



**NOTICE OF A MEETING OF THE  
CITY OF HOLLADAY CITY COUNCIL  
THURSDAY, SEPTEMBER 11, 2025**

- 5:00 p.m.**      **Council Dinner** – *Council members will be eating dinner. No city business will be discussed.*
- 5:30 p.m.**      **Briefing Session** - *The Council will review and discuss the agenda items; NO decisions will be made*

**PUBLIC NOTICE IS HEREBY GIVEN** that the Holladay City Council will hold a Council meeting on **Thursday, September 11, 2025, at 6:00 pm**. Members of the Council may participate by electronic means if needed. The Council Chambers shall serve as the anchor location.  
*\* Agenda items may be moved in order, sequence and time to meet the needs of the Council*

All documents available to the City Council are accessible on the City’s website or linked in this agenda. Interested parties are encouraged to watch the **live video stream** of the meeting - [agendas/https://holladayut.gov/government/agendas\\_and\\_minutes.php](https://holladayut.gov/government/agendas_and_minutes.php)

Citizens desiring to make public comments or to make comments during any public hearing may provide such comments as follows:

1.      **In-person attendance:** at Holladay City Hall
2.      **Email** your comments by 5:00 pm on the date of the meeting to [scarlson@cityofholladay.com](mailto:scarlson@cityofholladay.com)

**AGENDA**

- I.      **Welcome** – Mayor Pro-tem Gray
- II.     **Pledge of Allegiance**
- III.    **Public Comments**  
*Any person wishing to comment on any item not otherwise on the agenda may provide their comment via email to the Council before 5:00 p.m. on the day of the meeting to [scarlson@holladayut.gov](mailto:scarlson@holladayut.gov) with the subject line: Public Comment. Comments are subject to the Public Comment Policy set forth below*
- IV.    **Consideration of Ordinance 2025-16 Vacating a Certain Portion of Right-of-Way on Arbor Ln**
- V.     **Consideration of Resolution 2025-23 Providing for the Creation of a Local Building Authority by the City Council of the City of Holladay and Related Matters**
- VI.    **City Manager Report** - Gina Chamness
- VII.   **Council Reports & District Issues**

- VIII. ***Recess City Council in a Work Meeting:***
- a. **Water Service in Holladay Discussion with:  
Salt Lake City Public Utilities, Holiday Water & Jordan Valley Water**
  - b. **Review of Title 7**
  - e. **Calendar**  
**Council Meetings – Sept. 18, Oct. 2, 23, Nov. 6 & 20, Dec. 4 & 11**  
**ULCT Conf - Oct 1-2**
- IX. ***Closed Session for the Purpose(s) Described in U.C.A. 52-4-204 and 205 (if needed)***
- X. ***Adjourn***

**Public Comment Policy & Procedure:** During each regular Council Meeting there will be a Public Comment Time. The purpose of the Public Comment Time is to allow citizen's access to the Council. Citizens requesting to address the Council will be asked to complete a written request form and present it to the City Recorder. In general, the Chairman will allow an individual three minutes to address the Council. A spokesman, recognized as representing a group in attendance, may be allowed up to five minutes. Comments which cannot be made within these time limits should be submitted in writing to the City Recorder prior to noon the day before the meeting so they can be copied and distributed to the Council. At the conclusion of the Citizen Comment time, the Chairman may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all Public Hearings.

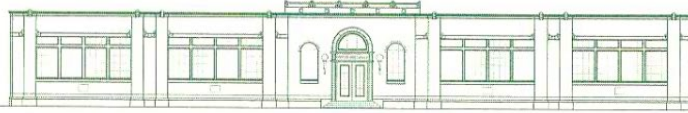
***CERTIFICATE OF POSTING***

*I, Stephanie N. Carlson, the City Recorder of the City of Holladay, certify that the above agenda notice was posted at City Hall, the City website [www.holladayut.gov](http://www.holladayut.gov), the Utah Public Notice website [www.utah.gov/pmn](http://www.utah.gov/pmn), and was emailed to the Salt Lake Tribune and Desert News and others who have indicated interest.*

***DATE POSTED: Monday, September 8, 2025 at 10:30am***

***Stephanie N. Carlson MMC  
City Recorder City of Holladay***

*Reasonable accommodations for individuals with disabilities or those needing language interpretation services can be provided upon request. For assistance, please call the City Recorder's office at 272-9450 at least three days in advance. TTY/TDD number is (801)270-2425 or call Relay Utah at #7-1-1*



City of Holladay  
HOLLADAY CITY COUNCIL

## COUNCIL STAFF REPORT

**MEETING DATE:** September 11<sup>th</sup> 2025

**SUBJECT:** Partial Vacation of Public Right of Way – Arbor Lane (5000 South)

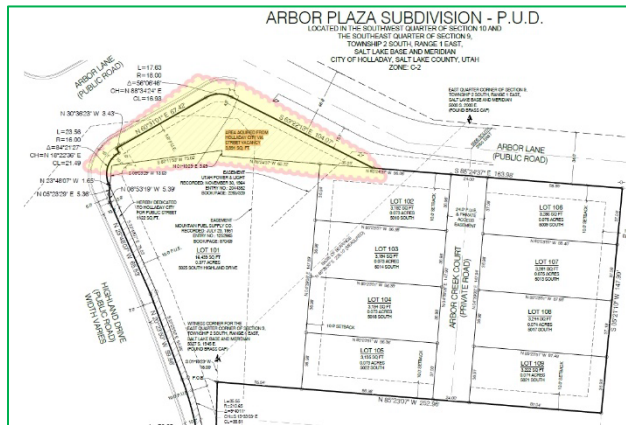
**SUBMITTED BY:** Jonathan Teerlink, CED Director

**ACTION:**

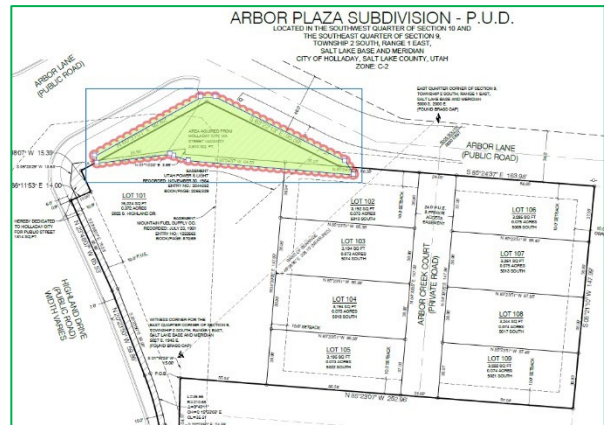
*Legislative.* In accordance with Holladay Ordinance §14.48, §13.10a.150 and Utah Code §10.-9a-609.5

**SUMMARY:**

After negotiation between the owners of Royal Holladay Hills and Arbor Plaza Subdivision, an alignment of vacated right of way has been agreed upon. The amended area reduced the area from 3,891 to 2,610 square feet.



BEFORE: 3,891 sqft

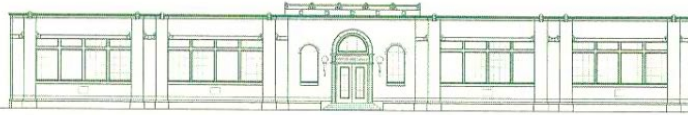


AFTER: 2,610 sq ft

**BACKGROUND:**

This item was originally presented to the city council during their regular meeting held on July 17<sup>th</sup> 2025. Upon opening the public comment period, the council heard comment from the abutting property owner (KMW Development LLC) concerned that the action would affect their recently installed improvements (landscaping, sidewalk etc.). During the meeting the council generally agreed that the realignment of Arbor Lane was appropriately accommodated by the partial vacation. The council further agreed to allow the two adjacent property owners determine the dimensions that would accommodate the improvements in question.





**City of Holladay**  
**HOLLADAY CITY COUNCIL**



Arbor Lane, 2001



Arbor Lane, 2024

**STAFF ANALYSIS**

At this location, Arbor lane has been reconstructed with improvements that enhance traffic safety and address RHH project redevelopment concerns of the both the public and city council. When the realignment took place, approximately 3,891 sq ft of right of way was effectively abandoned.

Staff was included in discussions between the abutting property owners during their cordial discussions. The final determination resulted in leaving approximately 1,281 sqft of improved “park strip” as public right of way. This park strip area will be maintained by KMW Enterprises as per Holladay Ord. [§14.32.010\(A\)](#) & [§14.44.040](#).

**RECOMMENDATION:**

Staff recommends to close the public hearing and moderate a discussion on the final proposed area.

**STANDARDS for CONSIDERATION, FOR or AGAINST:**

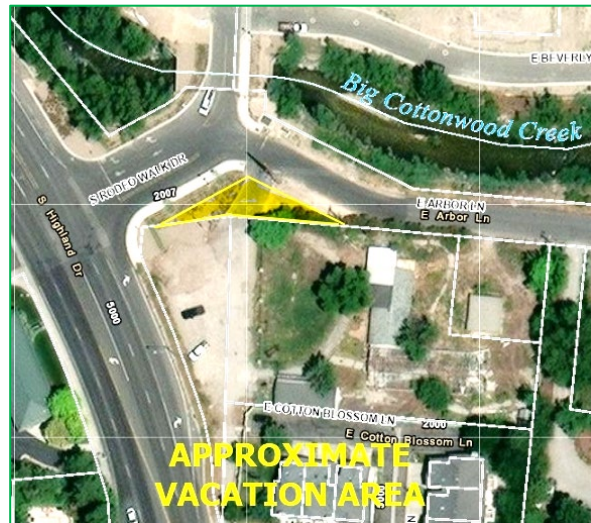
*The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the legislative body finds that: [Utah Code 10-9a-609](#)*

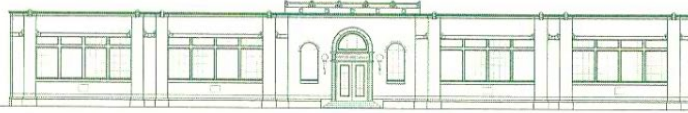
*(a) good cause exists for the vacation; and*

*(b) neither the public interest nor any person will be materially injured by the vacation.*

*(5) If the legislative body adopts an ordinance vacating some or all of a public street or municipal utility easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:*

*(a) a plat reflecting the vacation; or*





**City of Holladay**  
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- (b) (i) an ordinance described in Subsection [\(4\)](#); and  
(ii) a legal description of the public street to be vacated.
- (6) The action of the legislative body vacating some or all of a public street or municipal utility easement that has been dedicated to public use:
- (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated public street or municipal utility easement; and
- (b) may not be construed to impair:
- (i) any right-of-way or easement of any parcel or lot owner;
- (ii) the rights of any public utility; or
- (iii) the rights of a culinary water authority or sanitary sewer authority.
- (7) (a) A municipality may submit a petition, in accordance with Subsection [\(2\)](#), and initiate and complete a process to vacate some or all of a public street.
- (b) If a municipality submits a petition and initiates a process under Subsection [\(7\)\(a\)](#):
- (i) the legislative body shall hold a public hearing;
- (ii) the petition and process may not apply to or affect a public utility easement, except to the extent:
- (A) the easement is not a protected utility easement as defined in Section [54-3-27](#);
- (B) the easement is included within the public street; and
- (C) the notice to vacate the public street also contains a notice to vacate the easement; and
- (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.
- (8) A legislative body may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

**ATTACHMENTS:**

Highlighted area of realignment and vacation area  
Partial vacation of area via plat.

**FISCAL IMPACT:**

none

**SUGGESTED MOTION:**

Approval







E BEVERLY

Big Cottonwood Creek

2007  
SHERWOOD PARK

E Highland St

5000

E ARBOR LN  
E Arbor Ln

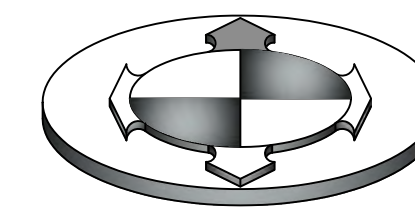
E COTTON BLOSSOM LN  
E Cotton Blossom Ln

**APPROXIMATE  
VACATION AREA**

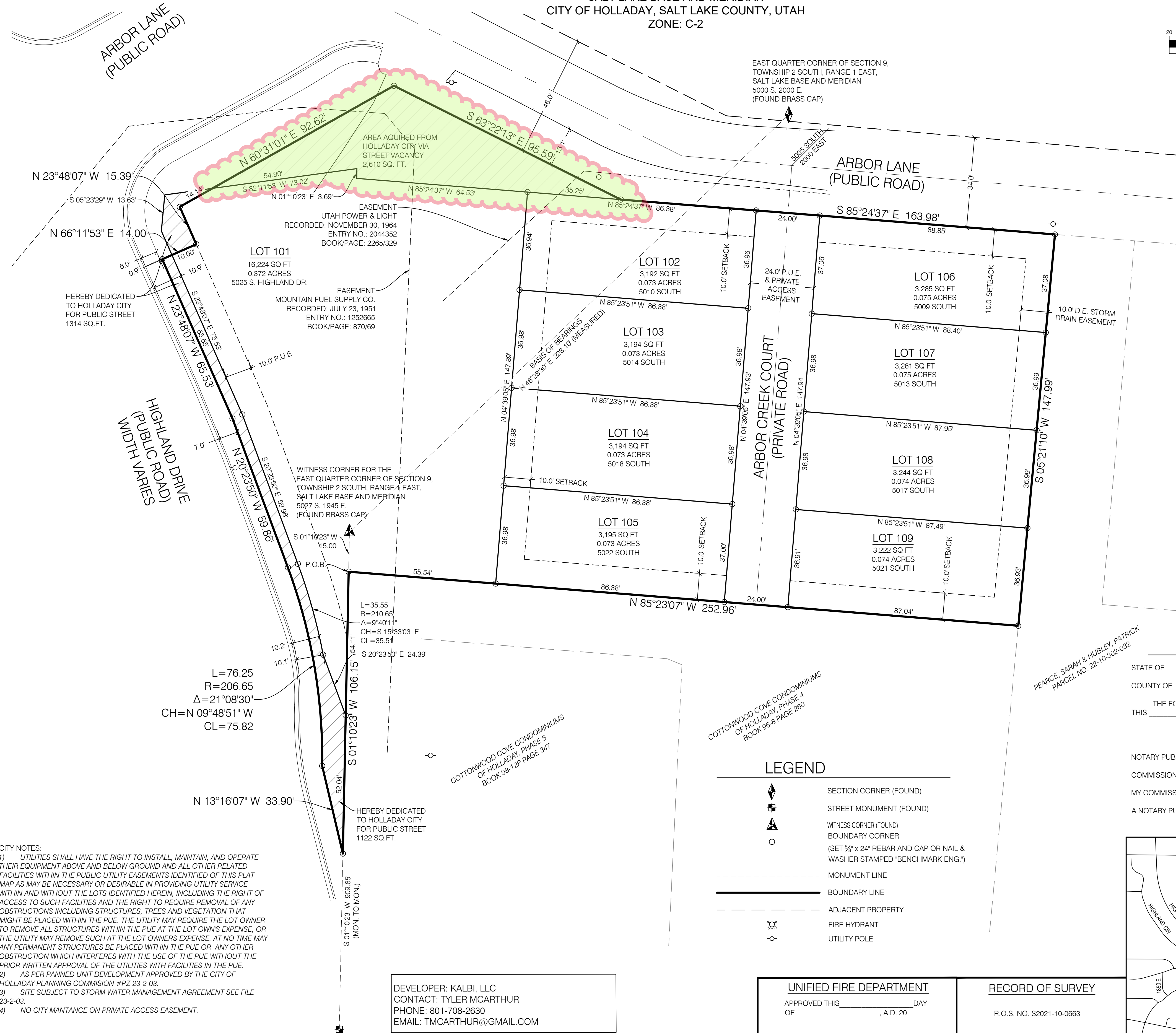
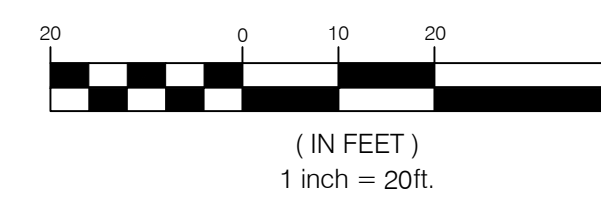
# ARBOR PLAZA SUBDIVISION - P.U.D.

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10 AND  
THE SOUTHEAST QUARTER OF SECTION 9,  
TOWNSHIP 2 SOUTH, RANGE 1 EAST,  
SALT LAKE BASE AND MERIDIAN  
CITY OF HOLLADAY, SALT LAKE COUNTY, UTAH  
ZONE: C-2

NORTH



GRAPHIC SCALE



## SURVEYOR'S CERTIFICATE

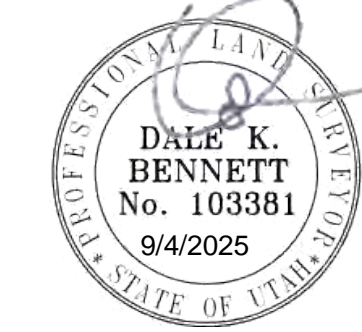
I, DALE K. BENNETT DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 103381, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAN IN ACCORDANCE WITH SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS ARBOR PLAZA SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAN.

## BOUNDARY DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9 AND THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING SOUTH 01°10'23" WEST 15.00 FEET ALONG THE MONUMENT LINE FROM THE WITNESS CORNER FOR THE EAST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 01°10'23" WEST 106.15 FEET ALONG THE MONUMENT LINE TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES: 1) NORTH 13°16'07" WEST 33.90 FEET; 2) NORTHWESTERLY 76.25 FEET ALONG THE ARC OF A NON-TANGENT ARC TO THE LEFT, CHORD BEARS NORTH 09°48'51" WEST 75.82 FEET; 3) NORTH 20°23'50" WEST 59.86 FEET; 4) NORTH 23°48'07" WEST 65.53 FEET; THENCE SOUTH 63°22'13" EAST 95.59 FEET; THENCE SOUTH 85°24'37" EAST 163.98 FEET; THENCE SOUTH 05°21'10" WEST 147.99 FEET TO THE NORTHEAST CORNER OF COTTONWOOD COVE CONDOMINIUMS OF HOLLADAY PHASE 4 ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE NORTH 85°23'07" WEST 252.96 FEET ALONG SAID NORTHERLY LINE, TO THE POINT OF BEGINNING.

CONTAINS: 49,271 SQ FT OR 1.131 ACRES, MORE OR LESS  
9 LOTS



FOR REVIEW ONLY

## OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO 5 LOTS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS

## ARBOR PLAZA SUBDIVISION - P.U.D.

AND DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNER(S) HEREBY CONVEYS TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAN, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY ANY OTHER EASEMENT AS SHOWN AND/OR NOTED ON THIS PLAN TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN AND/OR NOTED HEREON.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

KALBI, LLC  
CITY OF HOLLADAY ET AL

SIGNATURE \_\_\_\_\_ SIGNATURE \_\_\_\_\_  
(PRINT NAME): \_\_\_\_\_ (PRINT NAME): \_\_\_\_\_

TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

## LLC ACKNOWLEDGMENT

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2025, \_\_\_\_\_ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND SAID COUNTY OF \_\_\_\_\_ IN SAID STATE OF UTAH, WHOSE IDENTITY IS PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE AND IS THE \_\_\_\_\_ OF KALBI, LLC, A UTAH LIMITED LIABILITY COMPANY AND WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE SIGNED THE ABOVE OWNERS DEDICATION FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED FOR AND BEHALF OF KALBI, LLC, A UTAH LIMITED LIABILITY COMPANY.

MY COMMISSION EXPIRES: \_\_\_\_\_ (DATE) COMMISSION NUMBER: \_\_\_\_\_

NOTARY PUBLIC COMMISSIONED IN UTAH

## ARBOR PLAZA SUBDIVISION - P.U.D.

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10 AND THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN CITY OF HOLLADAY, SALT LAKE COUNTY, UTAH

SHEET 1 OF 1

## ACKNOWLEDGMENT

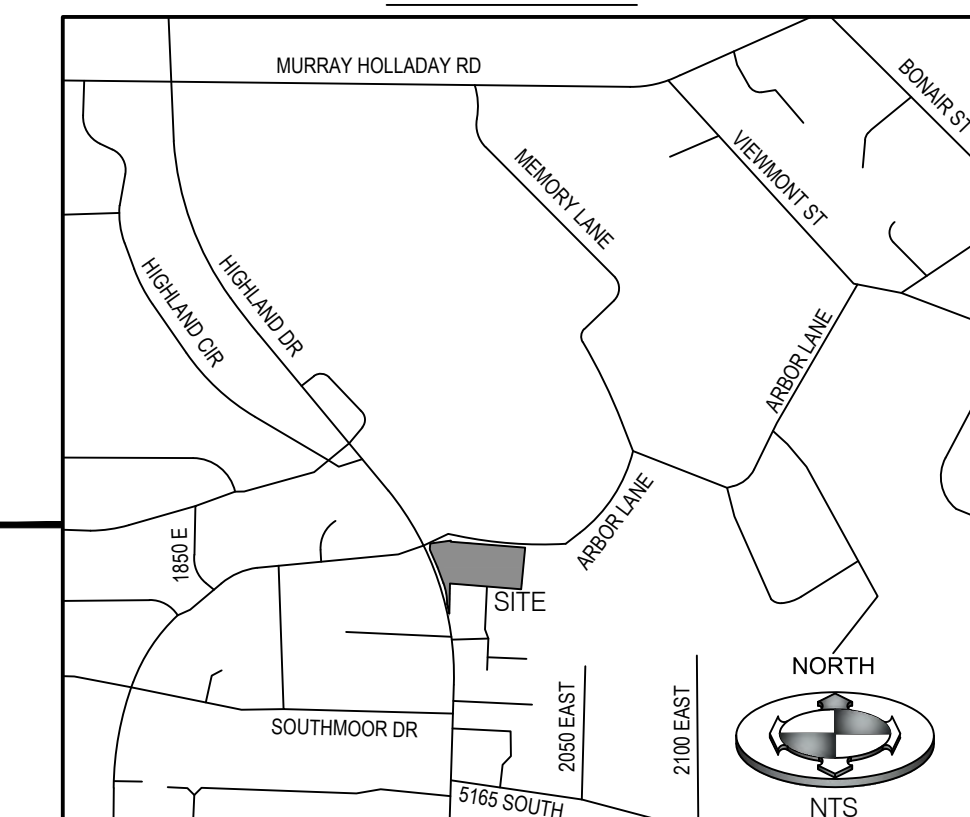
STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ SS

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ BY \_\_\_\_\_ (SIGNATURE)

NOTARY PUBLIC NAME: \_\_\_\_\_ COMMISSION NUMBER: \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

A NOTARY PUBLIC COMMISSIONED IN UTAH

## VICINITY MAP



## LEGEND

- SECTION CORNER (FOUND)
- STREET MONUMENT (FOUND)
- WITNESS CORNER (FOUND)
- BOUNDARY CORNER (SET 3/4" x 24" REBAR AND CAP OR NAIL & WASHER STAMPED "BENCHMARK ENG.")
- MONUMENT LINE
- BOUNDARY LINE
- ADJACENT PROPERTY
- FIRE HYDRANT
- UTILITY POLE

## UNIFIED FIRE DEPARTMENT

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

UNIFIED FIRE DEPARTMENT

## RECORD OF SURVEY

R.O.S. NO. S2021-10-0663

COUNTY REVIEWER DATE

CITY NOTES:  
1) UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED OF THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICE WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MIGHT BE PLACED WITHIN THE P.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT THE LOT OWNERS EXPENSE, OR THE UTILITY MAY REMOVE SUCH AT THE LOT OWNERS EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE P.U.E. WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE P.U.E.  
2) AS PER PANNED UNIT DEVELOPMENT APPROVED BY THE CITY OF HOLLADAY PLANNING COMMISSION #PZ 23-2-03.  
3) SITE SUBJECT TO STORM WATER MANAGEMENT AGREEMENT SEE FILE 23-2-03.  
4) NO CITY MANTANCE ON PRIVATE ACCESS EASEMENT.

DEVELOPER: KALBI, LLC  
CONTACT: TYLER MCARTHUR  
PHONE: 801-708-2630  
EMAIL: TMCARTHUR@GMAIL.COM

**BENCHMARK ENGINEERING & LAND SURVEYING**  
9138 SOUTH STATE STREET SUITE # 100 SANDY, UTAH 84070 (801) 542-7192 www.benchmarkcivil.com

**PLANNING COMMISSION**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
PLANNING COMMISSION CHAIR

**HEALTH DEPARTMENT**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
SALT LAKE COUNTY HEALTH DEPARTMENT

**CITY OF HOLLADAY ENGINEER**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
CITY OF HOLLADAY ENGINEER

**COMMUNITY ECONOMIC DEVELOPMENT**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
COMMUNITY ECONOMIC DEVELOPMENT DIRECTOR

**CITY OF HOLLADAY**  
APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
ATTEST: RECORDER CITY MANAGER

**CITY ATTORNEY**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
CITY OF HOLLADAY ATTORNEY

**SALT LAKE COUNTY RECORDER**  
RECORDER NO. \_\_\_\_\_  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \$ \_\_\_\_\_ DEPUTY SALT LAKE COUNTY RECORDER

CITY OF HOLLADAY

ORDINANCE NO. 2025-

AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY ON ARBOR LANE

WHEREAS, a certain portion of right-of-way within the City was previously dedicated for public use and has since undergone improvements that altered the alignment of the public right-of-way and is no longer necessary for the City’s transportation purposes; and

WHEREAS, the proposed vacation is located on Arbor Lane at approximately 5000 South; and

WHEREAS, the Planning Commission of the City of Holladay has received public input on the proposed vacation and has recommended that the right of way be vacated; and

WHEREAS, the City Council of the City of Holladay City has reviewed the petition for vacation, has considered all issues, and has determined that the vacation will not be detrimental to the general interests of the public;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah as follows:

**Section 1. Street Vacation.** The City Council of the City of Holladay hereby vacates that certain portion of public right of way as more particularly described in Exhibit “A,” attached hereto and by this reference made a part hereof.

**Section 2. Rights Not Affected.** The action of the City Council vacating a portion of the public right-of-way provided herein shall operate as a relinquishment of the City’s interest therein, provided that nothing herein shall be construed to vacate, impair or otherwise affect any existing real property interest, easement, right-of-way, holding or franchise right therein of any other property owner.

**Section 3. Conveyance of Property.** In accordance with all provisions of law, the property within the right of way shall be deemed to revert to the ownership of the abutting owner as their interests may appear.

**Section 4. Recorded.** A certified copy of this Ordinance shall be recorded in the office of the Salt Lake County Recorder, State of Utah.

**Section 5. Effective Date.** This Ordinance shall become effective twenty (20) days after publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND APPROVED** this \_\_\_ day of August, 2025.

**HOLLADAY CITY COUNCIL**

By: \_\_\_\_\_  
Robert Dahle, Mayor

[SEAL]

**VOTING:**

Ty Brewer	Yea	Nay ___
Matt Durham	Yea	Nay ___
Paul Fotheringham	Yea	Nay ___
Drew Quinn	Yea	Nay ___
Emily Gray	Yea	Nay ___
Robert Dahle	Yea	Nay ___

**ATTEST:**

\_\_\_\_\_  
Stephanie N. Carlson, MMC  
City Recorder

**DEPOSITED** in the office of the City Recorder this \_\_\_ day of August, 2025.

**RECORDED** this \_\_\_ day of August, 2025.

Holladay, Utah

September 11, 2025

The City Council (the “Council”) of the City of Holladay, Utah (the “City”), met in special session at 6:00 p.m. on September 11, 2025, with the following members present:

Emily Gray	Mayor Pro Tem/Council Member
Ty Brewer	Council Member
Matt Durham	Council Member
Paul Fotheringham	Council Member
Crew Quinn	Council Member

Also present:

Gina Chamness	City Manager
Stephanie Carlson	City Recorder

Absent:

Robert M. Dahle	Mayor
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The meeting was duly called to order and the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this September 11, 2025, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in written form, was fully discussed, and adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Mayor Pro Tem in open meeting and recorded by the City Recorder in the official records of the City. The resolution is as follows:

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION PROVIDING FOR THE CREATION OF A LOCAL BUILDING AUTHORITY BY THE CITY OF HOLLADAY, UTAH; AUTHORIZING OFFICIAL ACTION; PROVIDING AN EFFECTIVE DATE; AUTHORIZING INCIDENTAL ACTION; AND RELATED MATTERS.

WHEREAS, the City of Holladay, Utah (the “City”), is a body politic and political subdivision existing as such by virtue of the Constitution and laws of the State of Utah; and

WHEREAS, the City desires to create a building authority in the form of a nonprofit corporation (the “Authority”), under the Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1953, as amended (the “Act”) for the purpose of acquiring, improving, or extending one or more projects, as defined in the Act, and to finance their costs on behalf of the City in accordance with the procedures and subject to limitations of the Act in order to accomplish the public purposes for which the City exists; and

WHEREAS, it is in the best interests of the citizens of the City that the creation of the Authority be authorized in the manner and for the purposes hereinafter set forth; and

WHEREAS, it is necessary to authorize the establishment of the Authority under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOLLADAY, UTAH, AS FOLLOWS:

Section 1. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by other officers of the City directed toward the creation and establishment of the Authority are hereby ratified, approved and confirmed.

Section 2. It is hereby found and determined by the Council that the creation of the Authority as a nonprofit corporation under the provisions of the Utah Revised Nonprofit Corporation Act, Title 16, Chapter 6a, Utah Code Annotated 1953, as amended and under the Act is appropriate to the general welfare, order and security of the City and is in the best interests of the citizens of the City, and the organization of the Authority pursuant to the Act is hereby approved.

Section 3. The Articles of Incorporation and the Bylaws of the Authority in the form presented to this meeting and attached hereto as Exhibits B and C, respectively, are hereby authorized and approved and the Council is hereby authorized and directed to (i) execute and file Articles of Incorporation in substantially the form attached as Exhibit B, (ii) hold an organizational meeting for such corporation, (iii) adopt bylaws in substantially the form attached as Exhibit C, (iv) elect officers for such corporation, and (v) take all other action necessary and appropriate to properly organize said corporation under the laws of the State of Utah.

Section 4. The governing board of the Authority shall at all times be comprised of the members of the Council of the City.

Section 5. The appropriate officers of the City are hereby authorized and directed to take all other action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. All acts, orders, and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

Section 8. This Resolution shall become effective immediately after the adoption thereof.

PASSED AND ADOPTED by the City Council of the City of Holladay, Utah, this September 11, 2025.

(SEAL)

By: \_\_\_\_\_  
Mayor Pro Tem

ATTEST:

By: \_\_\_\_\_  
City Recorder

After the conduct of other business not pertinent to the foregoing, the meeting was on motion duly made and seconded, adjourned.

(SEAL)

By: \_\_\_\_\_  
Mayor Pro Tem

ATTEST:

By: \_\_\_\_\_  
City Recorder



EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Stephanie Carlson, the undersigned City Recorder of the City of Holladay, Utah (the “City”), do hereby certify, according to the records of the City Council of the City (the “Council”) in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the September 11, 2025 public meeting held by the Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City’s principal offices, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted to the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the City’s official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2025 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the City’s official website and (c) in a public location within the City that is reasonably likely to be seen by residents of the City.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this September 11, 2025.

By: \_\_\_\_\_  
City Recorder

(SEAL)

TITLE 7

ADMINISTRATIVE CODE ENFORCEMENT PROGRAM ~~(Where does the fines go, how do we collect)~~

CHAPTER 7.01

ADMINISTRATIVE ENFORCEMENT PROGRAM

SECTION:

7.01.010: Short Title

7.01.020: Purpose

7.01.030: Scope

7.01.040: Existing Law Continued

7.01.050: Criminal Prosecution Right

7.01.060: Effect Of Headings

7.01.070: Severability

7.01.080: Civil Liability

7.01.090: General Rules Of Interpretation

7.01.100: Definitions Applicable To Title Generally

7.01.110: Acts Include Causing, Aiding And Abetting

7.01.120: Service Of Notice Requirements

7.01.130: General Enforcement Authority

7.01.140: Adoption Of Policy And Procedures

7.01.150: Authority To Inspect

7.01.160: False Information Or Refusal Prohibited

7.01.170: Failure To Obey A Subpoena

7.01.010: SHORT TITLE:

This title shall be known as THE ADMINISTRATIVE CODE ENFORCEMENT or "ACE" program. This title shall also be known as title 7 of the code of ordinances of the city. It may be cited and pleaded under either designation. (Ord. 03-09, 4-24-2003)

7.01.020: PURPOSE:

~~The city council finds that the enforcement of this code and applicable state codes is an important public activity.~~ Code enforcement is vital to the protection of the public health, safety, welfare and quality of life. ~~The city council recognizes that~~ Code enforcement is effective only when done quickly and fairly. ~~The city council further finds that~~ An enforcement system that allows a combination of judicial and administrative remedies is effective in correcting violations. (Ord. 03-09, 4-24-2003)

#### 7.01.030: SCOPE:

The provisions of this title may be applied to all violations of ~~the City Code of the City of Holladay this code,~~ or applicable state codes which occur within the city limits and such territory outside the city limits over which the city has jurisdiction or control by virtue of any constitutional provision or law. This title establishes an additional remedy that may be used by the city to achieve compliance with applicable codes. (Ord. 03-09, 4-24-2003)

#### 7.01.040: EXISTING LAW CONTINUED:

The provisions of this title shall not invalidate any other title, chapter or ordinance of this code, but shall be read in conjunction with those titles, chapters and ordinances and shall be used as an additional remedy for enforcement of violations thereof. (Ord. 03-09, 4-24-2003)

#### 7.01.050: CRIMINAL PROSECUTION RIGHT:

The city shall have sole discretion in deciding whether to file a civil or criminal judicial case or pursue an administrative enforcement action for the violation of any of its ordinances or applicable code requirements. The enactment of this title shall not be construed to limit the city's right to prosecute any violation as a criminal offense. If the city chooses to file both administrative actions and criminal charges for the same violation, no civil fees shall be assessed in the administrative action, but all other remedies contained herein shall be available. (Ord. 03-09, 4-24-2003)

#### 7.01.060: EFFECT OF HEADINGS:

Title, chapter 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 this title. (Ord. 03-09, 4-24-2003)

#### 7.01.070: SEVERABILITY:

If any section, subsection, sentence, clause, phrase, portion or provision of this title is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The city council hereby declares that it would have adopted this title and each section, subsection, sentence, clause, phrase, portion or provision thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or provisions be declared invalid or unconstitutional. This section shall apply to all amendments made to this title. (Ord. 03-09, 4-24-2003)

#### 7.01.080: CIVIL LIABILITY:

By establishing performance standards or by establishing obligations to act, it is the intent of the city council that the city employees and officers are exercising discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability. (Ord. 03-09, 4-24-2003)

#### 7.01.090: GENERAL RULES OF INTERPRETATION:

For purposes of this title:

- A. "Shall" is mandatory; "may" is permissive.
- B. Unless otherwise specified, the terms "hereof", "herein", and similar terms refer to this title as a whole. (Ord. 03-09, 4-24-2003)

#### 7.01.100: DEFINITIONS APPLICABLE TO TITLE GENERALLY:

In the construction of this title, the following words and phrases shall be as defined as set forth in this section unless a different meaning is specifically defined elsewhere in this title and specifically stated to apply:

**ADMINISTRATIVE CITATION:** A citation issued to a responsible person which gives reasonable notice of a violation and the civil fee for such violation.

**ADMINISTRATIVE ENFORCEMENT HEARING:** A hearing held pursuant to the procedures established by this title and at the request of a responsible person charged with a violation.

**ADMINISTRATIVE ENFORCEMENT ORDER:** An order issued by a hearing examiner. The order may include an order to abate the violation, pay civil fees and administrative costs or any other action as authorized or required by this title and applicable state codes.

**CITY:** The city of Holladay, Utah, including the mayor, city ~~administrator~~ manager and all other employees of the city, excepting employees of the court.

CITY MANAGER: The City Manager or their designee

CITY COUNCIL: The city council of the city of Holladay.

DIRECTOR: The community economic development director or his/her designee.

ENFORCEMENT OFFICIAL: Any person authorized by the city to enforce violations for this code of the city of Holladay or applicable state codes, including, but not limited to, land use officers, police officers, building inspection officials, code enforcement officers, fire marshal, fire officers and animal control officers.

HEARING OFFICER: A person appointed by the mayor-city manager or his/her designee to preside over administrative enforcement hearings. Seems like we use hearing examiner and hearing officer interchangeably.

IMMINENT LIFE SAFETY HAZARD: Any condition that creates a serious and immediate danger to life, property, health or public safety.

~~MAYOR: The mayor of the city of Holladay.~~

NOTICE OF COMPLIANCE: A document or form approved by the community development department director or designee which indicates that a property complies with the requirements set forth in a notice of violation.

NOTICE OF EMERGENCY ABATEMENT: A written notice that informs a responsible person of emergency abatement actions taken by the city and the costs of those actions, and orders payment for those costs.

NOTICE OF ITEMIZED BILL FOR COSTS: A written notice, itemizing the city's costs and ordering payment of those costs.

NOTICE OF VIOLATION: A written notice that informs a responsible person of code violations and orders certain remedial steps to correct said violations by a determined deadline.

PERSON: 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.

PROPERTY OWNER: The record owner of real property as shown on the records of the Salt Lake County assessor/recorder.

RESPONSIBLE PERSON: The person determined by the city who is responsible for causing or maintaining a violation of this code of the Ccity of Holladay or applicable state codes. The term "responsible person" shall include, but is not limited to, a property owner, agent, tenant, lessee, occupant, architect, builder, contractor or other person who individually or together with another person is responsible for the violation of any provision of this code of the city of Holladay or applicable state codes.

WRITTEN: Includes handwritten, typewritten, photocopied, computer printed or facsimile electronic mail. (Ord. 03-09, 4-24-2003; amd. Ord. 2012-15, 9-20-2012)

7.01.110: ACTS INCLUDE CAUSING, AIDING AND ABETTING:

Whenever any act or omission is made unlawful in this title, it shall include causing, permitting, aiding or abetting such act or omission. (Ord. 03-09, 4-24-2003)

7.01.120: SERVICE OF NOTICE REQUIREMENTS:

A. Methods Of Service: Whenever a notice is required to be given under this title, the notice shall be served by one of the following methods, unless different provisions are otherwise specifically stated to apply:

1. Personal service;
2. Regular mail, postage prepaid, to the last known address of a responsible person;
3. Posting the notice conspicuously on or in front of the property. The form of the posted notice shall be approved by the director; or

B. Failure To Receive Notice: Failure of a responsible person to actually receive notice shall not affect the validity of any action taken hereunder if notice has been served in the manner set forth above.

C. Service Date: Service by regular mail in the manner set forth above shall be deemed served on the seventh day after the date of mailing when mailed in the continental United States. Service by regular mail to all other addresses shall be deemed served on the tenth day after the date of mailing.

D. Failure To Be Served: The failure of a person, other than a responsible person, to be served notice in accordance with this section shall not affect the validity of any proceeding taken hereunder. (Ord. 03-09, 4-24-2003; amd. Ord. 2021-18, 8-5-2021)

7.01.130: GENERAL ENFORCEMENT AUTHORITY:

Whenever an enforcement official finds that violation of this code or applicable state codes has occurred or continues to exist, he may undertake any of the procedures herein. The director or any designated enforcement official shall have the authority to gain compliance with the provisions of this code and applicable state codes subject to the provisions of this title. Such authority shall include the power to issue notices of violation and administrative citations, inspect public and private property, abate nuisances on public and private property and to use any remedy available under this title or law. (Ord. 03-09, 4-24-2003)

#### 7.01.140: ADOPTION OF POLICY AND PROCEDURES:

The city manager shall establish policies and procedures for the holding of administrative enforcement hearings, the appointment of hearing officersexaminers, and the use of the administrative procedures herein by enforcement officials. (Ord. 03-09, 4-24-2003)

#### 7.01.150: AUTHORITY TO INSPECT:

Enforcement officials are hereby authorized, in accordance with applicable law, to enter upon any property or premises to ascertain whether the provisions of this code or applicable state codes are being obeyed and to make any reasonable, lawful examination or survey necessary to determine compliance with this code or applicable state codes. This may include the taking of photographs, samples or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If a property owner or responsible person refuses to allow an enforcement official to enter property, the enforcement official shall obtain a search warrant before entering the property. (Ord. 03-09, 4-24-2003)

#### 7.01.160: FALSE INFORMATION OR REFUSAL PROHIBITED:

It shall be unlawful for any person to wilfully make a false statement or refuse to give his name or address with intent to deceive or interfere with an enforcement officer when in the performance of his official duties under the provisions of this title. A violation of this section shall be a class B misdemeanor. (Ord. 03-09, 4-24-2003)

#### 7.01.170: FAILURE TO OBEY A SUBPOENA:

It shall be unlawful for any person to wilfully refuse or fail to obey a subpoena issued for an administrative enforcement hearing. A violation of this section shall be a class B ~~misdemenor~~misdemeanor. (Ord. 03-09, 4-24-2003)

## CHAPTER 7.02 ADMINISTRATIVE CITATIONS

### SECTION:

7.02.010: Purpose

7.02.020: Administrative Citations

7.02.030: Contents Of Notice

7.02.040: Civil Fees Assessed

7.02.010: PURPOSE:

The city council finds that an appropriate method of enforcement for violations of ~~this the~~ Holladay code and applicable state codes is by administrative citation. The procedures established in this chapter shall be an alternative and in addition to those procedures set forth in chapter 7.03 of this title. (Ord. 03-09, 4-24-2003)

7.02.020: ADMINISTRATIVE CITATIONS:

A. Warning Notice: Upon discovering a violation of this code or applicable state codes that does not require a notice of violation, an enforcement official shall serve a warning notice, containing the information required in the administrative citation, on the responsible person providing ten (10) days to correct the violation.

B. Administrative Citation: If the violation continues on the eleventh day after the warning notice, an enforcement official shall serve an administrative citation on the responsible person.

C. Service: The administrative citation shall be served in the manner prescribed in section 7.01.120 of this title.

D. Signature Upon Administrative Citation: The enforcement official shall attempt to obtain the signature of the responsible person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, such failure or refusal shall not affect the validity of the citation and subsequent proceedings. (Ord. 03-09, 4-24-2003)

7.02.030: CONTENTS OF CITATION:

Each administrative citation shall contain the following information:

- A. The date, location and explanation of all violations;
- B. Code sections violated;
- C. The amount of the civil fee imposed for each violation;
- D. An explanation of how the civil fee shall be paid, the time period in which the civil fee shall be paid, and the consequences of failure to pay the civil fee;
- E. Identify the right to and the procedures for requesting an administrative enforcement hearing; and

F. The signature of the enforcement official and, if possible, the signature of the responsible person. (Ord. 03-09, 4-24-2003)

#### 7.02.040: CIVIL FEES ASSESSED:

A. Due And Payable: Civil fees shall be due and payable immediately upon service of an administrative citation.

B. Amount Of Civil Fee: The civil fee for each violation listed on the administrative citation shall be as identified in table 1, civil fees, in ~~chapter 7.03 of this title.~~ [the consolidated fine schedule.](#)

C. Double Fees For Nonpayment: Civil fees shall be double if paid after ten (10) days but within twenty (20) days of service.

D. Triple Fees For Nonpayment: Civil fees shall be triple if paid after twenty (20) days but within thirty (30) days of service.

E. Payment Of Fee Not Excuse: Payment of any civil fee shall not excuse a failure to correct a violation or any reoccurrence of the violation, nor shall it bar further enforcement action by the city.

F. Payable To City: Civil fees shall be paid to the city. (Ord. 03-09, 4-24-2003)

## ADMINISTRATIVE ENFORCEMENT HEARING PROCEDURES

### SECTION:

7.03.010: Administrative Enforcement Hearings

7.03.020: Request For Administrative Enforcement Hearing

7.03.025: City Requested Administrative Hearing

7.03.030: Notification Of Administrative Enforcement Hearing

7.03.040: Appointment And Qualifications Of Hearing Examiner

7.03.050: Powers Of Hearing Examiner

7.03.060: Procedures At Administrative Enforcement Hearing

7.03.070: Failure To Attend Administrative Enforcement Hearing

7.03.080: Administrative Enforcement Order

7.03.090: Failure To Comply With Order

7.03.100: Appeal Of Administrative Enforcement Decision

7.03.010: ADMINISTRATIVE ENFORCEMENT HEARINGS:

It is the purpose and intent of the city council that ~~property owners any responsible person~~ shall be afforded due process of law during the enforcement process. Due process of law shall require adequate notice, an opportunity to request and to fully participate in any hearing, and an adequate explanation of the reasons justifying any resulting action. The following procedures are intended to establish a forum to resolve and correct violations of this code and applicable state codes fairly, quickly and efficiently while providing due process. (Ord. 03-09, 4-24-2003)

7.03.020: REQUEST FOR ADMINISTRATIVE ENFORCEMENT HEARING:

A. Filing: A responsible person served with one of the following documents or notices shall have the right to request an administrative enforcement hearing. Such request shall be filed within ten (10) calendar days from the date of service of one of the following notices:

1. Notice of violation;
2. Notice of itemized bill for costs;
3. Administrative citation; or
4. Notice of emergency abatement.

B. Notice And Information Provided: Said notice, including all information concerning the responsible person's right to an administrative enforcement hearing, shall be provided.

C. Request Filed With City Official: The request for an administrative enforcement hearing shall be made in writing to the director of community development.

D. Appointment Of Hearing Officer; Hearing Scheduled: As soon as practicable after receiving the written notice of the request for an administrative enforcement hearing, the ~~mayor or his/her designee~~ ~~director~~ ~~mayor~~ ~~City m~~ ~~Manager~~ shall refer the matter to an appointed a hearing officer-examiner who shall schedule a date, time and place for the administrative enforcement hearing.

E. Failure To Request Constitutes Waiver; Waiver By City: Failure to request an administrative enforcement hearing within ten (10) calendar days from the date of service of any of the notices in subsection A of this section shall constitute a waiver of the right to

an administrative enforcement hearing. The right to appeal said failure may be waived by the city upon showing of good cause.

F. Failure To Request Hearing: If a responsible person fails to request a hearing after being issued a notice of violation or administrative citation as provided herein, the corrective action detailed on the notice of violation shall be considered the administrative enforcement order pursuant to section 7.02.080 of this chapter. (Ord. 03-09, 4-24-2003)

#### 7.03.025: CITY REQUESTED ADMINISTRATIVE HEARING:

The city may request an administrative hearing before the hearing officer. The request for hearing shall be delivered in the same manner as specified in section 7.02.020 of this chapter. The request shall identify with specificity the reasons for the request. (Ord. 03-09, 4-24-2003)

#### 7.03.030: NOTIFICATION OF ADMINISTRATIVE ENFORCEMENT HEARING:

A. Notice Served: Written notice of the date, time and place of the administrative enforcement hearing shall be served to the responsible persons as soon as practicable prior to its date.

B. Method Of Service: The notice shall be served by any of the methods of service set forth in section 7.01.120 of this title. (Ord. 03-09, 4-24-2003)

#### 7.03.040: APPOINTMENT AND QUALIFICATIONS OF HEARING EXAMINER:

A. Appointment: The Mayor directorCity-manager or his/her designee shall appoint a hearing officer(s)examiners to preside at administrative enforcement hearings.

B. Qualifications: A hearing officerexaminer:

1. Shall have no personal, financial or other conflict of interest in the matter for which the hearing is being held;
2. May be a City employee. (Ord. 03-09, 4-24-2003)

#### 7.03.050: POWERS OF HEARING EXAMINER:

A. Conduct Hearing: A hearing officerexaminer shall have authority to conduct an administrative enforcement hearing for violations of this Code and applicable State codes.

B. Continuance Of Hearing: A hearing officerexaminer may, for good cause shown by one of the parties or if the hearing officerexaminer independently determines that due process has not been adequately afforded to such party, continue a hearing.

C. Subpoenas: At the request of any party to an administrative enforcement hearing, a hearing ~~officer~~ ~~examiner~~ may sign subpoenas for witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed helpful or necessary by the hearing ~~officer~~ ~~examiner~~ to decide issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.

D. Jurisdiction Of ~~Officer~~ ~~Examiner~~: A hearing ~~officer~~ ~~examiner~~ has continuing jurisdiction over the subject matter of an administrative enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative enforcement order; ensuring compliance of that order, which includes authorizing the City to enter and abate a violation; modifying an administrative enforcement order; or, where extraordinary circumstances exist, granting a new hearing.

E. Bond May Be Required: A hearing ~~officer~~ ~~examiner~~ may require a responsible person to post a cash performance bond to ensure compliance with an administrative enforcement order, but only if agreed to by the enforcement official handling the matter for the City. (Ord. 03-09, 4-24-2003)

~~F. Nonconformities Heard By Planning Commission: A hearing examiner shall not make determinations as to the existence of nonconforming rights. If a responsible person claims a legal nonconforming right as a defense, the hearing examiner shall continue the administrative enforcement hearing and shall refer the matter to the Planning Commission for a determination as to the existence of the nonconforming right. The Planning Commission's decision shall be binding on the hearing examiner. The responsible person shall bear the costs of the appeal to the Planning Commission. (Ord. 03-09, 4-24-2003; amd. Ord. 2012-15, 9-20-2012)~~

#### 7.03.060: PROCEDURES AT ADMINISTRATIVE ENFORCEMENT HEARING:

A. Informal Hearing: Administrative enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; however, an informal exchange of discovery may be required. Any such request shall be in writing. Failure to request discovery shall not be a basis for a continuance. Complainant information ~~is not required to~~ ~~shall not~~ be disclosed or released unless the complainant is a witness at the hearing. The procedure and format of the administrative enforcement hearing shall follow ~~general guidelines of due process and any~~ duly adopted policies and procedures. (Ord. 03-09, 4-24-2003)

B. Burden Of Proof For Violation: A party alleging a violation of this Code shall bear the burden of proof to establish the existence of a violation of this Code or applicable State codes. (Ord. 2019-06, 3-14-2019)

C. Proof Established: Such proof shall be established by a preponderance of the evidence.

D. Participation And Testimony: Each party shall have the opportunity to cross examine witnesses and present evidence in support of his case. A written declaration signed under

penalty of perjury may be accepted in lieu of a personal appearance at the discretion of the Hearing Officer. Testimony may be given by telephone or other electronic means.

E. Open Hearings; Recording; Location: All administrative enforcement hearings shall be open to the public and shall be recorded in the manneras determined by the city. At the discretion of the hearing officerexaminer, administrative enforcement hearings may be held at the location of the violation.

F. Representation: The responsible person shall have the right to be represented by an attorney. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address and telephone number shall be given to the city at least two (2) days prior to the hearing. If such notice is not given, the hearing may be continued at the city's request, and all costs of the continuance shall be assessed to the responsible person.

G. Defenses: The burden to prove any raised defenses shall be upon the party raising any such defense. (Ord. 03-09, 4-24-2003)

#### 7.03.070: FAILURE TO ATTEND ADMINISTRATIVE ENFORCEMENT HEARING:

A responsible person who fails to appear at an administrative enforcement hearing shall be deemed to have waived the right to such hearing, the adjudication of issues related to the hearing, and the right to appeal, provided that proper notice of the hearing has been given as provided in section 7.01.120 of this title. (Ord. 03-09, 4-24-2003)

#### 7.03.080: ADMINISTRATIVE ENFORCEMENT ORDER:

A. Stipulated Agreement: A responsible person and the city may enter into a stipulated agreement, which shall be signed by both parties. Such agreement shall be entered as an administrative enforcement order. Entry of such agreement shall constitute a waiver of the right to an administrative enforcement hearing and the right to appeal.

B. Written Order: After all evidence and testimony are presented, the hearing officerexaminer shall issue a written administrative enforcement order within ten (10) days that affirms or rejects the notice or citation.

C. Cease And Desist Order: A hearing officerexaminer may issue an administrative enforcement order that requires a responsible person to cease and desist from violating this code or applicable state codes and to take any necessary corrective action.

D. Order Of Abatement: A hearing officerexaminer may order the city to enter the property and abate all violations, including the removal of animals that are in violation of applicable code requirements.

E. Revocation Of Right To Possess Animals: A hearing officerexaminer may revoke an animal license or the right to possess animals as provided in this code.

F. Assessment Of Deadlines: As part of an administrative enforcement order, a hearing officerexaminer may establish specific deadlines for the payment of fees and costs, and condition the total or partial assessment of civil fees on the responsible person's ability to take necessary corrective actions by the specified deadlines.

G. Civil Fees: A hearing officerexaminer may issue an administrative enforcement order imposing civil fees in accordance with ~~section 7.03.110~~the consolidated fine schedule of this title. Such fees shall continue to accrue until the responsible person complies with the hearing officer's examiner's decision and corrects the violation.

H. Subsequent Review Hearings: A hearing officerexaminer may schedule subsequent review hearings as may be necessary or as requested by the city to ensure compliance with an administrative enforcement order.

I. Bond May Be Required: A hearing officerexaminer may order a responsible person to post a cash performance bond to ensure compliance with an administrative enforcement order, but only if agreed to by the enforcement official handling the matter for the city.

J. Final Order: An administrative enforcement order shall become final on the date of signing by the hearing officerexaminer.

K. Order Served: A copy of the administrative enforcement order shall be served on all parties by any one of the methods listed in section 7.01.120 of this title. When required by this title, the director shall record the administrative enforcement order with the Salt Lake County recorder's office.

L. Monitor For Compliance: After a hearing officerexaminer has issued an administrative enforcement order, the director shall monitor the matter for compliance with the administrative enforcement order. (Ord. 03-09, 4-24-2003)

#### 7.03.090: FAILURE TO COMPLY WITH ORDER:

It shall be unlawful for any responsible person to fail to comply with the terms and deadlines set forth in an administrative enforcement order. A violation of this section shall be a class B misdemeanor. (Ord. 03-09, 4-24-2003)

#### 7.03.100: APPEAL OF ADMINISTRATIVE ENFORCEMENT DECISION:

A. Petition For Review: Any responsible person adversely affected by an administrative enforcement order made in the exercise of the provisions of this title may file a petition for review in the third district court of Salt Lake County.

B. Time Limit: The petition shall be barred unless it is filed within thirty (30) days after the administrative enforcement order is final.

C. Allegations: In the petition, the plaintiff may only allege that the administrative enforcement order was arbitrary or capricious.

D. Authority Of Court: The court shall:

1. Presume that the administrative enforcement order is valid;
2. Review the record to determine whether the order was arbitrary, capricious or illegal; and
3. Affirm the administrative enforcement order if it is supported by substantial evidence.

E. Records Submitted To Court: If appealed, the record of the proceedings including minutes, findings, orders and, if available, a true and correct transcript of the proceeding shall be transmitted to the reviewing court within thirty (30) days of the notice of appeal. If the proceeding was tape recorded, a transcript of such tape recording shall be deemed a true and correct transcript for purposes of this subsection.

F. Limit Of Court Review If Record Available: If there is a record, court review shall be limited to the record of the proceeding. The court may not accept or consider any evidence outside such record unless that evidence was offered to the hearing examiner and the court determines that it was improperly excluded by the hearing ~~officer~~examiner. The court may call witnesses and take evidence if there is no record.

G. Request For Stay Of Execution: The filing of a petition does not stay execution of an administrative enforcement order. Before filing a petition, a responsible person may request the hearing ~~officer~~examiner to stay an administrative enforcement order. Upon receipt of a request to stay, the hearing ~~officer~~examiner may order the administrative enforcement order to be stayed pending district court review if the hearing examiner finds such stay to be in the best interest of the city. (Ord. 03-09, 4-24-2003)

## CHAPTER 7.04 ADMINISTRATIVE ABATEMENT

### SECTION:

7.04.010: Administrative Abatement

7.04.020: Notice Of Violation

7.04.030: Requesting Hearings

7.04.040: Failure To Correct

7.04.050: Inspections

7.04.060: Authority To Abate

7.04.070: Procedures For Abatement

7.04.080: Procedures For Recordation

7.04.090: Notice Of Compliance

#### 7.04.100: Prohibition Against Issuance Of Municipal Permits

#### 7.04.110: Civil Fees

#### 7.04.010: ADMINISTRATIVE ABATEMENT:

Any condition caused, maintained or permitted to exist in violation of any provision of ~~this code~~the Holladay Code or applicable state codes may be abated by the city pursuant to the procedures set forth in this chapter. (Ord. 03-09, 4-24-2003)

#### 7.04.020: NOTICE OF VIOLATION:

A. Information Included: Whenever an enforcement official determines that a violation of this code or applicable state codes has occurred or continues to exist, a notice of violation may be issued to the responsible person. The notice of violation shall include the following information:

1. Name of the responsible person.
2. Street address of violation.
3. Date violation observed.
4. All code sections violated and a description of the condition that violates the applicable code.
5. All remedial action required to permanently correct any violation, which may include corrections, repairs, demolition, removal or other appropriate action.
6. Specific date, determined by the director to correct the violation set forth in a notice of violation.
7. Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the notice of violation, which may include, but is not limited to: criminal prosecution; civil fees; revocation of permits; recordation of the notice of violation; withholding of municipal permits; abatement of the violation; costs; administrative fees; and any other legal remedies.
8. Statement that civil fees will begin to accrue immediately on expiration of the date to correct violation.
9. The amount of the civil fee for each violation and a statement that the civil fee shall accrue daily until the violation is corrected.
10. Demand that the responsible person cease and desist from further action causing the violation and commence and complete all action to correct violations as directed by the city.

11. Procedures to request an administrative enforcement hearing, and consequences for failure to request such hearing.

12. Statement that when the violation is brought into compliance the responsible person must request an inspection.

B. Service Of Notice: The notice of violation shall be served by one of the methods of service listed in section 7.01.120 of this title. (Ord. 03-09, 4-24-2003)

#### 7.04.030: REQUESTING HEARINGS:

A responsible person shall have the right to an administrative enforcement hearing as identified in chapter 7.02 of this title. A request for such hearing shall be in writing and shall be filed within ten (10) days from the date of service of the notice of violation. Failure to request an administrative enforcement hearing as provided shall constitute a waiver to an administrative enforcement hearing and a waiver of the right to appeal. (Ord. 03-09, 4-24-2003)

#### 7.04.040: FAILURE TO CORRECT:

It shall be unlawful for any responsible person to fail to comply with the terms and deadlines set forth in a notice of violation. A violation of this section shall be a class B misdemeanor. (Ord. 03-09, 4-24-2003)

#### 7.04.050: INSPECTIONS:

It shall be the duty of the responsible person to request an inspection when a violation has been corrected. If no inspection is requested, it shall be deemed prima facie evidence that the violation remains uncorrected. If more than one inspection is necessary, an inspection fee as specified in title 3, chapter 3.35 of this code shall be assessed for each subsequent inspection. (Ord. 2010-27, 12-9-2010)

#### 7.04.060: AUTHORITY TO ABATE:

The director is hereby authorized, upon a showing of probable cause, to enter upon any property or premises to abate a violation of this code and applicable state codes as set forth in section 7.01.150 of this title. The director shall assess all costs for abatement to the responsible person and may use any remedy available under the law to collect such costs. (Ord. 03-09, 4-24-2003)

#### 7.04.070: PROCEDURES FOR ABATEMENT:

A. Abatement By City Personnel Or By Contract: Violations may be abated by city personnel or by a private contractor acting under the direction of the city.

B. Enter Upon Private Property: City personnel or a private contractor may enter upon private property upon reasonable notice and in a reasonable manner to abate a violation as specified in the notice of violation or administrative enforcement order. In an emergency situation, the City or its contractor may enter upon private property to abate a code violation that presents significant imminent risk to public safety or public or private property. The City shall take reasonable steps to notice a responsible person as soon as is reasonably practicable concurrent with or after such abatement action.

C. Abatement By Responsible Person: If a responsible person abates the violation before the city abates the violation pursuant to a notice of violation or administrative enforcement order, the director shall nevertheless assess all costs actually incurred by the city against the responsible person.

D. Notice Of Itemized Bill For Costs: When abatement is completed, the director shall prepare a notice of itemized bill for costs.

E. Service Of Notice; Demand For Payment: The director shall serve the notice of itemized bill for costs by registered mail to the last known address of the responsible person. The notice shall demand full payment within twenty (20) days to the city.

F. Right To Administrative Enforcement Hearing; Time Limit: The responsible person shall have a right to an administrative enforcement hearing to contest the notice of itemized bill for costs. A request for such hearing shall be in writing and shall be filed within ten (10) days from the date of service of the notice of itemized bill for cost. Failure to request an administrative enforcement hearing as provided shall constitute a waiver to such hearing and a waiver of the right to appeal. (Ord. 03-09, 4-24-2003)

#### 7.04.080: PROCEDURES FOR RECORDATION:

For violations of this code or any other applicable code, when a notice of violation has been served on a responsible person, and the violation remains uncorrected after the date to correct set forth in the notice of violation, and a request for an administrative enforcement hearing has not been timely requested, the director shall record the notice of violation with the Salt Lake County recorder's office. (Ord. 03-09, 4-24-2003)

#### 7.04.090: NOTICE OF COMPLIANCE:

A. Request For Inspection: When a violation is corrected, a responsible person shall request an inspection from the director.

B. Reinspection: When the director receives such request, the director shall reinspect the property within three (3) days to determine whether the violation has been corrected, and

whether all necessary permits have been issued and final inspections have been performed as required by applicable codes.

C. Notice Of Compliance: Within ten (10) days of an inspection of a property which is subject to a notice of violation in which the officer finds compliance, the director shall serve a notice of compliance to the responsible person and property owner in the manner provided in section 7.01.120 of this title if the director determines that:

1. All violations listed in the recorded notice of violation or administrative order have been corrected;
2. All necessary permits have been issued and finalized;
3. All assessed civil fees have been paid; and
4. All assessed administrative fees and costs have been paid.

D. Record Notice Of Compliance: The director shall record the notice of compliance with the Salt Lake County recorder's office if the notice of violation was recorded. Recordation of the notice of compliance shall have the effect of canceling the recorded notice of violation. (Ord. 03-09, 4-24-2003)

#### 7.04.100: PROHIBITION AGAINST ISSUANCE OF MUNICIPAL PERMITS:

The city shall withhold business licenses 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 where a violation is located. The city shall withhold such permits until a notice of compliance has been issued by the director. The city shall not withhold permits necessary to obtain a notice of compliance or to correct serious health and safety violations. (Ord. 03-09, 4-24-2003)

#### 7.04.110: CIVIL FEES:

A. Specified: If a responsible person fails to correct a violation by the correction date listed in a notice of violation or in an administrative enforcement order, civil fees shall be owed to the city as specified in title 3, chapter 3.35 of this code Consolidated Fine Schedule. (Ord. 2010-27, 12-9-2010)

### CHAPTER 7.05

#### EMERGENCY ABATEMENT

#### SECTION:

7.05.010: Emergency Abatement

7.05.020: Procedures

#### 7.05.010: EMERGENCY ABATEMENT:

A. Authority Of Director: Whenever the director determines that an imminent life safety hazard exists in accordance with the international building code, international residential code and/or the international fire code that requires immediate correction or elimination, the director shall exercise the following powers without prior notice to the responsible person:

1. Order the immediate vacation of any tenants, and prohibit occupancy until all repairs are completed;
2. Post the premises as unsafe, substandard or dangerous;
3. Board, fence or secure the building or site;
4. Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;
5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
6. Take any other action appropriate to eliminate the emergency.

B. Entrance Upon Property: The director may, based on probable cause, enter property without a search warrant or court order to accomplish the above listed acts. (Ord. 03-09, 4-24-2003)

#### 7.05.020: PROCEDURES:

A. Level Of Correction; Costs: The director shall pursue only the minimum level of correction or abatement necessary to eliminate the immediacy of a hazard. Costs incurred by the city during the emergency abatement process shall be assessed and recovered against the responsible person.

B. Other Remedies: The director may also pursue any other administrative or judicial remedy to abate any remaining violations.

C. Notice Of Itemized Bill: After an emergency abatement, the city shall, within ten (10) days, serve a notice of itemized bill for costs to the responsible person for the abatement action taken. Such notice shall include a description of the imminent life safety hazard.

D. Administrative Enforcement Hearing: A responsible person has the right to an administrative enforcement hearing concerning the itemized billing. A request for such hearing shall be in writing and shall be filed within ten (10) days from the date of service of the notice of itemized bill for costs. Failure to request an administrative enforcement hearing as provided herein shall constitute a waiver to an administrative enforcement hearing and a waiver to the right of appeal. (Ord. 03-09, 4-24-2003)

CHAPTER 7.06  
COSTS AND FEES

SECTION:

7.06.010: Purpose

7.06.020: Assessment Of Costs

7.06.030: Failure To Timely Pay Costs

7.06.040: Allocation Of Civil Fees And Administrative Costs And Fees

7.06.010: PURPOSE:

A. Recovery: The city council finds that costs incurred by the City through the actions of ~~by~~ enforcement officials and other city personnel to correct violations should be recovered from the responsible person.

B. Appropriate Method: The city council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, reinspection fees, filing fees, attorney fees, hearing examiner fees, title search and any additional actual costs incurred by the city for each individual case. The assessment and collection of costs shall not preclude the imposition of any judicial fees or fines for violations of this code or applicable state codes. (Ord. 03-09, 4-24-2003)

7.06.020: ASSESSMENT OF COSTS:

A. Authority: Whenever actual costs are incurred by the city to enforce this code and applicable state codes, such costs shall be assessed against the responsible person.

B. Service Of Itemized Bill: The director shall serve the responsible person with a notice of itemized bill for costs.

C. Administrative Enforcement Hearing: The responsible person shall have a right to an administrative enforcement hearing. A request for such hearing shall be in writing and shall be filed within ten (10) days from the date of service of the notice of itemized bill for costs. Failure to request an administrative enforcement hearing as provided shall constitute a waiver to an administrative enforcement hearing and a waiver of the right to appeal. (Ord. 03-09, 4-24-2003)

7.06.030: FAILURE TO TIMELY PAY COSTS:

The failure of any person to pay assessed costs by the deadline specified in an invoice shall result in a late fee calculated at the rate of one and one-half percent (1 1/2%) per month on the unpaid balances. (Ord. 03-09, 4-24-2003)

**7.06.040: ALLOCATION OF CIVIL FEES AND ADMINISTRATIVE COSTS AND FEES:**

All fees and costs collected pursuant to this title shall be deposited in the ordinance enforcement general fund. All fees and costs deposited in the general fund may be allocated pursuant to the city budget process and as authorized by applicable law. (Ord. 03-09, 4-24-2003)