

ORDINANCE NO. 25-39

AN ORDINANCE ENACTING TITLE 11 OF THE MURRAY CITY MUNICIPAL CODE ESTABLISHING THE ADMINISTRATIVE CODE ENFORCEMENT PROGRAM.

NOW THEREFORE, BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this ordinance is to enact title 11 of the Murray City Municipal Code relating to the Administrative Code Enforcement Program.

*Section 2. Enactment.* Title 11 of the Murray City Municipal Code shall be enacted as follows:

**TITLE 11  
ADMINISTRATIVE CODE ENFORCEMENT PROGRAM**

**CHAPTER 11.01  
GENERAL PROVISIONS**

**11.01.010: Short Title**

**11.01.020: Purpose**

**11.01.030: Scope**

**11.01.040: Existing Law Continued**

**11.01.050: Criminal Prosecution Right**

**11.01.060: No Mandatory Duty - Civil Liability**

**11.01.070: Definitions**

**11.01.080: Service Of Process**

**11.01.090: Constructive Notice Of Recorded Documents**

**11.01.010: SHORT TITLE:**

This title shall be known as the "Administrative Code Enforcement Program" (the "ACE Program"). This title shall also be known as Title 11 of the Murray City Code. It may be cited and pleaded under either designation.

#### **11.01.020: DECLARATION OF PURPOSE:**

The City Council finds that the enforcement of the city code and applicable state codes throughout the City is an important public service. Code enforcement is vital to the protection of the public's health, safety, and quality of life. The City Council finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with the city code and all duly enacted applicable statutes, rules, codes, and regulations.

#### **11.01.030: SCOPE:**

The provisions of this title may be applied to all violations of the city code and applicable state codes. This title establishes an additional remedy for the City to use in achieving compliance with its ordinances.

#### **11.01.040: EXISTING LAW CONTINUED:**

The provisions of this title shall not invalidate any other provision of this code but shall be read in conjunction with those provisions as an additional remedy available for enforcement of this code.

#### **11.01.050: CRIMINAL PROSECUTION RIGHT:**

The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances. The City may choose to file both, or one or the other. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute ordinance violations as criminal offenses. The remedies available to the City under this title are cumulative, not exclusive, and the use of one remedy does not bar the City from using other available legal remedies to enforce this title. If the City chooses to file both civil and criminal charges for the same day of violation, no civil penalties may be assessed, but all other remedies are available.

#### **11.01.060: NO MANDATORY DUTY – CIVIL LIABILITY:**

It is the intent of the City Council that in establishing performance standards or establishing an obligation to act by a City officer or employee, these standards shall not

be construed as creating a mandatory duty if the officer or employee fails to perform his or her directed duty or duties.

#### **11.01.070: DEFINITIONS:**

The following words and phrases, whenever used in this title, shall be constructed as defined in this section, unless a different meaning is specifically defined elsewhere in this title and specifically stated to apply:

**ABATE or ABATEMENT:** any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding, and securing or replacement of property.

**ADMINISTRATIVE ENFORCEMENT ORDER:** an order issued by the administrative law judge. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this title and applicable state codes.

**ADMINISTRATIVE LAW JUDGE:** an attorney retained by contract to conduct administrative appeal hearings and render decisions pursuant to the administrative appeal procedures set forth in this title.

**APPLICABLE STATE CODES:** state laws that govern a specific activity, operation, or situation, the violation of which the City is authorized to enforce.

**CITY CODE or CODE:** the Murray City Municipal Code and all applicable statutes, rules, codes and regulations adopted and incorporated therein by reference through a duly adopted ordinance or resolution of the City Council.

**CITY ENGINEER:** the director of the City Engineering Services Division.

**CODE ENFORCEMENT LIEN:** a lien recorded to collect outstanding civil penalties, administrative fees, and costs.

**CODE ENFORCEMENT OFFICER:** an employee of the Community and Economic Development Department who is employed by the City to conduct inspections and to take such actions as may be required by the provisions of this title for the purpose of enforcing certain prescribed provisions of the city code, and all applicable statutes, rules, codes and regulations.

**CODE ENFORCEMENT PERFORMANCE BOND:** a bond posted by a responsible person to ensure compliance with the city code, applicable state codes, a judicial action, or an administrative code enforcement order.

**CODE ENFORCEMENT MANAGER:** the manager of the Code Enforcement Division in the Community and Economic Development Department.

**ENFORCEMENT OFFICIAL:** any person authorized by ordinance, state law, or the Mayor to enforce violations of the city code or applicable state codes including, but not limited to, code enforcement officers, police officers, building inspection officials, public works personnel, fire marshal, and fire officers.

**FINANCIAL INSTITUTION:** any person that holds a recorded mortgage or deed of trust on a property.

**GOOD CAUSE:** having a legally sufficient and justifiable reason for an action or inaction, often (but not always) related to circumstances beyond a person's control or a compelling situation. It provides the justification needed to grant a request, excuse a failure to act, or provide a valid defense for a behavior. Examples of good cause include, without limiting, an 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; and acts of nature adverse to performing required acts.

**IMMINENT LIFE SAFETY HAZARD:** any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

**LEGAL INTEREST:** any interest that is represented by a document, such as 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.

**NOTICE OF COMPLIANCE:** a document issued by the City, representing that a property complies with the requirements outlined in the notice of violation.

**NOTICE OF SATISFACTION:** a document or form approved by the administrative law judge or designee, which indicates that the property has been brought into compliance with the requirements outlined in the notice of violation; that all outstanding civil penalties and costs have been either paid in full, or that the City has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt.

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

**NOTICE OF ITEMIZED BILL FOR COSTS:** a written notice that informs a responsible person of code violations, actions taken by the City to obtain compliance, itemizes the City's costs and orders payment of those costs.

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

**NUISANCE:** any condition caused, maintained, or permitted to exist that constitutes a threat to another person's, or to the public's, health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any number of persons. A public nuisance also has the same meaning as set forth in the Utah Code and city code.

**PERSON:** any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, 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 based on the county recorder's/assessor's records.

**RESPONSIBLE PERSON:** a person who is responsible for causing or maintaining a violation of the city code or applicable state codes, including but not limited to the property owner, agent, tenant, person with a legal interest in the real property, and or person in possession of the real property, and shall be liable for any violation maintained on the property. In all cases, the property owner shall be considered a responsible person. Responsible person includes a business entity.

**VEHICLE:** a device in, on, or by which a person or property is or may be transported or drawn on any public roadway.

**WRITTEN:** includes handwritten, typewritten, photocopied, computer printed, sent by facsimile, emailed, texted, or sent in another electronic or digital format.

#### **11.01.080: SERVICE OF PROCESS:**

Whenever service is required to be given under this title for enforcement purposes, the document shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:

- A. Personal service pursuant to Utah Rules of Civil Procedure Rule 4(d)(1) or rule 4(d)(5), except that if the person refuses to accept the document(s), service is sufficient if the person serving them states the name of the process and offers to deliver them;
- B. Regular mail, postage prepaid, to the last known address of the owner(s) or other responsible person(s). Service by regular mail shall be deemed served on the third day after the date of mailing;
- C. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be served by regular mail. The form of the posted notice shall be approved by the code enforcement manager;

D. Publication in a newspaper of general circulation where the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe that the person to be served is avoiding service of process; or

E. Where the underlying violation involves a vehicle, by affixing of the document(s) to the vehicle alleged to have been employed in such violation.

If service complies with the requirements of this section, it shall be deemed 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.

The failure to serve all responsible person(s) shall not affect the validity of any proceedings against any other responsible person that was successfully served.

#### **11.01.090: CONSTRUCTIVE NOTICE OF RECORDED DOCUMENTS:**

Whenever a document is recorded with the county recorder as authorized or required by this title or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

### **CHAPTER 11.02**

#### **GENERAL AUTHORITY AND OFFENSES**

**11.02.010: General Enforcement Authority**

**11.02.020: Adoption Of Policy And Procedures**

**11.02.030: Authority To Inspect**

**11.02.040: Authority To Issue Notices and Citations**

**11.02.050: False Information Or Refusal Prohibited**

**11.02.060: Failure To Obey A Subpoena**

#### **11.02.010: GENERAL ENFORCEMENT AUTHORITY:**

A. The code enforcement manager shall have the authority to administer and enforce the city code and is authorized to adopt procedures, policies, rules or guidelines;

conduct inspections; and prepare the forms necessary to carry out the purposes of this title. The code enforcement manager may seek assistance from city departments, other public agencies or private contractors to resolve code violations.

B. Whenever an enforcement official finds that a violation of the city code or applicable state codes has occurred or continues to exist, an administrative enforcement procedure may be used as outlined in this title. Any enforcement official has the authority and power necessary to gain compliance with the provisions of the city code and applicable state codes. These powers include the power to issue notices of violation or citations, inspect public and private property, abate nuisances and violations on public and private property, and use whatever judicial and administrative remedies are available under the city code or applicable state codes.

#### **11.02.020: ADOPTION OF POLICY AND PROCEDURES:**

A. The Mayor shall establish policies and procedures for the holding of administrative enforcement hearings, the appointment of administrative law judges, and the use of the administrative procedures herein by enforcement officials.

B. The administrative law judge is authorized to develop policies and procedures, consistent with this title, relating to the hearing procedures, scope of hearings, and subpoena powers. However, any such policies and procedures shall not be inconsistent with this ordinance or state or federal law.

#### **11.02.030: AUTHORITY TO INSPECT; RIGHT OF ENTRY:**

A. Subject to state and federal law, any enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the city code or applicable state codes are being obeyed and to make any examinations and surveys as may be necessary in the performance of the enforcement duties. 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 based upon cause. If the responsible person refuses to allow the enforcement official to enter the property, the enforcement official shall obtain a search warrant.

B. When necessary to make an inspection to enforce any of the provisions of this title, or when an enforcement official has reasonable cause to believe that there exists upon



any property or on or in any facility located thereon any condition which violates the city code or applicable state codes, upon presentation of property credentials, the enforcement official may, with the consent of the property owner or other responsible person, or pursuant to a lawfully issued warrant, enter such property or facility during normal business hours in the case of a business or commercial use, or in the case of a residential property or facility, during daylight hours, to inspect the same or to perform any duty authorized by this title; provided that

1. if such property or facility is occupied, the enforcement official shall first present credentials and demand entry; and

2. if such property or facility is unoccupied, the enforcement official shall first make a reasonable effort to locate the owner or other persons having charge or control of the property or facilities and demand entry.

3. If entry is denied, the enforcement official shall have recourse to every remedy provided by law to obtain entry. If the owner or occupant denies entry, the enforcement official is authorized to obtain an administrative search warrant or other warrant provided by law to obtain entry. Owners, occupants or any other persons having the charge, care or control of property or facilities shall, after proper request is made as provided herein, promptly admit the enforcement official for the purpose of inspection pursuant to this chapter.

C. Emergency Entry. In the event of an emergency presenting a threat to public health or safety or the environment, and requiring immediate action by the enforcement official, the enforcement official may enter onto any property without obtaining consent or warrant but shall advise the owner or responsible person of such entry as soon as practicable thereafter.

#### **11.02.040: AUTHORITY TO ISSUE NOTICES OF VIOLATIONS AND CITATIONS:**

Subject to other applicable law, each enforcement official is authorized to issue a notice of violation or citation whenever there is reasonable cause to believe that the person has committed a violation of the city code or applicable state codes.

#### **11.02.050: FALSE INFORMATION OR REFUSAL PROHIBITED:**

It shall be unlawful for any person to willfully make a false statement or refuse to give one's name or address with intent to deceive or interfere with an enforcement official when in the performance of the enforcement official's duties under the provisions of this title. A violation of this section shall be a class B misdemeanor.

#### **11.02.060: FAILURE TO OBEY A SUBPOENA:**

It shall be unlawful for any person to willfully refuse or fail to obey a subpoena issued for an administrative enforcement hearing. A violation of this section shall be a class B misdemeanor.

### **CHAPTER 11.03: ADMINISTRATIVE ABATEMENT PROCEDURES**

#### **11.03.010: Administrative Abatement**

#### **11.03.020: Notice Of Violation**

#### **11.03.030: Failure To Bring Property Into Compliance**

#### **11.03.040: Requesting Compliance Inspections**

#### **11.03.050: Authority To Abate**

#### **11.03.060: Procedures For Abatement**

#### **11.03.070: Procedures For Recordation**

#### **11.03.080: Notice Of Compliance**

#### **11.03.090: Withholding Licenses And Permits**

#### **11.03.100: Fines**

#### **11.03.010: ADMINISTRATIVE ABATEMENT**

Any condition caused, maintained, or permitted to exist in violation of any provisions of the city code or applicable state codes that constitutes a violation may be abated by the City pursuant to the procedures set forth in this chapter. Every violation of any provision of the city code or applicable state code is a separate and distinct offense. Each day's continuance of the violation is a separate and distinct offense.

### **11.03.020: NOTICE OF VIOLATION:**

A. Whenever an enforcement official determines that a violation of the city code or applicable state codes has occurred or continues to exist, the enforcement official may choose to proceed under the notice of violation and administrative abatement procedures. If this procedure is used, a notice of violation shall be issued to a responsible person. The notice of violation shall include the following information:

1. Name of property owner;
2. Street address of violation;
3. Date violation observed;
4. All code sections violated and description of condition of the property that violates the applicable codes;
5. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;
6. A specific date by which the violations listed in the notice of violation must be corrected, which date shall be not less than (7) days from the date of service;
7. The amount of the civil penalty for each violation, and a statement that civil penalties will begin to accrue daily upon expiration of the date to correct violations until the property is brought into compliance, up to the maximum allowed by state law;
8. An explanation that only one notice of violation is required for any twelve-month period beginning with the initial notice of violation, and that civil penalties begin immediately upon any subsequent violations of the notice. The responsible person may request a hearing on the renewed violations by following the same procedure as provided for in the original notice;
9. An 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 penalties; revocation of permits; recordation of the notice of violation; withholding of future City licenses and permits; abatement of the violation; costs; administrative fees, including without limiting, reinspection fees; and any other legal remedies; and

10. Procedures to request a hearing as provided in Section 11.06.030, and consequences for failure to request a hearing.

B. The notice of violation shall be served by one of the methods of service listed in Section 11.01.080.

C. More than one notice of violation may be issued against the same responsible person, if it encompasses different dates, or different violations.

D. Failure to include all items listed in subsection A herein shall not affect the validity of the notice of violation. Any defect in the notice of violation may be amended fifteen (15) calendar days prior to any administrative hearing.

E. A notice of violation may be in letter form or any other form which adequately conveys the information set forth in subsections 11.02.020(A)(1)-(10).

F. Nothing in this section shall prevent the city from issuing warnings or courtesy notices prior to issuing a notice of violation.

#### **11.02.030: FAILURE TO BRING PROPERTY INTO COMPLIANCE:**

A. If a responsible person fails to bring a violation into compliance the date specified by the enforcement official on the notice of violation, civil penalties shall be owed to the City per violation per day, and every subsequent day of violation, according to the city consolidated fee schedule, up to maximum amounts allowed by state law, pursuant to section 11.03.100.

B. Payment of any civil penalty shall not excuse a failure to correct a violation or any recurrence of the violation, nor shall it bar further enforcement action by the City as necessary.

C. Failure to comply with a notice of violation is a class B misdemeanor.

**11.03.040: REQUESTING COMPLIANCE INSPECTIONS:**

It shall be the duty of the responsible person served with a notice of violation to request an inspection by an enforcement official when his or her 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. Reinspection fees shall be assessed if more than one inspection is necessary.

**11.03.050: AUTHORITY TO ABATE:**

The enforcement official is hereby authorized, upon a showing of probable cause, to enter upon any property or premises to abate a violation of the city code and applicable state codes as set forth in Section 11.01.150. The enforcement official shall assess all costs for abatement to the responsible person and may use any remedy available under the law to collect such costs.

**11.03.060: PROCEDURES FOR ABATEMENT:**

A. Violations may be abated by City personnel or by a private contractor acting under the direction of the City.

B. City personnel or a private contractor may enter upon private property in a reasonable manner to abate a violation as specified in the notice of violation or administrative enforcement order.

C. If a responsible person abates the violation before the City abates the violation pursuant to a notice of violation or administrative enforcement order, the enforcement official shall nevertheless assess all costs actually incurred by the City against the responsible person.

D. When abatement is completed, the enforcement official shall prepare a notice of itemized bill for costs.

E. The enforcement official 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 days to the Murray City Treasurer.

F. 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 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.

**11.03.070: PROCEDURES FOR RECORDATION:**

For violations of titles 15 (Building and Construction), 16 (Subdivisions), and 17 (Zoning) of the city code and 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 enforcement official shall record the notice of violation with the county recorder's office.

**11.03.080: NOTICE OF COMPLIANCE:**

A. When a violation is corrected, a responsible person shall request an inspection from the enforcement official.

B. When the enforcement official receives such request, the enforcement official shall reinspect the property within three (3) business 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. Within ten days of an inspection in which the officer finds compliance, the enforcement official shall serve a notice of compliance on the responsible person and property owner in the manner provided in Section 11.01.080 if the enforcement official determines that:

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

D. The enforcement official shall record the notice of compliance with the 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.

#### **11.03.090: WITHHOLDING LICENSES AND PERMITS:**

Unless prohibited by other applicable law, the City may 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 until a violation is resolved. The City may withhold permits until a notice of compliance has been issued by the enforcement official. The City may not withhold permits that are necessary to obtain a notice of compliance or that are necessary to correct serious health and safety violations for failure to obtain a notice of compliance.

#### **11.03.100: CIVIL FINES:**

##### **A. Assessment.**

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

2. Interest at the default rate provided in the Utah Code shall be assessed on all unpaid civil fines and costs, compounded monthly, until the fines and costs have been paid in full.

3. Civil fines for violations of any provision of the city code or applicable state code shall be assessed pursuant to the City's consolidated fee schedule.

4. If a civil fine amount for a given violation is not expressly authorized or required by the city consolidated fee schedule or a more specific city code provision, the maximum fine and the default amount shall be \$125.00 for the first violation and \$250.00 for a second or subsequent violation of the same nature or a continuing violation past a deadline set by a notice of violation, not including fees, costs, and assessments.

5. Civil fines will be assessed beginning on the day immediately following the compliance date listed on the notice of violation.

6. Civil fines accrue on a daily basis until such time as the responsible person demonstrates that each violation has been corrected to the satisfaction of the City. As noted in Section 11.03.050, city code, it is the responsibility of the responsible person to request an inspection to verify compliance.

7. The City may waive the fine if corrective action is completed by the date specified in the notice of violation or in a stipulated agreement. The City shall have the discretion to impose fines in an amount lower than those provided for in subsections A(3) and (4), in this section 11.03.100.

B. The failure of any person to pay civil fines assessed within the specified time may result in the City pursuing any and all legal remedies to collect the civil fines.

C. Payment of fines shall not excuse the failure to correct the violation, nor shall it bar further enforcement action by the City.

## **CHAPTER 11.04**

### **EMERGENCY ABATEMENT**

#### **11.04.010: EMERGENCY ABATEMENT:**

A. Whenever the code enforcement manager in consultation with the fire marshall, building official, city engineer, or community development director determines that an imminent life-safety hazard exists or any safety hazard that exists that requires immediate correction or elimination, the code enforcement manager may exercise any or all of the following powers without prior notice to the responsible person:

1. Order the immediate vacation of any tenants and prohibit occupancy until all repairs and any other necessary remedial actions are completed;

2. Post the premises as unsafe, substandard, or dangerous;



3. Board, fence, or secure the building or site;

4. Raze and/or 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 imminent life-safety hazard, including demolition.

B. Subject to state and federal law, an enforcement officer may, based on probable cause, enter or otherwise gain necessary access to property without a search warrant or court order to accomplish the above-listed acts to abate the imminent life-safety hazard.

#### **11.04.020: PROCEDURES:**

A. The enforcement official shall pursue only the minimum level of correction or abatement necessary to eliminate the immediacy of a hazard.

B. Costs. The responsible person shall be liable for all costs associated with the abatement of the imminent life-safety hazard. Costs may be recovered pursuant to this title.

C. Notice of Emergency Abatement. Costs associated with the abatement of an imminent life-safety hazard shall be itemized and provided to the responsible person in the form of a notice of emergency abatement.

1. Within ten (10) days of completion of an abatement of an imminent life-safety hazard, the City shall serve the responsible person with a notice of emergency abatement.

2. The notice of emergency abatement shall describe:

- a. the name of the property owner,
- b. the address of the property,
- c. the date the hazard existed,
- d. a description of the hazard and any applicable code citations,
- e. the date(s) on which the City took abatement action,
- f. a statement explaining the work done to abate the hazard,
- g. the itemized cost of such work,
- h. the procedures to request a hearing as provided in section 11.06.030,  
and
- i. consequences for failure to request a hearing.

3. The notice of emergency abatement shall be served by one of the methods of service listed in section 11.01.080 of this title.

D. The enforcement official may also pursue any other administrative or judicial remedy to abate any remaining violation consistent with this title.

## **CHAPTER 11.05**

### **ADMINISTRATIVE CITATIONS**

**11.05.010: Purpose**

**11.05.020: Administrative Citations**

**11.05.030: Contents Of Citation**

**11.05.040: Fines Assessed**

**11.05.010: PURPOSE:**

The City Council finds that an appropriate method of enforcement for violations of the city code and applicable state codes is by administrative citation. The procedures established in this chapter shall be an alternative method of enforcement and in addition to those procedures set forth in chapter 11.03 of this title.

**11.05.020: ADMINISTRATIVE CITATIONS:**

A. Any person violating any provision of the city code or applicable state code may be issued an administrative citation by an enforcement official. An administrative citation represents a determination that a violation of a city ordinance or applicable state law has been committed. The determination is final unless contested as provided in this title.

B. A civil fine shall be assessed by means of the of the citation and shall be payable directly to the City treasurer's office.

The amount of the fine assessed for an administrative citation shall be found in the City's consolidated fee schedule.

C. 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 shall not affect the validity of the citation and subsequent proceedings. If the code enforcement officer is unable to locate the responsible person for the violation, then the administrative citation shall be served in the manner prescribed in Section 11.01.080.

D. An administrative citation may be in letter form or any other form which adequately conveys the information set forth in section 11.05.030.

**11.05.030: CONTENTS OF CITATION:**

An administrative citation shall include the following:

- A. The date and location of the violations and the approximate time the violations were observed;
- B. The code sections violated and the subject matter of those sections;
- C. The amount of the fine imposed for the violations;
- D. An explanation as to how the fine shall be paid, the time period by which the fine shall be paid, and the consequences of failure to pay the fine;
- E. Notice of the right and the procedures to request a hearing;
- F. The signature of the enforcement official and the signature of the responsible person, if he or she can be located, as outlined in this title; and
- G. Any other information deemed helpful or necessary by the enforcement official.

**11.05.040: FINES ASSESSED:**

- A. Fines shall be due and payable immediately upon service of an administrative citation.
- B. The fine for each violation listed on the administrative citation shall be as assessed pursuant to the City's consolidated fee schedule.
- C. The maximum civil fine for any violation not listed in the consolidated fee schedule or a more specific city code provision, shall be one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation of the same code section within twelve (12) months, five hundred dollars (\$500.00) for a third violation of

the same code section within twelve (12) months, and one thousand dollars (\$1,000.00) for each subsequent violation of the same code section within twelve (12) months. A fourth violation of the same code section and each subsequent violation thereof, within twelve (12) months is hereby designated to be a class B misdemeanor.

D. Late fee assessment.

1. Civil fines shall be double if paid after ten days but within twenty days of service.

2. Civil fines shall be triple if paid after twenty days but within thirty days of service.

E. Fines shall be paid to the Murray City treasurer.

F. Payment of any fine 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.

G. Non-Payment Of Fine. Non-payment of the fine assessed in a citation by the time period specified in the notice may result in additional notices, a small claims court action, referral of the matter to a collection agency, or any other remedy in law or equity. The City has the authority to collect costs associated with such actions, including administrative fees and service costs.

H. Interest on unpaid fines and costs shall be assessed at the default rate provided in the Utah Code, compounded monthly, until the fines and costs have been paid in full.

## **CHAPTER 11.06**

### **ADMINISTRATIVE ENFORCEMENT HEARING PROCEDURES**

**11.06.010: Declaration Of Purpose**

**11.06.020: Authority And Scope Of Hearings**

**11.06.030: Request For Administrative Enforcement Hearing**

**11.06.040: Default Hearings And Orders**

**11.06.050: Notification Of Administrative Enforcement Hearing**

**11.06.060: Appointment And Qualifications of Administrative Law Judge**

- 11.06.070: Powers Of The Administrative Law Judge**
- 11.06.080: Procedures At Administrative Enforcement Hearing**
- 11.06.090: Failure To Attend Administrative Enforcement Hearing**
- 11.06.100: Administrative Enforcement Order**
- 11.06.110: Failure To Comply With Administrative Enforcement Order**
- 11.06.120: Appeal Of Administrative Enforcement Order**

#### **11.06.010: DECLARATION OF PURPOSE:**

The City Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings. It is the purpose and intent of the City 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.

#### **11.06.020: AUTHORITY AND SCOPE OF HEARINGS:**

Enforcement of city code and applicable state code violations may be conducted through the ACE Program. The administrative law judge is authorized to develop policies and procedures, consistent with this title, relating to the hearing procedures, scope of hearings, and subpoena powers. However, any such policies and procedures shall not be inconsistent with this ordinance or state or federal law.

#### **11.06.030: REQUEST FOR ADMINISTRATIVE ENFORCEMENT HEARING**

A. A person served with one of the following documents or notices has the right to request a hearing to challenge the identified violations if the request is filed within fourteen calendar days from the date of service of one of the following notices:

1. Notice of violation;
2. Administrative citation;

3. Notice of itemized statement for costs;

4. Notice of emergency abatement

B. The request for hearing shall be made in writing to the administrative law judge or designee, and served on the person specified on the notice of violation, citation, notice of itemized statement for costs, or notice of emergency abatement. The request shall contain

1. The case number,

2. The address of the violation,

3. The mailing address of the responsible person filing the request,

4. The residential address of the responsible person filing the request, and

5. The signature of the responsible person filing the request.

C. The administrative law judge shall schedule a hearing for the next regularly scheduled hearing date within sixty (60) calendar days of the written hearing request, subject to the administrative law judge's calendar, and specify a date, time, and place for the hearing.

D. Notice of the hearing shall be served by any of the methods of service set forth in section 11.01.080.

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

F. If a responsible person fails to request a hearing after being issued a notice of violation, administrative citation, notice of itemized statement for costs, or notice of emergency abatement as provided herein, the corrective action detailed on the notice of violation, administrative citation, notice of itemized statement for costs, or notice of emergency abatement shall be considered the administrative enforcement order pursuant to this title for the default hearing provisions in 11.06.040.

#### **11.06.040: DEFAULT HEARINGS AND ORDERS:**

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

B. At the default hearing, the responsible person shall have the opportunity to present evidence as to why the administrative law judge should not issue an order of default. The administrative law judge lacks jurisdiction to hear or address any other matters at a default hearing and shall not accept any evidence not relevant to showing that good cause exists as to why the administrative law judge should not issue an order of default. A case in default shall be considered a judgment on the merits unless otherwise specified by the administrative law judge.

C. Notice of a default hearing must be served according to section 11.01.080.

D. If the responsible person fails to establish good cause, the administrative law judge shall review the notice of violation, administrative citation, notice of itemized statement for costs, or notice of emergency abatement and any other evidence presented by the City. If the evidence shows that the violation existed or occurred, the administrative law judge shall enter an order consistent with the provisions of section 11.06.100. Fines and costs shall accrue until the City provides a notice of compliance detailed in section 11.07.060.

E. A case in default shall be considered a judgment on the merits unless otherwise specified by the administrative law judge.

#### **11.06.050: NOTIFICATION OF ADMINISTRATIVE ENFORCEMENT HEARING:**

A. Written notice of the day, time, and place of a hearing shall be served on the responsible person and the enforcement official by the administrative law judge, or designee, as soon as practicable prior to the date of the hearing, but in no event less than seven (7) calendar days before the date of the hearing.



B. The format and contents of the hearing notice shall be in accordance with rules and policies promulgated in advance by the administrative law judge, which may include an explanation of the hearing process, the type of evidence that will be permitted, the length of the hearing, the issues to be addressed, and how witnesses may be examined.

**11.06.060: APPOINTMENT AND QUALIFICATIONS OF ADMINISTRATIVE LAW JUDGE:**

A. The Mayor, with the advice and consent of the City Council shall, from time to time, appoint one or more persons to serve as administrative law judges to preside at administrative enforcement hearings under this chapter.

B. Administrative law judges shall be persons licensed to practice law in the state of Utah as either active or retired licensees in good standing. All administrative law judges shall take and subscribe the constitutional oath of office. The City shall compensate such administrative law judges.

C. An administrative law judge shall have no personal, financial, or other conflict of interest in the matter for which the hearing is being held.

**11.06.070: POWERS OF THE ADMINISTRATIVE LAW JUDGE:**

A. The administrative law judge has the authority to hold hearings, determine if violations of city ordinances or applicable state laws exist, order compliance with city ordinances and applicable state laws, and enforce compliance as provided in this title on any matter subject to the provisions of the title.

B. The administrative law judge may continue a hearing based on good cause shown by a party to the hearing. The administrative law judge must enter on the record the good cause on which a continuance is granted.

C. The administrative law judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness for the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness fees, shall be borne by the party requesting the subpoena. The administrative law judge may develop policies and

procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.

D. 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 of that order, which includes the right to authorize the City to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.

E. 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.

**11.06.080: PROCEDURES AT ADMINISTRATIVE ENFORCEMENT HEARING:**

A. 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 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 duly adopted policies and procedures.

B. The City shall bear the burden of proof to establish the existence of a violation of the City Code or applicable state codes.

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

D. 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. Testimony may be given by telephone or other electronic means.

E. All administrative enforcement hearings shall be open to the public and shall be recorded as determined by the City. At the discretion of the administrative law judge, administrative enforcement hearings may be held at the location of the violation.

F. Representation.

1. The responsible person may 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 seven (7) calendar 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.

2. The attorney representing the City may appear in any proceedings under this title but need not appear, notwithstanding any statute or rule of court to the contrary.

G. The burden to prove any raised defenses shall be upon the party raising any such defense.

**11.06.090: 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 11.01.120.

**11.06.100: ADMINISTRATIVE ENFORCEMENT ORDER:**

A. 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. If the responsible person and the City do not enter into a stipulated agreement, the following subsections, B-L, of this section apply.

B. After all evidence and testimony are presented, the administrative law judge shall issue a written administrative enforcement order within thirty days that affirms or rejects the notice of violation or citation.

C. An administrative law judge may issue an administrative enforcement order that requires a responsible person to cease and desist from violating the city code or applicable state code and to take any necessary corrective action.

D. An administrative law judge 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. As part of an administrative enforcement order, an administrative law judge 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.

F. An administrative law judge may issue an administrative enforcement order imposing fines in accordance with section 11.03.100. Such fines shall continue to accrue until the responsible person complies with the administrative law judge's decision and corrects the violation.

G. An administrative law judge may schedule subsequent review hearings as may be necessary or as requested by the City to ensure compliance with an administrative enforcement order.

H. An administrative law judge 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.

I. An administrative enforcement order shall become final on the date of signing by the administrative law judge.

J. A copy of the administrative enforcement order shall be served on all parties by any one of the methods listed in Section 11.01.080. When required by this title, the code enforcement manager shall record the administrative enforcement order with the county recorder's office.

K. After an administrative law judge has issued an administrative enforcement order, the code enforcement manager shall monitor the matter for compliance with the administrative enforcement order.

**11.06.110: 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.

**11.06.120 APPEAL:**

A. 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. The petition shall be barred unless it is filed within thirty days after the administrative enforcement order is final.

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

D. 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 evidence.

E. If appealed, the record of the proceedings including minutes, findings, orders and, if available, a true and correct recording of the proceeding shall be transmitted to the reviewing court within thirty days of the notice of appeal.

F. 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 administrative law judge and the court determines that it was improperly excluded by the administrative law judge. The court may call witnesses and take evidence if there is no record.

G. The filing of a petition does not stay execution of an administrative enforcement order. The administrative enforcement order shall stand unless and until the district court stays the administrative enforcement order pending review.

**CHAPTER 11.07**  
**RECORDED NOTICE OF VIOLATION**

**11.07.010: Declaration Of Purpose**

**11.07.020: Authority**

**11.07.030: Procedures For Recordation**

**11.07.040: Service Of Notice Of Recordation**

**11.07.050: Failure To Request Hearing**

**11.07.060: Notice Of Compliance – Procedures**

**11.07.070: Withholding Issuance Of City Licenses and Permits**

**11.07.080: Cancellation Of Recorded Notice of Violation**

**11.07.090: Modification Of Civil Penalties**

**11.07.100: Failure To Pay Penalties**

**11.07.010: DECLARATION OF PURPOSE:**

The City Council finds that the recordation of notices of violation can be an effective method of enforcement for violations of the city code. The procedures established in this chapter shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the city code or applicable state codes.

**11.07.020: AUTHORITY:**

Whenever the enforcement official determines that a property or violation has not been brought into compliance as required in this title, the enforcement official has the authority to record the notice of violation or administrative code enforcement order with the county recorder's office.

#### **11.07.030: PROCEDURES FOR RECORDATION:**

A. Once the enforcement official 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 enforcement official may record a notice of violation with the county recorder's office.

B. If an administrative hearing is held, and an order is issued in the City's favor, the enforcement official may record the administrative code enforcement order with the county recorder's office. 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.

C. The recordation does not encumber the property but merely places future interested parties on notice of any continuing violation found upon the property.

#### **11.07.040: 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 11.01.080.

#### **11.07.050: FAILURE TO REQUEST HEARING:**

The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation, administrative citation, notice of itemized statement for costs, or notice of emergency abatement shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation, administrative citation, notice of itemized statement for costs, or notice of emergency abatement.

#### **11.07.060: NOTICE OF COMPLIANCE – PROCEDURES:**

A. When a violation has been corrected, the responsible person or property owner may request an inspection of the property from the enforcement official who issued the notice of violation.

B. Upon receipt of a request for inspection, the enforcement official shall reinspect 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.

C. The enforcement official shall serve a notice of compliance to the responsible person or property owner in the manner provided in section 11.01.080, if the enforcement official determines that:

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

2. All necessary permits have been issued and finalized;

3. All civil penalties assessed against the property have been paid or satisfied; and

4. The party requesting the notice of satisfaction has paid all administrative fees and costs.

D. If the enforcement official denies a request to issue a notice of compliance, upon request the enforcement official 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 11.01.080 of this title.

E. No delay or omission on the part of the City to exercise any right or power accruing upon any violation shall impair any such right or power or shall be construed to be a waiver of any such violation or acquiescence therein and such right and power may be exercised as often as may be deemed expedient. The City's issuing of a notice of compliance in any instance shall not constitute continuing consent to subsequent instances and in all cases a notice of compliance may be granted or withheld at the sole discretion of the City. No prior notice of compliance shall affect any subsequent violation or shall impair any of the City's rights or remedies on said subsequent violation. Every substantive right and every remedy conferred upon the City may be enforced and exercised as often as may be deemed expedient.



#### **11.07.070: WITHHOLDING ISSUANCE OF CITY LICENSES AND PERMITS:**

Unless prohibited by other applicable law, the City may 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 until a violation is resolved. The City may withhold permits until a notice of compliance has been issued by the enforcement official. The City may not withhold permits that are necessary to obtain a notice of compliance or that are necessary to correct serious health and safety violations for failure to obtain a notice of compliance.

#### **11.07.080: CANCELLATION OF RECORDED NOTICE OF VIOLATION:**

If a notice of violation or other record of violation has been recorded on a property, after a notice of compliance has been issued, the enforcement official shall record the notice of compliance with the county recorder's office. Recordation of the notice of compliance shall have the effect of canceling the previously recorded notice of violation or other record of violation.

#### **11.07.090: MODIFICATION OF CIVIL PENALTIES:**

Upon completion of the notice of violation or administrative code enforcement order, the administrative law judge may modify the civil penalties on a finding of good cause.

#### **11.07.100: FAILURE TO PAY PENALTIES:**

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

### **CHAPTER 11.08 RECOVERY OF COSTS**

#### **11.08.010: Declaration Of Purpose**

#### **11.08.020: Authority To Assess Costs**

#### **11.08.030: Notification Of Assessment of Reinspection Fees**

**11.08.040: Failure To Timely Pay Costs**

**11.08.050: Administrative Fees**

**11.08.060: Civil Violations – Injunctions**

**11.08.070: Performance Security**

**11.08.010 DECLARATION OF PURPOSE:**

The City Council finds that there is a need to recover costs incurred by enforcement officials and other City personnel who spend considerable time inspecting and reinspecting properties throughout the City to ensure compliance with the city code or applicable state codes.

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, administrative law judge 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 administrative or judicial administrative penalties or fines for violations of the city code or applicable state codes.

**11.08.020: AUTHORITY TO ASSESS COSTS:**

A. Whenever actual costs are incurred by the City on a property to abate a violation or obtain compliance with provisions of the city code or applicable state codes, the enforcement official may assess costs against the responsible person. Such costs shall be itemized and provided to the responsible person in the form of a notice of itemized statement of costs.

B. The notice of itemized statement of costs shall describe the name of the property owner, the address of the property, the date the violation was observed, the code sections violated and description of condition of the property that violates the applicable codes the date(s) on which the City took action to obtain compliance, a statement explaining the work done to obtain compliance, the itemized cost of such work, the procedures to request a hearing as provided in section 11.06.030, and consequences for failure to request a hearing.

C. The notice of itemized statement of costs shall be served by one of the methods of service listed in section 11.01.080.

D. Once a notice of violation has been issued, the property may be inspected one time at no additional cost. Any additional inspections shall be subject to reinspection fees pursuant to the City fee schedule.

**11.08.030: NOTIFICATION OF ASSESSEMENT OF REINSPECTION FEE:**

Notification of reinspection fees shall be provided on the notice of violation served on the responsible person. Reinspection fees assessed or collected pursuant to this chapter shall not be included in any other costs assessed. The failure of any responsible person to receive notice of the reinspection fees shall not affect the validity of any other fees imposed under this chapter.

**11.08.040: 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 pursuant to City policy.

**11.08.050: ADMINISTRATIVE FEES:**

The enforcement official 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 City's consolidated fee schedule.

**11.08.060: CIVIL VIOLATIONS – INJUNCTIONS:**

In addition to any other remedy provided under the city code or applicable state codes, including criminal prosecution or administrative remedies, any provision of the city code or applicable state code may be enforced by injunction issued by a court of appropriate jurisdiction upon a suit brought by the City.

#### **11.08.070: PERFORMANCE BONDS OR OTHER SECURITY:**

As part of any notice, order, or action, the administrative law judge has the authority to require responsible persons to post a performance bond or other performance security to ensure compliance with the city code, applicable state codes, or any judicial action.

If a responsible person fails to comply with the notice, order, or action, the bond or other performance security will be forfeited to the City. The bond or other performance security will not be used to offset the other outstanding costs and fees associated with the case.

### **CHAPTER 11.09 ADMINISTRATIVE ENFORCEMENT TAX LIENS**

#### **11.09.010: Declaration Of Purpose**

#### **11.09.020: Procedure For Tax Liens Without A Judgment**

#### **11.09.030: Procedure For Tax Liens With A Judgment**

#### **11.09.040: Cancellation Of Code Enforcement Tax Lien**

#### **11.09.010: DECLARATION OF PURPOSE:**

The City Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders. The City 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 the City's code enforcement system. The procedures established in this chapter shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the city code or applicable state codes.

#### **11.09.020: PROCEDURE FOR TAX LIENS WITHOUT A JUDGMENT:**

A. The enforcement official shall prepare two copies of the itemized statement of costs incurred in the removal of the violations within 10 days after completion of the work of removing the violations.

B. The enforcement official shall send, by registered mail to the property owner's last known address, a copy of the itemized statement of costs informing him or her that a code enforcement tax lien is being recorded for the amount of actual costs of abatement. Payment shall be due within 20 calendar days from the date of mailing.

The enforcement official shall record a code enforcement tax lien against the property with the Salt Lake County Treasurer's Office.

C. 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.

#### **11.09.030: PROCEDURE FOR TAX LIENS WITH A JUDGEMENT:**

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

#### **11.09.040: 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 enforcement official shall either record a notice of satisfaction of judgment, or provide the 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.

### **CHAPTER 11.10 RECOVERY OF COSTS AND FEES**

**11.10.010: Recovery Of Costs By Writ Of Execution Or Other Means**

**11.10.020: Recovery Of Costs By Writ Of Garnishment Or Other Means**

**11.10.030: Allocation Of Civil Penalties And Funds Collected**

**11.10.010: RECOVERY OF COSTS BY WRIT OF EXECUTION OR OTHER MEANS:**

After obtaining a judgment, the enforcement official 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.

**11.10.020: RECOVERY OF COSTS BY WRIT OF GARNISHMENT OR OTHER MEANS:**

After obtaining a judgment, the enforcement official may collect the obligation from the responsible person 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.

**11.10.030: ALLOCATION OF CIVIL PENALTIES AND FUNDS COLLECTED:**

Civil penalties and funds collected pursuant to this title shall be deposited in the general fund of the City. Civil penalties and funds deposited shall be appropriated and allocated pursuant to the City's budget process.

*Section 3. Effective date. This Ordinance shall take effect upon first publication.*

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on  
this 9<sup>th</sup> day of December 2025.



ATTEST:

A handwritten signature in black ink, appearing to read "Brooke Smith", written over a horizontal line.

Brooke Smith, City Recorder

MURRAY CITY MUNICIPAL COUNCIL

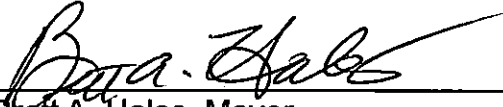
A handwritten signature in black ink, appearing to read "Pam Cotter", written over a horizontal line.

Pam Cotter, Chair

Transmitted to the Office of the Mayor of Murray City on this 11 day of December, 2025.

MAYOR'S ACTION: Approved

DATED this 11 day of December, 2025.

  
Brett A. Hales, Mayor

ATTEST:

  
Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance, or a summary hereof, was published according to law on the 11 day of December, 2025.

  
Brooke Smith, City Recorder