~: PROHIBITED PARKING:

57 A. Except when necessary to avoid conflict with other traffic, or in compliance with law, or the
58 directions of a police officer, or traffic control device, it is unlawful for any person to stop, stand or park
59 a vehicle or for any owner or person in possession to allow any vehicle to be stopped, stood or parked
60 person may not stop, stand, or park a vehicle:

61 A1. On the roadway side of any vehicle stopped or parked at the edge of a curb or a street;

62 2. On a sidewalk;-

63 ~~—B.— In front of or within five feet (5') of a private driveway.~~

64 ~~€3. Within an intersection or roundabout;-~~

65 ~~—D.— Within fifteen feet (15') of a fire hydrant.~~

66 ~~E4. On a crosswalk or designated crossing;-~~

67 ~~—F.— Within twenty feet (20') of a crosswalk at an intersection.~~

68 ~~—G.— Within thirty feet (30') upon the approach to any flashing beacon or traffic control device located~~
69 ~~at the side of a roadway.~~

70 ~~H5. Between a safety zone and the adjacent curb or within thirty-30 feet (30') of points on the curb~~
71 ~~immediately opposite the ends of a safety zone, unless authorized signs or markings indicate a different~~
72 ~~length is indicated by signs or markings;-~~

73 ~~—I.— Within fifty feet (50') of the nearest rail of a railroad crossing.~~

74 ~~—J.— Within twenty feet (20') of a driveway entrance to any fire station and on a side of a street opposite~~
75 ~~the entrance when properly signposted.~~

- 76 ~~K6.~~ Alongside or opposite any street excavation or obstruction when stopping, standing or parking
77 would obstruct ~~or be hazardous to~~ traffic;:-
- 78 ~~L7.~~ Upon ~~On~~ any bridge or other elevated structure, ~~upon-on~~ a street highway or within a street
79 highway tunnel ~~or underpass~~;-
- 80 ~~M8.~~ Upon a street in such a manner or under such conditions as to leave available less than ten feet
81 (10') of the width of the roadway for free movement of vehicular traffic on any railroad tracks;-
- 82 ~~N9.~~ In such manner or under such conditions as to obstruct any sidewalk, crossing or private
83 driveway, except during the necessary and expeditious loading or unloading of merchandise on any
84 controlled-access highway;-
- 85 ~~O10.~~ On any public street or alley where the width of the roadway is less than twenty feet (20') In the
86 area between roadways of a divided highway, including crossovers;-
- 87 ~~P11.~~ Over and across any sidewalk or that area between the sidewalk and curb any place where a
88 traffic-control device prohibits stopping, standing, or parking;-
- 89 12. In a school bus parking zone;
- 90 13. On any street more than 72 hours;
- 91 14. In front of any taxi or bus stop; or
- 92 15. On any median, or island, or in any dividing section of a divided highway.
- 93 B. A person may not stand or park a vehicle, whether occupied or not, except momentarily to pick up
94 or discharge a passenger or passengers:
- 95 1. In front of a public or private driveway;
- 96 2. Within 15 feet of a fire hydrant;
- 97 3. Within 20 feet of a crosswalk or designated crossing;
- 98 4. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal
99 located at the side of a roadway;
- 100 5. Within a public alley that blocks the driveway entrance to any abutting property or interferes with
101 the free movement of traffic;
- 102 6. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the
103 entrance to any fire station within 75 feet of the entrance when posted by signs;
- 104 7. At any place where a traffic-control device prohibits standing or parking.
- 105 C. A person may not park a vehicle, whether occupied or not, except temporarily for the purpose of
106 and while engaged in loading or unloading property or passengers:
- 107 1. Within 50 feet of the nearest rail of a railroad crossing; or
- 108 2. At any place where traffic-control devices prohibit parking.

109

110 ~~—Q.— Within an alley, except during the necessary and expeditious loading and unloading of~~
111 ~~merchandise; and no person shall stop, stand or park a vehicle within an alley in such position as to~~
112 ~~block the driveway entrance to any abutting property or interfere with the free movement of traffic~~
113 ~~through the alley.~~

114 ~~—R.— Upon the roadway side of another vehicle which is parked, standing or stopped, except while~~
115 ~~actually engaged in loading or unloading passengers or in compliance with directions of a police officer~~
116 ~~or traffic control device or when necessary to avoid other traffic.~~

117 ~~—S.— In a roadway, except parallel with the edge of the roadway, headed in the direction of lawful traffic~~
118 ~~movement and with the right hand wheels of the vehicle within eighteen inches (18") of the curb or~~
119 ~~edge of the roadway, except when angle parking is expressly authorized by a sign or other method of~~
120 ~~notice erected by public authority or except upon a marked, one-way street where the left side of the~~
121 ~~vehicle may be adjacent to and parallel with the curb.~~

122 ~~—T.— Upon any roadway, for the principal purpose of:~~

123 ~~—1.— Greasing or repairing such vehicle, except when such repairs are necessitated by an emergency.~~

124 ~~—2.— The sale of foodstuffs or other merchandise.~~

125 ~~—U.— In a parking space designated for handicap parking unless the driver or his passenger is~~
126 ~~handicapped so as to require additional parking space or decreased walking distance or the vehicle has~~
127 ~~handicap license plates. Notwithstanding any provisions of this chapter to the contrary, a violation of~~
128 ~~the handicap parking regulations is an infraction with a fine not to exceed seven hundred fifty dollars~~
129 ~~(\$750.00).~~

130 ~~—V.— At any place where signs, curb markings or pavement markings indicate no parking, fire zone, or~~
131 ~~words of similar effect; or where the adjacent curb is painted with red or yellow paint; or where~~
132 ~~markings on the pavement indicate parking is prohibited.~~

133 ~~—W.— Where an unobstructed width of the street opposite a standing vehicle is not left for the free~~
134 ~~passage of other vehicles or where a clear view of such stopped vehicle is not available from a distance~~
135 ~~of two hundred feet (200') in each direction.~~

136 ~~—X.— When the motor vehicle is standing upon any perceptible grade, unless the brakes to the vehicle~~
137 ~~are effectively set and the front wheels are turned to the curb or side of the street.~~

138 ~~—Y.— Within five feet (5') of a freestanding curbside mail box.~~

139 ~~—Z.— Upon the main traveled part of the street when it is practical to stop, park or so leave such vehicle~~
140 ~~off such part of such street; however, this subsection shall not apply to the driver of any vehicle which is~~
141 ~~disabled while on the main traveled portion of a street in such manner and to such extent that it is~~
142 ~~impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.~~

143 ~~—AA.— At any place where official signs or markings indicate stopping, standing or parking is prohibited.~~
144 ~~(2001 Code § 86-3-104; amd. 2009 Code)~~

145 7-3-57: ADDITIONAL PARKING REGULATIONS:

146 ~~A. —A. Authority: The mayor, or mayor’s designee, is authorized to~~ may place and maintain ~~such~~
147 ~~additional appropriate~~ signs or traffic markings to:

148 1. Indicate standing or parking regulations; and

149 2. may dDesignate and identify ~~such~~ other no parking or controlled parking locations as ~~the~~ public
150 safety demands.

151 —B. Signs, Markings: The mayor, or mayor’s designee, shall ~~may~~ require persons, organizations,
152 corporations ~~and or~~ business entities, designated to install and maintain regulatory parking signs or
153 markings required by the Building Code, the Fire Code, or other regulatory codes or Public Safety
154 Ordinances, ~~to~~ These signs shall be installed and maintained, at the expense of the person or business,
155 ~~such regulatory parking signs or markings as are required by such codes~~. It is unlawful for any person to
156 fail to comply with the directives of the mayor to install or maintain such parking regulations or
157 markings. When so installed, such signs and markings shall be official signs and markings, the violation of
158 the terms of which shall be prosecuted in accordance with this chapter. (2001 Code § 86-3-105; amd.
159 Ord. 19-04, 1-23-2019; Ord. 21-04, 2-10-2021)

160 7-3-~~68~~: ILLEGALLY PARKED VEHICLE TO BE IMMOBILIZED MOVED OR IMPOUNDED:

161 ~~Any A law enforcement~~ officer may immobilize, move or impound ~~finding~~ a vehicle parked or standing
162 upon a street in violation of any provisions of this chapter ~~is authorized to move, at the owner's~~
163 ~~expense, such vehicle or require the driver or other person in charge of the vehicle to move the vehicle~~
164 ~~to a position off the main traveled part of such street. A parking enforcement official may immobilize a~~
165 ~~vehicle parked or standing upon a street in violation of any provisions of this chapter.~~ (2001 Code § 86-
166 3-106)

167 ~~7-3-7: PARKING REGULATIONS APPLICABLE TO PUBLIC SCHOOL GROUNDS:~~

168 —A. ~~It is unlawful for any person to park a vehicle adjacent to a curb which is painted with red paint, in~~
169 ~~an area marked "No Parking", or in any location where such parking would obstruct regular vehicular~~
170 ~~traffic.~~

171 —B. ~~It is unlawful for any student, staff or faculty person associated with the public school to park in an~~
172 ~~area designated for visitors or reserved parking.~~

173 —C. ~~It is unlawful for any student to park in an area reserved for faculty.~~

174 —D. ~~Where lines or similar features are painted upon the pavement surface to indicate the place of~~
175 ~~parking, it is unlawful for any person to park any vehicle when the parked vehicle is not within the lines~~
176 ~~of other markings.~~

177 —E. ~~It is unlawful for any student to park a vehicle on school property during regular school hours~~
178 ~~unless such vehicle has been registered with school officials and a registration decal is properly affixed~~
179 ~~to the vehicle, as prescribed by school regulations.~~

180 —F. ~~It is unlawful for any person to fail to comply with regulatory signs installed by school authorities~~
181 ~~concerning the movement and parking of vehicles upon the school grounds.~~

182 —G. ~~The provisions of this section shall be deemed effective upon all persons, whether such person had~~
183 ~~notice or constructive notice of such provisions and regardless of whether a written listing of the traffic~~

184 and parking regulations of the Jordan School District and specific school regulations, if any, was
185 distributed to the students and faculty at or before the beginning of each school year.

186 ~~—H. Vehicles parked in violation of this section may be impounded, at the owner's expense, in addition
187 to any criminal prosecution or administrative action taken against the person who parked the vehicle.
188 (2001 Code § 86-3-107)~~

189 7-3-~~89~~: PROHIBITED PARKING OF RECREATIONAL VEHICLES ON STREET:

190 A. ~~Recreational Vehicles:~~ Except in case of an emergency, ~~it is unlawful for any~~ person to may not
191 park or allow the parking or storage of any recreational vehicle, trailer, camping trailer, snowmobile
192 trailer, boat, boat trailer, construction materials trailer or similar conveyance upon the public street. ~~As~~
193 ~~used in this section, the term "recreational vehicle" means a self-propelled motor vehicle, capable of~~
194 ~~human habitation, which contains cooking, eating, sleeping and/or sanitary facilities, commonly called a~~
195 ~~motor home. A recreational vehicle, trailer, camping trailer, snowmobile trailer, boat, boat trailer,~~
196 ~~construction materials trailer, or similar conveyance may be moved or impounded pursuant to state law.~~

197 B. ~~Emergency Parking:~~ For purposes of this section, ~~an emergency shall require the immediate and~~
198 ~~actual presence of the driver or other responsible person attending the vehicle and attempting to~~
199 ~~correct the situation or effect emergency mechanical repairs. For purposes of this section, any~~
200 ~~conveyance not capable of movement under its own power shall be deemed to be parked if the~~
201 ~~conveyance has been disconnected from the motor vehicle needed for that motive power. A~~
202 ~~conveyance may be parked on the street if it is currently being loaded or unloaded and is immediately~~
203 ~~attended by a person responsible for the vehicle. A conveyance parked or stored on the public streets in~~
204 ~~violation of this section may be summarily impounded, at the expense of the owner, until the~~
205 ~~reasonable impoundment and storage charges have been paid~~A conveyance not capable of movement
206 under its own power is deemed to be parked if it has been disconnected from the motor vehicle needed
207 for motive power. (2001 Code § 86-3-108)

208 7-3-~~910~~: PROHIBITED PARKING OF VEHICLES LEAKING FLUIDS:

209 It is unlawful for any person to park on the public street any vehicle which is leaking any measurable
210 quantity of oil, grease, transmission fluid, radiator coolant, battery acid or any other fluid, other than
211 water, onto the street. Any vehicle parked or stored on the public streets in violation of this section may
212 be ~~summarily impounded, at the expense of the owner, until the reasonable impoundment and storage~~
213 ~~charges have been paid~~moved or impounded pursuant to state law. (2001 Code § 86-3-109)

214 7-3-~~1011~~: PROHIBITED PARKING FOR OBSTRUCTION OF SNOW REMOVAL AND EMERGENCY RESPONSE
215 VEHICLES:

216 A. —A. Specified: No person shall park a vehicle or semitrailer upon a street when it is snowing or
217 snow is on the street from November 1 and ending April 30 of the following yearParking a vehicle
218 or semitrailer on the street during a snow event is prohibited.

219 A.—It is prohibited to park a vehicle of semitrailer on a street in a manner which obstructs or interferes
220 with an emergency response vehicle.

221 B. —

222 B.—Vehicles which require circumvention by snow plows or emergency response vehicles are
223 considered abandoned or in continued violation of this chapter and are subject to citation,

224 ~~removal, and impoundment~~Obstructing Snow Removal; Impoundment: It shall be unlawful to park
225 any vehicle or semitrailer, or permit a vehicle or semitrailer owned by that person to park in a
226 manner that obstructs snow removal by failing to leave adequate room for passage of plows and
227 other removal equipment. Vehicles and semitrailers so parked are subject to impoundment as
228 detailed in Utah Code Annotated section 41-6a-1408.

229 C.

230 ~~—C.—~~Snowbound Vehicles And Semitrailers; ~~Removal:~~ It shall be ~~is~~ unlawful for the owner of a vehicle
231 or semitrailer to allow such vehicle or semitrailer to remain standing upon any public street for
232 longer than ~~forty eight (48)~~48 consecutive hours after such vehicle has become snowbound due to
233 snowplows plowing around the vehicle or semitrailer. Such vehicles and semitrailers shall be
234 determined abandoned. Abandoned vehicles and semitrailers shall be subject to removal and
235 impoundment ~~as detailed in Utah Code Annotated section 41-6a-1408~~pursuant to state law. (2009
236 Code)

237 D.

238 7-3-12: PARKING OF TRUCKS:

239 A. A person may not park a truck, truck-tractor, semitrailer or trailer on a public street:

240 1. Unless actually loading or unloading merchandise; or

241 2. Is more than 30 feet from the entrance, exit, or intersection of any private driveway, private
242 street, alley, or public street.

243 B. For the purposes of this section, a truck is considered parked, even though the motor is running, if
244 the vehicle is left standing for any period of excess of three minutes. (2001 Code § 86-7-102)

245 7-3-13~~1~~: PENALTYENFORCEMENT:

246 ~~Any person convicted of violating any provision of this chapter shall be fined an amount not less than~~
247 ~~forty dollars (\$40.00) and not more than the maximum permitted by state law for~~
248 ~~infractions~~Enforcement of this Chapter may be performed by a law enforcement officer or a parking
249 enforcement official. Citations issued under this Chapter may be prosecuted criminally or civilly. If a
250 civil citation is issued, the parties will follow the administrative citation process set forth in Title 16 of
251 this Code. Penalties for civil violations of this Chapter shall be set forth in the city's comprehensive fee
252 schedule. A law enforcement officer or parking enforcement official may immobilize any vehicle which
253 has four or more unpaid parking citations pursuant to Utah Code section 41-6a-1409 or successor
254 provision. (Ord. 10-17, 7-14-2010)

1 CHAPTER 3

2 STOPPING, STANDING AND PARKING

3 SECTION:

4 7-3-1: Title

5 7-3-2: Definitions

6 7-3-3: Applicability

7 7-3-4: Owner Responsibility

8 7-3-5: Parking on Streets

9 7-3-6: Prohibited Parking

10 7-3-7: Additional Parking Regulation

11 7-3-8: Illegally Parked Vehicle to be Moved or Impounded

12 7-3-9: Prohibited Parking of Recreational Vehicles on Street

13 7-3-10: Prohibited Parking of Vehicles Leaking Fluids

14 7-3-11: Prohibited Obstruction of Snow Removal and Emergency Response Vehicles

15 7-3-12: Parking of Trucks

16 7-3-13: Enforcement

17

18 7-3-1: TITLE:

19 This chapter may be cited to as the CITY OF WEST JORDAN PARKING CODE. (2001 Code § 86-3-101)

20 7-3-2: DEFINITIONS:

21 Unless otherwise provided for, the definitions applicable to the Chapter are the definitions contained in

22 Utah Code 41-6a-102 or successor provision.

Parking Enforcement Official	Means a city employee designated and authorized to enforce the provisions of the Chapter.
Recreational Vehicle	Means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle. Recreational vehicle also means any off-highway vehicle as defined by state law.

Registered Owner	Means the named person(s) or entity listed on the registration issued by the Department of Motor Vehicles.
School Bus Parking Zone	Means a parking space that is clearly identified as reserved for use by a school bus.
Semitrailer or Trailer	Means the definition as set forth in Section 41-1a-102 of the Utah Code and its successor provisions.
Snow Event	Means an accumulation of one inch or more of snow.
Street	Means streets, highways, public alleys, and any other public thoroughfare for vehicular traffic. Streets include the entire width between property lines open to the public, as a matter of right, for purposes of vehicular traffic.

23

24 (2001 Code § 86-3-102)

25 7-3-3: APPLICABILITY:

26 This Chapter governs the parking, standing, and stopping of vehicles upon public streets, publicly
 27 owned properties, and upon private property upon which the public is generally invited for the purpose
 28 of vehicular parking. (2001 Code § 86-3-102)

29 7-3-4: OWNER RESPONSIBILITY: If any vehicle or trailer is used in violation of the parking provisions of
 30 this title, the person or entity in whose name the vehicle or trailer is registered shall be strictly liable for
 31 the violation and the penalty for the violation.

32 (2001 Code § 86-3-103)

33 7-3-5: PARKING ON STREETS:

34 A. The vehicle operator shall park or stop a vehicle on a two-way street with the right-
 35 hand wheels:

- 36 1. Parallel to and within 12 inches of the right-hand curb; or
- 37 2. As close as practicable to the right edge of the right-hand shoulder.

38 B. The vehicle operator shall park or stop a vehicle on a one-way street parallel to the
 39 curb or edge of the roadway in the direction of authorized traffic movement with its:

- 40 1. Wheels within 12 inches of the curb: or

- 41 2. As close as practicable to the right edge of the shoulder.
- 42 C. The vehicle operator shall set the brakes and turn the front wheels to the curb or the
- 43 side of the street when parking or standing on any perceptible grade.

44

45 7-3-6: PROHIBITED PARKING:

46 A. Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions

47 of a police officer, or traffic control device, a person may not stop, stand, or park a vehicle:

- 48 1. On the roadway side of any vehicle stopped or parked at the edge of a curb or a street;
- 49 2. On a sidewalk;
- 50 3. Within an intersection or roundabout;
- 51 4. On a crosswalk or designated crossing;
- 52 5. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately
- 53 opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- 54 6. Alongside or opposite any street excavation or obstruction when stopping, standing or parking
- 55 would obstruct traffic;
- 56 7. On any bridge or other elevated structure, on a highway or within a highway tunnel;
- 57 8. on any railroad tracks;
- 58 9. on any controlled-access highway;
- 59 10. In the area between roadways of a divided highway, including crossovers;
- 60 11. any place where a traffic-control device prohibits stopping, standing, or parking;
- 61 12. In a school bus parking zone;
- 62 13. On any street more than 72 hours;
- 63 14. In front of any taxi or bus stop; or
- 64 15. On any median, or island, or in any dividing section of a divided highway.

65 B. A person may not stand or park a vehicle, whether occupied or not, except momentarily to pick up

66 or discharge a passenger or passengers:

- 67 1. In front of a public or private driveway;
- 68 2. Within 15 feet of a fire hydrant;
- 69 3. Within 20 feet of a crosswalk or designated crossing;

70 4. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal
71 located at the side of a roadway;

72 5. Within a public alley that blocks the driveway entrance to any abutting property or interferes with
73 the free movement of traffic;

74 6. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the
75 entrance to any fire station within 75 feet of the entrance when posted by signs;

76 7. At any place where a traffic-control device prohibits standing or parking.

77 C. A person may not park a vehicle, whether occupied or not, except temporarily for the purpose of
78 and while engaged in loading or unloading property or passengers:

79 1. Within 50 feet of the nearest rail of a railroad crossing; or

80 2. At any place where traffic-control devices prohibit parking.

81 (2001 Code § 86-3-104; amd. 2009 Code)

82 7-3-7: ADDITIONAL PARKING REGULATIONS:

83 A. The mayor, or mayor's designee, may place and maintain signs or traffic markings to:

84 1. Indicate standing or parking regulations; and

85 2. Designate and identify other no parking or controlled parking locations as public safety demands.

86 B. Signs, Markings: The mayor, or mayor's designee, may require persons, organizations, corporations
87 or business entities, to install and maintain regulatory parking signs or markings required by the Building
88 Code, the Fire Code, or other regulatory codes or Public Safety Ordinances. These signs shall be installed
89 and maintained, at the expense of the person or business. It is unlawful for any person to fail to comply
90 with the directives of the mayor to install or maintain such parking regulations or markings. When so
91 installed, such signs and markings shall be official signs and markings, the violation of the terms of which
92 shall be prosecuted in accordance with this chapter. (2001 Code § 86-3-105; amd. Ord. 19-04, 1-23-
93 2019; Ord. 21-04, 2-10-2021)

94 7-3-8: ILLEGALLY PARKED VEHICLE TO BE IMMOBILIZED MOVED OR IMPOUNDED:

95 A law enforcement officer may immobilize, move or impound a vehicle parked or standing upon a street
96 in violation of any provisions of this chapter. A parking enforcement official may immobilize a vehicle
97 parked or standing upon a street in violation of any provisions of this chapter. (2001 Code § 86-3-106)

98 7-3-9: PROHIBITED PARKING OF RECREATIONAL VEHICLES ON STREET:

99 A. Except in case of an emergency, a person may not park any recreational vehicle, trailer, camping
100 trailer, snowmobile trailer, boat, boat trailer, construction materials trailer or similar conveyance upon
101 the public street. A recreational vehicle, trailer, camping trailer, snowmobile trailer, boat, boat trailer,
102 construction materials trailer, or similar conveyance may be moved or impounded pursuant to state law.

103 B. A conveyance not capable of movement under its own power is deemed to be parked if it has been
104 disconnected from the motor vehicle needed for motive power. (2001 Code § 86-3-108)

105 7-3-10: PROHIBITED PARKING OF VEHICLES LEAKING FLUIDS:

106 It is unlawful for any person to park on the public street any vehicle which is leaking any measurable
107 quantity of oil, grease, transmission fluid, radiator coolant, battery acid or any other fluid, other than
108 water, onto the street. Any vehicle parked or stored on the public streets in violation of this section may
109 be moved or impounded pursuant to state law. (2001 Code § 86-3-109)

110 7-3-11: PROHIBITED OBSTRUCTION OF SNOW REMOVAL AND EMERGENCY RESPONSE VEHICLES:

- 111 A. Parking a vehicle or semitrailer on the street during a snow event is prohibited.
- 112 B. It is prohibited to park a vehicle or semitrailer on a street in a manner which obstructs or interferes
113 with an emergency response vehicle.
- 114 C. Vehicles which require circumvention by snow plows or emergency response vehicles are
115 considered abandoned or in continued violation of this chapter and are subject to citation,
116 removal, and impoundment.
- 117 D. Snowbound Vehicles And Semitrailers: It is unlawful for the owner of a vehicle or semitrailer to
118 allow such vehicle or semitrailer to remain standing upon any public street for longer than 48
119 consecutive hours after such vehicle has become snowbound due to snowplows plowing around
120 the vehicle or semitrailer. Such vehicles and semitrailers shall be determined abandoned.
121 Abandoned vehicles and semitrailers shall be subject to removal and impoundment pursuant to
122 state law. (2009 Code)

123 7-3-12: PARKING OF TRUCKS:

- 124 A. A person may not park a truck, truck-tractor, semitrailer or trailer on a public street:
- 125 1. Unless actually loading or unloading merchandise; or
- 126 2. Is more than 30 feet from the entrance, exit, or intersection of any private driveway, private
127 street, alley, or public street.
- 128 B. For the purposes of this section, a truck is considered parked, even though the motor is running, if
129 the vehicle is left standing for any period of excess of three minutes. (2001 Code § 86-7-102)

130 7-3-13: ENFORCEMENT:

131 Enforcement of this Chapter may be performed by a law enforcement officer or a parking enforcement
132 official. Citations issued under this Chapter may be prosecuted criminally or civilly. If a civil citation is
133 issued, the parties will follow the administrative citation process set forth in Title 16 of this Code.
134 Penalties for civil violations of this Chapter shall be set forth in the city's comprehensive fee schedule. A
135 law enforcement officer or parking enforcement official may immobilize any vehicle which has four or
136 more unpaid parking citations pursuant to Utah Code section 41-6a-1409 or successor provision. (Ord.
137 10-17, 7-14-2010)



**MINUTES OF THE CITY OF WEST JORDAN
COMMITTEE OF THE WHOLE
Wednesday, March 20, 2024 – 6:00 PM
Approved April 10, 2024
8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088**

WORK SESSION 6:00 pm

1. CALL TO ORDER

COUNCIL: Chair Zach Jacob, Vice Chair Chad Lamb, Council Member Bob Bedore, Council Member Kelvin Green, Council Member Kent Shelton, Council Member Kayleen Whitelock

STAFF: Assistant City Attorney Chase Ames, Council Office Director Alan Anderson, Senior Assistant City Attorney Patrick Boice, Mayor Dirk Burton, Public Works Director Brian Clegg, Assistant City Administrator Jamie Davidson, Public Works Operations Manager Jason Duffin, Policy Analyst & Public Liaison Warren Hallmark, Code Enforcement Officer Brock Hudson, Assistant Planner Megan Jensen, Senior Planner Tayler Jensen, Judge Ronald Kunz, Community Development Director Scott Langford, City Administrator Korban Lee, Fire Chief Derek Maxfield, Council Office Clerk Cindy Quick, Deputy Police Chief Jeremy Robertson, Police Chief Ken Wallentine

Chair Jacob called the meeting to order at 6:00 pm and noted that Council Member Bloom was absent.

2. DISCUSSION TOPICS

a. Discussion of policy related to West Jordan City Code Title 7 Motor Vehicles & Traffic regarding reclassifying parking violations from a criminal offense to a civil violation

Council Member Green proposed removing the criminal aspect of parking violations to prioritize civil processes over involving police officers. He pointed out discrepancies between the city ordinance, which hadn't been updated since 2001, and changes in the State code from 2016. He and Council Member Whitelock reviewed the code together.

He sought Council Member approval to update the current ordinance to align with state code, suggesting requiring parking within 12 inches of the curb instead of 18 inches, which mirrored state code provisions.

Discussion regarding specific provisions such as bus zones, whether or not to prohibit parking for more than 72 hours, and how to administer the issuing of tickets, with Council Member Green highlighting proposed changes. Mayor Burton questioned the necessity of including certain details in city code if they were already addressed in state code. Council Members discussed various proposed amendments, including parking restrictions during snow removal months and regulations on parking RVs and trailers on public streets.

Concerns were raised about the potential impact on enforcement and staffing requirements. Council Members debated the effectiveness of transitioning parking violations to civil matters and potential implications for residents.

Council Members expressed mixed opinions on various provisions, with some advocating for further consideration and clarification before making a decision. The discussion concluded with plans to revisit the proposal after additional review and assessment of potential impacts.

Council Member Whitelock asked to move Item 2d forward for discussion. With no objection Chair Jacob moved Item 2d forward.

d. Discussion regarding possible amendments to West Jordan City Code Section 8-5-2 regarding the costs of sidewalk, curb, and gutter maintenance, repair, and replacement in the city.

Public Works Director Brian Clegg explained that the proposed amendment aimed to shift sidewalk repair fees from residents to the city in an effort to expedite repairs. Currently, residents are often unwilling to cover repair costs, resulting in delays. He highlighted cases where tree roots caused sidewalk damage and outlined the process for addressing such issues, including trimming roots and, if necessary, removing trees with resident permission. Mr. Clegg emphasized the need for efficient repairs to address safety hazards and mentioned funding from B & C road funds for this purpose.

Council Member Whitelock inquired about potential abuse of the system, to which Mr. Clegg clarified that residents would still be responsible for damage caused by heavy objects on sidewalks. He assured that funding was allocated for repairs without additional budgetary demands for now, however they may need a small increase over time.

Mr. Clegg also mentioned plans to offer reimbursement to residents hiring contractors for repairs, up to a certain amount. The Council expressed support for the amendment, with Council Member Green suggesting collaboration with Chase for further input. Additionally, Mr. Clegg pointed out that the city also offered residents a tree waiver to replace removed trees in their yards.

b. Discussion of proposed Title 13 amendments, specifically 13-2-3: Definitions.

Assistant Planner Megan Jensen highlighted the lack of defined regulations for the storage of commercial vehicles in the City Code, which has posed enforcement challenges. Civil Prosecutor Paul Dodd elaborated on a previous case that the city lost due to ambiguous definitions, emphasizing the need for clarity in the code to facilitate enforcement efforts. He expressed concern with lack of consensus in previous attempts to address the issue.

Council Member Green raised concerns that the proposed definition might make various activities illegal, citing examples of residents with work vehicles or trailers that could be

Senior Assistant City Attorney Patrick Boyce explained the State controlled alcohol licensing, and the City issued permits. Mr. Boyce recommended simplifying Title 17 to be more user friendly with clearer authority for the Licensing Department. He said the proposed amendments reduced Title 17 from around 33 pages to 8 pages and asked the Council for direction.

Council Member Green expressed support for the simplified Title 17 and shared the opinion that Title 17 needed to refer to Title 16 regarding license revocation. Mr. Boyce agreed that reference to Title 16 needed to be added.

Council Member Whitelock suggested changing language in 17-2-4E to clarify temporary closure versus permanent closure. The Council discussed extending the closure timelines from the current 10-day regulation to a 30-60 day period. Staff would investigate related State provisions. Council Member Whitelock suggested clarifying acceptable identification for alcohol permits to align with state definitions. Council Member Bloom noted that State regulations did not recognize foreign forms of identification for purchase of alcohol. A majority of the Council appeared to support bringing proposed amendments to a future Council meeting with changes discussed that evening.

f. Discussion of proposed amendments to Title 7 - Parking

Senior Assistant City Attorney Patrick Boyce presented proposed amendments to Title 7 regarding parking and explained proposed changes to the fee schedule. He said many of the proposed amendments would bring Title 7 into compliance with State Code. Council Member Green expressed support for the proposed amendments.

Mr. Boyce spoke of enforcement highlighting the need for additional personnel and time to implement the program. The Council discussed proposed amendments and advocated for public education. Council Member Whitelock noted necessary grammatical edits and planned to coordinate with staff after the meeting.

3. ADMINISTRATIVE ITEMS

None

4. ADJOURN

At 9:57 pm, Council Member Green moved to adjourn the meeting. Chair Jacob seconded the motion, which passed by unanimous vote (7-0).

I certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on September 18, 2024. This document constitutes the official minutes for the West Jordan Committee of the Whole meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this 9th day of October 2024



MINUTES OF THE CITY OF WEST JORDAN
COMMITTEE OF THE WHOLE
Wednesday, October 16, 2024 – 6:00 pm
Waiting Formal Approval
8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

WORK SESSION

1. CALL TO ORDER

COUNCIL: Chair Zach Jacob, Vice Chair Chad Lamb, Bob Bedore, Pamela Bloom, Kelvin Green, Kent Shelton, Kayleen Whitelock

STAFF: Council Office Director Alan Anderson, Mayor Dirk Burton, City Attorney Josh Chandler, Utilities Manager Greg Davenport, Public Services Director Cory Fralick, Policy Analyst & Public Liaison Warren Hallmark, Community Development Director Scott Langford, City Administrator Korban Lee, Senior Planner Ray McCandless, Council Office Clerk Cindy Quick, Assistant City Administrator Paul Jerome, Economic Development Director David Dobbins, Code Enforcement Manager Brock Hudson, Senior Assistant City Attorney Patrick Boice, Cemetery Sexton Craig Hudson

Chair Jacob called the meeting to order at 6:00 pm.

2. DISCUSSION TOPICS

a. Discussion of potential Third Amendment to a Master Development Agreement for Jordan Valley Station TOD at 3400 West 8600 South for the purpose of extending the expiration date

Council Office Director Alan Anderson said the City Council heard from the applicant and held a public hearing regarding a potential amendment to the MDA for Jordan Valley Station Transit Oriented Development (TOD) on July 31, 2024, and referred the matter to the Committee of the Whole for further discussion. Jeff Vitek, President and CEO of Boulder Ventures Development, Inc., explained that Bangerter Station, LLC was a joint venture of Boulder Ventures Development, Inc. and Utah Transit Authority (UTA) for development of Jordan Valley Station, a 40-acre TOD entitled for residential units, commercial office, and retail/restaurant use. Mr. Vitek and his associate Alec Taylor answered questions from the Council about the status of development and phasing plans.

Mr. Vitek said that although extending the expiration date beyond September 2029 would cost more money to develop, he believed the result would be a better product and better for the community. He believed with an extension he could allocate capital and resources for the separate elements to be more unique. Without an extension, the development would have a more uniform appearance.

Council Member Bloom shared negative personal experiences from living at Novi at Jordan Valley Station, and expressed concern for quality and follow-through. Mr. Vitek said he was sorry Council Member Bloom had a negative experience, and briefly explained some of the construction problems associated with the first two buildings.

Council Member Green said the City Council initially approved the Jordan Valley Station TOD expecting a model TOD, and asked why the development was not even 50% complete 15 years later. Mr. Vitek believed Jordan Valley Station was close to being a model TOD.

Council Member Green said the MDA required Bangerter Station, LLC to reimburse the City for maintenance of the public street, yet he had not seen any accounting for such reimbursement in the City budget. Council Member Green said experience with traffic in the last 15 years had not been consistent with results of the initial traffic study. He said the MDA stated Bangerter Station, LLC would be the sole developer of the TOD, which was not true, and questioned the legal ramifications. Council Member Green believed the commercial element in the TOD was an afterthought, included as a platitude to the City Council.

Mr. Vitek said at the time the MDA was approved, there were no TODs in Utah, and his team had looked to other states for examples. He believed he was clear and direct from the beginning that Jordan Valley Station would not be a big sales tax generator. Mr. Vitek felt proud of what had been accomplished.

Chair Jacob noted that the MDA had five years remaining and the applicant was requesting five to ten years more. Chair Jacob questioned what would happen if the extension was not granted and the development was not completed within the next five years. Economic Development Director David Dobbins said the TOD agreement would terminate and the land would revert to previous zoning. Mr. Vitek said he was not trying to drag out the project. He requested the extension hoping to provide a better product to do what was best for the community. Mr. Vitek estimated he could complete the project within five years but emphasized his preference for taking additional time to ensure a high-quality, enduring product. Chair Jacob felt what had been developed was attractive, with nice open space.

Council Member Green pointed out that impact fees for the project were reduced under the MDA and expressed reluctance to amend the agreement without reconsidering the impact fees. Mr. Vitek explained the timing for the intersection at 3200 West offering to coordinate with the City Engineer and fund the traffic signal when it was needed. He also mentioned complications with a neighboring property owner.

Responding to a question from Council Member Whitelock, Community Development Director Scott Langford said staff could be prepared to explain trail connection plans at a future meeting.

Vice Chair Lamb pointed out that the area had been empty since the completion of Novi in 2017, he wanted to see it move forward. He suggested the applicant come back to the Council early in 2025 with an explanation of what could be done by the 2029 deadline,

and what could be done with more time. Mr. Vitek said he could come back with options fairly quickly, but emphasized that less time for development would mean rectangular buildings and far less landscaping. Mr. Vitek believed that higher-quality, visually appealing developments would be better in the long run, as they tend to retain value and typically demand less police involvement over time.

Council Member Bedore wanted to see what the product would look like if completed in five years versus what would be possible with additional time. Council Member Whitelock asked Mr. Vitek if he would be willing to agree to concessions, such as full impact fees, for approval of an extension. Mr. Vitek repeated that he believed it was in the best interest of the City to allow more time for a better product, but he could complete the project within the original timeframe. Council Member Whitelock believed what the State needed, and what the Governor and Legislature currently wanted, were more single-family homes on small lots. She would have trouble approving an extension if the City didn't get anything in return.

Responding to a question from Council Member Bloom, Mr. Vitek said he sold Novi to a different company years ago. Council Member Green commented that all property owners were required to sign an MDA and additional property owners would need to be party to an amendment to the MDA. Mr. Vitek responded that the MDA only applied to undeveloped land. Council Member Green felt the amendment could specify that it only applied to undeveloped property.

Chair Jacob wanted to do what was right for the City long-term. He believed that sometimes it took longer to get a good product and he did not have a problem with an extension. He would like to see an illustration of what Mr. Vitek had discussed. Vice Chair Lamb would like the project to be done before 2039. Council Member Green wanted to make sure the Council did the right thing the right way. Mr. Vitek said he could bring back some illustrations. Mr. Anderson said he would work with Mr. Vitek and his team to schedule a future Committee of the Whole discussion prior to the end of the year. Vice Chair Lamb reiterated that the Council wanted to see why Mr. Vitek wanted ten more years instead of five.

b. Discussion of proposed amendments to Title 16 – Administrative Code Enforcement Hearing

Council Office Director Alan Anderson said Senior Assistant City Attorney Patrick Boice drafted proposed amendments to Title 16 in response to direction from the Council at a March 2024 Committee of the Whole meeting. Mr. Boice spoke of the need to update timelines for the code enforcement process. Mr. Boice answered questions and received feedback from the Council. Council Member Whitelock expressed a desire to include the possibility of revoking Good Landlord status in Title 16. Staff would investigate the possibility.

Mr. Boice described a scenario in which the City had expended funds preparing for an abatement after an established deadline, only for the property owner to address the issue just before the City intervened. Although abatement was no longer necessary, City funds had been expended. Mr. Boice advocated for retaining the option to assess costs for similar situations.

The Council and staff discussed minor grammatical changes. A majority of the Council indicated support for putting the proposed Title 16 amendments on a future City Council agenda.

c. *Presentation of 2024 West Jordan Water Conservation Plan*

Public Utilities Director Greg Davenport reported that the City was required to submit an updated Water Conservation Plan every five years. The last update was adopted in 2019, and a new update must be adopted before the end of 2024. Mr. Davenport presented a proposed update to the West Jordan Water Conservation Plan, and received feedback from the Council. Mr. Davenport said he would bring the update plan back to the Council after review by the Planning Commission.

d. *Discussion of proposed amendments to City Code Sections 13-17-2, 12-3-2 and 13-5L-7 to establish sign standards for the Planned Community Hillside (PCH) Zone*

Senior Planner Ray McCandless explained the request for the Council to consider amending the West Jordan Code to establish sign standards for the PCH Zone was in response to a developer asking if a sign could be placed on a storage unit in the PCH Zone.

Council Member Green asked the detrimental impact of allowing a maximum four-foot monument sign. Staff responded it had to do with aesthetics. The Council discussed permitted versus administrative conditional sign uses. Council Member Green suggested taking a closer look at all administrative conditional sign uses and eliminating any with which the Council was not comfortable.

Council Member Shelton would be in favor of permitting monument signs four feet or less in height in the PCH Zone, but not taller. Chair Jacob spoke in favor of administrative conditional approval for kiosk and monuments over four feet in height in the PCH Zone to allow for mitigation of potential detrimental impacts. Council Member Whitelock was comfortable with monument signs under four feet being permitted, and taller requiring administrative conditional approval. A majority of the Council appeared to agree.

The Council discussed the difference between electronic LED and animated signs. Council Member Bloom believed the electronic LED sign technology had improved. Council Member Whitelock would support administrative conditional approval for electronic LED signs in the PCH Zone. Council Member Shelton expressed opposition to allowing electronic LED signs in the PCH Zone due to aesthetic concerns. Chair Jacob would be comfortable with administrative conditional approval for electronic LED signs. Aside from the specific support for administrative conditional approval of LED signs and monument signs over four feet, a majority of the Council expressed general support for the remaining staff recommendations proposed.

e. *Discussion of proposed amendments to Title 8-14-7 - Grave Decorations*

Senior Assistant City Attorney Patrick Boice said previous Council discussion regarding grave decorations included a desire to set a timetable for seasonal decorations, and to allow the Sexton to use compassion and good judgement in administration of the policy. Mr. Boice noted that a sexton was defined as a keeper of sacred things and he believed the proposed policy prepared by staff encompassed that intent.

Mr. Boice said the proposed policy would allow placement of seasonal decorations three days prior to a holiday through no less than seven days after the holiday. He said concern was expressed by Council Member Whitelock with placing the policy in the hands of the Sexton and removing the Council, but expressed the opinion that there would be benefit in not changing the policy as frequently as had been done. Mr. Boice expressed the opinion that day-to-day operations should be given to the Sexton. Cemetery Sexton Craig Hudson believed it was important to have a strong written policy in place. Mayor Burton suggested the Sexton needed flexibility to manage complaints and issues.

Council Member Green referred to language in the proposed policy regarding headstone attachments or fixtures and felt the language was too vague. He expressed concern with the executive branch having control over the policy, with no oversight from the Council. He preferred incorporating public notice or an input process for any policy changes to ensure that the policy's direction was not influenced by the personality of the Sexton. Council Member Shelton believed being a cemetery sexton required a nuanced approach and he did not want to tie the Sexton's hands. Council Member Green wanted a consistent long-term policy that could be understood.

Mr. Boice emphasized the importance of consistent standards. He reported that the code had been amended in 2017, 2019, and 2022. Chair Jacob believed the decoration policy was an administration issue, not a legislative Council issue. Council Member Whitelock believed policy guardrails were needed. Council Member Green was comfortable with the proposed change but wanted to look at the larger issue of administrative law making in the future.

Staff answered questions from the Council regarding specific proposed policies. Council Members suggested adding an exception in the policy to allow grave decorations to remain for new burials. Chair Jacob believed the decoration policy was an administration issue, he preferred having City Code refer to the policy and agreed it should be consistent. A majority of the Council indicated support for the proposed policy.

4. ADMINISTRATIVE ITEMS

City Administrator Korban Lee shared his experiences visiting the new wheels park, where he witnessed the joy of a six-year-old enjoying the park's wide layout in his wheelchair and large groups of kids gathering after school to use the facility. He described the park as a huge success and presented the Council with signed skateboard decks as a token of appreciation for their support in making the project possible.

5. ADJOURN

Chair Jacob moved to adjourn the meeting. Council Member Green seconded the motion, which passed by unanimous vote (7-0).

The meeting adjourned on 9:05 pm.

I certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on

October 16, 2024. This document constitutes the official minutes for the West Jordan Committee of the Whole meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this ____ day of ____ 2024

DRAFT



MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING
Wednesday, October 23, 2024 – 6:00 pm
Waiting Formal Approval
8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

CITY COUNCIL MEETING

1. CALL TO ORDER

COUNCIL: Chair Zach Jacob, Vice Chair Chad Lamb, Bob Bedore, Pamela Bloom, Kelvin Green, Kent Shelton, Kayleen Whitelock

STAFF: Council Office Director Alan Anderson, Mayor Dirk Burton, City Attorney Josh Chandler, Public Works Director Brian Clegg, Public Utilities Director Greg Davenport, Assistant Planner Mark Forsythe, Public Services Director Cory Fralick, Policy Analyst & Public Liaison Warren Hallmark, Community Development Director Scott Langford, City Administrator Korban Lee, Fire Chief Derek Maxfield, Senior Planner Ray McCandless, Council Office Clerk Cindy Quick, Assistant City Administrator Paul Jerome, Senior Planner Tayler Jensen, Senior Assistant City Attorney Patrick Boice

Chair Jacob called the meeting to order at 6:00 pm.

2. PLEDGE OF ALLEGIANCE

Patrick Boice led participants in the Pledge of Allegiance.

3. SPECIAL RECOGNITION

a. APA Outstanding Plan Award for Station Area Plans

Mayor Dirk Burton reported West Jordan received an American Planning Association (APA) Utah Chapter Outstanding Plan Award for the City Center Station Area Plan. Community Development Director Scott Langford viewed the evening as a celebration of collaboration, and recognized Senior Planner Tayler Jensen, Assistant Planner Megan Jensen, and Associate Planner Mark Forsythe for their work on the project.

The City Council congratulated the Planning Department and took the opportunity for a photograph.

4. PUBLIC COMMENT

Chair Jacob opened the public comment period at 6:08 pm.

Comments:

Ann Marie Barrett, Bingham Creek Library Manager, spoke of upcoming activities and items available for check-out at the library.

Chair Jacob closed public comments at 6:10 pm.

5. REPORTS TO COUNCIL

a. City Council Reports

Council Member Green praised the West Jordan Police Department for the Pumpkin Painting with Police event, noting how well attended it was, with pumpkins and paint donated. He also commended the K9 officer section noting West Jordan's great officers and residents.

Council Member Whitelock thanked Officer Rebecca Fields for kindness shown to her grandchildren at the Pumpkin Painting with Police event. She spoke of a productive ride-along with a new member of the Code Enforcement Department.

Council Member Bloom was inspired by the recent Faith and Blue event. She considered the new Wheels Park to be a huge success and a big asset for the community.

Vice Chair Lamb thanked staff for promoting the new Wheels Park and Korban Lee for his significant role in the park's creation.

Council Member Bedore appreciated having one-on-one conversations with citizens and being able to coordinate with staff regarding citizen concerns.

Council Member Shelton referring to a recent difficult incident said West Jordan Animal Services officers were amazing.

Chair Jacob reported on the Urban Land Institute Annual Trends Conference he attended, spoke of challenges facing the industry and enjoyed the class entitled Business Case for Designing Extraordinary Places. Chair Jacob believed it would be valuable to send one or two Council Members to the conference every year.

b. Council Office Report

Council Office Director Alan Anderson asked for Council input regarding the use guide for the Council's agenda software. Policy Analyst Warren Hallmark reported that the Youth Council had a great time volunteering at the West Jordan Historical Society's Pumpkin Walk activity.

c. Mayor's Report

Mayor Dirk Burton reported on the Wheels Park Grand Opening, the Salt Lake International Airport Phase 3 unveiling, the recent Pumpkin Walk, and Pumpkin Painting with the Police. He provided an update on current and upcoming construction projects and spoke of upcoming events in the community.

d. City Administrator's Report

City Administrator Korban Lee said it had been exciting to see the success of the Wheels Park, noting of an additional restroom and lights to be added with additional phases in 2025.

6. PUBLIC HEARINGS

a. Ordinance No. 24-46 amending West Jordan City Code Title 17 – Alcohol Beverage Control and Uses

The City Council previously discussed proposed amendments to Title 17 in a 2021 work session. Council Office Director Alan Anderson summarized the proposed amendments noting that staff learned the amendments needed to be reviewed by the Planning Commission as a land use ordinance prior to approval.

Council Member Green said the only part of ordinance that qualified as land use was the Permitted Use Table. He believed the original intent had not been for Title 17 to be a land use ordinance, and suggested the proposed ordinance not come back to the Council as a land use ordinance except for the table. A majority of the Council indicated agreement.

Council Member Whitelock suggested minor changes. Responding to a question from Vice Chair Lamb, Mr. Anderson recommended holding an additional public hearing after Planning Commission review.

Chair Jacob opened a public hearing at 6:39pm.

Comments:

None

Chair Jacob closed the public hearing at 6:40pm.

Council Member Whitelock moved to send Ordinance No. 24-46 back to the Planning Commission. Council Member Shelton seconded the motion, which passed by unanimous vote (7-0).

b. Ordinance No. 24-44 amending West Jordan City Code Sections 8-15-4 and 7-5-2 Regarding Naming Principles and Placement of Parks, Public Spaces, Monuments, and Street Name Changes

Council Office Director Alan Anderson oriented the Council with proposed amendments to City Code to eliminate constitutional ambiguity regarding general naming principles. Council Member Bloom pointed out inconsistencies in capitalization and formatting.

Council Member Whitelock asked how “high level of community support” would be determined. Senior Assistant City Attorney Patrick Boice said it was his opinion that the level of community support would be determined by the Council. He said the wording was subjective to provide flexibility for the Council. The Council and staff discussed the possibility of naming a building for a sponsor.

Chair Jacob opened a public hearing at 6:49pm.

Comments:

None

Chair Jacob closed the public hearing at 6:50pm.

MOTION: Council Member Green moved to APPROVE Ordinance No. 24-44 amending Sections 8-15-4 and 7-5-2 regarding Naming Principles and Placement of Parks, Public Spaces, Monuments, and Street Name Changes.

Council Member Whitelock seconded the motion.

Chair Jacob felt statements of things the Council would or would not do would be more appropriate in an informational pamphlet than in City Code. He said the current Council could not foresee all possible situations, and he did not want to bind future City Councils.

The vote was recorded as follows:

YES: Zach Jacob, Chad Lamb, Bob Bedore, Pamela Bloom, Kelvin Green, Kent Shelton, Kayleen Whitelock

NO:

ABSENT:

The motion passed 7-0.

7. CONSENT ITEMS

a. Approve Meeting Minutes

- **October 9, 2024 – Regular City Council Meeting**
- **October 9, 2024 – Committee of the Whole Meeting**

b. Resolution No. 24-037, a Deferral Agreement with CW Land Co., LLC for park strip landscape improvements in the Copper Rim Phase 3B Subdivision

MOTION: Council Member Green moved to APPROVE the consent agenda as listed. Council Member Bloom seconded the motion.

The vote was recorded as follows:

YES: Zach Jacob, Chad Lamb, Bob Bedore, Pamela Bloom, Kelvin Green, Kent Shelton, Kayleen Whitelock

NO:

ABSENT:

The motion passed 7-0.

8. ADJOURN

Council Member Green moved to adjourn the meeting. Council Member Shelton seconded the motion, which passed by unanimous vote (7-0).

The meeting adjourned at 6:54 pm.

I hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on October 23, 2024. This document constitutes the official minutes for the West Jordan City Council meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this ____ day of ____ 2024

DRAFT



MINUTES OF THE CITY OF WEST JORDAN
COMMITTEE OF THE WHOLE
Wednesday, October 23, 2024 – 6:15 pm
Waiting Formal Approval
8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

WORK SESSION

1. CALL TO ORDER

COUNCIL: Chair Zach Jacob, Vice Chair Chad Lamb, Bob Bedore, Pamela Bloom, Kelvin Green, Kent Shelton, Kayleen Whitelock

STAFF: Council Office Director Alan Anderson, Senior Assistant City Attorney Patrick Boice, Mayor Dirk Burton, Policy Analyst & Public Liaison Warren Hallmark, Assistant City Administrator Paul Jerome, Community Development Director Scott Langford, City Administrator Korban Lee, Senior Planner Ray McCandless, Council Office Clerk Cindy Quick

Zach Jacob called the meeting to order at 7:01 pm.

2. DISCUSSION TOPICS

a. Discussion of application for multi-family housing/live-work project at 3009 West 7800 South

Council Office Director Alan Anderson oriented the Council with the location of the proposed project, noting the application had gone through the review process with staff. Applicant Adam Nash said the property owners had explored possible commercial uses and contracts for the subject property and found retail was not popular at the location. He understood why cities did not want to give up commercially zoned property but suggested a medium-density residential development would be a step up in tax value, not a step down. Mr. Nash said the proposed development would be HOA maintained, and showed an example of the type of front elevation proposed for the main road.

Responding to a question from Council Member Green, Community Development Director Scott Langford said the City required private roads to be built to City road standards. Council Member Whitelock said it was not long ago that citizens worked hard to update the General Plan. She acknowledged that the General Plan would continue to change but believed it should change over time. She questioned why the City would update the General Plan if it was not going to be followed. She could probably approve a change to a live-work project but not at the proposed density. Council Member Whitelock said the Governor and the public wanted small, affordable single-family detached housing.

Council Member Green believed the proposed ERU count would be way too high for existing utilities. He said residents had complained about high-density projects in West Jordan and he felt 14 units per acre was high density. He suggested the project needed to be around 5.5 units per acre and was willing to modify the SC2 Zone for 5 units per acre or modify the Integrated Housing Ordinance.

Council Member Shelton liked the live-work concept. Mr. Nash had experience with the concept and was comfortable the units would sell. Council Member Shelton believed the proposed density was too high for the location. Council Member Bloom expected the density would have to change after the project was reviewed for available utilities. She liked the live-work concept.

Council Member Shelton expressed concern for street-frontage unit parking if the structure were built right to the street. Mr. Nash referred to similar structures on State Street. Vice Chair Lamb expressed confidence that it would be residents of the units above that would park in the few available parking spots. Vice Chair Lamb did not like placement of the back entrance next to the Macey's loading dock.

Chair Jacob was comfortable with the density if the engineers determined it would work on the property. However, he expressed concern with logistics of having two rows of live-work buildings. Mr. Nash said it had been his experience that units in double-facing live-work buildings would be in demand.

Responding to a question from Korban Lee, Mr. Nash reported that both separate live and workspaces, and integrated live and workspaces, could be options. Council Member Whitelock would be interested in learning more about Mr. Nash's plans at a future Committee of the Whole meeting.

Council Member Bedore liked the retail placement below residential units but did not like the proposed density. Responding to a question from Council Member Whitelock, Mr. Nash said the units were designed for single-family ownership. He said the townhomes would cost in the \$600,000 range. Council Member Green would want more of a buffer between the proposed residential and existing development on the south side. Council Member Shelton was not interested in changing from the SC2 Zone and suggested that allowing some residential within the SC2 Zone may work with adjustments. Mr. Nash expressed the opinion that the SC2 Zone height limit was not always fair.

Mr. Anderson asked if the Council agreed on an acceptable density. Council Member Bloom would want to hear the opinion of the engineers first. Council Member Green believed it was up to the developer to take feedback from the Council and work with staff to come up with a reasonable density and a way to amend the Code. Chair Jacob would not want to amend the SC2 Zone to make it fit the scenario, and suggested a different zone may work better.

Mr. Anderson summarized that the applicant could work on something with staff and come back to the Committee of the Whole for further discussion.

Mr. Langford asked if the Council would be open to considering a new overlay that would include a live-work element. Council Member Green said turning SC2 into high-density residential did not fit with what he was hearing from the residents, and expressed the opinion that the City would need to benefit in some way if commercial were eliminated.

Chair Jacob spoke of property-owner rights and he was in favor of being open to the possibility that there could be an option even better than what was in the General Plan, because those who put together the General Plan were not able to have considered every possibility.

b. Discussion on adjustments to Council Compensation.

Council Office Director Alan Anderson said the Council had asked for further discussion of Council compensation. He said the original proposal had been to set Council compensation at 20% of the Mayor's salary with annual cost of living increases. Following the last discussion, Vice Chair Lamb drafted a policy that mirrored the existing policy to set mayoral salary, with compensation evaluation every four years. At the time of review, if the Council did not reach consensus regarding a change in compensation, compensation would remain the same for the next four years.

Council Member Whitelock was aware a Legislative Committee had recently discussed elected official compensation and suggested finding out specifically what was being discussed. Chair Jacob did not want to wait for the Legislature to act before deciding what to do in West Jordan. He expressed the opinion that a COLA was needed to remove politics from compensation and suggested Council receive the same COLA used for City employees.

Council Member Shelton said he initially liked the idea of a COLA, but heard public clamor against an "automatic pay raise." Council Member Bedore would be comfortable with a COLA if a public hearing was required. Mr. Anderson stated a public hearing was required every year whether or not compensation was increased.

Vice Chair Lamb explained his proposed policy, with Council compensation reviewed every four years, and expressed the opinion it would always be a political topic, even with a COLA. Council Member Whitelock felt the topic would always be political because they were in a political office. She liked the idea of a scheduled review but would not want to include a COLA connected to employee compensation because Council Members were not employees.

Council Member Green suggested implementing in a non-election year and involving a citizen group with a deadline to submit resident input and a recommendation. Council Member Whitelock liked the idea of involving a citizen group and the suggestion of a routine review. Chair Jacob did not like the idea of a citizen group. Council Member Green would not want to go down the road of discussing compensation unless benefits were part of the conversation.

Vice Chair Lamb suggested the Council discuss Council compensation in December 2024 and set policy to schedule discussion every four years. Council Member Bedore said he would want to know the criteria for selecting a citizen committee before deciding. Vice Chair Lamb noted that it had been his experience that a citizen committee was a waste of time because the Council did not pay attention to the recommendations provided. Council Member Shelton was worried about the perception of a citizen committee that the Council was trying to pass the buck.

At least four Council Members indicated support for moving forward with setting policy to review Council compensation every four years, beginning in December 2024.

3. ADJOURN

Council Member Whitelock moved to adjourn the meeting. Council Member Green seconded the motion, which passed by unanimous vote (7-0).

The meeting adjourned at 8:32 pm.

I certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on October 23, 2024. This document constitutes the official minutes for the West Jordan Committee of the Whole meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this ____ day of ____ 2024