

CLEARFIELD CITY ORDINANCE 2026-04

AN ORDINANCE AMENDING TITLE 1 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 1 – Administration, Chapter 16 – Code Enforcement, Article B – Administrative Code Enforcement

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 1 – Administration, Chapter 16 – Code Enforcement, Article B – Administrative Code Enforcement is hereby amended to read as follows:

ARTICLE B. ADMINISTRATIVE CODE COMPLIANCE

SECTION:

- 1-16B-1: Procedures
- 1-16B-2: Definitions
- 1-16B-3: Service Of Process
- 1-16B-4: Request For Compliance
- 1-16B-5: Responding Or Not Responding To A Request For Compliance
- 1-16B-6: Compliance Inspections; Notice Of Compliance
- 1-16B-7: Code Enforcement Hearings
- 1-16B-8: Default Judgments
- 1-16B-9: Administrative Hearing Officer
- 1-16B-10: Code Enforcement Orders
- 1-16B-11: Failure To Comply With Code Enforcement Order
- 1-16B-12: Appeal Of Code Enforcement Order
- 1-16B-13: Recordation Of Notices And Orders
- 1-16B-14: Prohibition Against Issuance Of Municipal Permits
- 1-16B-15: Performance Bonds
- 1-16B-16: ~~Abatement~~ And Emergency **Abatement** Processes
- 1-16B-17: Nonemergency Abatement
- 1-16B-18: Demolitions
- 1-16B-19: Non-Property Related Emergency License Suspension Or Revocation, Emergency Cease And Desist Orders
- 1-16B-20: Civil Penalties And Injunctions
- 1-16B-21: Recovery Of Fees And Costs

1-16B-1: PROCEDURES:

The City Manager is authorized to develop policies and procedures relating to the administrative hearing procedures, scope of hearings, subpoena powers, and other matters relating to this article.

1-16B-2: DEFINITIONS:

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

ABATEMENT:	Any action the City may take to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding up, securing or replacement of property.
CODE ENFORCEMENT ORDER:	An order issued by a Hearing Officer under this article. Also "order".
CODE ENFORCEMENT PERFORMANCE BOND:	A bond required by a Hearing Officer under this chapter and posted by a responsible person to ensure compliance with this Code.
CODE ENFORCEMENT TAX LIEN:	A lien recorded with the County Recorder and the County Treasurer to facilitate collection of outstanding civil penalties, administrative fees, and costs.
DAY OR DAYS:	Unless otherwise expressly provided, count every day, including intermediate Saturdays, Sundays, and legal holidays as defined by the Utah Rules of Civil Procedure, but if the last day is a Saturday, Sunday or legal holiday, the period will continue to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.
DISCOVERY:	The formal process of exchanging information between the parties about the witnesses and evidence to be presented at trial. The purpose of discovery is to make the parties aware of the evidence that may be presented at trial. The process prevents "trial by ambush", where one side does not learn of the other side's evidence or witnesses until the trial.
EMERGENCY ORDER:	A Code enforcement order issued under sections 1-16B-16 and/or 1-16B-19 of this article calling for emergency action in advance of any due process hearing opportunity.
ENFORCEMENT COMPLIANCE OFFICIAL:	A person authorized by the City Manager to issue and pursue a request for compliance under this article.
FEE SCHEDULE:	The most recently adopted Clearfield City consolidated fee schedule.
GOOD CAUSE:	Incapacitating illness or accident, death of a parent or sibling, lack of proper notice, or unavailability due to unavoidable and unpreventable emergency or circumstance.
HEARING OFFICER:	The person appointed by the City Manager to preside and conduct a Code enforcement hearing under this article. The Hearing Officer may be a department head, other than the enforcement official or his

	or her supervisor, or a non-City employed person with requisite skill and experience.
IMMINENT HAZARD:	Any condition that creates a present and immediate danger to the public health, safety, or welfare.
LEGAL INTEREST:	Any interest that is represented by a valid document or instrument, such as a contract, deed of trust, quit claim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument.
NOTICE OF COMPLIANCE:	A document issued by the City, confirming that the responsible person has remedied the Code violations set out in a request for compliance, paid all fees, penalties and costs assessed and otherwise fully complies with the requirements of a Code enforcement order.
PERFORMANCE BOND:	A bond posted by a responsible person to ensure compliance with this Code, applicable State titles, a judicial action, or an administrative enforcement order.
PERSON PARTY :	A human being and a corporate entity. For this purpose partnerships, limited liability companies and business trusts, in addition to corporations, are deemed to be persons.
PRIMA FACIE EVIDENCE:	Evidence that is sufficient to establish a fact or raise a presumption unless disproved or rebutted.
PROPERTY OWNER:	The record owner of real property based on the records of the Davis County Recorder.
PUBLIC NUISANCE:	See title 5, chapter 1 of this Code and the Utah Code.
REQUEST FOR COMPLIANCE:	A written notice prepared and issued by an enforcement official that informs a responsible person of Code violations and orders them to take certain steps to correct the violations.
RESPONSIBLE PERSON PARTY :	Any person(s) responsible for allowing, permitting, causing or maintaining a violation of this Code. Such responsible person may include, but not be limited to, the property owner and/or the person in possession of real property; and the person committing the conduct violating this Code.
TORT LIABILITY:	An act or omission that gives rise to injury or harm to another and amounts to a civil wrong for which courts impose liability.
TREBLE COSTS:	A term that indicates triple the amount of the actual/compensatory costs to be awarded to the City. (Ord. 2018-03, 3-27-2018; amd. Ord. 2022-11, 5-24-2022)

1-16B-3: SERVICE OF PROCESS:

A. Method: Whenever service of a request for compliance, responsive pleading, order or

other document is required to be given under this article, the document shall be served by any of the following methods:

1. Regular mail, first class postage prepaid, to the last known address of the responsible ~~person(s)~~ party;
 2. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in subsection A1 of this section. The form of the posted notice shall be approved by the ~~enforcement~~ compliance official or his or her designee; or
 3. Personal service pursuant to Utah Rules of Civil Procedure.
- B. Date Of Service: Service by regular mail in the manner described above shall be deemed served on the third day after the date of mailing. Date of service by publication will be twenty-four (24) hours following the last publication.
- C. Serving Some, But Not All, Responsible ~~Persons~~ Party: The failure to serve some but not all responsible ~~person(s)~~ party shall not affect the validity of any proceedings as against those ~~persons~~ party properly served.
- D. Valid Service: 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.
- E. 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.

1-16B-4: REQUEST FOR COMPLIANCE:

- A. General: ~~An enforcement~~ A compliance official has the authority to commence an administrative Code ~~enforcement~~ compliance process through the issuance and service of a request for compliance. Whenever an ~~enforcement~~ a compliance official determines that a violation of this Code has occurred and/or continues to exist, the ~~enforcement~~ compliance official may issue a request for compliance. The request for compliance 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. Specific date to correct the violations listed in the request for compliance, which date shall be at least fourteen (14) days from the date of service;
7. Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the request for compliance, which may include, but are not limited to, criminal prosecution, civil penalties, revocation of permits or licenses, recordation of the request for compliance judgment, withholding of future Municipal permits, abatement of the violation, costs, administrative fees, and any other legal remedies;
- ~~8. The amount of the civil penalty on each violation and that the penalty will accrue daily until the property is brought into compliance;~~
98. That only one request for compliance is required for any 12-month period, and that civil penalties begin immediately upon any subsequent violations of the notice. The responsible person-party may request a hearing on the renewed violations by following the same procedure as provided for in the original notice. The amount of the civil penalty on each violation and that the penalty will accrue daily until the property is brought into compliance;
9. More Than One Notification: More than one request for compliance may be issued to the same responsible party, if it encompasses different dates, or different violation(s);
10. The following procedure to request a hearing: The request for hearing shall be made in writing and filed with the City Recorder within ten (10) calendar-business days from the date of service. The request shall contain the case number, the address of the violation, and the signature of the responsible party and a Hearing Fee of \$150.00 in accordance with the city's consolidated fee schedule that is refundable if the violations are determined to be unfounded. The consequences for failure to request a hearing including a waiver of the right to a hearing or the right to challenge the action shall be communicated;
- ~~11. The consequences for failure to request a hearing, including that 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.~~
- ~~B. Service: The request for compliance shall be served by one of the methods of service listed in section 1-16B-3 of this article.~~
- ~~C. More Than One Notification: More than one request for compliance may be issued to the same responsible person, if it encompasses different dates, or different violations. For a request for compliance~~

~~D. Related to weeds, the enforcement official is not required to make more than one notice for each annual season of weed growth for weeds growing on a property.~~

E11. No Criminal Authority: ~~An enforcement~~ A compliance official has no authority to issue a criminal citation or information, but may refer a violation of this Code through to the Police Department and/or to the City Attorney's Office for the screening of criminal charges. (Ord. 2018-03, 3-27-2018; amd. Ord. 2022-11, 5-24-2022)

1-16B-5: RESPONDING OR NOT RESPONDING TO A REQUEST FOR COMPLIANCE:

A. Suspension And Possible Dismissal Of Penalties For Prompt And Continuing Remediation Of Violations: Any and all accrued penalties associated with the violations described in the request for compliance shall be suspended if:

1. The responsible ~~person~~ party causes violations described in a request for compliance to be corrected;
2. The responsible ~~person~~ party requests an inspection from the City within the time specified in the notice following service of the request for compliance; and
3. A notice of compliance is issued in response to that request for an inspection.

This suspension of penalties will continue and will be dismissed if during the twelve (12) months immediately following the date of the notice of compliance there is no recurrence of substantially the same violation.

B. Penalties Continue To Accrue: If a responsible ~~person~~ party fails to correct the violations described in a request for compliance within the time specified in the request for compliance, or the responsible ~~person~~ party commits or allows substantially the same violation within the succeeding twelve (12) months following issuance of a notice of compliance, all penalties that began to accrue daily on the date of the first request for compliance shall be owed in full to the City and shall continue to accrue for each and every subsequent day of continuing violation. All civil penalties shall be in accordance with the City's consolidated fee schedule.

C. Criminal Prosecution Possible: A compliance official has no authority to issue a criminal citation or information but may refer a violation of this Code to the Police Department and/or to the City Attorney's Office for the screening of criminal charges. Failure to remedy the violations described in a request for compliance is a Class B misdemeanor and may be prosecuted as such at the City's sole discretion.

D. Penalty Suspension After Hearing: Notwithstanding subsection B of this section, the Hearing Officer may order accrued penalties and costs to be dismissed, in whole or in part, or suspended.

E. Request A Hearing: If the responsible ~~person(s)~~ party served with a request for compliance disputes the legal or factual bases-basis of the violations described in the

request for compliance, the responsible person(s)-party may request a Code enforcement hearing before a Hearing Officer. The request for hearing shall be made in writing and filed with the City Recorder within ten (10) business days from the date of service. The request shall contain the case number, the address of the violation, and the signature of the responsible party and pay a Hearing Fee in accordance with the City's consolidated fee schedule that is refundable if the violations are determined to be unfounded.

- F. Failure To Respond To The Request for compliance; Default Judgment: A responsible person-party who fails to request a hearing or remediate the violation and request an inspection by the City within the time specified in the request for compliance will be subject to the entry of default judgment upholding the request for compliance and directing and imposing the actions, penalties, fees and costs associated therewith. This default judgment will be final and non-appealable.
- G. Civil Penalties Accrue Daily: Unless suspended or reduced as otherwise provided in this article or in a Code enforcement order, civil penalties accrue daily in accordance with the City's consolidated fee schedule. and as authorized pursuant to section 10-3-703, Utah Code, ~~as amended no civil penalty for a single family dwelling shall exceed allowable amounts as outlined in the above Utah Code reference for civil penalties.~~
- H. Extension Of Time: A responsible person-party may request an extension of the time specified for remediating Code violations set out in the request for compliance by submitting a request in writing to the Code Enforcement-Compliance Division at the address and telephone number shown on the request for compliance at any time within the specified time after service of the request for compliance stating and affirming as follows:
 - 1. The responsible person-party waives any right to request a hearing to dispute the request for compliance;
 - 2. The responsible person party is actively engaged in remediation activities; and
 - 3. The claimed inability to complete remediation activities in time to request an inspection within the time specified is the result of specified and adequately described factors and forces outside of the control of the responsible personparty.
- I. Shortening Of Time: The normal time to respond to a request for compliance may be shortened by administrative directive of the City Manager in response to the need for more rapid response and abatement.

1-16B-6: COMPLIANCE INSPECTIONS; NOTICE OF COMPLIANCE:

- A. Duty To Request Inspection: It shall be the duty of the responsible person(s)-party served with a request for compliance to request an inspection by the City when the described violation has been corrected. Upon request of a responsible party, the City shall perform an inspection as soon as practicable to determine whether the violations described in the request for compliance have been corrected. If following a requested inspection the City declines to issue a notice of compliance, the responsible person(s)

have a duty to request a re-inspection once further remediation work is completed. A re-inspection fee will be due and payable **in accordance with the City's consolidated fee schedule.**

- B. ~~Enforcement~~**Compliance** Official To Direct Inspections: It is the duty of the ~~enforcement~~**Compliance** official who issued the request for compliance or an authorized designee to perform or cause to be performed any and all compliance inspections.
- C. Notice Of Compliance: If the City determines that the violation(s) described in a request for compliance is fully remediated, a notice of compliance shall be issued.
- D. Effect Of Notice Of Compliance: The notice of compliance shall be deemed effective upon the date the inspection resulting in the notice of compliance was requested, and, except as provided in subsection 1-16B-5B of this article, no further penalties shall accrue for any fully remediated violation.
- E. Denial Of Notice Of Compliance: After an inspection, if the City denies a request for a notice of compliance, the City shall serve the responsible ~~person~~**party** with a written explanation setting forth the reasons for the denial.
- F. Challenge To Noncompliance Determination: If a responsible ~~person~~**party** believes that a City decision not to issue a notice of compliance resulting from a requested inspection is in error and that the inspection should have resulted in a notice of compliance, that ~~person~~**party** may request a Code enforcement hearing to challenge the inspection result.
- G. Effect Of Code Enforcement Order: If a Code enforcement order upholds some but not all violations described in a request for compliance, such an order has the effect of amending the request for compliance as to any further inspections or reviews, and any future requests for a notice of compliance.
- H. Prima Facie Evidence: It is prima facie evidence, meaning evidence that is sufficient to establish a fact or raise a presumption unless disproved or rebutted, that the violation is continuing if no inspection or review is requested.
- I. Re-Inspection Fees: Re-inspection fees shall be assessed to the responsible ~~person~~**party** named in a request for compliance if more than one inspection or review is necessary to confirm full remediation of the violations described in the request for compliance.

1-16B-7: CODE ENFORCEMENT HEARINGS:

- A. Purpose: The City finds that there is a need to establish uniform procedures for Code enforcement hearings conducted pursuant to this article. It is the purpose and intent of the City to afford due process of law to any ~~person~~**party** who is directly affected by a Code enforcement action. Due process of law includes notice, an explanation of the accusations, and an opportunity to be heard prior to imposition of a penalty. These procedures are also intended to establish a forum to efficiently, expeditiously, and

fairly review and resolve issues raised in any request for compliance.

B. Request For Code Enforcement Hearing:

1. A responsible ~~person~~ **party** has the right to request a Code enforcement hearing by filing a written request **with the City Recorder within ten (10) business days from the date of service** and paying the required filing fee **in accordance with the City's consolidated fee schedule**, if the request is filed within the time specified in the request for compliance ~~for compliance~~ and follows one of the following:
 - a. Service of a request for compliance;
 - b. Service of a notice of abatement;
 - c. Notice of itemized bill for costs as outlined in subsection 1-16B-17E of this article; or
 - d. A refusal by the City to issue a notice of compliance following an inspection.
2. As soon as practicable after receiving a request for hearing, the City Manager or his or her designee shall arrange for and appoint a Hearing Officer, and the Hearing Officer will schedule a date, time, and place for the hearing, and will serve written notice of the same to all responsible ~~persons~~ **party**.
3. Failure to timely request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the City's action set out in the request for compliance. Such a failure to request a hearing will result in a default judgment being entered upholding the request for compliance and assessing accrued fees, penalties and costs.

C. Procedures At Code Enforcement Hearings:

1. **Informal In Nature:** Code enforcement hearings are intended to be informal in nature. The formal Utah Rules of Evidence and Discovery do not apply; however, an informal exchange of relevant documents and other evidence may be required at the discretion of the Hearing Officer.
2. **Discovery Requests:** Discovery requests must be in writing directed to the opposing party. Failure to timely request discovery shall preclude a continuance to enable additional discovery or investigation.
3. **Personal Information Protected:** A complainant's personal identifying information is protected and shall not be released unless the complainant is a witness at the hearing.
4. **Burden Of Proof:**

- a. The City bears the burden of proof at a Code enforcement hearing requested to substantively challenge a request for compliance.
 - b. At a hearing challenging the denial of a notice of compliance the responsible ~~person(s)~~-party will bear the burden of proof and persuasion with respect to the claim that a notice of compliance should be issued.
 - c. In a Code enforcement hearing requested to review the costs associated with an involuntary abatement, the responsible ~~person~~-party has the burden of proof that one or more costs were improper or excessive.
 - d. In any hearing on a motion to set aside a default judgment, the responsible ~~person~~-party has the burden of proof to show good cause.
5. Standard Of Proof: The standard of proof to be used by the Hearing Officer in deciding any issue at a Code enforcement hearing is the preponderance of the evidence. A preponderance of the evidence shows what is more likely than not.
 6. Activities Allowed To Support Case: Each party shall have the opportunity to cross examine witnesses and present evidence in support of his or her case. If approved in advance by the Hearing Officer, testimony may be given by telephone or other electronic means.
 7. Hearings Open To Public: All hearings are open to the public. Hearings shall be recorded to enable verbatim transcripts to be prepared as needed.
 8. Representation By Attorney: The responsible ~~person~~-party may be represented by an attorney. If an attorney will be representing the responsible ~~person~~-party at the hearing, notice of the attorney's name, address, and telephone number must be given to the City's Code Enforcement Program-Compliance Division Office at least seventy-two (72) hours prior to the hearing. If timely notice is not given, and an attorney appears for a responsible ~~person~~-party, the hearing will be continued at the City's request, and any costs of the continuance will be assessed to the responsible ~~person~~-party.
 9. Fee Refund If Violation Dismissed: If the Hearing Officer dismisses the request for compliance entirely, the hearing fee shall be refunded to the responsible ~~person~~-party who paid it.
- D. Failure To Attend Code Enforcement Hearing: Any responsible ~~person~~-party named in a request for compliance who fails to appear at a duly noticed hearing is deemed to waive the right to a hearing, which will result in a default judgment entered for the City as to that responsible ~~person~~-party.

1-16B-8: DEFAULT JUDGMENTS:

- A. Entry Of Default Judgment; Hearing Officer To Issue: If a responsible ~~person~~ **party** fails to timely request a Code enforcement hearing or, once requested the responsible ~~person~~ **party** fails to attend the hearing, default judgment will be entered by the Hearing Officer imposing the relief requested in the request for compliance and assessing fees, costs and penalties as appropriate. The ~~enforcement~~ **compliance** official shall seek the appointment of a Hearing Officer to review and enter the default judgment.
- B. Effect Of Default Judgment: Except as provided for in subsection D of this section, a default judgment is a final order and may not be appealed through the City or through the courts. Following the issuance of a default judgment, the City may forthwith proceed to involuntarily abate a real property violation and may commence a collection action in District Court to recover accrued and unpaid fees, penalties and costs approved in the default judgment.
- C. Service Of Default Judgment: A copy of a signed default judgment shall be served on all applicable responsible ~~persons~~ **party** promptly following signing by the Hearing Officer.
- D. Motion To Set Aside Default Judgment: Within fifteen (15) **business** days following service of a default judgment in favor of the City, a responsible party may prepare and submit a written request that the default judgment be set aside. The moving party will have the burden of proof and persuasion. The Hearing Officer may set aside the default judgment if good cause is shown. If the Hearing Officer decides to set aside a default judgment, the Hearing Officer shall cause a Code enforcement hearing to be scheduled and noticed according to the requirements of this article.
- E. Decision Of Hearing Officer Final: The decision of a Hearing Officer to decline or set aside a default judgment is final and non-appealable.

1-16B-9: ADMINISTRATIVE HEARING OFFICER:

- A. Authority To Hold Hearings: The Hearing Officer has the authority to hold hearings, determine if violations of this Code exist, order compliance with this Code, and enforce compliance with this Code as provided in this article.
- B. Authority To Continue Hearings: The Hearing Officer may continue a hearing to a later time or date.
- C. Subpoenas: The Hearing Officer, 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 and mileage fees, as provided in Utah Code, shall be borne by the party requesting the subpoena.
- D. Continuing Jurisdiction: The Hearing Officer has continuing jurisdiction over the subject matter of a Code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing a Code enforcement order, by using any

remedies available under the law; all to aid in obtaining compliance with that order, which includes the right to authorize the City to enter and abate a property violation; modifying a Code enforcement order; or, where extraordinary circumstances exist, granting a new hearing. The Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to effect compliance with the Code enforcement order.

- E. Involuntary Abatement: The Hearing Officer may order the City to enter the property and abate all violations, which may include, but is not limited to removing animals **in accordance with county animal services requirements** or other property in violation of this Code.
- F. License/Permit Revocation: The Hearing Officer may revoke a permit or license, including but not limited to those permits and licenses described in sections 1-16B-10, 1-16B-14, and 1-16B-19 of this article.
- G. Conditional Penalty Abatement: The Hearing Officer may condition the total or partial assessment of civil penalties on the responsible ~~person's~~ **party's** ability to complete compliance by specified deadlines.
- H. Performance Bond: The Hearing Officer may order the responsible ~~person~~ **party** to post a performance bond to ensure compliance with the order.

1-16B-10: CODE ENFORCEMENT ORDERS:

- A. Stipulated Agreement: The City may enter into a stipulated agreement with the responsible ~~person(s)~~ **party** to resolve the issues of a request for compliance without a hearing. This agreement shall be accepted by the Hearing Officer and entered as the Code enforcement order resolving the request for compliance. Entry of this agreement as a Code enforcement order shall constitute a waiver of the right to a hearing and waiver of the right to appeal to District Court.
- B. Issuance Of Order: Within thirty (30) business days after completion of the Code enforcement hearing, the Hearing Officer shall issue a Code enforcement order that affirms, modifies or rejects the request for compliance, in whole or in part. The Hearing Officer may reduce, not increase, the total amount of fees, penalties and costs that are due pursuant to this article and on the City's fee schedule.
- C. Enter And Abate: The Hearing Officer may order the City to enter the property and abate all violations, which may include removing animals **in accordance with county animal services requirements** kept in violation of this Code.
- D. Animals: The Hearing Officer may revoke a kennel permit, an animal license, or the right to possess animals as provided in this Code.
- E. Ability To Complete Compliance: As part of the Code enforcement order, the Hearing Officer may condition the total or partial assessment of civil penalties on the

responsible ~~person's~~ **party's** ability to complete compliance by specified deadlines.

- F. Subsequent Hearings: The Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the Code enforcement order.
- G. Performance Bond: The Hearing Officer may order the responsible ~~person~~ **party** to post a performance bond to ensure compliance with the order.
- H. Final Order: The Code enforcement order shall become final on the date the Hearing Officer signs the order.
- I. Service: The Code enforcement order shall be served on all parties pursuant to section 1-16B-3 of this article.

1-16B-11: FAILURE TO COMPLY WITH CODE ENFORCEMENT ORDER:

If the responsible ~~person~~ **party** fails to comply with the terms and deadlines set forth in the Code enforcement order, the City may use all appropriate legal means to enforce the Code enforcement order and to recover the fees, penalties and costs associated therewith.

1-16B-12: APPEAL OF CODE ENFORCEMENT ORDER:

- A. Judicial Review: Any person adversely affected by any final Code enforcement order issued following a Code enforcement hearing, except an enforcement order upholding the denial of a notice of compliance, may file a petition for review of the Code enforcement order in the District Court within thirty (30) days after the date of the Code enforcement order.
- B. No Judicial Review:
 - 1. The decision of a Hearing Officer upholding a denial of a notice of compliance is final and non-appealable.
 - 2. A default judgment and a decision by a Hearing Officer to deny a motion to set aside a default judgment are final and non-appealable.
- C. Exhaustion Of Administrative Remedies: No person may challenge in District Court a Code enforcement order until that person has exhausted his or her administrative remedies.
- D. Obtaining The Administrative Record For Judicial Review: Within thirty (30) days after submitting a petition for review in the District Court, the party petitioning for judicial review shall request a copy of the record of the Code enforcement hearing, including transcripts if required by the District Court. The City shall not submit copies of files or transcripts to the reviewing court until the party petitioning for judicial review has paid all required copying and transcription costs. The petitioning party's failure to properly

arrange for copies of the record, or to pay the full costs for the record, within sixty (60) days after the petition for review was filed shall be grounds for dismissal of the petition. The City shall have an additional sixty (60) business days from the date of request to prepare and submit the requested file and/or transcript.

- E. Possible Remand Back To City: If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, and there is no other reliable record of the Code enforcement hearing otherwise available, the District Court may, in its discretion, remand the matter back to the City for a supplemental proceeding to create a usable record.
- F. District Court Review On The Record: The District Court's review is limited to the evidence in the record of the Code enforcement order that is being reviewed, and not a new trial or hearing on the facts or evidence. The court shall not accept nor consider any evidence that is not part of the City's record.
- G. Scope Of District Court Review; Burden Of Proof: The District Court shall:
 - 1. Presume that the Code enforcement order(s) on review is valid; and
 - 2. Review the record to determine whether or not the evidence available to the Hearing Officer shows that the order was arbitrary, capricious, or illegal.
 - 3. The petitioner for review has the burden of proof before the District Court.

1-16B-13: RECORDATION OF NOTICES AND ORDERS:

- A. Purpose: The City finds that there is a need for alternative methods of enforcement for violations of this Code that are found to exist on real property. The City further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of ~~notices of violation~~ judgments and/or Code enforcement orders. The recordation against the subject property shall be in addition to criminal, civil, or any other remedies established by law that may be pursued to address the violation.
- B. Authority: The ~~enforcement~~ compliance official is authorized to record the ~~request for compliance~~, default judgment, and/or the Code enforcement order against the subject property in the Davis County Recorder's Office.
- C. Procedures For Recordation:
 - 1. If a violation continues to exist on real property after the deadline established in the request for compliance, and no request for a Code enforcement hearing has been filed, the ~~enforcement~~ compliance official may record the ~~request for compliance~~ and/or default judgment and/or the Code enforcement order.
 - 2. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, ~~a copy of the request for compliance, and a copy of~~

the ~~judgment and/or~~ Code enforcement order.

~~3. The recordation is not a lien against the property but acts as a notice to future interested parties concerning any continuing violation found upon the property.~~

D. Notice Of Recordation: A notice of the recordation shall be served on the responsible ~~person(s)~~ ~~party~~.

E. Cancellation Of Recorded Notice ~~Judgment and/or Code enforcement~~ Order: If a notice of compliance is issued, the ~~enforcement-compliance~~ official may record the notice with the County Recorder's Office. Recordation of the notice of compliance shall have the effect of updating and nullifying the previously recorded ~~request for compliance-judgment and/or~~ Code enforcement order to which it applies.

1-16B-14: PROHIBITION AGAINST ISSUANCE OF MUNICIPAL PERMITS:

During the pendency of any unresolved request for compliance, the City may withhold from the responsible ~~person(s)~~ ~~party~~: a) business licenses; b) permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, and permits pertaining to the use and development of the real property or the structure; and c) other permits or licenses that may otherwise be sought from the City. The City may withhold requested permits until a notice of compliance is issued.

1-16B-15: PERFORMANCE BONDS:

A. As part of any notice, order, or action, the Hearing Officer has the authority to require responsible ~~persons~~ ~~party~~ to post a performance bond to ensure compliance with this Code, applicable State codes, or any judicial action.

B. If the responsible ~~person~~ ~~party~~ fails to comply with the notice, order, or action, the bond will be forfeited to the City. The bond will not be used to offset the other outstanding costs and fees associated with the case. (Ord. 2018-03, 3-27-2018;

1-16B-16: ~~ABATEMENT AND~~ EMERGENCY ~~ABATEMENT~~ PROCESSES:

A. Abatement Of Violation: Any condition caused, maintained, or permitted to exist in violation of any provisions of this Code may be involuntarily abated by the City pursuant to the procedures set forth in this article.

B. ~~Enforcement-Compliance~~ Official Authority: The ~~enforcement-compliance~~ official is authorized to enter upon any property or premises to involuntarily abate any violation of this Code consistent with the provisions of this article. The ~~enforcement-compliance~~ official may assess all costs incurred by the City for the abatement to the responsible ~~person(s)~~ ~~party~~ and use any remedy available under the law to collect such costs. If additional abatements for the same or substantially similar Code violations are necessary within one year of the date of any default judgment or Code enforcement order, the

~~enforcement~~-compliance official may assess treble costs against the responsible ~~person(s)~~-party for the subsequent abatement(s).

C. Requirements For Involuntary Abatement:

1. Whenever the ~~enforcement~~-compliance official determines that an imminent hazard exists, with approval from the City Manager or his or her designee, the ~~enforcement~~-compliance official may issue an emergency order directing one or more of the following actions be taken:
 - a. Order the immediate vacation of any owners, tenants and occupants, and prohibit occupancy until all imminent hazards have been corrected;
 - b. Post the premises as unsafe, substandard, or dangerous;
 - c. Board, fence, or secure any building or site;
 - d. Raze and grade the premises to the extent necessary to remove any imminent hazard to the general public;
 - e. Make emergency repairs; or
 - f. Take any other action appropriate to eliminate or protect the public against an imminent hazard.
 2. This emergency order, together with a request for compliance, shall be served on the responsible ~~person(s)~~-party in accordance with section 1-16B-3 of this article, at or before the time the ordered actions are to take place.
 - a. The ~~enforcement~~-compliance official has the authority, based on probable cause, to direct City personnel, including those contracted to perform work at the direction of the City, to enter the property without a search warrant or court order to accomplish the above listed acts to abate the imminent hazard.
 - b. The responsible ~~person~~-party shall be liable for all costs associated with the abatement of the imminent hazard. Costs may be recovered pursuant to this article through procedures set forth herein or through a court of competent jurisdiction.
 - c. The ~~enforcement~~-compliance official shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard.
 - d. The ~~enforcement~~-compliance official may also pursue any other administrative or judicial remedy to abate any remaining violations.
- D. Notice: After an emergency abatement, the City shall notify the responsible ~~person~~-party of the abatement action taken, the itemized costs, and the location of any seized and removed personal property. This notice shall be served as soon as possible, but no more

than ten (10) business days of completion of the involuntary abatement.

- E. Request For Hearing: The responsible ~~person(s)~~ party may request a Code enforcement hearing pursuant to and in accordance with section 1-16B-7 of this article to challenge the costs of an involuntary abatement. If timing of the emergency actions results in the notice of abatement being issued and served prior to a requested Code enforcement hearing under the request for compliance, the hearing on the merits of the request for compliance can be consolidated with any requested hearing under this subsection to challenge a cost or abatement action.

1-16B-17: NONEMERGENCY ABATEMENT:

If the responsible ~~person~~ party fails, within the time provided in the Code enforcement order, to abate a property related violation after a Code enforcement order or default judgment is issued directing that such abatement take place, the City may abate the violation.

- A. Right Of Entry; Performance By Contractor: City personnel, or a private contractor acting under the direction of the City, may enter upon private property in a reasonable manner to abate any Code violation as specified in a Code enforcement order.
- B. Abatement By Responsible ~~Person~~ Party: If the City undertakes preparatory or other steps to perform an involuntary abatement pursuant to a Code enforcement order or on an emergency basis, but the responsible ~~person~~ party proceeds on ~~his~~ their own to abate the violation before the City completes the actual abatement, the City may still assess all costs incurred by the City in undertaking preparatory or other steps to abate the violation to the responsible ~~person(s)~~ party.
- C. Itemized Account: When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the City. The report shall contain the names and addresses of the responsible ~~person~~ party, the owner of each parcel, and the tax parcel numbers.
- D. Notice: The ~~enforcement~~ compliance official shall notify the responsible ~~person(s)~~ party of the abatement action taken by the City. The notice shall be served within ten (10) business days of completion of the abatement and shall include a description of the work performed and an itemized accounting of costs, and shall demand full payment of all abatement costs, within twenty (20) days of the date of the notice, to the City.
- E. Abatement Cost Hearing: Within ten (10) business days of the notice provided for in subsection D of this section, the responsible ~~person(s)~~ party may request a Code enforcement hearing pursuant to and in accordance with section 1-16B-7 of this article, to contest the costs of the abatement, and the Hearing Officer shall schedule and hold such a hearing according to the requirements of this article.

1-16B-18: DEMOLITIONS:

- A. Authority: Whenever the ~~enforcement~~ compliance official, building official, or Fire Marshal determines that a property or building requires demolition, any one of them may

demolish or remove the offending structure, exercise any and all powers listed in section 1-16B-16 of this article once appropriate notice has been given to a responsible ~~person-~~~~party~~ pursuant to the Uniform Abatement of Dangerous Buildings Code or Fire Codes as required in the Utah Code. The responsible ~~person-~~~~party~~ shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this title.

- B. Procedures: Once the ~~enforcement-~~~~compliance~~ official has determined that the building official or the Fire Marshal has complied with all of the notice requirements of the applicable law, the property will be abated pursuant to the abatement remedy. Other applicable remedies may also be pursued.

1-16B-19: NON-PROPERTY RELATED EMERGENCY LICENSE SUSPENSION OR REVOCATION, EMERGENCY CEASE AND DESIST ORDERS:

- A. Authority: With approval from the City Manager or his or her designee, an ~~enforcement-~~~~a~~~~compliance~~ official may issue an order suspending or revoking a license or permit and/or an emergency cease and desist order on an emergency basis if:

1. Credible facts known by, or presented to, the ~~enforcement-~~~~compliance~~ official show an imminent hazard; and
2. The imminent hazard requires immediate action by the City.

- B. Requirements: In issuing an emergency order, the ~~enforcement-~~~~compliance~~ official shall:

1. Limit the emergency order to require only the action necessary to prevent or avoid the danger to the public health, safety, or welfare;
2. Issue a written order, effective immediately, that includes a brief statement of findings of fact, conclusions of law, and reasons for the ~~enforcement-~~~~compliance~~ official's utilization of emergency proceedings; and
3. Serve the emergency order together with a request for compliance on the ~~persons-~~~~party~~ who are required to comply with the order.

1-16B-20: CIVIL PENALTIES AND INJUNCTIONS:

- A. Assessment:

1. Any ~~person-~~~~party~~ violating any provision of this Code may be subject to the assessment of civil penalties for each violation, except civil penalties 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 outstanding civil penalties, costs and/or unpaid fee balances, compounded monthly, until the penalties have been paid in full.

3. Civil penalties for violations of any provision of this Code or Utah Code shall be assessed pursuant to the City's consolidated fee schedule or as otherwise expressly provided in this Code.
 4. If a responsible ~~person~~-party fails to comply with a request for compliance within the time stated, civil penalties shall accrue as of the date of the request for compliance and shall continue to accrue and be owed to the City for each and every subsequent day of violation in accordance with the City's consolidated fee schedule.
- B. Failure To Pay Penalties: The failure of any ~~person~~-party 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.
- C. Civil Injunctions: In addition to any other remedy provided under this Code or State codes, including criminal prosecution or administrative remedies, any provision of this Code may be enforced by injunction issued in the District Court upon suit brought by the City.

1-16B-21: RECOVERY OF FEES AND COSTS:

- A. Purpose:
1. The City finds that there is a need to recover costs incurred by ~~enforcement~~-compliance officials and other City personnel who spend considerable time inspecting and re-inspecting properties throughout the City in an effort to ensure compliance with this Code.
 2. The City further finds that the assessment of costs in addition to penalty assessments is an appropriate method to recover expenses incurred for actual costs of abating violations, performing re-inspections, retaining attorneys, preparing for and conducting hearings, title searches, and any additional 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 civil penalties.
- B. Assessment Of Re-Inspection Fees: Notification of re- inspection fees and costs shall be described on the request for compliance.
- C. Filing Fees: A request for hearing for any of the permitted purposes under this article shall be accompanied by a filing fee as prescribed in the City's consolidated fee schedule.
- D. Failure To Timely Pay Filing Fees And Costs: The failure of any ~~person~~-party to pay assessed costs or filing fees by the deadline specified in this Code or in a City invoice will result in interest at the default rate provided in the Utah Code being added and compounded monthly. Failure to pay a filing fee when due will result in no hearing being scheduled.

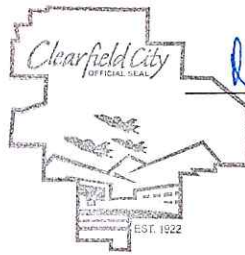
- E. Statement Of Intent Regarding Recovery Of Code Enforcement Penalties And Costs Through Liens And Collection Actions: The City finds that recordation of Code enforcement tax liens will assist in the collection of penalties, fees and costs and otherwise achieve compliance with this Code. The City further finds that collection of civil penalties and assessed costs is important in deterring future violations and maintaining the integrity of this Code. The procedures established in this article shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of this Code.
- F. Procedures For Tax Liens Without A Judgment:
1. The City Manager or his or her designee is authorized to record with the County Treasurer a Code enforcement tax lien against real property for the accrued fees, penalties and costs incurred during a City performed abatement.
 2. The failure of any ~~person~~ party with a legal or financial interest in the property to actually receive the notice of Code enforcement tax lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding penalties, costs and fees associated with an abatement.
- G. Cancellation Of Code Enforcement Tax Lien: Once payment in full is received for the outstanding penalties and assessed costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the City shall either record a notice of satisfaction against the same property or provide the property owner with the notice of satisfaction to be recorded. The notice of satisfaction shall include the same information as provided for in the original Code enforcement tax lien. Such notice of satisfaction shall cancel the Code enforcement tax lien.
- H. Procedures For Tax Liens With A Judgment: Once a civil judgment has been obtained from the appropriate court approving fees, penalties and costs against the responsible ~~person(s)~~ party, the City may record that judgment as a Code enforcement tax lien against any real property owned by the responsible ~~person(s)~~ party.
- I. Recovery Of Costs Through Judicial Writs: After obtaining a civil judgment awarding fees, penalties and/or costs, the City may enforce the judgment by use of all appropriate legal means, including, but not limited to, garnishment of wages and accounts and foreclosure on real and personal property.

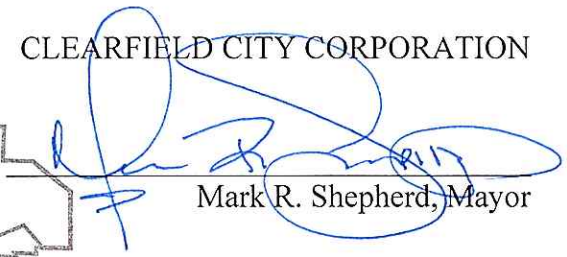
Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: This Ordinance shall become effective immediately upon its posting in three public places within Clearfield City.

DATED this 10th day of March, 2026, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION




Mark R. Shepherd, Mayor

ATTEST


Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE: Councilmembers King, Peterson, Ratchford

NAY: None

ABSTAIN: Councilmember Thompson