



WHITE CITY COUNCIL MEETING AGENDA

July 10, 2025

6:00 PM

White City Water Improvement District
999 E Galena Drive, White City 84094

PUBLIC NOTICE IS HEREBY GIVEN that the White City Council will hold a regular meeting on the **10th day of July 2025** at the White City Water Improvement District, 999 E Galena Drive, White City, Utah as follows:

This meeting will be held at the anchor location and electronically for members of the staff and/or public that cannot attend. Those interested in attending electronically should follow the information noted at the end of this agenda. **Portions of the meetings may be closed for reasons allowed by statute. Motions relating to any of the items listed below, including final action, may be taken.

6:00 p.m. – WORKSHOP

1. **Public Comments** -- (*Limited to 3 minutes per person*) Any person wishing to comment on any item not otherwise scheduled for a public hearing on the agenda may address the Council at this point by coming to the table and giving their name for the record. *Comments should be limited to not more than three (3) minutes unless additional time is authorized by the Governing Body.*
2. Discussion/Clarification of Agenda Items
3. Discuss MSD Park Plan Study Update [*Daniel Torres, Economic Development Manager*]
4. Discuss future agenda items
5. Close Workshop Meeting

BUSINESS MEETING

1. Welcome and Determine Quorum

2. Discussion and Approval of Financial Report [*Dave Sanderson, Financial Manager*]
3. Unified Fire Authority Report [*Operations Chief Kay*]

3.1. Sandy City Fire Report [*Chief McConaghie*]

4. Unified Police Department Report [*Detective Josh Smith, Chief April Morse*]

5. ACTION ITEM

5.1 Approve Minutes of June 5 and June 12, 2025 [*Rori Andreason, City Administrator*]

5.2 Consider **Resolution No. 2025-07-01** Appointing Weston Millen as a Full-time Planning Commission Member with a term expiring February 28, 2027 [*Rori Andreason, City Administrator*]

5.3 Consider **Resolution No. 2025-07-02** Appointing Christopher Huntzinger as a Full-Time Planning Commission Member with a term expiring February 28, 2027 *[Rori Andreason, City Administrator]*

5.4 Consider **Ordinance No. 2025-O-05** Approving a Text Amendment to Title 19 of the White City Municipal Code regarding a proposed Landscaping Business located at 1226 E 10600 S *[Shad Cook, Planner]*

6. **DISCUSSION ITEM**

6.1 Discuss Amendments to Title 12 of the White City Municipal Code regarding Code Enforcement *[Paul Ashton, Attorney]*

7. **COUNCIL REPORTS**

7.1 Greater Salt Lake Municipal Services District/Council of Governments *[Mayor Paulina Flint]*

7.2 Unified Fire Authority/Unified Fire Service Area *[Council Member Tyler Huish]*

7.3 Mosquito Abatement/Salt Lake County Animal Control *[Council Member Linda Price]*

7.4 Unified Police Department/SLVLESA *[Council Member Phillip Cardenaz]*

6.5 Wasatch Front Waste & Recycling District *[Council Member Greg Shelton]*

8. **CLOSED SESSIONS IF NEEDED AS ALLOWED UNDER UTAH CODE ANN. 52-4-205)**

8.1 Discussion of the Character, Professional Competence or Physical or Mental Health of an Individual.

8.2 Strategy sessions to discuss pending or reasonably imminent litigation.

8.3 Strategy sessions to discuss the purchase, exchange, or lease of real property.

8.4 Discussion regarding deployment of security personnel,

8.5 Other lawful purposes as listing in Utah Code 52-4-205

9. **ADMINISTRATOR REPORT**

10. **ADJOURN**

ZOOM MEETING

Topic: White City Council Meeting

Time: Jul 10, 2025 06:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/81434843003?pwd=JXNlH95JSzYTd6fTBtb3XalcTcVvaYw.1>

View meeting insights with Zoom AI Companion

<https://us06web.zoom.us/launch/edl?muid=2e3779ce-1638-493e-8fcf-858f3c4d61fb>

Meeting ID: 814 3484 3003

Passcode: 656567

Upon request with three (3) working days' notice, the Greater Salt Lake Municipal Services District, in support of

White City, will make reasonable accommodation for participation in the meeting. To request assistance, please call (385) 468-6703 – TTY 711.

A copy of the foregoing agenda was posted at the following locations on the date posted below: White City website at whitecity.utah.gov and the State Public Notice Website at <http://pmn.utah.gov> . Pursuant to State Law and White City Ordinance, Councilmembers may participate electronically. Pursuant to Utah Code Ann. § 52-4-205, Parts of Meetings may be Closed for Reasons Allowed by Statute.

POSTED: July 8, 2025

White City > General Fund

Budget Report Yearly

91.70%

5/31/2025

	Actual to 5/31/2025	FY 2025 Budget	Projected	91.7% %
Revenues				
Sales tax	885,077	900,000	925,000	98%
Franchise tax	-	7,500	12,500	0%
Transportation sales tax	83,290	85,000	110,000	98%
Class C road funds	226,448	230,000	250,000	98%
Business licenses	3,588	1,000	4,000	359%
Building permits	28,821	25,000	30,000	115%
Other permits	-	10,000	10,000	0%
Zoning-land use permits	-	-	-	100%
Grants care funds	-	-	-	100%
ARPA funding	-	682,646	682,646	0%
Engineering services	8,416	1,000	8,500	842%
Planning services	1,065	25,000	25,000	4%
Code enforcement fines	-	1,500	1,500	0%
Justice court fines	36,652	30,000	38,500	122%
Miscellaneous	6	-	10	100%
Interest earnings	35,217	-	42,000	100%
Transfers in	499,992	499,992	499,992	100%
Total Revenues	\$ 1,808,572	\$ 2,498,638	\$ 2,639,648	72%
Expenses - Administration				
Wages	68,750	82,500	82,500	72%
Employee Benefits	5,260	9,000	9,000	100%
Awards, Promotions & Meals	5,514	-	7,500	100%
Subscriptions/Memberships	400	4,070	4,070	83%
Printing/Publications/Advertising	2,748	5,000	5,000	58%
Office expense and supplies	1,820	1,070	2,000	100%
Attorney-civil	48,588	75,000	75,000	10%
Attorney- land use	-	10,000	10,000	55%
Training and seminars	-	7,070	7,070	170%
Web page development/maint	2,760	17,686	17,686	65%
Software streaming	4,296	500	4,500	0%
Payroll processing fees	458	900	900	0%
Communications	-	4,000	4,000	16%
Contributions/special events	52,500	53,161	53,161	859%
Credit card and bank expenses	-	535	535	51%
Insurance	9,740	16,000	16,000	0%
Workers comp insurance	84	1,200	1,200	99%
Postage	3,407	2,000	3,500	0%
Professional & technical	87,672	132,900	132,900	61%
UFA Emergency services	-	-	-	7%
SL (Client) County support services	122	65,000	65,000	170%
ARPA expense	-	682,646	682,646	66%
Justice Court remediation -UPD	-	5,000	5,000	100%
Rent	164	2,400	2,400	0%
Non classified expenses	-	5,000	5,000	0%
Total Administration	\$ 294,283	\$ 1,182,638	\$ 1,196,568	25%
Transfer to General fund	1,308,580	1,316,000	1,316,000	99%
Transfer to Capital projects	567	-	567	0%
Total Transfers	\$ 1,309,147	\$ 1,316,000	\$ 1,316,567	99%
Total Expenses	\$ 1,603,430	\$ 2,498,638	\$ 2,513,135	64%
Surplus/Deficit	\$ 205,142	\$ -	\$ 126,513	

White City > Designated Fund
Budget Report Yearly

83.30%

4/30/2025

Revenues

	Actual to 4/30/2025	FY 2025 Budget	Projected	83.3% %
Municipal Telephone franchise tax	11,295	-	20,000	100%
Municipal electric franchise tax	62,790	-	75,000	100%
Natural gas franchise tax	63,549	-	75,000	100%
Franchise tax	33,835	-	50,000	100%
ARPA funding	682,646	-	682,646	100%
Miscellaneous	-	-	-	100%
Interest earnings	15,731	-	25,000	100%
Transfers in	567	-	567	100%
Total Revenues	\$ 870,413	\$ -	\$ 928,213	100%

Expenses - Designated fund

ARPA expense	682,646	-	682,646	100%
Non classified expenses	-	-	-	0%
Total Administration	\$ 682,646	\$ -	\$ 682,646	100%

Surplus/Deficit

\$ 187,767	\$ -	\$ 245,567
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Liquor Fund
Budget Report Yearly

91.70%

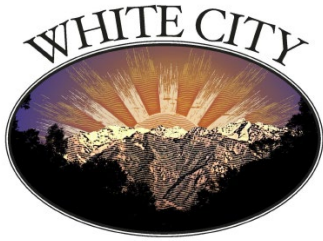
5/31/2025

Revenues

	Actual to 5/31/2025	FY 2025 Budget	Projected	91.7% %
State Liquor Alltoment	6,861	-	6,861	100%
Miscellaneous	-	-	-	100%
Interest earnings	-	-	-	100%
Transfers in	-	-	-	100%
Total Revenues	\$ 6,861	\$ -	\$ 6,861	100%

Expenses - Administration

Beer expenses	6,861	-	6,861	100%
Non classified expenses	-	-	-	0%
Total Administration	\$ 6,861	\$ -	\$ 6,861	100%



WHITE CITY COUNCIL MEETING MINUTES

June 5, 2025, 6:00 PM

WHITE CITY WATER IMPROVEMENT DISTRICT
999 E GALENA DRIVE, WHITE CITY, UTAH 84094

Mayor: Mayor Paulina Flint

City Council: Council Member Greg Shelton
Council Member Linda Price
Council Member Phillip Cardenaz
Council Member Tyler Huish

Staff: Rori Andreason, City Administrator; Paul Ashton, Attorney; Dave Sanderson, Financial Manager; Chief Ken Aldridge, UFA; Chief Mike Bullock, Sandy Deputy Fire Chief; Lt. Ken Malone, UPD; and Daniel Torres, Economic Development Manager.

6:00 PM – Workshop

1. PUBLIC COMMENTS

Mayor Flint called the workshop meeting to order at 6:00 PM and confirmed that all Council Members were present.

Jim Mitchell expressed his concerns about Mr. Alex Smith and his proposed change to the property on 10600 South. He said Mr. Smith is proposing a landscaping contractor business there which is not appropriate. He said the Planning Commission met on May 23, 2025, and even with strong disapproval of residents, the Planning Commission did not make a decision. He said this is just a way for Mr. Smith to run his own landscaping business with this property. He said they have asked that Mr. Smith not use 1225 East for his ingress and egress, but he is still using it. He said the fence needs to be moved and the gates locked. He reiterated that he was against this change and strongly advised the City Council and Planning Commission to make a major decision to deny this request and restrict the limited use.

Charity Wild expressed her opposition to the proposed changes to Mr. Alex Smith's property. She said she too attended the Planning Commission meeting where the Commission seemed favorable to listening to Mr. Smith. She said she is directly affected because she lives right across from Mr. Smith. She said she is not going to move and will continue to have horses just like everyone behind them. She is opposed to Mr. Smith running loud equipment that scares the horses. It's dangerous for horses and for people riding horses. She said she is opposed to even entertaining any changes being made.

2. DISCUSSION/CLARIFICATION OF AGENDA ITEMS

No items were discussed.

3. DISCUSS TRANSPORTATION MASTER PLAN

Daniel Torres, Economic Development Manager, discussed the Greater Salt Lake Municipal Services District Transportation Master Plan. In the past they did not have the most transparent defined list of projects or even a plan. He said he wants to be able to maintain or improve the level of service while keeping taxes the same, or even possibly lower for communities of the MSD. One of the benefits of the shared service model is that they are able to take tax revenue from across the district and apply it where it is needed.

Mr. Torres said one of the goals is to take transportation needs, quantify them, and also define the need with their data. The end goal is to provide the community with specific options tailored to their community. He continued by discussing the following information:

Transportation Master Plan: Aligning Land Use, Transportation, and Funding

Goal: A unified, transparent approach that maximizes impact and supports MSD Cities and Towns individual long-term community visions

Strategic Alignment

- Coordinate land use planning and transportation priorities to support community goals and economic development

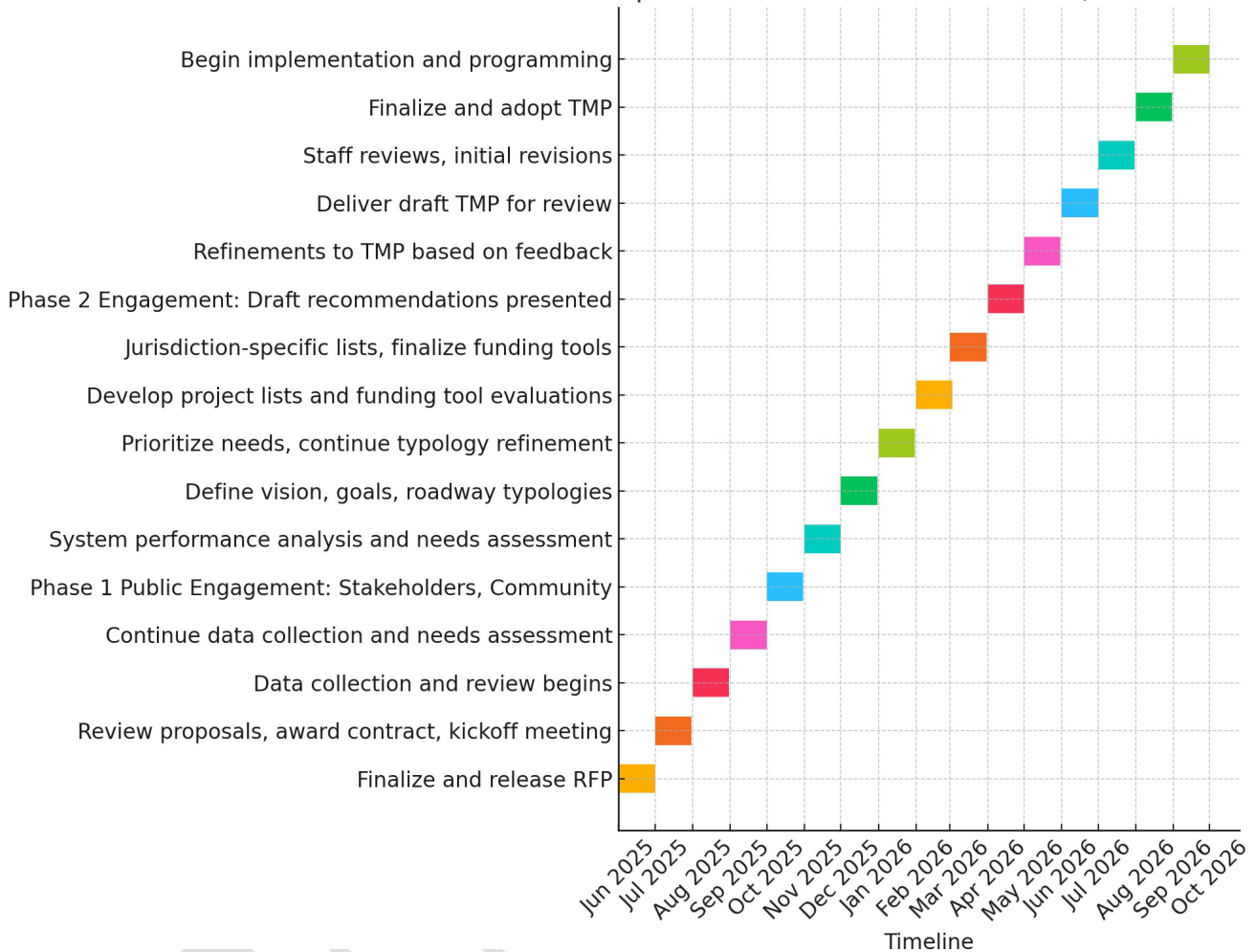
Community Input:

Define a process that ensures that community concerns and priorities are considered, and enables them to be enacted

Funding Based on Transparent Metrics

- Prioritize projects using clear, data-driven criteria:
 - Growth, safety, connectivity, condition, traffic demand
- Align available funding with highest-priority projects
- Support informed decision-making by the MSD Board and local jurisdictions

Transportation Master Plan Timeline (12-18 Months)



1. Transportation Master Plan Produces two project lists: **Street Capital Projects List**

- Prioritized by:
 - Project urgency (e.g. safety, congestion, connectivity)
 - Funding availability
 - Labeled by MSD jurisdiction (e.g. Brighton, Copperton)

Street Maintenance Projects List

- Includes routine maintenance activities:
 - Pothole patching
 - Asphalt resurfacing (overlay)
 - Slurry seals

- Chip sealing
- Mill and overlay

2. Master MSD Project Lists

Consolidates all projects into:

- **Capital Projects Master List**
- **Maintenance Projects Master List**
- Both lists are presented on a 20-year schedule
- Reviewed annually by the MSD Board

3. Jurisdiction-Specific Lists

Each jurisdiction receives tailored:

- Capital Projects List
- Maintenance Projects List

Allows:

- Local prioritization
- Independent funding decisions
- Increased transparency and accountability

Community Input for Project Prioritization



Capital and maintenance projects are prioritized based on criteria such as safety, condition, connectivity, traffic volume, and available



Individual Cities and Towns can still add projects to their Capital



The MSD Board reviews and approves the final annual project list as part



Jurisdictions retain authority to independently fund projects from their own lists if not selected for MSD funding.

Transportation Master Plan Outcomes

The TMP will include necessary data and planning components to support the creation of the following local funding mechanisms, should individual MSD communities choose to adopt them:

- Transportation Utility Fee (road maintenance)
- Street Impact Fees
- Stormwater Utility Fee
- Street Light Utility Fee

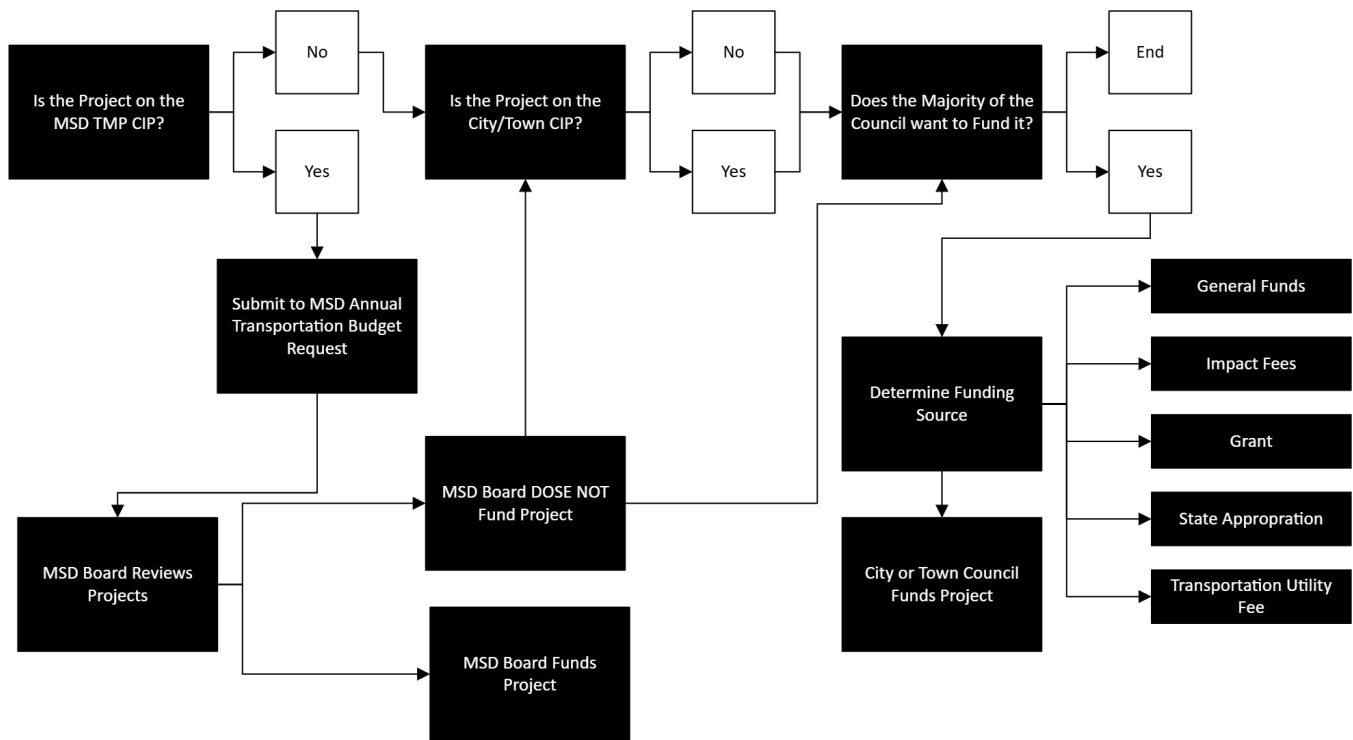
Goal: To empower individual communities with the tools to fund projects with their “own” money

Jurisdiction Specific-Funding

- Local projects should be selected from jurisdiction-specific capital and maintenance lists developed in the Transportation Master Plan.
- Each member community may receive funding (state appropriation, grant, transportation fee, impact fee, etc.) or maintains fund balances that they can use to fund projects within their own boundaries.
- Communities can also apply their own discretionary funds or pursue

additional grants for independent projects.

Transportation Infrastructure Budgeting Process



Key Dates

- RFP Issued June 2nd
- RFP's due June 26th
- RFP's Selected by July 11th
- TMP Awarded July 30th
- TMP Start Date August 11th

Next Steps

- Presentations to City and Town Councils
- City and Town Subcommittees
 - City/Town Council
 - Planning Commission
 - Assigned MSD Staff

How the MSD Funds Road Projects

MSD Funding

- Class B & C Road Funds: Distributed by the State of Utah based on road mileage and population; used for maintenance and improvement of eligible public roads.
- Grants and Matching Funds: Includes state and federal grants (e.g., TAP, STP), sometimes requiring local matches.
- General Fund Appropriations: Allocated by the MSD Board during the annual budgeting process.

Mayor Flint discussed the need for maintenance for the parks in the city. A few good employees have retired from the Parks and Rec Department. She asked for a follow-up with Parks and Rec to see why open jobs in that department have not been filled.

4. DISCUSS SEASONAL CLEANUP FOR WHITE CITY

Renee Plant, WFWRC, distributed available options for a community cleanup if the city desires. She also brought vouchers for White City residents that can be used once a year free of charge. She discussed the following options:



2025-26 Additional Cleanup Options for Municipalities & Salt Lake County Unincorporated Areas

Option 1: Free Landfill Vouchers

- No cost to the municipality or Salt Lake County (for unincorporated areas).
- Distribution: Hard copies can be handed out by code enforcement officers, municipal staff, or accessed online via QR code
- Each resident is eligible to use one landfill voucher per calendar year. Vouchers can also be printed and made available for distribution at community events or by staff as needed.
- Use: Residents present the voucher at the landfill for disposal access.

► WFWRD VOUCHER

Option 2: 18-Yard Trailer Rental (Paid by Municipality) – Cost Per Residence

- Delivery & Pick-Up Schedule:
 - Monday delivery → Thursday pick-up
 - Tuesday delivery → Friday pick-up
 - Thursday delivery → Monday pick-up
 - Friday delivery → Tuesday pick-up
- Trailer Options:
 - Green Trailer: \$80.00 for up to 4 tons; \$45.00 per additional ton
 - Bulk Trailer: \$240.00 for up to 2 tons; \$45.00 per additional ton

(Maximum capacity: 5 tons)

- Availability: Up to 7 trailers at a time.
- Process: WFWRD delivers to a specific residence. Residents or volunteers are responsible for loading.
- City Responsibility: Covers base cost and any violation fees:
 - Not tarped: \$50
 - Tires: \$4 each | Tires with rims: \$5
 - Refrigerators: \$20 each
 - Mattresses/Box Springs: \$18 each
 - Overweight fees or trailers moved post-delivery

Option 3: 14-Yard Container Delivery to Residential Properties

- Delivery & Pick-Up Schedule:
 - Monday delivery → Thursday pick-up
 - Thursday delivery → Monday pick-up
- Availability: Up to 7 containers at a time.
- Cost: \$175.00 per container for up to 2 tons
 - Over 2 tons: \$45.00 per additional ton
 - Tarping included (performed by WFWRD staff)
- Placement: May be delivered to a home, neighborhood street, or park.

Option 4: Centralized Trailer/Container Events

- Ideal for: Single-day community clean-up events.
- Pricing:
 - Green Trailer: \$80.00 for up to 4 tons; \$45.00 per additional ton
 - Bulk Trailer: \$240.00 for up to 2 tons; \$45.00 per additional ton
(Max: 5 tons)
 - 14-Yard Container: \$175.00 for up to 2 tons; \$45.00 per additional ton
- Additional Costs:
 - Saturday events incur overtime fees for WFWRD staff
 - Clean-up labor (debris outside containers):
 - Weekday: \$31/hour
 - Weekend w/ OT: \$47/hour
 - Skid steer rental (if needed): Reimbursed by city *approximately \$800 a day*

The Council discussed the options and desired Option 3.

5. DISCUSSION OF FUTURE AGENDA ITEMS

Council Member Huish said it's weed season, and he would like to review current ordinances and what code enforcement's abilities are for enforcement.

Mayor Flint closed the workshop meeting.

BUSINESS MEETING

1. Welcome and Determine Quorum

Mayor Flint stated a quorum was present allowing the meeting to proceed.

2. Financial Report

Dave Sanderson said there is a new fund for the MET taxes that can be budgeted.

Also, Stewart Okobia, Finance Director at the MSD, advised him that the financial reports will not be available until 30 days following the end of the month. He said this will inhibit his ability to get the information to the Council for the first meeting of the month.

Mayor Flint asked Daniel Torres, Economic Development Manager, to see if the MSD can send Dave Sanderson the financial reports earlier so he can report to the City.

Council Member Shelton seconded by Council Member Price, motioned to accept the financial report. The motion passed by unanimous vote.

3. UNIFIED FIRE AUTHORITY REPORT

Chief Ken Aldridge and Deputy Chief Mike Bullock, Sandy City were present. Chief Aldridge reported that the UFA Board gave tentative approval for the budget at the May 20th meeting. The final adoption of that budget is scheduled for the June 17th meeting. There have been 33 firefighters that have graduated from Recruit Camp 59 and are now working in the fire stations. He discussed some personnel movement within the training division. He also discussed firework restrictions for the valley. Vendors can sell fireworks beginning June 24th and ending July 25th and beginning December 29th and ending December 31st and then two days before and after the Chinese New Year. Dates for legal discharge will be two days before the legal events from 11:00 am to 11:00 pm, and on the 4th and 24th of July that is extended to midnight. He reminded everyone that arial fireworks are designed to go 150 feet in the air, so any winds of about 5 mph could be very dangerous and he would advise against it.

4. UNIFIED POLICE DEPARTMENT REPORT

Detective Josh Smith and Lt. Ken Malone were present. Detective Smith said the numbers for May were a little higher than average at 40 calls. He said with warmer weather there are more people outside and there is an increase of suspicious activity. He said the one call they saw more of this month was reports of people erratically screaming or fighting. He is looking into one that's a repeat offender, possibly mental health issue, that they will keep tracking and help the individual get the resources needed. With the weather warming up, some of the summer toys in transportation are coming back out. The trend they are seeing is a lot of the bicycles and scooters being stolen. He suggested not going into stores and leaving the bikes unattended or unlocked. Even some that are locked are being stolen as well. He encouraged residents to have the bike serial number, which would be helpful in finding the bikes.

Mayor Flint asked about bike registration. Detective Smith said he will look into that and let the Council know. If he can get it going, he will make sure it's at the Last Blast of Summer to

get the word out. He said not only bicycles, but any items of value may have serial numbers.

Council Member Price asked about e-bikes that are going up and down Sego Lily very fast.

Detective Smith suggested implementing ordinances the city wants, with tighter restrictions on certain items.

Mayor Flint asked if there could be speed limits for bike lanes?

Detective Smith said the bikes should abide by what's posted on the street.

Mayor Flint asked for a write-up addressing this issue. Detective Smith said he would be happy to once the ordinance is adopted.

Council Member Huish asked about a recent shooting. He said residents are afraid that White City is not getting enough police coverage.

Lt. Malone said there was an officer involved shooting in Midvale, but it did not affect White City. He said the incident was covered by overtime so there was no lapse in service in White City.

Council Member Shelton asked if there are White City branded cars in the city. Lt. Malone said yes there are.

5. LAST BLAST OF SUMMER/COMMUNITY COUNCIL REPORT

Jill Mojabi, Treasurer of the White City Community Council, said they have had some big changes over the last couple of days. She said she did not know what information the Council wants from her.

Paul Ashton said because the Community Council is getting money from the city, under the ordinance the Community Council needs to provide a budget and a breakdown as to what the money is being used for this year. There are two checks, one for general Community Council processes and events, and another for the Last Blast of Summer. He said the City needs the documents to justify what the Community Council is asking for and then update the Council periodically on the use of the funds and if the events are coming together.

Mayor Flint presented two checks to Jill Mojabi; one for \$7500 and one for \$45,000.

Paul Ashton said the city needs to know who is on the bank accounts. He said these are public funds and the city has to show they are being spent responsibly.

Jill Mojabi said she and Brent Potter went to the bank and had them pull up who was on the bank accounts. They still had Paulina Flint and Linda Price.

Mayor Flint said her name is on it from when it was opened in 1986. The Community Council has to update that information.

Paul Ashton recommended Paulina and Linda go to the bank and have their names removed from the bank accounts. The bank records need to be accurate.

Jill Mojabi said they are working on getting the bank account straight. She said she would have the budget sent to the Council. She also said she and Linda have been purchasing raffle prizes as they go on sale. She said they try to keep the total cost for the prizes at \$2500 to \$3000.

6. PUBLIC HEARINGS

6.1 PUBLIC HEARING REGARDING PROPOSED FISCAL YEAR 2026 WHITE CITY FEE SCHEDULE

Council Member Cardenaz, seconded by Council Member Shelton, motioned to open the public hearing. The motion passed by unanimous vote.

Paul Ashton said the proposed fee schedule was given to the Council in the packet. The portion that needed to be reviewed by the Planning Commission has occurred. It is now ready for Council approval.

Mayor Flint opened the public comment section of the public hearing.

There were no public comments

Council Member Cardenaz, seconded by Council Member Huish, motioned to close the public hearing. The motion passed by unanimous vote.

6.2 APPROVE RESOLUTION NO. 2025-06-01 ADOPTING THE FISCAL YEAR 2026 WHITE CITY FEE SCHEDULE

Council Member Shelton asked why there were changes in the fees.

Paul Ashton said the MSD must do an analysis to make sure the fees are accurate and only pay for the costs incurred. The city cannot make money on the fees.

Council Member Shelton, seconded by Council Member Huish, motioned to approve Resolution No. 2025-06-01 adopting the Fiscal Year 2026 White City Fee Schedule. The motion passed by unanimous vote.

6.3 PUBLIC HEARING REGARDING FISCAL YEAR 2026 WHITE CITY FINAL BUDGET BEGINNING JULY 1, 2025 AND ENDING JUNE 30, 2026

Council Member Shelton, seconded by Council Member Cardenaz, motioned to open the public hearing. The motion passed by unanimous vote.

Rori Andreason said the FY2026 tentative budget was approved on May 1, 2025. This hearing is to adopt the final FY2026 budget which has been received from the Municipal Services District.

Mayor Flint opened the public comment section of the public hearing.

Neil Mahoney, 10478 S Crocus Street, said the actuals on the budget document are incorrect. He said the actuals on the budget document are different from the ones listed in Dave Sanderson's report.

Rori Andreason said the Council is voting on the proposed budget, not the actuals; however, she would be happy to go back to the MSD to get an updated document showing the correct actuals.

There were no public comments online.

Council Member Huish said he did not have any issue with the proposed budget; however, since the actuals were incorrect on the budget document, he did not feel the budget should be approved at that time.

Rori Andreason said there will need to be a special meeting on June 12th to adopt the final budget and certified tax rate.

Council Member Price, seconded by Council Member Shelton, motioned to close the public hearing. The motion passed by unanimous vote.

6.4 APPROVE RESOLUTION NO. 2025-06-02 ADOPTING THE FISCAL YEAR 2026 WHITE CITY BUDGET BEGINNING ON JULY 1, 2025 AND ENDING JUNE 30, 2026

Council Member Huish, seconded by Council Member Cardenaz, motioned table this and send it back to staff. The motion passed by unanimous vote.

7. ACTION ITEM

7.1 APPROVE MINUTES OF APRIL 3, 2025

Council Member Shelton said on the last page of the minutes the scrap program is spelled SCRP.

Council Member Shelton, seconded by Council Member Cardenaz, motioned to accept the minutes of April 3, 2025, as amended. The motion passed by unanimous vote.

8. COUNCIL REPORTS

8.1 Greater Salt Lake Municipal Services District/Council of Governments

Mayor Flint said it's been budget, budget, budget. Also, the MSD has just been holding open houses to show off the new MSD building.

8.2 Unified Fire Authority/Unified Fire Service Area

Council Member Huish said budgets were also the discussion. UFA is on a fiscal and UFSA is on a calendar year, so budget is always fun. However, UFA is financially sound for this year. In the next meeting, they will have a public hearing to make some minor adjustments just to make sure they have a balanced budget. They did a review of the fraud risk assessment, and their score was excellent. They are doing very well and covering all the steps in that fraud assessment. He said the Board was pleased with what they are doing. He said there was a release of deed, as the Board is also the Board of the Municipal Building Authority, for property set aside to be used for fire purposes but they've relocated that to a different piece of property, so UFA is giving up the hold on that deed. He said there is a new ladder company in Eagle Mountain, who went live a few days ago. The anti-labor bill has been stayed and will be put on the 2026 ballot. He said WUI, Wildland Urban Interface, code states that each municipality has to adopt up to at least the 2006 WUI code and he's not sure what the city has adopted. He suggested the fireworks restriction map be placed on the city's website. He said Chief Russell

was promoted to Operations Chief to Administration and Planning. UFSA's FY2025 tentative budget has a nearly 10% membership increase. He said as a board member he is concerned with the double digit increases year after year. The majority of that is going to UFSA, which the city helps pay in to. This may be a potential discussion for a closed session in the future.

8.3 Mosquito Abatement/Salt Lake County Animal Control

Council Member Price said the Mosquito Abatement District is fully operational as of May 1st. The teams are actively engaged in Mosquito Abatement activities. They do have a couple of employees that will start on the 1st of June. The district participated in several health fairs, public events, and doing presentations and are willing to come to the city's event if the city wants them to. Monitoring efforts are in full swing and currently mosquito traps are indicating a lower-than-average mosquito count. A lot of that is because the water flow is lower than it was last year. They watch the discharge of all the reservoirs and get a report each month on their capacity. Most of the reservoirs are running at 85% to 95% capacity. Because of the lower snowfall, there won't be as much water coming in later on. The actual snowpack was 68% this year compared to 143% last year.

Council Member Price said there was no meeting held for animal control that month.

8.4 Unified Police Department/SLVLESA

Council Member Cardenaz said this month they had two meetings. The first one they went over the budget. In the second meeting they had the victim advocates talk with the board regarding obtaining grants for a program dealing with victims of violent crimes, which has been in place for over 20 years. He said the building they had been looking at acquiring, which is a Granite School building, was put off for some time so they had to scramble to meet all of the requirements. He said SLVLESA is still waiting to get budget numbers from UPD to finalize their budget.

8.5 Wasatch Front Waste & Recycling District

Council Member Shelton said WFWRD reclassified the accountant position, which lowered that position. He said Pam Roberts, General Manager, submitted her retirement notice of 28 years of service. He said they have formed a hiring subcommittee to do preliminary

interviews. He said the SCRP program was a big topic and determining if WFWRD can continue with the program. He said they did pass an independent audit with flying colors.

Council Member Huish asked how many people used the service?

Council Member Shelton said WFWRD did not collect that data because they had just switched systems. However, going forward they should be able to get better statistics.

9. Closed Sessions if Needed as Allowed Under Utah Code Ann. §52-4-205

No closed session was needed.

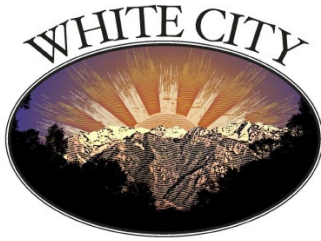
10. Adjourn

Council Member Shelton, seconded by Council Member Price, motioned to adjourn. The motion passed unanimously.

Mayor Flint declared the meeting adjourned at 8:20 p.m.

Rori L. Andreason, City Recorder

Approved this 10th day of July, 2025.



WHITE CITY SPECIAL COUNCIL MEETING MINUTES

June 12, 2025, 6:00 PM

WHITE CITY WATER IMPROVEMENT DISTRICT
999 E GALENA DRIVE, WHITE CITY, UTAH 84094

Mayor: Mayor Paulina Flint

City Council: Council Member Greg Shelton
Council Member Linda Price
Council Member Phillip Cardenaz
Council Member Tyler Huish

Staff: Rori Andreason, City Administrator; Paul Ashton, Attorney; Dave Sanderson, Financial Manager; and Daniel Hoffman, Accountant.

6:00 PM – Special Business Meeting

1. CONSIDER RESOLUTION NO. 2025-06-02 ADOPTING THE FISCAL YEAR 2026 WHITE CITY BUDGET BEGINNING ON JULY 1, 2025 AND ENDING JUNE 30, 2026

Mayor Flint said a public hearing regarding the final FY2026 budget was held at the last meeting. This approval of the budget was tabled until this meeting to get further clarification on budget actuals.

Dave Sanderson said last week he left a little early and didn't realize there would be questions on the budget. He said the questions raised were regarding the 2025 actuals which was old information from the MSD. He said when the MSD prepared the budget, they used the actuals from that date. He said he updated that column on the budget document to show actuals as of 4/30/2025, which is the latest information he has received from the MSD.

Rori Andreason said the tentative budget was approved in May and the final budget has not changed.

Daniel Hoffman, Accountant, said the MET taxes are new taxes. When they receive those taxes, there is usually a one-to-two-month delay. They post them once they receive the information.

Council Member Tyler Huish asked several questions regarding line items in the budget. He asked why revenue was not showing for code enforcement. He said it looked like the city was not going to enforce the codes.

Paul Ashton said the legislature has now said if you can't show that you actually incur those costs, you cannot budget for them. Anything that comes as fees must be tied to something.

Rather than collecting money, the city just wants the individual to comply. So, in most cases, the fee is waived if the property owner will comply with the code.

Dave Sanderson said minor adjustments can be made throughout the year as needed. He said the State Auditor requires cities to budget conservatively.

Council Member Huish said the website costs were higher than needed, but he agreed with budgeting more for possible updates.

Dave Sanderson said he did not anticipate the line-item discussion since it was discussed a month ago.

Council Member Huish said the anxiety came when the actuals were not accurate, so he decided to go through every line item with a fine-tooth comb.

Council Member Shelton, seconded by Council Member Huish, motioned approve Resolution No. 2025-06-02 Adopting the Fiscal Year 2026 White City Budget beginning on July 1, 2025 and ending June 30, 2026. The motion passed by unanimous vote.

2. CONSIDER RESOLUTION NO. 2025-06-03 SETTING THE RATE OF TAX FOR CALENDAR YEAR 2025 AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN THE CORPORATE BOUNDARIES OF WHITE CITY, UTAH

Paul Ashton said the city is part of UPD and SLVLESA. Under the interlocal agreement the city has agreed that if there is a shortfall for what is owed by White City for policing, the city has to make up that difference. Most of the cities were given taxing power of real property if they had to meet that obligation. Thus far it appears there will be sufficient funds in SLVLESA to pay the bills. There has not been a final reckoning with the Salt Lake County Sheriff and what will be owed by them by SLVLESA. Hopefully, it will come in within the revenue stream, which will be discussed within the coming month. Based on what we have, he recommended the city continue with the position of having zero property tax. The proposed resolution sets a property tax of zero.

Council Member Price, seconded by Council Member Shelton, motioned to adopt Resolution 2025-06-03 setting the rate of tax of zero for Calendar Year 2025 Levying taxes upon all real and personal property within the corporate boundaries of White City, Utah. The motion passed by unanimous vote.

3. Adjourn

Council Member Shelton, seconded by Council Member Price, motioned to adjourn. The motion passed unanimously.

Mayor Flint declared the meeting to adjourn 6:28 p.m.

Rori L. Andreason, City Recorder

Approved this 10th day of July, 2025.

WHITE CITY, UTAH

RESOLUTION NO. 2025-07-01

**A RESOLUTION APPOINTING WESTON MILLEN AS A FULL-TIME PLANNING
COMMISSION MEMBER FOR WHITE CITY FOR A THREE-YEAR TERM ENDING
FEBRUARY 2027**

WHEREAS, White City is a Municipality pursuant to Utah Code § 10-1-201.5, *and*

WHEREAS, White City is a five-member elected Council, which Council elects from its members a Mayor, and

WHEREAS, Pursuant to Ordinance No 17-06-02, Planning Commission Members are appointed by the City Council to serve three-year terms, and

WHEREAS, the White City Council desires to appoint Weston Millen to serve as a Full-Time Planning Commission member for White City,

NOW, THEREFORE, BE IT RESOLVED BY THE WHITE CITY COUNCIL as follows:

SECTION 1. The White City Council hereby appoints Weston Millen to serve as a Full-Time White City Planning Commission member with a term ending February 28, 2027.

SECTION 2. This Resolution shall become effective immediately upon passage thereof.

APPROVED AND ADOPTED this 10th day of July, 2025 by the White City Council, White City, Utah.

BY: _____

PAULINA F. FLINT, MAYOR

ATTEST

RORI L. ANDREASON
CLERK/RECORDER

APPROVED AS TO FORM:

PAUL H. ASHTON
CITY ATTORNEY

VOTE BY COUNCIL:	AYE	NAY
MAYOR PAULINA FLINT	_____	_____
GREG SHELTON	_____	_____
PHLLIP CARDENAZ	_____	_____
TYLER HUIISH	_____	_____
LINDA PRICE	_____	_____

WHITE CITY, UTAH

RESOLUTION NO. 2025-07-02

**A RESOLUTION APPOINTING CHRISTOPHER HUNTZINGER AS A PLANNING
COMMISSION MEMBER FOR WHITE CITY FOR A THREE-YEAR TERM ENDING
FEBRUARY 2027**

WHEREAS, White City is a Municipality pursuant to Utah Code § 10-1-201.5, *and*

WHEREAS, White City is a five-member elected Council, which Council elects from its members a Mayor, and

WHEREAS, Pursuant to Ordinance No 17-06-02, Planning Commission Members are appointed by the City Council to serve three-year terms, and

WHEREAS, the White City Council desires to appoint Christopher Huntzinger to serve as a Planning Commission member for White City,

NOW, THEREFORE, BE IT RESOLVED BY THE WHITE CITY COUNCIL as follows:

SECTION 1. The White City Council hereby appoints Christopher Huntzinger to serve as a White City Planning Commission member with a term ending February 28, 2027.

SECTION 2. This Resolution shall become effective immediately upon passage thereof.

APPROVED AND ADOPTED this 10th day of July, 2025 by the White City Council, White City, Utah.

BY: _____

PAULINA F. FLINT, MAYOR

ATTEST

RORI L. ANDREASON
CLERK/RECORDER

APPROVED AS TO FORM:

PAUL H. ASHTON
CITY ATTORNEY

VOTE BY COUNCIL:	AYE	NAY
MAYOR PAULINA FLINT	_____	_____
GREG SHELTON	_____	_____
PHLLIP CARDENAZ	_____	_____
TYLER HUIISH	_____	_____
LINDA PRICE	_____	_____



Text Amendment

Meeting Body:

White City Council

Meeting Date:

July 10, 2025

File Number & Project Type:

OAM2025-001340

Text Amendment

Applicant:

Alex Smith

Exhibits:

Applicant Narrative

Proposed Ordinance

SUMMARY/BACKGROUND

Alex Smith, the applicant, owns property located at 1226 E 10600 S in White City. The property is currently used as a plant nursery (approved in 2024 as a permitted use in the A-2 zone) and is approximately 1.22 acres in size. In March of last year, Mr. Smith applied to rezone his property from A-2 to CMU. The request was denied.

This proposed ordinance amendment was written by the applicant, with the intent being to introduce a new use to the ordinance that would allow him to operate his landscape business - without opening the door to other high impact uses that typically come with a commercial or industrial zone. This involves defining the use, adding that use to the land use table in Chapter 19.26 as a permitted use in the A-2 zone, and addition a set of use standards to Chapter 19.42 of the White City Code.

Mr. Smith provided a written narrative in addition to the use definition, updated schedule of permitted uses, and proposed use standards. The primary reasoning behind the request is two-fold: first, he feels a landscape contractor yard is similar in intensity to other agricultural-based businesses allowed in the A-2 zone, and second, there is currently a landscape contractor business located in an A-2 zone on property adjacent to his (see attached narrative).

The White City Planning Commission first heard this item at the May 20th, 2025 Planning Commission meeting. The Planning Commission continued the item, giving time for further legal analysis and for the applicant to work with staff and neighboring property owners to refine the proposed ordinance.

The updated ordinance was heard at the June 24th, 2025 meeting. The planning commission voted unanimously to deny the text amendment due to general plan considerations and public input.

PROPOSED ORDINANCE CHANGES

19.04 Definitions

19.04.090 Use Definitions

96. “Landscape Contractor Yard” means any area of land used by a landscape contractor for storage, maintenance, or processing of materials and equipment incidental to the business of landscaping installation, hauling, excavation, or similar activity and including any area of land used for the incidental repair of machinery used for any of the above listed activities. For the purposes of this definition, a “landscape contractor” is a company who agrees to furnish materials or perform services at a specified price for construction of landscaping improvements.

Chapter 19.26 Agricultural Zones

Table 19.26.030 – Schedule of Permitted Uses		
Use Categories	Zones	
COMMERCIAL:	A-1	A-2
Bed and Breakfast Homestay	P	P
Daycare/Preschool Center	P	P
Dog breeding establishment; dog kennel; dog pound; dog training school	X	P
<u>Landscape Contractor Yard</u>	<u>X</u>	<u>P</u>
Nursery and Greenhouse	P	P
Riding Academy	P	P
Veterinary Clinic	X	P

Chapter 19.42 Specific Use Standards

19.42.225 Landscape Contractor Yard

1. The site must be located on a property that has primary access to a street designated as a Principal or Minor Arterial on the UDOT Functional Classification Map. Private streets may not be used for business purposes.
2. The area used for outside storage of landscape materials or equipment may not exceed fifty percent (50%) of the total lot area.
3. Stored materials and equipment shall be screened by a minimum six-foot high opaque fence. The required screening shall be established prior to the use of any area for outside storage.
4. Each Landscape Contractor Yard shall include a masonry wall along the entirety of each public street frontage. This wall shall be constructed at the front setback line required for buildings in the

underlying zone. The outdoor storage area may not be closer to the street than the front facade of the building

- 5. Outside storage areas shall be maintained in a clean, neat, and orderly condition. All loose materials shall be stored in designated containers.*
- 6. The presence of hazardous materials, junk, junk cars, or debris is prohibited.*
- 7. Vehicles on site shall be limited to Class 5 and below.*
- 8. All buildings shall be located at least 20 feet from any property line.*
- 9. No outdoor telephone bell or paging system may be used.*
- 10. A minimum site area of one (1) acre is required.*
- 11. Employee parking areas shall comply with the specifications set forth in section 19.48.030, and 19.48.050.*
- 12. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m. However, loading and unloading of landscape materials and the operation of heavy equipment or machinery shall be limited to the hours of 8:00 a.m. to 6:00 p.m. The Planning and Development Services Director may further limit hours or activities as necessary to mitigate impacts on adjacent residential uses.*
- 13. All driveways, approaches, and outdoor work areas must be surfaced with an all-weather material.*

ISSUES TO CONSIDER

- Most A-2 zoned property in White City would not qualify for this use, due to use standard #1. This may create confusion for residents when reviewing the schedule of allowed uses in Agricultural zones.
- Bulk landscape material is typically delivered using vehicles larger than Class 5. Should the Council be inclined to adopt these changes, a distinction could be made between the business vehicles and incidental delivery vehicles for restocking purposes.
- The MSD is aware of one legal nonconforming landscape business operating in White City. Allowing a landscape contractor yard in the A-2 zone could help bring that business back into compliance with the current ordinance.
- This proposal does not suggest adding this use to any of White City's commercial or mixed-use zones, only to the A-2 Agricultural Zone.
- The A-2 areas in White City are currently limited to the Southern Spur Character Area and the 10600 South Corridor Character Area, as identified in the 2022 General Plan. The Planning Commission and Council should consider whether this use would meet White City's vision for the development of these areas.
- The Planning Commission recommended denial of this change due to general plan considerations and public input.

STAFF ANALYSIS

The White City Code of Ordinances allows property owners within White City to apply for a Text Amendment. The White City Council takes formal action on a request after receiving a recommendation from the Planning Commission.

Chapter 19.16 includes guidelines and factors that the Council may take into account when considering a text amendment. The Planning Commission recommendation and the Council decision are matters of legislative discretion, so additional factors may also be considered.

Table 19.16-2: Guidelines for Considering Zoning Map & Text Amendments		
FACTORS	MAP AMENDMENTS	TEXT AMENDMENTS
1. The proposed amendment is compatible with the Adopted General Plan.	X	X
2. The proposed amendment promotes the public health, safety and welfare.	X	X
3. The proposed amendment is a more suitable zoning classification for the property than the current classification.	X	
4. The proposed amendment is compatible with the intent and general purposes of this Ordinance.	X	X
5. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.	X	X
6. The proposed amendment benefits the citizens of the Municipality as a whole.	X	X
7. The proposed amendment does not create a significant number of nonconformities.	X	X
8. The proposed amendment is compatible with the trend of development, if any, in the general area of the property in question.	X	

CONCLUSION AND POSSIBLE ACTIONS

The White City Council should consider motions to approve, deny, alter, or remand for further review and consideration.

1. **Approve:** The Council supports the text amendment as currently written and approves application OAM2025-001340.
2. **Approve with Modifications:** The Council supports the text amendment and approves application OAM2025-001340, subject to the following modification(s),
3. **Remand for Further Review:** The Council determines that application OAM025-001340 is remanded to the White City Planning Commission for the following reason(s),
4. **Deny:** The Council does not support the text amendment and denies application OAM2025-001340 for the following reasons,

As text amendments are legislative decisions, planning staff recommends that the Council considers the intent and purpose of the adopted general plan, and whether this change will help implement the goals and objectives of that plan.



Date 2/20/2025

We here at Earthscapes are applying for a amendment to the permitted used as a A2 Property to except a landscape contractors yard in addition to the nursery that we are already approved for and we will operate less as a retail nursery and more as a contractor yard limiting the amount of public traffic and more so as a company HQ parking a few employee cars and going off in a company truck to do installation, Abiding by the city ordinance of noise and disturbance

DRAFT WHITE CITY TITLE 19

LAND USE CONTRACTOR PROPOSAL

19.04.090 Use Definitions

96. “Landscape Contractor Yard” means any area of land used by a landscape contractor for storage, maintenance, or processing of materials and equipment incidental to the business of landscaping installation, hauling, excavation, or similar activity and including any area of land used for the incidental repair of machinery used for any of the above listed activities. For the purposes of this definition, a “landscape contractor” is a company who agrees to furnish materials or perform services at a specified price for construction of landscaping improvements.

Chapter 19.26 Agricultural Zones

Table 19.26.030 – Schedule of Permitted Uses		
Use Categories	Zones	
AGRICULTURAL:	A-1	A-2
Agriculture	P	P
Agricultural Building subject to Accessory structure standards of this Chapter	P	P
Animals and Fowl for Family Food Production, Existing	P	P
Animal Hospital	P	P
Animal Right, New	P	P
Apiary	X	P
Aviary	X	P
Egg candling and Sales	X	P
Fertilizer and Soil Conditioner manufacturing, processing, and sales	X	C
Gardening for Personal Use	P	P
Manure spreading, processing, drying, sales	X	P
Residential Keeping of Chickens or Ducks or Domestic Fowl	P	P
Stable, Private or Public	P	P
RESIDENTIAL:		
Dwelling, Single-Family	P	P

Dwelling, Two-Family	P	X
Residential Facility for Elderly Persons	P	P
Residential Facility for Persons with a Disability Subject to Chapter 19.42	P	P
ACCESSORY USES:		
Accessory structures, Garages, Carports	P	P
Home Daycare/Preschool subject to Chapter 19.42	P	P
Home Business subject to Chapter 19.42	P	P
Household Pets	P	P
COMMERCIAL:		
Bed and Breakfast Homestay	P	P
Daycare/Preschool Center	P	P
Dog breeding establishment; dog kennel; dog pound; dog training school	X	P
Landscape Contractor Yard	X	P
Nursery and Greenhouse	P	P
Riding Academy	P	P
Veterinary Clinic	X	P
INSTITUTIONAL:		
Parks/Open Space	P	P
Utilities, Major	P	P
Utilities, Minor	P	P
School, Public	P	P
School, Private/Charter	P	P
Religious Institutions and Uses	P	P
OTHER USES:		
Temporary Buildings for Uses Incidental to Construction Work	P	P

19.42 Specific Use Standards

19.42.225 Landscape Contractor Yard

1. The site must be located on a property that has primary access to a street designated as a Principal or Minor Arterial on the UDOT Functional Classification Map. Private streets may not be used for business purposes.

2. The area used for outside storage of landscape materials or equipment may not exceed fifty percent (50%) of the total lot area.
3. Stored materials and equipment shall be screened by a minimum six-foot high opaque fence. The required screening shall be established prior to the use of any area for outside storage.
4. Each Landscape Contractor Yard shall include a masonry wall along the entirety of each public street frontage. This wall shall be constructed at the front setback line required for buildings in the underlying zone. The outdoor storage area may not be closer to street than the front facade of the building
5. Outside storage areas shall be maintained in a clean, neat, and orderly condition. All loose materials shall be stored in designated containers.
6. The presence of hazardous materials, junk, junk cars, or debris is prohibited.
7. Vehicles on site shall be limited to Class 5 and below.
8. All buildings shall be located at least 20 feet from any property line.
9. No outdoor telephone bell or paging system may be used.
10. A minimum site area of one (1) acre is required.
11. Employee parking areas shall comply with the specifications set forth in section 19.48.030, and 19.48.050.
12. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m. However, loading and unloading of landscape materials and the operation of heavy equipment or machinery shall be limited to the hours of 8:00 a.m. to 6:00 p.m. The Planning and Development Services Director may further limit hours or activities as necessary to mitigate impacts on adjacent residential uses.
13. All driveways, approaches, and outdoor work areas must be surfaced with an all-weather material.

Title 12 CODE ENFORCEMENT AND COMMUNITY PRESERVATION*

Chapter 12.02 General*

Chapter 12.04 Administrative Code Enforcement Procedures*

Chapter 12.06 Administrative And Judicial Remedies*

Chapter 12.08 Recover Of Code Enforcement Penalties And Costs*

Chapter 12.02 General*

12.02.010 Short Title*

12.02.020 Authority*

12.02.030 Declaration Of Purpose*

12.02.040 Scope*

12.02.050 Existing Ordinances And Laws Continued*

12.02.060 Criminal Prosecution Right*

12.02.070 Effect Of Headings*

12.02.080 Validity Of Title - Severability*

12.02.090 No Mandatory Duty - Civil Liability*

12.02.100 General Rules Of Interpretation Of Ordinances*

12.02.110 Definitions Applicable To Title Generally*

12.02.111 Acts Include Causing, Aiding And Abetting*

12.02.200 Part 2 - Service Requirements*

12.02.210 Service Of Process*

12.02.220 Construction Notice Of Recorded Documents*

12.02.300 Part 3 - General Authority And Offenses*

12.02.310 General Enforcement Authority*

12.02.320 Adoption Of Policy And Procedures*

12.02.330 Authority To Inspect*

12.02.340 Warrant Procedure

12.02.350 Power To Issue Citations *

12.02.360 False Information Or Refusal Prohibited*

12.02.370 Failure To Obey A Subpoena*

12.02.010 Short Title*

Title 12 shall be known as the "Code Enforcement and Community Preservation Program."

12.02.020 Authority*

White City promulgates this Code pursuant to Utah Code Ann. §§ 10-3-702- 703.7; 10-3-716; 10-8-60; 10-11-1, *et seq.*; and 76-10-801, *et seq.*

12.02.030 Declaration Of Purpose*

White City finds enforcement of its Code and applicable state codes throughout the municipality to be an important public service. Code enforcement and abatement are vital to the protection of the public's health, safety, and quality of life. The Council recognizes that comprehensive code enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings and judicial proceedings that use a combination of judicial and administrative remedies to achieve fair and equitable compliance, and which address the failure to comply through judicial action.

12.02.040 Scope*

The provisions of this Title may be applied to any violation of White City Code as an additional remedy to achieve compliance.

12.02.050 Existing Ordinances And Laws Continued*

The provisions of this Title do not invalidate any other title or ordinance but shall be read in conjunction with the title or ordinance as an additional enforcement remedy and with any other applicable laws. If there is a conflict between this Title and another provision of White City Code, this Title shall control.

12.02.060 Criminal Prosecution Right*

White City has sole discretion in deciding whether to file a civil or criminal case or both for the violation of any of its ordinances. The enactment of the administrative remedies in this Title shall not interfere with White City's right to prosecute ordinance violations as criminal offenses in a court of law. White City may use any of the remedies available under the law in both civil and criminal prosecution. If White City decides to file both civil and criminal charges for the same day of violation, no civil penalties may be assessed, but all other remedies will be available. White City may at its discretion proceed with a civil enforcement action under this Title in district court without first holding an administrative hearing or exhausting other administrative remedies.

12.02.070 Effect Of Headings*

Title, chapter, part and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, part, or section hereof.

12.02.080 Validity Of Title - Severability*

If any provision of this Title is held to be invalid or unconstitutional by a court of competent jurisdiction, the decision of invalidity or unconstitutionality shall not affect the other provisions of this Title which can be given effect without the invalid or unconstitutional provision.

12.02.090 No Mandatory Duty - Civil Liability*

It is the intent of the Council that in establishing performance standards or an obligation to act by a White City officer, employee, or designee, the standards or obligation shall not be construed to create a mandatory duty for purposes of tort liability if the officer, employee, or designee fails to perform his or her directed performance standards or obligation to act.

12.02.100 General Rules Of Interpretation Of Ordinances*

For purposes of this Title:

- (1) Any gender includes the other gender(s).
- (2) "Shall" is mandatory; "may" is permissive.
- (3) The singular number includes the plural.
- (4) Any word or phrase used in this Title, and not specifically defined, shall be construed according to the context and approved usage of the language.

12.02.110 Definitions Applicable To Title Generally*

The following words and phrases, as used in this Title, shall be construed as defined in this section, unless the context or subject matter requires a different meaning as specifically defined elsewhere in this Title and specifically stated to apply:

- (1) "Abate" or "Abatement" means any action White City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including demolition, removal, eviction of persons, repair, boarding, securing, or replacement of property.
- (2) "Administrative Code Enforcement Order" means 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.
- (3) "Administrative Law Judge" or "hearing officer" means the position established by the Code § 1.16.
- (4) "Animal Control Administrator" means the supervisor of the Animal Control Division, established in the Code § 8.1.
- (5) "Chief Building Official" means the official authorized and responsible for planning, directing, and managing the building inspection activities within White City.
- (6) "Council" means the White City Council.
- (7) "Code Enforcement Lien" means a lien recorded to collect outstanding civil penalties, administrative fees, or costs.
- (8) "Code Enforcement Performance Bond" means a bond posted by a responsible person to ensure compliance with White City Code, applicable state titles, a judicial action, or an administrative code enforcement order.
- (9) "County" means Salt Lake County, Utah.
- (10) "Courtesy Notice" means a written notice prepared by an enforcement official that informs a responsible person of a minor violation and notifies the responsible person of the necessary actions that are required to correct the minor violation.
- (11) "Department" means White City's Planning and Development Services Department, or its designee.
- (12) "Director" means the director of White City's Planning and Development Services Department or the director's authorized agent or any other person or entity and authorized agent directed to provide code enforcement services.
- (13) "Enforcement Official" means any person authorized to enforce violations of White City Code or applicable state codes.
- (14) "Financial Institution" means any person or entity that holds a recorded mortgage or deed of trust on a property.
- (15) "Fire Department" means the applicable entity that is authorized and responsible for providing fire and emergency services to White City.
- (16) "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.
- (17) "Hazardous Materials" means the same as that term is defined in Utah Code Section 10-11-1.
- (18) "Imminent Life Safety Hazard" means any condition that creates a present, extreme, or immediate danger to life, property, health, or public safety.
- (19) "White City" means White City, a municipal corporation or city
- (20) "Legal Interest" means any interest that is represented by a document, including a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.
- (21) "Major Violation" means any nuisance or other violation as defined in White City Code, state code or Utah state courts, to include, without limitations, any:
 - a. land use that does not conform to existing zoning of the property;
 - b. unauthorized collection of motor vehicles that are unlicensed, unregistered, or inoperable;
 - c. accumulations of trash, litter, illegal dumping, which occupy a combined area more than 50 square feet;

- d. weeds that occupy a combined area that exceeds 100 square feet or increase the risk of fire spreading to a neighboring property;
 - e. unauthorized use of any public street or sidewalk, including news racks, merchandise displays, mobile food vending, or other illegal uses.
 - f. illegal advertising;
 - g. illegal residing in a Recreational Vehicle
 - h. open storage of items; or
 - i. any other violation of White City Municipal Code that is not specifically defined as a minor violation.
- (22) "Municipality" means the area within the territorial municipal limits of White City, and such territory outside the area over which White City has jurisdiction or control.
- (23) "Minor violation" means the following violations of White City Municipal Code:
- a. accumulations of trash, litter, or illegal dumping, which occupy a combined area less than 50 square feet; or
 - b. weeds which occupy a combined area less than 100 square feet and do not increase the risk of fire spreading to a neighboring property.
- (24) "Notice of Compliance" means a document issued by White City, representing that the violations outlined in the notice of violation have been remedied and the property is in compliance with applicable codes.
- (25) "Notice of Satisfaction" means a document or form approved by the Director or designee, which states that all outstanding civil penalties and costs have been paid in full, negotiated to an agreed amount, or resolved by a subsequent administrative or judicial decision. The property shall also be in compliance with the requirements of the notice of violation.
- (26) "Notice of Violation" means a written notice prepared by an enforcement official that informs a responsible person of any code violation and orders the person to take certain actions to correct the violation.
- (27) "Oath" includes any affirmation or oath.
- (28) "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.
- (29) "Program" means the Code Enforcement and Community Enhancement Program authorized under this Title.
- (30) "Property Owner" means the record owner of real property based on the county assessor's records.
- (31) "Public Nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare or that significantly obstructs, injures, or interferes with the reasonable or quiet use of property in a neighborhood, community, or by a considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah statute.
- (32) "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 or on another vehicle, including truck campers, camper trailers, motorhomes, vehicles converted to have living facilities, or other vehicles used as sleeping or living accommodations.
- (33) "Residing" as it relates to a Recreational Vehicle means a rebuttable presumption that a Recreational Vehicle is being used as a residential unit if the Recreational Vehicle is occupied at any time between the hours of 1:00 a.m. and 5:00 a.m. for more than 5 days in any 14-day period. This presumption may be rebutted upon a showing of substantial evidence that the Recreational Vehicle is not used for sleeping, toilet facilities, food preparation, or showering.
- (34) "Responsible Person" means a person who has charge, care, or control of any premises, dwelling, or dwelling unit as the legal or equitable owner, agent of the owner, lessee, or as an executor, administrator, trustee, or guardian of the estate of the owner. In all cases, the person with legal title to any premises, dwelling, or dwelling unit shall be considered a responsible person, with or without accompanying actual possession thereof.

(35) "Treasurer" means the White City Treasurer as designated pursuant to Utah Code Ann. § 10-3c-203.

(36) "Written" includes handwritten, typewritten, photocopied, computer printed, or facsimile, whether in physical or electronic form.

12.02.111 Acts Include Causing, Aiding And Abetting*

If any act or omission is made unlawful in this Title, it shall include causing, permitting, aiding, or abetting the act or omission.

12.02.200 Part 2 - Service Requirements*

12.02.210 Service Of Process*

(1) If service in person or by mail is required to be given under this Title, service shall be made in accordance with Utah Code Ann. § 10-11-2 unless another form of service is required by law.

(2) If service complies with the requirements of this Part, it shall be considered to be a valid service 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.

(3) The failure to serve all responsible persons shall not affect the validity of any proceedings.

12.02.220 Construction Notice Of Recorded Documents*

If a document is recorded with the County Recorder as authorized or required by this Title or applicable state statute, recordation shall provide constructive notice of the information contained in the recorded documents.

12.02.300 Part 3 - General Authority and Offenses*

12.02.310 General Enforcement Authority*

If the Director or enforcement official finds that a violation of White City Code or applicable state code has occurred or continues to exist, the administrative enforcement procedure may be used as provided in this Title. The Director or any designated enforcement official has the authority and power necessary to enforce compliance with the provisions of White City Code and applicable state code provisions, including issuing notices of violation or administrative citations, inspecting public or private property, abating public and private property, or using other judicial and administrative remedies available pursuant to White City Code or state statute. White City may elect to proceed with an action in District Court without first exhausting administrative remedies.

12.02.320 Adoption of Policy and Procedures*

In compliance with the Utah Administrative Code, the Administrative Law Judge is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the Program. The policies and procedures may vary based on the circumstances of each matter before the Administrative Law Judge.

12.02.330 Authority to Inspect*

The Director or any designated enforcement official is authorized to enter upon any property or premises to inspect and ascertain if the person is complying with White City Code or applicable state code provisions and to make any necessary examination or survey in the performance of the enforcement duties with either the

permission of the responsible person, land owner, or upon obtaining a search warrant. If the responsible person refuses to allow the enforcement official to enter the property, the enforcement official shall obtain a search warrant. The Director or any designated enforcement official may not enter a property, except to access the front door, without permission or a warrant. Any inspection entry, examination, or survey shall be done in a reasonable manner based upon probable cause. The Director or any designated enforcement official may obtain evidence viewable from any public street, sidewalk, adjacent property or location where the responsible person has given authorization for entry without a warrant.

12.340. Administrative Search Warrant Procedure

- (1) The Director or any designated enforcement official may apply for an administrative search warrant with the Administrative Law Judge upon a showing of probable cause to believe that a violation of the White City Code or an applicable state code has occurred, is occurring, or is about to occur. The showing of probable cause shall be based on specific and articulable facts or circumstances and shall be supported by a sworn affidavit or a verified complaint.
- (2) A search warrant shall be issued by the Administrative Law Judge upon a finding of probable cause to believe that a violation of the White City Code or an applicable state code has occurred, and that a search of private property is necessary to investigate and enforce such ordinance.
- (3) A search warrant shall specify the property to be searched and, if applicable, the items to be seized.
- (4) The search warrant shall be executed by a designated enforcement official in accordance with the Fourth Amendment to the United States Constitution and Utah law.
- (5) The search warrant shall be executed in a reasonable manner, taking into account the nature of the ordinance being enforced, the nature of the property being searched, and the presence of any individual(s) on the property.
- (6) A report of the execution of the search warrant shall be made in writing and filed with the Administrative Law Judge that issued the warrant. The report shall include a description of the property searched, the items seized, and any other information required by law or court order.
- (7) No person shall refuse entry or access to any authorized representative of the department who requests entry for purposes of inspection, and who presents appropriate credentials and warrant, nor shall any person obstruct, hamper or interfere with any such inspection.
- (8) Nothing in this section shall be construed to prevent prompt inspection without consent or appropriate warrant in emergency situations.

12.02.350 Power to Issue Citations*

The Director or any designated enforcement official is authorized to issue a misdemeanor citation or administrative citation if there is reasonable cause to believe that the person is committing or has committed a violation of the White City Code or state code in the enforcement official's presence.

12.02.360 False Information or Refusal Prohibited*

It shall be unlawful for any person to make a false statement or refuse to give his or her name or address with intent to deceive or interfere with a duly authorized White City official or agent, including to the Director or any authorized enforcement officials, when in the performance of official duties under the provisions of this Title. A violation of this Section is a class B misdemeanor.

12.02.370 Failure to Obey a Subpoena*

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and is a class B misdemeanor.

Chapter 12.04 Administrative Code Enforcement Procedures*

[12.04.010 Authority*](#)

[12.04.020 Courtesy Notice*](#)

[12.04.030 Notice of Violation*](#)

[12.04.040 Failure to Bring Property Into Compliance*](#)

[12.04.050 Inspections*](#)

[12.04.200 Part 2 - Emergency Abatement*](#)

[12.04.210 Authority to Abate*](#)

[12.04.220 Procedures for Abatement*](#)

[12.04.300 Part 3 – Emergency Abatement*](#)

[12.04.310 Authority*](#)

[12.04.320 Procedures*](#)

[12.04.230 Notice of Emergency Abatement*](#)

[12.04.400 Part 4 - Abatement of Hazardous Materials](#)

[12.04.420 Notice Of Hazardous Material Abatement*](#)

[12.04.430 Certified Decontamination Specialist*](#)

[12.04.500 Part 5 - Hearing Procedures*](#)

[12.04.510 Declaration of Purpose*](#)

[12.04.520 Authority and Scope of Hearings*](#)

[12.04.530 Request for Administrative Code Enforcement Hearing*](#)

[12.04.540 Hearings and Orders*](#)

[12.04.550 Notification of Administrative Code Enforcement Hearing*](#)

[12.04.560 Disqualification of Administrative Law Judge*](#)

[12.04.570 Powers of The Administrative Law Judge*](#)

[12.04.580 Procedures at Administrative Code Enforcement Hearing*](#)

[12.04.590 Failure to Attend Administrative Code Enforcement Hearing*](#)

[12.04.591 Administrative Code Enforcement Order*](#)

[12.04.595 Failure to Comply With Order*](#)

[12.04.600 Part 6 - Administrative Enforcement Appeals*](#)

[12.04.610 Appeal of Administrative Code Enforcement Hearing Decision*](#)

12.04.010 Authority*

Any condition caused, maintained, or permitted to exist in violation of any provisions of the White City Code or applicable state codes that constitutes a violation may be abated by White City pursuant to the procedures set forth in this Title.

12.04.020 Courtesy Notice*

(1) If the Director or any designated enforcement official determines that a minor violation has occurred, the Director or enforcement official may issue a courtesy notice to a responsible person by leaving a courtesy notice with the responsible person or affixing the notice to the door or gate of the property. The courtesy notice shall include the following information:

- a. Name of the property owner of record according to the records of the County Recorder;
- b. Street address of violation;
- c. Nature and results of the examination and investigation conducted;
- d. Date and approximate time the violation was observed

- e. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
 - f. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
 - g. A statement that if the violation has not been remedied within 7 days, the designated enforcement official will issue a notice of violation consistent with the requirements of this chapter.
 - h. The name and contact information of the code enforcement official who may be contacted regarding the courtesy notice.
- (2) The issuance of a courtesy notice is discretionary, and an enforcement official may proceed with the issuance of a notice of violation without first issuing a courtesy notice.

12.04.030 Notice of Violation*

- (1) If the Director or any designated enforcement official determines that a major violation of the White City Code or applicable state codes has occurred or continues to exist or a minor violation continues to exist, the Director or enforcement official may issue a notice of violation to a responsible person. The notice of violation shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute(s):
- a. Name of the property owner of record according to the records of the County Recorder;
 - b. Street address of violation;
 - c. Nature and results of the examination and investigation conducted;
 - d. Date and approximate time the violation was observed;
 - e. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
 - f. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
 - g. A specific date for the responsible party to correct the violations listed in the notice of violation or appeal the notice of violation, which date shall be at least fifteen days from the date of service unless the Director determines that the violation requires emergency abatement under Section 12.2.200;
 - h. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by White City and re-payment to White City for the costs of the abatement; other costs incurred by White City; administrative fees; and any other legal remedies;
 - i. Civil penalties shall begin to accrue immediately on expiration of the date to correct violations;
 - j. The amount of the civil penalty on each violation and that the penalty shall accrue daily until the property is brought into compliance;
 - k. Only one notice of violation is required for any 12-month period, and civil penalties begin immediately upon any subsequent violation of the notice. The responsible person may request a hearing on the renewed violation by following the same procedure as provided for the original notice;
 - l. Procedures to appeal the notice and request a hearing, including the amount of the appeal fee, as provided in the adopted fee schedule and consequences for failure to request one, including that failure to appeal waives all defenses to the notice of violation and the Director, or designee, may order the abatement of the property without a subsequent hearing or order; and
 - m. Procedures to request an inspection after the violation has been abated.

- (2) The notice of violation shall be served by one of the methods of service listed in Section 12.2.210 of this Title.
- (3) More than one notice of violation may be issued against the same responsible person if it encompasses different dates, or different violations.

12.04.040 Failure To Bring Property Into Compliance*

- (1) If a responsible person fails to bring a violation into compliance within the compliance period specified in the notice of violation:
 - a. civil penalties shall be owed to White City for each and every subsequent day of violation;
 - b. If the responsible party does not request a hearing on the notice of violation within the required period specified in the notice of violation, the Director may
 - i. schedule the abatement of violations on the property specified in the notice of violation;
 - ii. schedule a default hearing with the Administrative Law Judge; or
 - iii. bring an enforcement and abatement action in the district court.
- (2) Failure to comply with the notice of violation is a Class C misdemeanor.

12.04.050 Inspections*

It shall be the duty of the responsible person served with a notice of violation to request in writing an inspection when the responsible person's property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued. Re-inspection fees shall be assessed if more than one inspection is necessary.

12.04.200 Part 2 - Abatement

12.04.210 Authority To Abate*

The Director is authorized to enter upon any property or premises to abate the violation of White City Code and applicable state codes pursuant to this Part. The Director is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs, including assessment of the costs on the County tax rolls.

12.04.220 Procedures For Abatement*

- (1) The Director may abate a violation pursuant to this Part after providing notice under this Title and by following the process set forth in Utah Code § 10-11-3 or any applicable successor statute if the Responsible Party:
 - a. Does not abate a violation within the time period prescribed in a notice; and
 - b. Did not file a request for an administrative code enforcement hearing under this Title.
- (2) The Director may request a default hearing but is not required to do so to abate the violation under this Part and may abate the violation without a default hearing pursuant to Utah Code § 10-11-3 or any applicable successor statute.
- (3) The Director may use White City personnel or a private contractor acting under the Director's or White City's direction to abate the violation.
- (4) White City personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or administrative code enforcement order.

(5) If the responsible person abates the violation before White City performs the actual abatement pursuant to a notice of violation or administrative code enforcement order, the Director may still assess the costs incurred by White City against the responsible person.

(6) In compliance with Utah Code § 10-11-3 or any applicable statute, the Director shall prepare an itemized statement of the work performed when the abatement is completed on the responsible person.

(7) The Administrative Law Judge shall hear any appeals filed by a responsible person in response to an itemized statement issued under this Part and shall conduct such appeals and any related hearings in accordance with Utah Code § 10-11-3 or any applicable successor statute.

12.04.300 Part 3 - Emergency Abatement*

12.04.310 Authority*

(1) Whenever the Director determines that an imminent life safety hazard exists that requires immediate correction or elimination, the Director may exercise the following powers without prior notice to the responsible person:

- a. Order the immediate vacation of any tenants, and prohibit occupancy or entry until all repairs are completed, provided that an order prohibiting entry shall specify how entry is to be made to mitigate damage, complete repairs, retrieve personal property, or for any other purpose, if any, during the abatement process;
- b. Post the premises as unsafe, substandard, or dangerous;
- c. Board, fence, or secure the building or site;
- d. Raze, grade, and remove that portion of the building or site to prevent further collapse or any hazard to the general public;
- e. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
- f. Take any other action appropriate to eliminate the emergency.

(2) The Director and his or her agents have the authority for good cause to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.

(3) The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Title.

12.04.320 Procedures*

(1) The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by White City during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures provided in this Title.

(2) The Director may also pursue any other valid and legal administrative or judicial remedy to abate any remaining violations.

12.04.330 Notice Of Emergency Abatement*

After an emergency abatement, White City shall notify the owner or responsible person of the abatement action taken in writing. This notice shall be served within ten days of completion of the abatement and will describe in reasonable detail the abatement actions taken.

12.04.400 Part 4 – Abatement of Hazardous Materials*

12.04.410 Authority*

If the Director determines that a structure has been closed to occupancy or entry by a local health department due to contamination from hazardous materials, the Director may appoint a municipal inspector for the purpose

of implementing and complying with the provisions of Utah Code 10-11-1. The Director may authorize abatement of the interior of the structure to eliminate or remove hazardous materials within a structure that has been closed to occupancy or entry by a local health department or fire department.

12.04.420 Notice of Hazardous Material Abatement*

(1) If the Director or any designated enforcement official determines that a structure has been closed by the local health department or fire department for hazardous materials, the Director or enforcement official will issue a notice of hazardous material abatement to a responsible person.

(2) The notice of hazardous material abatement shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute:

- a. Name of the property owner of record according to the records of the County Recorder;
- b. Street address of violation;
- c. Nature and results of the examination and investigation conducted;
- d. Date and approximate time the violation was observed;
- e. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
- f. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
- g. A specific date for the responsible party to correct the violations listed in the notice of hazardous material abatement or appeal the notice of hazardous material abatement, which date shall be at least 180 days from the date of service;
- h. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by White City and re-payment to White City for the costs of the abatement; other costs incurred by White City; administrative fees; and any other legal remedies;
- i. Civil penalties shall begin to accrue immediately on expiration of the date to correct violations or the appeal and administrative proceeding process is completed;
- j. The amount of the civil penalty on each violation and that the penalty shall accrue daily until the property is brought into compliance;
- k. Procedures to appeal the notice and request a hearing, including the amount of the appeal fee, as provided in the adopted fee schedule, and consequences for failure to request one, including that failure to appeal waives all defenses to the notice of hazardous material abatement and the Director, or designee, may order the abatement of the property without a subsequent hearing or order; and
- l. Procedures to request an inspection after the violation has been abated.

(3) The notice of hazardous material abatement shall be served by one of the methods of service listed in Section 12.02.210 of this Title.

12.04.430 Certified Decontamination Specialist*

A responsible party, owner, or occupant must use a certified decontamination specialist to abate hazardous materials as described in Utah Code § 19-6-906.

12.04.430 Restricting Access*

The Director may issue an order limiting or restricting access to a structure and the real property appurtenant to the structure while the municipal inspector or a certified decontamination specialist destroys, removes, or abates hazardous materials within the structure.

12.04.500 Part 5 - Demolitions*

12.04.510 Authority*

If the Director determines that a property or building requires demolition, the Director may demolish or remove the offending structure, or exercise any or all of the powers listed in this Title once appropriate notice has been given to a responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Codes as required under state law, provided that the notice shall include a written description of the Director's findings, explaining the need for the demolition and citations to the applicable ordinances or laws authorizing the demolition. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Title.

12.04.420 Procedures*

Once the Director has determined that the White City Chief Building Official or the Fire Department has complied with all of the notice requirements of the applicable laws, the property will be demolished. Other applicable remedies may also be pursued.

12.042.400 Part 4 – Administrative Citations*

12.042.410 Declaration Of Purpose*

The Council finds that there is a need for an alternative method of enforcement for violations of the White City Code and applicable state codes which do not relate to land use violations. The Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this Part shall be in addition to criminal, civil, or any other legal remedy established by law that may be pursued to address violations of the White City Code or applicable state codes.

12.042.420 Authority*

Any person violating a provision of the White City Code or applicable state codes may be issued an administrative citation by an enforcement official as provided in this Part.

A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official and shall be payable directly to the White City Treasurer's Office, or other offices designated to receive payment on behalf of the White City.

Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in the remedies section of this Title.

12.042.430 Procedures*

(1) Upon discovering any violation of the White City Code, or applicable state codes, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this Part or as prescribed in Section 12.1.210. The administrative citation shall be issued on a form approved by the Director.

(2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 12.1.210 of this Title.

(3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

(4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 12.1.210 of this Title.

(5) If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 12.1.210 of this Title.

(6) The administrative citation shall also contain the signature of the enforcement official.

(7) The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

HISTORY

Adopted by Ord. [19-07-01](#) on 7/22/2019

12.042.440 Contents Of Administrative Citation*

Administrative citations shall include the information required in Section 12.2.020 and shall:

(1) State the amount of penalty imposed for the minor violations; and

(2) Explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty.

12.042.450 Civil Penalties Assessed*

(1) The Council shall establish policies to assist in the assessment of civil penalties for administrative citations.

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

(3) Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by White City.

12.04.500 Part 5 – Appeal and Hearing Procedures*

12.04.510 Declaration Of Purpose*

The Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to White City Code. It is the purpose and intent of the Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.

12.04.520 Authority and Scope of Hearings*

The Administrative Law Judge shall preside over hearings of White City Code violations. The Administrative Law Judge shall develop policies and procedures to regulate the hearing process for any violation of White City Code and applicable state codes that are handled pursuant to the administrative abatement procedures, emergency abatement procedures, demolition procedures, or administrative citation procedures. If there is a conflict between the appeal procedures in this Title and the appeal procedures in another code incorporated by White City, this Title shall control.

12.04.530 Appeal and Request For Administrative Code Enforcement Hearing*

- (1) A person served with one of the following documents or notices has the right to appeal by requesting an administrative code enforcement hearing, if the request is filed within 15 calendar days from the date of service of one of the following notices:
 - a. Notice of violation;
 - b. Notice of itemized bill for costs; or
 - c. Notice of emergency abatement;
- (2) A person served with a notice of hazardous material abatement shall have the right to appeal by requesting an administrative code enforcement hearing, if the request is filed within 180 calendar days from the date of service.
- (3) The request for hearing shall be made in writing and filed with the Director or as otherwise indicated in the notice of violation. The request shall contain the following:
 - a. the case number,
 - b. the address of the violation,
 - c. a statement of the legal and factual basis supporting the overturning the notice of violation; and
 - d. the signature of the responsible party.
- (4) The request for hearing shall be accompanied by payment of the appeal fee the amount of which shall be provided forth in the White City Fee Schedule.
- (5) Failure to provide all the information required in Subsection 12.02.530(2) and payment of the appeal fee required in Subsection 12.02.530 (3), may result in the dismissal of the appeal without a hearing.
- (6) As soon as practicable after receiving the written notice of the request for hearing, the Director shall schedule a date, time, and place for the hearing with the Administrative Law Judge and serve a Notice of Hearing on the responsible party.
- (7) Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to appeal the action.

12.04.540 Hearings And Orders*

- (1) If the responsible person fails to request a hearing before the expiration of the 15 calendar day required deadline, the Director may:
 - a. Schedule the abatement of the property and serve a notice of abatement on the responsible party.
 - b. Request a default hearing, with the Administrative Law Judge and notify the responsible person of the date, time, and place of the hearing by one of the methods listed in Section 12.2.210.
- (2) A default hearing may be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees and/or costs due to White City before collection.
- (3) At any hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Title, to do one or more of the following in addition to any other rights afforded under other provisions of White City Code or applicable law:
 - a. Waive or reduce the fines which have accumulated;
 - b. Postpone an abatement action by White City; or
 - c. Excuse the responsible person's failure to request a hearing within the 15-day period.

(4) If the responsible person fails to establish good cause to take one or more of the actions set forth in paragraph (3), the Administrative Law Judge shall review the notice of violation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence.

- a. If the evidence shows that the violations existed, the Administrative Law Judge shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall run until the Director or other duly authorized representative of White City issues a Notice of Compliance stating when the violations were actually abated.

12.04.550 Notification Of Administrative Code Enforcement Hearing*

(1) The Administrative Law Judge or White City shall provide written notice of the day, time, and place of the hearing to a responsible person as soon as practicable prior to the date of the hearing with the format and contents of the hearing provided in accordance with rules and policies promulgated by the Administrative Law Judge.

(2) The notice of hearing shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

12.04.560 Disqualification Of Administrative Law Judge*

(1) A responsible person may file a written motion to disqualify an Administrative Law Judge for bias, prejudice, a conflict of interest, or any other reason for which a judge may be disqualified in a court of law. The motion to disqualify shall be accompanied by an affidavit or unsworn declaration as described in Title 78B of the Utah Code or applicable successor statute signed by the responsible person, which shall:

- a. State that the motion is filed in good faith;
- b. Allege facts sufficient to show bias, prejudice, a conflict of interest, or any other reason that would disqualify a judge in a court of law in Utah; and
- c. State when and how the Responsible Party came to know of the reason for disqualification.

(2) The responsible person shall file the motion within 21 days of the assignment of the action to an Administrative Law Judge or the date on which the responsible person knew or should have known of the grounds on which the motion is based, whichever is later.

(3) A responsible person may only file one motion to disqualify an Administrative Law Judge, unless a second or subsequent motion is based on grounds that the responsible person did not know of and could not have known of at the time of the earlier motion.

(4) The Administrative Law Judge who is the subject of a motion to disqualify must, without taking any further action, provide the Director with a copy of the motion and refer the motion to the White City Council.

(5) Upon receipt of a motion to disqualify, the White City Council will schedule and notice the matter for review at its next regular scheduled meeting. The White City Council may, in its sole discretion, elect to hold a special meeting to hear the motion before its next regularly scheduled meeting. The White City Council shall first review the motion to disqualify to determine if it satisfies the requirements of paragraphs (1) and (2) of this Section. If the motion to disqualify does not satisfy the requirements of this Section, the Council will deny the motion and remand it to the Administrative Law Judge for further proceedings. If the motion to disqualify satisfies the requirements of paragraphs (1) and (2) of this Section, the White City Council shall determine whether the motion is legally sufficient to warrant disqualification. If the White City Council determines that disqualification is warranted, it will assign the matter to another Administrative Law Judge. If the White City Council determines that the motion to disqualify is not legally sufficient, it will remand the matter back to the Administrative Law Judge.

12.04.570 Powers of the Administrative Law Judge*

(1) The Administrative Law Judge has the authority to conduct an adjudicative proceeding, determine if any violation of White City Code exists, order compliance with White City Code, and enforce compliance as provided in this Title on any matter subject to the provisions of the Title.

- (2) The Administrative Law Judge may complete the attendance of a witness and production of a document or other evidence, administer an oath, take testimony, and receive evidence as necessary.
- (3) The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing. The Administrative Law Judge must enter on the record the good cause on which a continuance is granted.
- (4) The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Administrative Law Judge shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.
- (5) The Administrative Law Judge has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code enforcement order using any remedies available under the law; ensuring compliance with that order, which includes the right to authorize White City to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.
- (6) The Administrative Law Judge has the authority to require a responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order.

12.04.580 Procedures at Administrative Code Enforcement Hearing*

- (1) Administrative code enforcement hearings are intended to be informal. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request shall be in writing. Failure to request discovery may not be a basis for a continuance. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Administrative Law Judge.
- (2) White City bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of White City or applicable state codes.
- (3) The standard of proof to be used by the Administrative Law Judge in deciding the issues at an administrative hearing is whether the preponderance of the evidence shows that the violations exist.
- (4) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means. The Administrative Law Judge may accept testimony offered by proffer.
- (5) All hearings are open to the public, but public notice is not required. All hearings shall be recorded. The recording may be audio or video. Hearings may be held at the location of the violation.
- (6) The responsible person has a right to be represented by an attorney. If an attorney is representing the responsible person at the hearing, notice of the attorney's name, address, and telephone number shall be provided to White City at least one day prior to the hearing. If notice is not given, the hearing may be continued at White City's request, and all costs of the continuance assessed to the responsible person.
- (7) No new hearing shall be granted, unless the Administrative Law Judge determines that extraordinary circumstances exist which justify a new hearing.

12.04.590 Failure to Attend Administrative Code Enforcement Hearing*

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is considered to have waived the right to a hearing, and will result in a default judgment, provided that proper notice of the hearing has been provided.

12.04.591 Administrative Code Enforcement Order*

- (1) Once all evidence and testimony are completed, the Administrative Law Judge shall issue, or cause the prevailing party to circulate, an administrative code enforcement order that affirms, modifies, or rejects the notice or citation. The Administrative Law Judge may increase or decrease the total amount of civil penalties and costs that are due pursuant to White City's fee schedule and the procedures in this Title.
- (2) The parties may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as a stipulated administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.
- (3) The Administrative Law Judge may order White City to enter the property and abate all violations, including demolitions and the removal of vehicles, garbage, animals, and other property kept in violation of White City Code.
- (4) The Administrative Law Judge may revoke a kennel permit, an animal license, or the right to possess animals as provided in White City Code.
- (5) As part of the administrative code enforcement order, the Administrative Law Judge may condition the total or partial assessment of civil penalties on the responsible person's ability to complete compliance by specified deadlines.
- (6) The Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative code enforcement order.
- (7) The Administrative Law Judge may order the responsible person to post a performance bond to ensure compliance with the order.
- (8) The administrative code enforcement order shall become final on the date of the signing of the order.
- (9) The administrative code enforcement order shall be served on all parties by any one of the methods listed in Section 12.1.210 of this Title.

12.04.595 Failure To Comply With Order*

Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcement order, White City may abate the violation as provided in this Title and use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.

12.04.600 Part 6 - Administrative Enforcement Appeals*

12.04.610 Appeal of Administrative Code Enforcement Hearing Decision*

- (1) Any person adversely affected by any administrative decision made pursuant to this Chapter may file a petition for review of the decision or order by the district court within 30 days after the decision is rendered.
- (2) No person may challenge in district court an administrative code enforcement hearing officer's decision until that person has exhausted his or her administrative remedies.
- (3) Within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. 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, including the cost of a licensed court reporter transcribing all relevant recorded hearings. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within 180 days after the petition for review was filed shall be grounds for dismissal of the petition.
 - a. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may 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.

- (4) The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.
- (5) The courts shall:
 - a. Presume that the administrative code enforcement hearing officer's decision and orders are valid; and
 - b. Review the record to determine whether or not the decision was arbitrary, capricious, or illegal.

12.04.700 Part 7 – Administrative Citations*

12.04.710 Declaration of Purpose*

The Council finds there is a need for an enforcement of administrative violations that are not land use or nuisance violations of the White City Code and applicable state code. The Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this part shall be in addition to criminal, civil, or any other legal remedy established by law that may be pursued to address violations of White City Code or applicable State Code.

12.04.720 Authority*

- (1) Any person violating any minor provision of the White City Code or applicable state statutes may be issued an administrative citation by an enforcement official as provided in this Part.
- (2) A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official, and shall be payable directly to White City Treasurer's Office, or other offices designated to receive payment on behalf of White City.
- (3) Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in the remedies section of this Title.

12.04.730 Procedures*

- (1) Upon discovering a violation of the White City Code, or applicable state codes, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this Part or as prescribed in Section 12.1.210. The administrative citation shall be issued on a form approved by the Director.
- (2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 12.1.210 of this Title.
- (3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.
- (4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 12.1.210 of this Title.
- (5) If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 12.1.210 of this Title.
- (6) The administrative citation shall also contain the signature of the enforcement official.

(7) The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

12.04.740 Contents Of Administrative Citation*

Administrative citations shall include the information required in Section 12.2.020 and shall:

- (1) State the amount of penalty imposed for the minor violations; and
- (2) Explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty.

12.04.750 Civil Penalties Assessed*

- (1) The Council shall establish policies to assist in the assessment of civil penalties for administrative citations.
- (2) Civil penalties shall be assessed immediately for each violation listed on the administrative citation. The penalties shall be those established in the Consolidated Fee Schedule.
- (3) Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by White City.

Chapter 12.06 Administrative and Judicial Remedies*

12.06.100 Part 1 - Recordation of Notices Of Violation*

12.06.110 Declaration of Purpose*

12.06.120 Authority*

12.06.130 Procedures for Recordation*

12.06.140 Service of Notice of Recordation*

12.06.150 Failure To Request*

12.06.160 Notice of Compliance - Procedures*

12.06.170 Prohibition Against Issuance of Municipal Permits*

12.06.180 Cancellation of Recorded Notice of Violation*

12.06.200 Part 2 - Administrative Civil Penalties*

12.06.210 Authority*

12.06.220 Procedures for Assessing Civil Penalties*

12.06.230 Determination of Civil Penalties*

12.06.240 Modification of Civil Penalties*

12.06.250 Failure To Pay Penalties*

12.06.300 Part 3 – Costs*

12.06.310 Declaration of Purpose*

12.06.320 Authority*

12.06.330 Notification of Assessment Of Reinspection Fees

12.06.340 Failure To Timely Pay Costs*

12.06.400 Part 4 - Administrative Fees*

12.06.410 Administrative Fees*

12.06.500 Part 5 - Injunctions*

12.06.510 CML Violations - Injunctions*

12.06.600 Part 6 - Performance Bonds*

12.06.610 Performance Bond*

12.06.100 Part 1 - Recordation of Notices of Violation*

12.06.110 Declaration Of Purpose*

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

The procedures established in this Part shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of White City Code or applicable state codes.

12.06.120 Authority*

Whenever the Director determines that a property or violation has not been brought into compliance as required in this Title, the Director has the authority, in his or her discretion, to record the notice of violation or administrative code enforcement order with the County Recorder's Office.

12.06.130 Procedures For Recordation*

- (1) Once the Director has issued a notice of violation to a responsible person, and the property remains in violation after the deadline established in the notice of violation, and no request for an administrative hearing has been filed, the Director shall record a notice of violation with the County Recorder's Office.
- (2) If an administrative hearing is held, and an order is issued in White City's favor, the Director shall record the administrative code enforcement order with the County Recorder's Office.
- (3) The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, and a copy of the notice of violation or order.
- (4) The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

12.06.140 Service Of Notice Of Recordation*

A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in Section 12.1.210 of this Title.

12.06.150 Failure To Request*

The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.

12.06.160 Notice of Compliance - Procedures*

- (1) When the violation has been corrected, the responsible person or property owner may request an inspection of the property from the Director.
- (2) Upon receipt of a request for inspection, the Director shall re-inspect the property as soon as practicable to determine whether the violations listed in the notice of violation or the order have been corrected, and whether all necessary permits have been issued and final inspections have been performed.
- (3) The Director shall serve a notice of satisfaction to the responsible person or property owner as provided in Section 12.2.210 of this Title, if the Director determines that the violation listed in the recorded notice of violation or order has been corrected;
- (4) All necessary permits have been issued and finalized;
- (5) All civil penalties assessed against the property have been paid or satisfied; and
- (6) The party requesting the notice of satisfaction has paid all administrative fees and costs.
- (7) If the Director denies a request to issue a notice of satisfaction, upon request, the Director shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

12.06.170 Authority to Withhold Issuance of Municipal Permits

If a property is in violation, White City may withhold business licenses; permits for kennels; or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of the real property or the structure. White City may withhold permits until a notice of satisfaction has been issued by the Director. White City may not withhold permits that are necessary to obtain a notice of satisfaction or that are necessary to correct serious health and safety violations if violator has otherwise satisfied the compliance standards. Nothing in this section shall be construed as prohibiting White City from denying a permit if the application is insufficient or denial is otherwise warranted.

12.06.180 Cancellation Of Recorded Notice Of Violation*

The Director or Responsible Person shall record the notice of satisfaction with the County Recorder's Office. Recordation of the notice of satisfaction shall cancel the recorded notice of violation.

12.06.200 Part 2 - Administrative Civil Penalties*

12.06.210 Authority*

- (1) Any person violating any provision of White City Code, or applicable state codes, may be subject to the assessment of civil penalties for each violation.
- (2) Each and every day a violation of any provision of White City Code or applicable state codes exists is a separate violation subject to the assessment of civil penalties.
- (3) Civil penalties cannot be assessed when a criminal case has been filed for the same date and violation, because fines will be assessed with the criminal case.
- (4) Interest shall be assessed pursuant to White City policy, or at the judgment rate provided in Utah Code § 15-1-4 in the absence of White City policy, on all outstanding civil penalties balances until the case has been paid in full.
- (5) Civil penalties for violations of any provision of White City Code or applicable state codes shall be assessed pursuant to the White City's applicable fee schedule.

12.06.220 Procedures For Assessing Civil Penalties*

If a responsible person fails to bring a violation into compliance by the required deadline and fails to request an administrative hearing appealing the notice, civil penalties shall be owed to White City for each and every subsequent day of violation.

12.06.230 Determination Of Civil Penalties*

- (1) Civil penalties shall be assessed per violation per day pursuant to the applicable White City fee schedule.
- (2) Civil penalties shall continue to accrue until the violation has been brought into compliance with White City Code or applicable state codes.

12.06.240 Modification Of Civil Penalties*

- (1) After the property is determined by the Chief Building Official to be in compliance with White City Municipal Code, the responsible person may request a modification of the civil penalties on a finding of good cause.
- (2) Civil penalties may be waived or modified by the Administrative Law Judge if there is a finding of good cause based on the responsible person's claim of nonconforming use or conditional use and:
- (3) White City's need to verify the claim; or
- (4) The responsible person's filing of an application for either use before expiration of the date to correct.

12.06.250 Failure To Pay Penalties*

The failure of any person to pay civil penalties assessed within the specified time may result in the Director pursuing any legal remedy to collect the civil penalties as provided in the law.

12.06.300 Part 3 - Costs*

12.06.310 Declaration of Purpose*

- (1) The Council finds that there is a need to recover costs incurred by enforcement officials and other White City personnel who spend considerable time inspecting and re-inspecting properties throughout White City in an effort to ensure compliance with White City Code or applicable state codes.
- (2) The Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, re-inspection fees, filing fees, attorney fees, hearing officer fees, title search, and any additional actual costs incurred by White City for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of White City Code or applicable state codes.

12.06.320 Authority*

- (1) If actual costs are incurred by White City on a property to obtain compliance with provisions of White City Code and applicable state codes, the Director may assess costs against the responsible person.
- (2) Once a notice of violation has been issued, the property will be inspected one time. Any additional inspections shall be subject to re-inspection fees pursuant to the applicable White City fee schedule as adopted in White City's annual budget.

12.06.330 Notification of Assessment of Reinspection Fees

- (1) Notification of any applicable re-inspection fees adopted by White City shall be provided on the notice of violation served to the responsible person.
- (2) Any re-inspection fees assessed or collected pursuant to this Part shall not be included in any other costs assessed.
- (3) The failure of any responsible person to receive notice of the re-inspection fees shall not affect the validity of any other fees imposed under this Part.

12.06.340 Failure To Timely Pay Costs*

The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in a late fee pursuant to White City policy.

12.06.400 Part 4 - Administrative Fees*

12.06.410 Administrative Fees*

The Director or the Administrative Law Judge is authorized to assess administrative fees for costs incurred in the administration of this program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set in the applicable White City fee schedule.

12.06.600 Part 5 - Injunctions*

12.06.510 Violations - Injunctions*

In addition to any other remedy provided under White City Code or state codes, including criminal prosecution or administrative remedies, any provision of White City Code may be enforced by injunction issued in the Third District Court upon a suit brought by White City.

12.06.700 Part 6 - Performance Bonds*

12.06.610 Performance Bond*

- (1) As part of any notice, order, or action, the Director or Administrative Law Judge has the authority to require responsible persons to post a performance bond to ensure compliance with White City Code, applicable state codes, or any judicial action.
- (2) If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to White City. The bond shall not be used to offset the other outstanding costs and fees associated with the case.

Chapter 12.08 Recovery of Code Enforcement Penalties and Costs*

12.08.100 Part 1 - Code Enforcement Tax Liens*

12.08.110 Declaration of Purpose*

12.08.120 Procedures for Tax Liens Without A Judgement*

12.08.130 Procedures for Tax Liens With A Judgement*

12.08.140 Cancellation of Code Enforcement Tax Lien*

12.08.200 Part 2 - Writ of Execution*

12.08.201 Recovery of Costs By Writ Of Execution*

12.08.300 Part 3 - Writ of Garnishment*

12.08.310 Recovery of Costs By Writ Of Garnishment*

12.08.400 Part 4 - Allocation of Funds Collected Under Administrative Code Enforcement Hearing Program*

12.08.410 Abatement Fund*

12.08.420 Repayment of Abatement Fund*

12.08.430 Code Enforcement Administrative Fees And Cost Fund*

12.08.440 Allocation of Civil Penalties*

12.08.100 Part 1 - Code Enforcement Tax Liens*

12.08.110 Declaration Of Purpose*

The Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, actual costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders. The Council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of White City's code enforcement system. The procedures established in this Part shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of White City Code or applicable state codes.

12.08.120 Procedures For Tax Liens Without a Judgement*

- (1) Once White City has abated a property, the Director shall prepare an Itemized Statement of Costs incurred in the removal and destruction of the violations and deliver them to the Director after completion of the work of removing the violations.
- (2) The Director shall send, by registered mail to the property owner's last known address, a copy of the Itemized Statement of Costs informing the property owner that a code enforcement tax lien is being recorded for the amount of actual costs of abatement. Payment shall be due within 30 calendar days from the date of mailing.
- (3) Upon receipt of the Itemized Statement of Costs, the Director, shall record a Code Enforcement Tax Lien against the property with the County Treasurer's office.
- (4) The failure of any person with a financial interest in the property to actually receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding costs of abatement.

12.08.130 Procedures For Tax Liens With A Judgement*

Once a judgment has been obtained from the appropriate court assessing costs against the responsible person, the Director may record a code enforcement tax lien against any real property owned by the responsible person.

12.08.140 Cancellation Of Code Enforcement Tax Lien*

Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Director shall either record a Notice of Satisfaction of Judgment, or provide the Responsible Person, property owner, or financial institution with the Notice of Satisfaction of Judgment so that it can record this notice with the county recorder's office. The notice of satisfaction of judgment shall include the same information as provided for in the original Code Enforcement Tax Lien. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien.

12.08.200 Part 2 - Writ of Execution*

12.08.201 Recovery of Costs By Writ of Execution*

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ with the applicable court.

12.08.300 Part 3 - Writ of Garnishment*

12.08.310 Recovery of Costs By Writ of Garnishment*

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.

12.08.400 Part 4 - Allocation of Funds Collected Under Administrative Code Enforcement Hearing Program*

12.08.410 Abatement Fund*

There is established a revolving fund to be known as the "Abatement Fund" to defray costs of administrative and judicial abatements as provided in Section 12.08.430. The fund shall be reimbursed by collection from the property or property owner as specified in this Title. The White City Council shall establish accounting procedures to ensure proper account identification, credit, and collection. This fund may be operated and used in conjunction with procedures ordered or authorized under the abatement provision of this Title.

12.08.420 Repayment Of Abatement Fund*

All monies recovered from the sale or transfer of property or by payment for the actual abatement costs shall be paid to the White City Treasurer, who shall credit the appropriate amount to the Abatement Fund.

12.08.430 Code Enforcement Administrative Fees And Cost Fund*

Administrative fees and administrative costs, except for actual abatement costs, collected pursuant to this Part shall be deposited in a fund established by the White City Council for the enhancement of White City's code enforcement efforts and to reimburse White City for investigative costs and costs associated with the hearing process. Fees and costs deposited in this fund shall be appropriated and allocated in a manner determined by the White City Council. White City Council shall establish accounting procedures in consultation with the White City Auditor to ensure proper account identification, credit, and collection.

12.08.440 Allocation Of Civil Penalties*

Civil penalties collected pursuant to this Part shall be deposited in the General Fund of White City. Civil penalties deposited in this fund shall be appropriated and allocated in a manner determined by the White City Manager and the White City Council. The White City Council shall establish accounting procedures to ensure proper account identification, credit, and collection.