

KEARNS CITY COUNCIL

ORDINANCE NO. 2026-O-12

DATE: JULY 13, 2026

**AN ORDINANCE OF THE KEARNS CITY COUNCIL AMENDING AND REPLACING
SECTION 2.04.150 OF THE KEARNS MUNICIPAL CODE TO PROVIDE FOR CITY
COUNCIL'S CREATION OF COMMITTEES, GOVERNANCE, AND MEMBERSHIP
APPOINTMENT AND REMOVAL POWERS**

WHEREAS, the Council under a five-member council form of government is the legislative body and exercises the legislative powers and performs the legislative duties and functions of the City as provided in Utah Code § 10-3b-105; and

WHEREAS, the Council shall exercise any executive or administrative power and perform or supervise the performance of any executive or administrative duty not given to the Mayor pursuant to Utah Code § 10-3b-403 and Kearns Municipal Code Section 2.04.080; and

WHEREAS, the Council may by ordinance create city committees to assist in the function of city business, broaden input into important areas of civic interest, and promote the general welfare by exploring and increasing public involvement; and

WHEREAS, the Council adopted Ordinance 2026-O-03 on April 13, 2026, amending Chapter 2.56 of the Kearns Municipal Code to establish the Kearns Community Committee for the purposes of planning and implementing the City's planned annual civic events; and

WHEREAS, the Council anticipates the creation and establishment of other city committees as authorized in Kearns Municipal Code Section 2.04.150; and

WHEREAS, each Council member shall make at least one appointment or reappointment of a member to an established city committee; and

WHEREAS, the Council adopted Rules of Order and Procedure and Code of Conduct provisions for the Council, and intends to adopt similar provisions for its committees as recommended therefrom; and

WHEREAS, the Council may exercise its authority to appoint and remove appointed members to a city committee at its sole discretion and without cause.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE KEARNS CITY COUNCIL
AS FOLLOWS:

1. Amendment: Section 2.04.150 of the Kearns Municipal Code is repealed in its entirety and replaced with the language hereto as **Exhibit 1**.

2. Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional, then such portion of this ordinance, or specific application of this ordinance is unconstitutional or invalid, then such portion of this ordinance, or specific application of this ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Direction to Mayor and Staff: The Mayor and staff are authorized and directed to take such steps as may be needed: (a) for this resolution to become effective under Utah law; and (b) to finalize and post the resolution to MuniCode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.
4. Effective Date: This Ordinance shall become effective immediately upon its posting.

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 13th day of July 2026.

[Execution on following page]

CITY OF KEARNS

By: _____
Jesse Valdez, Mayor

ATTEST

Diana Baun, City Recorder

City Council Vote as Recorded:

Council Member Butterfield	voting	_____
Council Member Colby, Jr.	voting	_____
Council Member Longtin	voting	_____
Council Member Schaeffer	voting	_____
Mayor Valdez	voting	_____

(Complete as Applicable)

Date ordinance summary was posted to the City of Kearns' website, the Utah Public Notice website, and in a public place within the City of Kearns per Utah Code §10-3-711: _____

Effective date of ordinance: _____

**SUMMARY OF
KEARNS CITY COUNCIL
ORDINANCE NO. 2026-O-12**

On July 13, 2026, the Kearns City Council enacted Ordinance No. 2026-O-12, which replaces and amends Section 2.04.150 of the Kearns Municipal Code to provide for the creation of committees and appointment and removal of members on city committees.

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 13th day of July 2026.

CITY OF KEARNS

By: _____
Jesse Valdez, Mayor

ATTEST

Diana Baun, City Recorder

City Council Vote as Recorded:

Council Member Butterfield	voting	_____
Council Member Colby, Jr.	voting	_____
Council Member Longtin	voting	_____
Council Member Schaeffer	voting	_____
Mayor Valdez	voting	_____

A complete copy of Ordinance No. 2026-O-12 is available I the office of the Kearns City Recorder located at 860 W. Levoy Dr., Suite 300, Taylorsville, UT 84123

EXHIBIT 1

CHAPTER 2.04.150 Additional Committees – Meetings – Governance – Member Appointment, Removal or Resignation

- A. The Council may establish committees as it deems appropriate to address the needs and recognize the benefits of volunteer service, community involvement, and citizen outreach and interaction. The Council may provide for and establish any committee, including but not limited to, its name, purpose, duties, membership, staff support, member responsibilities and duties, rules of order and procedure, council action and interactions with the Council, and related governance matters, including the appointment and removal of committee members. The Council may also convene meetings at any time for the purpose of study, discussion, investigations, formal hearings, or inquiries, workshops, training, or presentations by or responses from citizens or other interested persons or groups.
- B. No official action may be taken in committee meetings other than the adoption of nonbinding recommendations to the Council, except as otherwise authorized by city code or in accordance with state law.
- C. Committee meetings shall be open to the public in accordance with state law and public notice shall be given of all committee meetings in the same manner as required for any other regular, special, or emergency meetings.
- D. Committee meetings shall be conducted in accordance with the rules of order and procedure created and recommended by the committee and approved by the Council. Any committee member's failure to comply with the committee's rules of order and procedure, code of conduct, or bylaws are grounds for removal from the committee.
- E. The committee shall meet monthly or as often as it deems necessary, but not less than quarterly. All meetings will be subject to the Utah Open and Public Meetings Act and Government Records Access and Management Act.
- F. The committee shall create its own set of bylaws or code of conduct for the purpose of conducting its business. The bylaws or code will be subject to approval by the Council and shall also include the requirement and procedure for having and selecting a Committee Chair and Vice-Chair.
- G. The Council shall have the right to appoint the members of any committee and may remove any appointed member at any time at its sole discretion and without cause by a majority vote of the Council.
- H. Committee members shall be considered volunteers of the City and not employees, officials, or officers of the City pursuant to the provisions of the Utah Governmental Immunity Act, Utah Code § 63G-7-101, et seq., in any civil action that may arise within

the course and scope of the performance of duties under this chapter.

- I. A member of a committee may resign at any time by giving written notice of such resignation to the chair. The resignation shall be recorded in the meeting minutes. Any vacancy during a member's term shall be filled in the same manner as a regular appointment and the person appointed shall serve the remainder of the unexpired term.

KEARNS CITY COUNCIL

ORDINANCE NO. 2026-O-08

DATE: July 13, 2026

AN ORDINANCE OF THE KEARNS CITY COUNCIL ADOPTING AN OFFICIAL CITY MAP

WHEREAS, Utah Code §§ 10-20-102(54) and 10-20-408 collectively authorize the City of Kearns (“**Kearns**”) to adopt an official map as an element of the Kearns General Plan; and

WHEREAS, pursuant to Utah Code §§ 10-20-204 and 10-20-405, the Kearns Planning Commission held public hearings regarding a proposed official map on June 1, 2026, and July 6, 2026; and

WHEREAS, after a public hearing held on July 6, 2026, the Planning Commission voted to favorably recommend that the Kearns City Council (“**Council**”) adopt the proposed map as the City’s official map, subject to the inclusion of the following changes: (a) remove the reference to “Smart Kids Daycare”; (b) remove school names; (c) remove certain addresses; (d) depict playgrounds in the parks; (e) indicate the location of the Kearns Veterans Memorial; and (f) make corrections to the color of Oquirrh Park (collectively, the “**Recommended Changes**”); and

WHEREAS, after reviewing the proposed map, the Council desires to adopt the map as the official map for Kearns and to include the map as an element of the Kearns General Plan, subject to the inclusion of the Recommended Changes.

NOW, THEREFORE, BE IT ORDAINED by the Kearns City Council that:

1. Adoption. The map attached to this ordinance is adopted as the official map of the City of Kearns and as an element of the Kearns General Plan, subject to the inclusion of the Recommended Changes.

2. Savings Clause. In the event one or more of the provisions of this ordinance is, for any reason, held to be unenforceable or invalid in any respect under applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

3. Direction to Mayor and Staff. The Mayor and staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; (b) to incorporate the Recommended Changes into the map; (c) to include the map with the Recommended Changes as an element of the Kearns General Plan; and (d) to finalize and post the ordinance and map to Municode, including but not limited to making non-substantive edits to correct any scrivener’s, formatting, and numbering errors.

4. Effective Date. This ordinance shall take effect on August 1, 2026.

ADOPTED AND APPROVED at a duly called meeting of the Kearns Council on this 13th day of July 2026.

CITY OF KEARNS

By: Jesse Valdez, Mayor

ATTEST:

Diana Baun, City Recorder

VOTING:

Council Member Colby	_____
Council Member Butterfield	_____
Council Member Longtin	_____
Council Member Schaeffer	_____
Mayor Valdez	_____

(Complete as Applicable)

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711:

Effective date of ordinance: _____

**SUMMARY OF
CITY OF KEARNS
ORDINANCE NO. 2026-O-08**

On July 13, 2026, the Kearns City Council adopted Ordinance No. 2026-O-08 to adopt an official map for the City of Kearns as an element of the Kearns General Plan.

CITY OF KEARNS

By: Jesse Valdez, Mayor

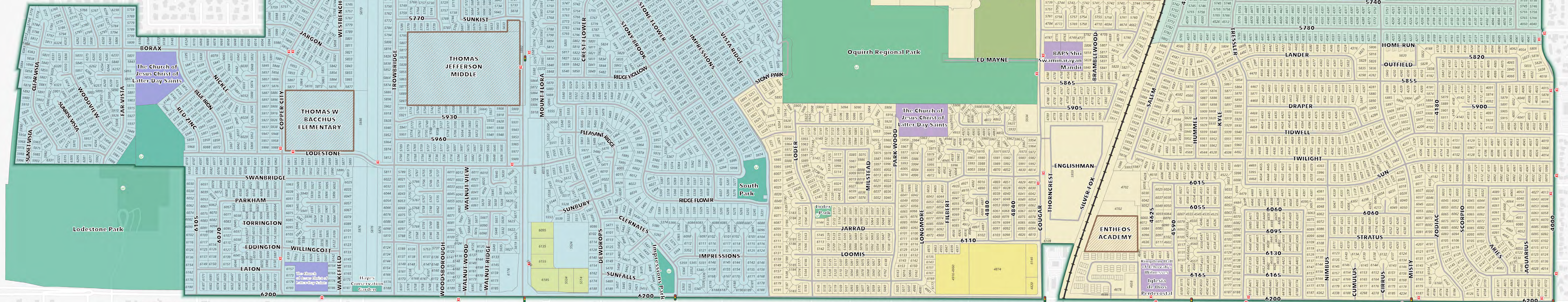
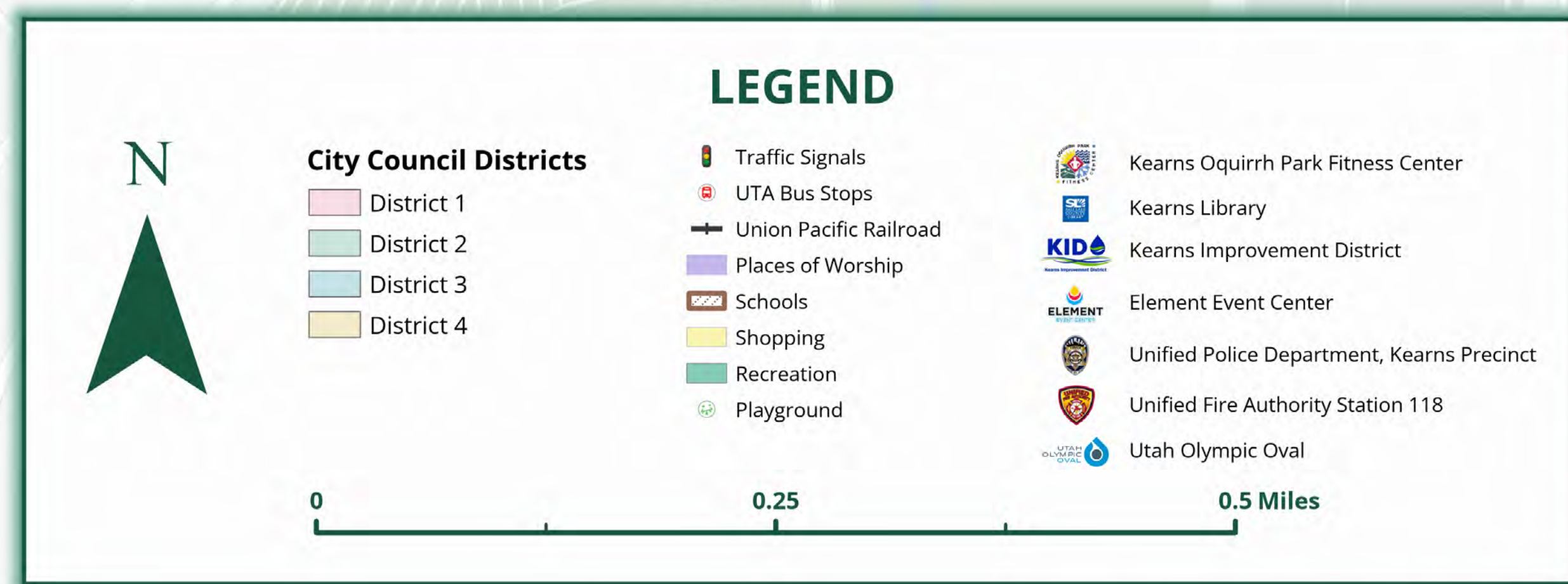
ATTEST:

Diana Baun
City Recorder

VOTING:

Council Member Colby	_____
Council Member Butterfield	_____
Council Member Longtin	_____
Council Member Schaeffer	_____
Mayor Valdez	_____

A complete copy of Ordinance No. 2026-O- 08 is available in the office of the Kearns City Recorder, 860 Levoy Drive, Suite 300, Taylorsville, Utah 84123.



KEARNS CITY COUNCIL

ORDINANCE NO. 2025-O-09

DATE: July 13, 2026

**AN ORDINANCE ADOPTING THE 2026-2027 FISCAL YEAR
FEE SCHEDULE FOR THE CITY OF KEARNS**

RECITALS

WHEREAS, the City of Kearns (“**Kearns**”) is a municipality and political subdivision of the state of Utah; and

WHEREAS, the Kearns City Council (“**Council**”) desires to adopt a new fee schedule for the 2026-2027 fiscal year pursuant to Section 3.42.060 of the Kearns Municipal Code, which states that all “fees or charges for services provided ... shall be set by the council;” and

WHEREAS, Kearns contracts with the Greater Salt Lake Municipal Services District (“**MSD**”) to provide its administrative, planning and development, business licensing, and code enforcement services (the “**Services**”); and

WHEREAS, the MSD Board of Trustees approved the attached fee schedule to cover the Services the MSD will provide to Kearns during the 2026-2027 fiscal year; and

WHEREAS, the Kearns Planning Commission held a duly noticed public hearing on July 6, 2026, to take public comment on those fees within the proposed 2026-2027 fee schedule that govern the development of land pursuant to Utah Code §§10-20-103(43) and 10-20-502; and

WHEREAS, the Kearns Planning Commission recommended that the Council adopt the fees within the proposed 2026-2027 fee schedule that govern the development of land, subject to the removal of fees related to canyons or other mountainous areas that are not located within the municipal boundaries of Kearns; and

WHEREAS, the Council desires to adopt the attached fee schedule for the 2026-2027 fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Council effective immediately that:

1. Adoption. The attached fee schedule is adopted as the Kearns fee schedule for the 2026-2027 fiscal year, subject to the removal of all fees related to short-term rentals because such rentals are not allowed under Kearns’s ordinances.

2. Filing. Kearns’s staff are authorized and directed to file this ordinance and the attached fee schedule with the Kearns City Recorder.

3. Direction to Mayor and Staff. The Mayor and staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law; and

(b) to finalize and post the “Fee Schedule” book in MuniCode, including but not limited to making non-substantive edits to correct any scrivener’s, formatting, and numbering errors.

4. Effective Date. This ordinance shall take effect as soon as it is posted pursuant to Utah Code §10-3-711, deposited, and recorded in the office of the Recorder for the City of Kearns.

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 13th day of July 2026.

CITY OF KEARNS

By: _____
Jesse Valdez, Mayor

ATTEST

Diana Baun, City Recorder

City Council Vote as Recorded:

Council Member Butterfield	voting	_____
Council Member Colby	voting	_____
Council Member Longtin	voting	_____
Council Member Schaeffer	voting	_____
Mayor Valdez	voting	_____

(Complete as Applicable)

Date ordinance summary was posted to the City of Kearns’ website, the Utah Public Notice website, and in a public place within the City of Kearns per Utah Code §10-3-711: _____

Effective date of ordinance: _____

SUMMARY OF

CITY OF KEARNS
ORDINANCE NO. 2026-O-09

On July 13, 2026, the Kearns City Council enacted Ordinance No. 2026-O-09 to adopt the City of Kearns' fee schedule for the 2026-2027 fiscal year, which will take effect immediately upon its posting pursuant to Utah Code §10-3-711.

CITY OF KEARNS

By: _____
Jesse Valdez, Mayor

ATTEST

Diana Baun, City Recorder

City Council Vote as Recorded:

Council Member Butterfield	voting	_____
Council Member Colby	voting	_____
Council Member Longtin	voting	_____
Council Member Schaeffer	voting	_____
Mayor Valdez	voting	_____

A complete copy of Ordinance No. 2026-O-09 is available in the office of the Kearns Recorder, 860 Levoy Dr., Suite 300, Taylorsville, Utah, 84123.



Fee Schedule for the City of Kearns

adopted July 13, 2026

effective date TBD by Ordinance

Contents

- Address Fees3
- Business License Fees3
 - General Business Licenses3
 - Short-term Rental Licenses4
 - Alcohol-Related Licenses4
 - Sexually-oriented Business Licenses.....4
- Building Permit Fees.....5
 - Reroofing Permit Fees.....5
 - Solar Power System Permit Fees5
 - Additional Inspection Fees.....6
 - Administrative Fees6
- Construction Valuation Tables.....6
 - Supplemental Construction Valuation Tables.....8
 - Building and Inspection Fee Calculation8
- Plan Check Fees8
- Stormwater Review & Stormwater Pollution Prevention Plans (SWPPP)8
 - Stormwater Review & Inspection Fees.....8
 - SWPPP Control Measures.....8
 - SWPPP Illicit Discharge Fines9
- Land Use Fees9
 - Permitted and Conditional Uses9
 - Subdivision and Land Development Permits10
 - Ordinance Adjustments.....10
 - Other Land Use Applications.....11
- Code Enforcement Fees.....12
 - Civil Penalties for Violation of Zone Regulations12
- Bond Administration Fees13
- Miscellaneous Service Fees13
- Engineering Fees.....14
 - Public Works – Engineering Special Events16
- Glossary of Terms17

The City of Kearns contracts with the Greater Salt Lake Municipal Services District ("MSD") to provide planning and zoning, building permit, business license, and code enforcement services. The MSD provides these services on behalf of and under the direction of the City of Kearns.

NOTE: Fees and Fines will be applied as approved and set forth in this schedule. The Director of Engineering, Chief Building Official or Director of Planning and Development may on occasion adjust fees/fines in unique circumstances up to \$1,500 per application. The MSD's General Manager may do the same up to \$5,000. These adjustments must be documented and reported on if requested. Adjustments over \$5,000 require approval of the governing body of the jurisdiction to which the application pertains.

Address Fees

Fee Type	Description	Amount
Assignment of Address	Provide address information on recorded subdivision plat and/or individual parcel/building addresses. Ensure assignments meet addressing standards and are suitable for mail delivery, public safety, utility services and general delivery of services.	\$100.00 base fee plus \$40.00 per lot ^a ; for multi-family units, \$40.00 for the first 8 units in addition to base fee and \$5 per unit for each unit over 8 units
Street Name Change	Confirm that petition includes the required signatures. Document street name change and address change for each property along street by filing an affidavit with the Salt Lake County Recorder's Office. Notify the property owner, Public Safety dispatch and the Salt Lake County Treasurer of the address/street name change.	\$250.00 base fee plus \$50.00 per lot

^a The per lot fee does not apply to Accessory Dwelling Units (ADU).

Business License Fees

General Business Licenses

Fee Type	Description	Amount
General Business License - Commercial Business	For commercial business locations. Includes inspections and verification of zoning compliance.	\$150.00
General Business License - Home-Based Business (simple)	For home-based businesses <u>without</u> on-site visitors and customers.	No Fee
General Business License - Home-Based Business	For home-based businesses with on-site visitors and customers. Includes inspections and verification of zoning compliance.	\$150.00
Per-employee Fee	Includes verification of EIN documentation.	\$6.00
Seasonal Business License	For business operations of up to 60 days per year. Includes inspections and verification of zoning compliance.	\$120.00
Solicitor ID	Includes photograph of applicant and issuance of ID card.	\$65.00
Accessory Dwelling Unit (ADU) License		\$50.00
Administrative Citation	Issued for operating a business without a license or with an expired license.	\$300.00

Notes regarding business license fees:

1. Withdrawn applications are subject to a charge of 25% of the fee amount.
2. Licenses must be renewed prior to the expiration date.
 - o Licenses renewed within 30 days of expiring will not be charged a penalty.
 - o Licenses renewed 31-60 days of expiring will be charged a penalty of 25% of the general license fee.
 - o Licenses renewed more than 60 days of expiring will be charged a penalty of 100% of the general license fee.

Short-term Rental Licenses

To the extent allowed under Municipal Code the following applies for the City of Kearns:

Fee Type	Description	Amount
Umbrella Short-term Rental License Fee - main license	Primary license for short-term rental management companies with multiple rental units/locations.	\$500.00
Umbrella Short-term Rental License Fee - per unit	Includes inspections and verification of zoning compliance.	\$50.00
Short-term Rental License Fee - homeowner	Short-term rental license for homeowners renting their primary residence. Includes verification of zoning compliance.	\$500.00

Alcohol-Related Licenses

Fee Type	Description	Amount
Off-Premise Beer Retailer		\$250.00
Recreational On-Premise Beer Retailer		\$350.00
Restaurant Liquor		\$500.00
Limited Restaurant Liquor		\$500.00
Beer-Only Restaurant		\$350.00
On-Premise Beer Tavern		\$350.00
Resort		\$500.00
Club Liquor		\$600.00
Banquet & Catering		\$500.00
Single Event		\$150.00
Wholesale Beer		\$300.00
Manufacturing		\$350.00

Alcohol-related business license applications are referred to local communities for consent and approval.

Sexually-oriented Business Licenses

Fee Type	Description	Amount
Sexually Oriented Business - Outcall Services	Includes inspections and verification of zoning compliance.	\$500.00
Sexually Oriented Business - excluding Outcall Services	Includes inspections and verification of zoning compliance.	\$300.00

Building Permit Fees

Building permits include necessary inspections. If additional inspections are required, applicants will be charged the reinspection fee for each additional visit. Most building permits will require a plan check fee in addition to the building permit fee. Plan check fees are listed separately.

Building permits and mechanical, plumbing & electrical permits will be charged a state surcharge equal to 1% of the permit fee.

Fee Type	Description	Amount
Building Permit – Minimum Fee		\$70.00
Building Permit - new construction	See below for valuation schedules	Varies ^a
Building Permit - addition or remodel	See below for valuation schedules	Varies ^a
Mobile Home Setup Permit		\$200.00
Mechanical, Plumbing & Electrical Permit	Includes on-site inspection of one system. Additional appliances and fixtures after the first will be charged the per-unit fee listed below.	\$70.00
Fee per additional appliance or fixture	Applies to each additional appliance, fixture, etc. inspected by inspector already on site.	\$20.00
Grading Permit		Varies ^b
Retaining Wall Permit		Varies ^c
Demolition Permit		Varies ^d
Window & Door Replacement – residential	Applies when no other work is being done.	\$70.00
Window & Door Replacement – commercial	Applies when no other work is being done.	Varies ^d

Reroofing Permit Fees

Fee Type	Description	Amount
Reroofing – residential roof with sheathing	Includes inspection of sheathing or decking.	\$125.00
Reroofing – residential roof without sheathing	Shingles only; no decking or sheathing.	\$75.00
Reroofing – small commercial	Commercial roof project under \$10,000 valuation.	\$150.00
Reroofing – medium commercial	Commercial roof project between \$10,000 and \$49,999 valuation.	\$175.00
Reroofing – large commercial	Commercial roof project \$50,000 valuation or higher.	\$250.00

Solar Power System Permit Fees

Fee Type	Description	Amount
Residential/Small Commercial Solar Permit – base fee	Applies to residential and commercial installations up to 20 kW. Does not include fees for required plan check.	\$100.00
Residential/Small Commercial Solar Permit – fee per kW	Additional fee based on size of installation. Does not include fees for required plan check.	\$30.00 per kW
Commercial Solar over 20 kW	Applies to larger commercial installations over 20 kW.	Varies ^e
Battery Storage System	Assumes that inspector is already on site for inspection of installation.	\$2.00 per battery

Additional Inspection Fees

Fee Type	Description	Amount
Reinspection		\$100.00
Pre-inspection	Inspections after a fire or disaster to determine extent of damage and permits needed for repairs.	\$70.00
Multi-unit Inspection		\$100.00
Overtime/After-hours Inspection		\$150.00 (Per hour)

Administrative Fees

Fee Type	Description	Amount
Cancellation of building permit	Applies when permit is cancelled before work commences	25% of permit fee (\$200 maximum)
Reinstatement Fee - general	Applies when permit has been expired for more than 30 business days:	50% of permit fee
Reinstatement Fee - final inspection	Applies when only final inspection is required, and permit has been expired for more than 30 business days.	50% of permit fee (\$200 maximum)
Building or grading without a permit, or violating a stop work order.	Base fee equal to \$250 for first offense, \$500 for second offense in 12 months, and \$1,000 for third offense in 12 months or 100% of the building permit fee, whichever is greater; plus daily fees commencing 15 business days after notice of violation has been issued if issue not resolved or permit has not been obtained.	Base fee ^b plus per day

^a Permit fees for new construction, additions and remodels are based on calculated square footage and the current ICC valuation tables (see below). When square footage determinations not practical or possible, permit fees will be based on applicant's declared valuation as reasonably determined by Director or Designee.

^b Permit fees for grading are based on the number of cubic yards of earth cut or filled
Base fee is \$243 for cut fill operations under 1400 cubic yards

^c Permit fees for retaining walls are based on the size of the project in lineal feet.

^d Permit fees for demolition and window/door replacement are based on declared valuation.

^e Permit fees for large solar installations are based on applicant's declared valuation as reasonably determined by Director or designee.

Construction Valuation Tables

The valuations below are used to determine construction valuations for building permit fee calculations. The valuations will be updated automatically as new standards are published by ICC, which is usually twice per year.

Square Foot Construction Costs ^{a, b, c}

Group (2024 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	357.33	344.89	333.96	321.01	300.49	291.98	310.03	280.47	269.61
A-1 Assembly, theaters, without stage	328.57	316.12	305.20	292.25	271.49	262.97	281.27	251.46	240.61
A-2 Assembly, nightclubs	277.44	269.30	260.84	250.89	234.99	228.61	242.28	213.69	205.58
A-2 Assembly, restaurants, bars, banquet halls	276.44	268.30	258.84	249.89	232.99	227.61	241.28	211.69	204.58
A-3 Assembly, churches	331.74	319.29	308.36	295.42	275.14	266.62	284.43	255.12	244.26
A-3 Assembly, general, community halls, libraries, museums	276.12	263.67	251.75	239.80	218.28	210.76	228.82	198.26	188.40
A-4 Assembly, arenas	327.57	315.12	303.20	291.25	269.49	261.97	280.27	249.46	239.61
B Business	309.01	297.89	287.04	274.77	250.17	241.34	264.17	223.59	213.27
E Educational	296.02	285.47	275.84	264.24	245.34	232.84	255.15	214.74	207.79
F-1 Factory and industrial, moderate hazard	169.11	160.95	150.84	145.13	129.25	122.95	138.37	107.18	99.77
F-2 Factory and industrial, low hazard	168.11	159.95	150.84	144.13	129.25	121.95	137.37	107.18	98.77
H-1 High Hazard, explosives	157.75	149.59	140.48	133.77	119.20	111.90	127.00	97.13	N.P.
H234 High Hazard	157.75	149.59	140.48	133.77	119.20	111.90	127.00	97.13	88.73
H-5 HPM	309.01	297.89	287.04	274.77	250.17	241.34	264.17	223.59	213.27
I-1 Institutional, supervised environment	283.25	273.10	263.35	253.39	231.93	225.70	252.86	208.88	201.43
I-2 Institutional, hospitals	485.04	473.91	463.07	450.80	425.24	N.P.	440.20	398.66	N.P.
I-2 Institutional, nursing homes	334.61	323.48	312.64	300.37	277.75	N.P.	289.77	251.17	N.P.
I-3 Institutional, restrained	325.77	314.64	303.80	291.53	269.89	260.06	280.93	263.64	230.99
I-4 Institutional, day care facilities	283.25	273.10	263.35	253.39	231.93	225.70	252.86	208.88	201.43
M Mercantile	207.08	198.94	189.48	180.53	164.30	158.91	171.92	143.00	135.89
R-1 Residential, hotels	286.53	276.38	266.63	256.68	234.71	228.48	256.15	211.66	204.20
R-2 Residential, multiple family	239.24	229.09	219.34	209.38	188.69	182.45	208.85	165.63	158.18
R-3 Residential, one- and two-family ^d	224.62	218.65	213.40	208.84	201.86	194.67	213.06	187.70	175.92
R-4 Residential, care/assisted living facilities	283.25	273.10	263.35	253.39	231.93	225.70	252.86	208.88	201.43
S-1 Storage, moderate hazard	156.75	148.59	138.48	132.77	117.20	110.90	126.00	95.13	87.73
S-2 Storage, low hazard	155.75	147.59	138.48	131.77	117.20	109.90	125.00	95.13	86.73
U Utility, miscellaneous	125.18	118.05	109.33	104.91	93.46	87.55	99.89	74.38	71.07

- a. Private Garages use Utility, miscellaneous
- b. For shell only buildings deduct 20 percent
- c. N.P. = not permitted
- d. Unfinished basements (Group R-3) = \$31.50 per sq. ft.

Supplemental Construction Valuation Tables

The supplemental valuations below may be updated annually as part of the annual fee approval process.

Construction Type	Unit	Valuation
Basements - Unfinished	Square Foot	As provided in the ICC valuation table footnote above
Basements - Finished	Square Foot	\$41.00
Decks (any type)	Square Foot	\$22.00
Carport/Covered Patio	Square Foot	\$22.00
Roof Conversions	Square Foot	\$22.00
Fence (any type)	Lineal Foot	\$20.00
Retaining Wall (any type)	Lineal Foot	\$59.00
Exterior Finish	Square Foot	\$5.00
Fire Sprinklers	Square Foot	\$6.00
Remodel/Alteration	Square Foot	\$39.00
Basement TI	Square Foot	\$28.00
Grading	Cubic Yard Cut and Fill	Equation
Tenant Improvements	Calculated	35% of the valuation for new construction
Shell Only	Calculated	80% of the valuation for new construction

Building and Inspection Fee Calculation

Building permit fees based on valuation are calculated based on the calculations below.

Construction Valuation	Fee
Less than and including \$2,000	\$70.00
\$2,001 to \$25,000	\$76.50 for the first \$2,000 plus \$16.50 for each additional \$1,000 or fraction thereof, to and including \$25,000. Example: Valuation of \$3,400 would be \$76.50 plus \$33.00 (\$16.50 x 2), or \$109.50
\$25,001 to \$50,000	\$456.00 for the first \$25,000 plus \$12.00 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$765.00 for the first \$50,000 plus \$8.50 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$1,181.00 for the first \$100,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,781.00 for the first \$500,000 plus \$5.50 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.
Over \$1,000,001	\$6,531.00 for the first \$1,000,000 plus \$4.50 for each additional \$1,000 or fraction thereof..

Plan Check Fees

Plan checks for building permits include up to **4** reviews. Additional reviews will be charged the hourly fee listed below.

Fee Type	Description	Amount
Plan Check Fee - residential construction	Provides for up to four reviews prior to building permit issuance. After four reviews or after the permit issuance, additional reviews are subject to the hourly plan check fee.	40% of building permit fee
Plan Check Fee - commercial construction	Provides for up to four reviews prior to building permit issuance. After four reviews or after the permit issuance, additional reviews are subject to the hourly plan check fee.	65% of building permit fee
Plan Check Fee - smaller projects	Includes residential solar plan check	\$150.00
Land Use Review Fee		\$110.00
Card File Plan Check Fee - single-family or duplex	Includes accessory structures.	\$175.00
Card File Plan Check Fee - multi-family residential		\$350.00
Plan Check Fee - hourly		\$80.00 per hour

Stormwater Review & Stormwater Pollution Prevention Plans (SWPPP)

Stormwater Review & Inspection Fees

Fee Type	Description	Amount
Stormwater Review – base fee	Base fee per project.	\$200.00
Stormwater Review – per-acre fee	Additional fee per acre after the first acre; applies when SWPPP required.	\$30.00
Floodplain Development Permit	Permit is required for any development within a mapped floodplain as required by FEMA.	\$75.00

SWPPP Control Measures

All penalties and fines may be doubled for a second or third offense. Violations may be referred to the District Attorney for further action.

Penalty Type	Description	Amount
Working without an approved stormwater permit	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$500.00
Tracking mud on road	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$300.00
Failure to clean up or report spills	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$250.00
Failure to conduct stormwater inspections	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$100.00
Failure to use general best management practices as determined by the authority	Per site, per occurrence and then for each business day beginning the day after the day on which fine was issued	\$250.00

SWPPP Illicit Discharge Fines

The table below lists illicit discharges common to construction and maintenance activities. It is a violation to discharge pollutants. The presence of BMPs does not excuse an illicit discharge.

Penalty Type	Description	Amount
Sediment	Per day per violation.	\$1,000.00
Cementitious Material	Per day per violation.	\$500.00
Paints and Solvents	Per day per violation.	\$500.00
Solid Waste	Per day per violation.	\$500.00
Sanitary Waste	Per day per violation.	\$2,000.00
Fuels	Per day per violation.	\$1,000.00
Fertilizers	Per day per violation.	\$500.00
Organics	Per day per violation.	\$250.00
Cleansers	Per day per violation.	\$500.00
Hazardous materials	Any illicit discharge may be assigned to this category depending on the impact. Per day per violation.	\$5,000.00

Land Use Fees

Permitted and Conditional Uses

Fee Type	Description	Amount
Building permit site plan	Over-the-counter staff review. Permitted uses not requiring separate land use permit.	\$110.00
Change of Use Permit	Over-the-counter staff review. Includes tenant changes and uses subordinate to an existing Conditional Use Permit.	\$110.00
Sign Permit	Over-the-counter staff review.	\$110.00
Business license review	Over-the-counter staff review.	\$110.00
Accessory Dwelling Unit	Includes limited agency review	\$175.00
Site Plan Review (less than 3 acres)	Includes agency review meeting and technical review.	\$990.00
Site Plan Review (3 acres or more)	Includes agency review meeting, technical review and Planning Commission meeting.	\$1,640.00
Minor Site Plan Amendments	Limited agency review	\$175.00
Residential Development (FCOZ)	Includes agency review meeting and technical review.	\$990.00
Simple Land Use Permit	Home daycare/pre-school, mobile store, condominium conversion, similar uses requiring limited staff review.	\$175.00
Other Conditional Use Permits	Commercial uses, residential uses, or signs needing conditional use approval. Includes agency review, technical review and Planning Commission meeting.	\$1,640.00

Subdivision and Land Development Permits

Fee Type	Description	Amount
Minor Subdivision (<5 lots)	Includes agency review meeting and technical review.	\$990.00
Major Subdivision (Single Phase)	Includes agency review meeting, technical review and Planning Commission meeting.	\$1,640.00
Major Subdivision with Multiple Phases (Includes Preliminary Plat and First Phase Final Plat)	Includes agency review meeting, technical review and Planning Commission Meeting	\$1,640.00
Final Plat Approval for Phases Two and Beyond	Includes Technical Review	\$535.00
Planned Unit Development (Preliminary approval and First Phase Final Approval/Plat)	Includes agency review meeting, technical review and Planning Commission meeting.	\$1,640.00
Final Planned Unit Development Approval for Phases Two and Beyond	Includes Technical Review	\$535.00
Subdivision amendments	Includes agency review meeting and technical review. In some cases, a Planning Commission and/or Mayors meeting is required. These fees will be added as needed based on the applicable fees in this fee schedule.	\$990.00
Simple Boundary Adjustment	Includes limited staff review.	\$110.00
Full Boundary Adjustments	Includes limited staff review. Applicable when amended plat not necessary.	\$175.00
Extension of Time	Includes review by Director.	\$275.00

Ordinance Adjustments

Fee Type	Description	Amount
Text Change	Includes Planning Commission meeting and Council meeting.	\$765.00
Zoning Map Change - minor	Changes less than 3 acres. Includes limited staff review, Planning Commission meeting and Council meeting.	\$940.00
Zoning Map Change - small	Changes 3 up to 10 acres. Includes agency review meeting, staff review, Planning Commission meeting and Council meeting.	\$1,755.00
Zoning Map Change - medium	Changes over 10 up to 50 acres. Includes agency review meeting, staff review, Planning Commission meeting, Council meeting, and General Plan fees.	\$1,755.00 plus \$200 per acre
Zoning Map Change - large	Changes over 50 up to 100 acres. Includes agency review meeting, staff review, Planning Commission meeting, Council meeting, and General Plan fees.	\$1,755.00 plus \$300 per acre
Zoning Map Change - Major	Changes over 100 acres.	To be determined by agreement between agency and applicant prior to acceptance of the application.

Other Land Use Applications

Fee Type	Description	Amount
Land Use Hearing Officer	Needed for appeal of decisions, variances, nonconforming use expansions, takings relief petition, etc.	\$1,000.00 ^a
Land Use Hearing Officer	Double fee if construction has started.	\$2,000.00
Administrative Determination	Requires Director review.	\$275.00
Special Exception to have Use violation declared legal	Planning Commission meeting.	\$650.00
Zoning Verification Letter	Base fee plus costs for research time.	\$25.00 base fee plus \$25.00 per hour
General Plan Amendment	Includes limited staff review, Planning Commission meeting, Council meeting, and General Plan fees.	\$2,440.00
Agency Review Meeting at applicants' request	Agency Review meeting that includes outside agencies.	\$455.00
Other applications requiring preliminary and/or technical review.	Up to 4 total review sessions. Additional charge if 4 total sessions exceeded for any application type.	\$535.00
Other applications requiring Planning Commission meeting	Planning Commission meeting.	\$650.00
Other applications requiring Council or Mayor's meeting	Council or Mayor's meeting.	\$115.00

^a For appeals, if the Land Use Hearing Officer finds in favor of the appellant then the fee shall be refunded less a \$100.00 administration fee.

Code Enforcement Fees

Fee Type	Description	Amount
Administrative Citation	All minor violations unless specified otherwise.	\$100.00 per violation
Appeal Fee	As provided for in 12.04.530 of Kearns code.	\$375.00 per appeal request
Civil Penalties	All violations of the code other than zoning violations and as otherwise prescribed in the code.	
	Violation per day for first 30 days.	\$100.00 per violation per day CE not enforcing
	Violation per day for days 31-60.	\$150.00 per violation per day CE is enforcing
	Violation per day over 60 days.	\$200.00 per violation per day CE not enforcing
Clean-up Fees	Administrative fee plus costs billed from Public Works or other contracted firm.	\$100.00 plus actual costs
Parking appeal fee	Can be recouped upon successful appeal	Cost of fine(s) on ticket (\$75 or \$150)
Parking Violation – minor	Violations under section 11.20.070, 11.20.080, 11.20.090 or 11.20.140	\$75.00 per violation
Parking Violation – major	Violations under section 11.20.070, 11.20.080, 11.20.090 or 11.20.140	\$150.00 per violation

Civil Penalties for Violation of Zone Regulations

Violation of the provisions of Title 19 of the City of Kearns Municipal Code shall result in civil penalties pursuant to the following schedule:

Type of Zone	Classification of Violation	Fine Per Day (after warning period)
Residential Zones R-1's R-2's R-4-8.5 RMH	Conditional use without a permit Other violations	\$75
	Non-permitted use Violation of permit for approval	\$150
Mixed Zones R-M NMU TC CMU	Conditional use without a permit Other violations	\$100
	Non-permitted use Violation of permit or approval	\$200
Commercial/Manufacturing Zones C's M's	Conditional use without a permit Other violations	\$150
	Non-permitted use Violation of permit or approval	\$300
Agricultural Zones A's	Conditional use without a permit Other violations	\$75
	Non-permitted use Violation of permit or approval	\$150
Other Zones PR PF PI	Conditional use without a permit Other violations	\$100
	Non-permitted use Violation of permit or approval	\$200
Overlay Zones AOZ	Violation of provisions	\$200

Each day a violation is continued or maintained after receipt of notice shall give rise to a separate civil penalty for each day of violation.

Bond Administration Fees

Fee Type	Description	Amount
Bond Processing Fee	Must be paid prior to acceptance of bond.	\$100.00
Bond Forfeiture	Will be called if improvements are not complete by expiration date.	Varies ^a
Deferred Curb and Gutter		Varies ^b
Bond Reinspection	Inspections required for partial bond release or if applicant fails bond inspections twice.	\$100.00
Overtime/After-hours Inspection		\$120.00 (Per hour)

^a Based on bond amount

^b Based on project size

Miscellaneous Service Fees

Fee Type	Description	Amount
Development Agreements		Varies ^a
Hourly Rate	Per hour fees for staff time not covered under specific fee types.	\$80.00 per hour
GRAMA	Time spent on research and compiling.	Actual cost ^b
Material Costs	Copies, maps, CDs, USB drives, etc.	Actual cost ^b
Research	Research related to administrative decisions, zoning compliance letters, or determination of legal status of a lot or parcel.	\$25.00 base fee plus \$25.00 per hour
Health Department Review	Activities performed by the Salt Lake County Health Department.	County fee ^c
Postage	For noticing mailings, postage is charged per meeting.	Actual cost ^b
Newspaper Notices	Notices of meetings before Councils.	Actual cost ^b
Candidate Filing Fee	Fee for Declaration of Candidacy in a Municipal Election	\$50.00
Failure to File Fee	Fee for failure to file required Campaign Finance Disclosures on time - per Utah State Code §10-3-208	\$50.00

^a Development agreements will be determined between local government agency and Applicant prior to acceptance of the application.

^b Customer will be charged actual costs of materials per MSD Records and Access and Management Policy.

^c Health Department fees will be charged as provided in the Salt Lake County Fee Schedule.

Engineering Fees

The fees below are collected by the MSD on behalf of the Engineering Division.

Right-of-Way Improvement Review & Inspection Fees		Amount
Replacement of existing improvements	Replacement of existing curb & gutter, sidewalk, and drive approach improvements in the same configuration.	No charge
Changes to improvements (existing curb & gutter)	Changes to sidewalks and drive approaches where curb & gutter are already present. Includes review and inspection by County. Design and staking by applicant.	\$20.00 base fee plus \$1.00 per linear foot
Changes to improvements (no existing curb & gutter or sidewalk)	Addition of curb & gutter, sidewalks, and/or drive approaches where no curb & gutter or sidewalk are present. Includes review and inspection by County. Design and staking by applicant.	\$150.00 base fee plus \$1.00 per linear foot
Changes to sidewalk (no existing curb & gutter or sidewalk)	Addition of sidewalk only. Includes review and inspection by County. Design and staking by applicant.	\$100.00 base fee plus \$1.00 per linear foot
Changes to drive approach (no existing curb & gutter or sidewalk)	Addition of drive approaches only. Includes review and inspection by County. Design and staking by applicant.	\$100.00 base fee plus \$0.50 per linear foot

Engineering Plan Check Fees		Amount
For Subdivision Development – Master Planning	Engineering check fee, reviewing master planning for subdivision development	\$500 plus \$50/dwelling unit or lot
For Subdivision Development – Final	Engineering check fee, final subdivision fee and plat filing for subdivisions	\$500 plus \$125/dwelling unit or lot
Amended Subdivision Plat		\$400.00
Non-Subdivision Development		\$1,000 plus \$500 per acre
Excavation Permit Fees		Amount
Excavation within asphalt or concrete		\$0.50 per square foot \$250 minimum
Excavation within dirt		\$0.25 per square foot \$125 minimum
Road Closures or Obstructions caused by Excavation Permits		\$50 per day per lane or partial lane closed or obstructed for more than 72 hours
Permit Extension		Fee equal to one-half of the original fee
Excavation Work Without Permit Penalty	A person found doing work in the public right-of-way without having obtained a permit shall be required to pay a penalty	Penalty Fee equal to two times the normal permit fee
Other Fees		Amount
Road Dedication (non-subdivision development)	Where required for street widening and improvements.	\$150.00
Street Sign	Includes sign and installation by MSD or contracted service provider	\$200.00

Geology/Natural Hazard Review Fees		Amount
Initial Site Assessment	Determination of whether project falls within boundaries of any mapped hazards.	\$200.00
Review of Technical Report	Coordination and review of third-party technical report.	Actual cost of third-party review plus \$300.00 agency review
Traffic Impact Review Fees		Amount
Initial Site Assessment	Determination of whether project meets TIS threshold.	\$200.00
Review of Technical Report	Coordination and review of third-party technical report.	Actual cost of third-party review plus \$100 agency review

Public Works – Engineering Special Events

Special Events within Kearns require the submittal of an application.

Insurance certificates, maps, and fees will need to be submitted to the Permit Specialist before your request can be fully processed. See fee schedule below.

Special Event Permit Fees (for municipalities within the District)	
# of Participants	Fee per day
0 to 100	\$50.00
100 to 200	\$100.00
200 to 400	\$200.00
400 to 600	\$500.00
Over 600	\$1,000.00
Filming Fees	\$200.00

- Special events or Filming held on any state roadway(s) may also require an additional permit from Utah Department of Transportation.
- Special events or Filming held in any canyon may also require an additional permit from United States Department of Agriculture, Forest Service Division.
- Sponsors of block parties will also be required to submit paperwork with the signatures of affected neighbors' concurrence of the road closure. This paperwork should reflect the addresses of each resident, as well as their signature indicating agreement for the road closure. Barricades and security are the responsibility of the applicant.

Glossary of Terms

Condominium Plat: The procedure to review and record a condominium plat is subject to the Condominium Ownership Act (57.8- Utah Code). Staff review includes addressing all units, a review to verify compliance with the zoning ordinance and conditions of approval previously imposed and an engineering review to verify compliance with platting requirements.

Director: The Director of Planning and Development or designee.

General Plan Amendment: Planning Commissions make a recommendation to the Council who must authorize Amendments to a General Plan. A study that includes public involvement is conducted after Council gives the direction to proceed to the Development Services Director.

Home Daycare | Pre-school Application Fees: Although a home daycare or pre-school may be operated out of a private residence, it is not considered or reviewed in the same manner as a home business. Therefore, they are listed separately in the fee schedule and in the ordinance.

Modification to a Recorded Subdivision Plat: Utah Code requires a specific process be followed to amend, vacate or alter a recorded subdivision plat. This involves application, notice, a public hearing before the planning commission and executive (commonly referred to as a 608 hearing/ Mayor's Meeting). Additionally, an engineering review of the preliminary and final plat prior to approval and recording is required. Fees may include Planning Commission Review, Additional Public Body Review, Technical Review.

MSD: Means the Greater Salt Lake Municipal Services District, which the City of Kearns has contracted with to provide planning and zoning, building permit, business license, and code enforcement services

PUD (Planned Unit Development): In those zones which allow development of a PUD they are listed as a Conditional Use, which requires review by the Planning Commission. For developers who intend to sell individual lots within the PUD both the Planning Commission Review, Conditional Use and a Subdivision Preliminary Plat review would be required, and a Technical Review prior to final approval is also required. Per the fee schedule each of these reviews requires separate fee.

Additionally, because more than one review process is required the application would also involve an Agency Review Meeting. Fees may include: Agency Coordination Meeting, Planning Commission Review (Conditional Use), Planning Commission Review (Preliminary Plat), Technical Review.

The conditional use approval (Planning Commission approval) is required prior to preparation of the subdivision preliminary plat to ensure that the recommendations of the Planning Commission are properly incorporated into the preliminary plat.

Re-Zone (Zoning Map Amendment): A request to change the existing zoning (re-zone) requires: review and recommendation from the planning commission (Public Body Review) and final decision by the council (Additional Public Body Review) and technical work (Technical Review) for map and index work).

Signs: Signs vary in the type and complexity of review process required therefore they are listed under several review types. It is intended that the fees are assessed per review process and not per sign. For example, a business that had 2 signs requiring Planning Commission review would be charged for 1 Planning Commission review. However, a business which had 1 sign which required Planning Commission review and another sign which did not would be charged for 1 Planning Commission review and 1 staff review.

Subdivision: A request to subdivide property requires review and approval of a preliminary plat, and a Technical Review of the Final Plat. Additionally, an Agency Review Meeting is required. Note that in the case of a "one-lot" subdivision there might also be an Administrative Review for the proposed Single-Family Dwelling. Fees may include: Agency Coordination Meeting, Planning Commission Meeting, Technical Review, Staff Review of a Site Plan.

Valuation: The estimated construction cost for a project.



Ordinance Amendment

Meeting Body: Planning Commission

Meeting Date: July 6, 2026

File Number & Project Type:
OAM2026-001636

Adoption of the 2026-2027 fee schedule

Planner: Curtis Woodward

Key Findings:

- Per Utah Code, planning commission is required as part of the land use fee schedule adoption process.

Staff Recommendation:

Recommendation of approval to the Council

Exhibits:

- A. Explanation Memo
- B. Proposed Fee Schedule

PROJECT DESCRIPTION

Each year, the Council adopts a fee schedule for all fees collected by the MSD in behalf of Kearns, including land use, business license, building permit, code enforcement, and engineering fees. Per Utah Code, fees specific to land use applications must be considered by the planning commission for recommendation prior to the Council taking action to adopt the fee schedule. The adoption of the fee schedule is based on the fiscal budget year (July 1 – June 30).

PUBLIC INPUT

Planning Staff has not received any comments from the public as of the completion of this staff report. Any comments that are received will be forwarded to the Planning Commission for review at the public hearing on July 6.

ANALYSIS AND RECOMMENDATION

Analysis and Summary:

The only change to the “Land Use” application fee section of the fee schedule is to change “Simple Conditional Use Permit” to “Simple Land Use Permit” in the fee table. This is due to the fact that most of the applicable uses on the list are now either permitted uses or are covered under the “temporary uses” chapter of the code.

Recommendation:

Planning staff recommends that the planning commission forward a recommendation for approval to the Council.

PLANNING COMMISSION OPTIONS:

As a recommending body to the Council, the planning commission has the following options:

1. **Approval:** The planning commission recommends approval of the 2026-2027 land use fee schedule as presented.

2. **Approval with changes:** The planning commission recommends approval of the 2026-2027 land use fee schedule with the following changes:
 - a. ...
3. **Denial:** The planning commission recommends approval of the 2026-2027 land use fee schedule as presented.



G R E A T E R S A L T L A K E

Municipal Services District

STAFF REPORT

Date: June 24, 2026

From: Brian Hartsell, Associate General Manager, MSD

RE: Fee Schedule Update

Issue Summary

The MSD administers the County, City and Town fee schedules of its member communities. The fee schedule is reviewed and updated regularly, sometimes annually, then approved by the Council. Often these updates are a result of new legislation that impacts how fees are charged or administered. The core of the fee schedule is common to all entities within the boundaries of the Municipal Services District with customization as desired and approved by each jurisdiction. The commonality where applicable facilitates efficient administration of the schedule.

Last year, after careful review of the land use regulation definition (as provided in 10-9a-103(34)(a)) and upon guidance by the SLCo District Attorney's Office our land use legal team at Smith Hartvigsen, certain fees (such as building permit fees) found in the County, City and Town fee schedules should be considered part of the "land use regulation definition." Therefore, beginning last year fees related to land use were considered by your Planning Commission as provided in 10-9a-302(1)(b) and, after a public hearing at the Planning Commission meeting, a recommendation was brought to City/Town/County council.

Fee Schedule Updates

A few key changes you may have noted in the redline schedule include:

- Updated valuation table used to calculate building permits as provided by the International Code Council (ICC). This is a regular and predictable update to the schedule.
- A change of the re-inspection fee from \$50 to \$100, and the overtime/after-hours inspection fee from \$120 to \$150. These adjustments reflect average actual time, fuel and vehicle costs and to encourage readiness at the initial inspection so that a reinspection or untimely inspection is not even needed.
- Adding "or violating a stop work order" to "building or grading without a permit" as a reason for a fee to be assessed. Also, updating the base fee as requested and clarifying that the 200% reference was to be a double fee, so reworded that section to avoid it being inadvertently



G R E A T E R S A L T L A K E

Municipal Services District

viewed as a triple fee. A very small base fee may not be seen as a deterrent in some cases. Fees are not intended as a revenue generator, but to encourage compliance.

- Clarification that plan check fees apply to up to four reviews prior to building permit issuance. This helps ensure a single fee is being applied to scenarios where updates to plans are not being made and plan checks are occurring at high volume without a fee increase.
- Clarification that plan check fees “small projects” includes residential solar plan checks.
- Change Simple Conditional Use Permit to “Simple Land Use Permit” since many of these uses are now permitted uses rather than conditional uses due to code or state statute updates.
- Removal of Stormwater Pollution Prevention Plans (SWPPP) oversight inspections fee due to legislative and stormwater permit changes.
- Adding parking violation fee updates where applicable
- Clarification of individual vs non-individual special event violations. Reducing individual fee amount to \$1,000 consistent with UCA 10-3-703 and Title 76-3-301(1)(d).
- Update of engineering fees to include excavation permit fee amounts per Title 14 instead of having the fees buried in the code. Also, eliminating some of the calculations based on a percentage of construction costs and changing to set fees to make fees more modest and consistent with other jurisdictions.

Recommendation

Approve the updated Fee Schedule with an effective date of Jul 1, 2026 at the earliest or the date of the meeting approved in if later. The approval should also authorize the ability for MSD Staff to make non-substantive changes to facilitate formatting, grammar and other changes to support publishing the schedule.



Fee Schedule for the City of Kearns

adopted [TBD by Council](#)

effective date [TBD by Ordinance](#)

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Contents

Address Fees	3
Business License Fees	3
General Business Licenses	3
Short-term Rental Licenses	4
Alcohol-Related Licenses	4
Sexually-oriented Business Licenses	4
Building Permit Fees	4
Construction Valuation Tables	6
Supplemental Construction Valuation Tables	8
Building and Inspection Fee Calculation	8
Plan Check Fees	9
Stormwater Pollution Prevention Plans (SWPPP).....	9
SWPPP Fees.....	9
SWPPP Control Measures.....	9
SWPPP Illicit Discharge Fines	10
Land Use Fees	10
Conditional Use Permits	10
Permitted Uses	10
Subdivision Permits	11
Ordinance Adjustments.....	11
Other Land Use Applications	12
Code Enforcement Fees.....	12
Bond Administration Fees.....	14
Miscellaneous Service Fees.....	14
Engineering Fees	14
Glossary of Terms	17

The City of Kearns contracts with the Greater Salt Lake Municipal Services District ("MSD") to provide planning and zoning, building permit, business license, and code enforcement services. The MSD provides these services on behalf of and under the direction of the City of Kearns.

NOTE: Fees and Fines will be applied as approved and set forth in this schedule. The Director of Engineering, Chief Building Official or Director of Planning and Development may on occasion adjust fees/fines in unique circumstances up to \$1,500 per application. The MSD's General Manager may do the same up to \$5,000. These adjustments must be documented and reported on if requested. Adjustments over \$5,000 require approval of the governing body of the jurisdiction to which the application pertains.

Address Fees

Fee Type	Description	Amount
Assignment of Address	Provide address information on recorded subdivision plat and/or individual parcel/building addresses. Ensure assignments meet addressing standards and are suitable for mail delivery, public safety, utility services and general delivery of services.	\$100.00 base fee plus \$40.00 per lot ^a ; for multi-family units, \$40.00 for the first 8 units in addition to base fee and \$5 per unit for each unit over 8 units
Street Name Change	Confirm that petition includes the required signatures. Document street name change and address change for each property along street by filing an affidavit with the Salt Lake County Recorder's Office. Notify the property owner, Public Safety dispatch and the Salt Lake County Treasurer of the address/street name change.	\$250.00 base fee plus \$50.00 per lot

^a The per lot fee does not apply to Accessory Dwelling Units (ADU).

Business License Fees

General Business Licenses

Fee Type	Description	Amount
General Business License - Commercial Business	For commercial business locations. Includes inspections and verification of zoning compliance.	\$150.00
General Business License - Home-Based Business (simple)	For home-based businesses <u>without</u> on-site visitors and customers.	No Fee
General Business License - Home-Based Business	For home-based businesses with on-site visitors and customers. Includes inspections and verification of zoning compliance.	\$150.00
Per-employee Fee	Includes verification of EIN documentation.	\$6.00
Seasonal Business License	For business operations of up to 15 days per year.. Includes inspections and verification of zoning compliance.	\$120.00
Solicitor ID	Includes photograph of applicant and issuance of ID card.	\$65.00
Accessory Dwelling Unit (ADU) License		\$50.00
Administrative Citation	Issued for operating a business without a license or with an expired license.	\$300.00

Notes regarding business license fees:

1. Withdrawn applications are subject to a charge of 25% of the fee amount.
2. Licenses must be renewed prior to the expiration date.
 - o Licenses renewed within 30 days of expiring will not be charged a penalty.
 - o Licenses renewed 31-60 days of expiring will be charged a penalty of 25% of the general license fee.
 - o Licenses renewed more than 60 days of expiring will be charged a penalty of 100% of the general license fee

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Short-term Rental Licenses

To the extent allowed under Municipal Code the following applies for the City of Kearns:

Fee Type	Description	Amount
Umbrella Short-term Rental License Fee - main license	Primary license for short-term rental management companies with multiple rental units/locations.	\$500.00
Umbrella Short-term Rental License Fee - per unit	Includes inspections and verification of zoning compliance.	\$50.00
Short-term Rental License Fee - homeowner	Short-term rental license for homeowners renting their primary residence. Includes verification of zoning compliance.	\$500.00

Alcohol-Related Licenses

Fee Type	Description	Amount
Off-Premise Beer Retailer		\$250.00
Recreational On-Premise Beer Retailer		\$350.00
Restaurant Liquor		\$500.00
Limited Restaurant Liquor		\$500.00
Beer-Only Restaurant		\$350.00
On-Premise Beer Tavern		\$350.00
Resort		\$500.00
Club Liquor		\$600.00
Banquet & Catering		\$500.00
Single Event		\$150.00
Wholesale Beer		\$300.00
Manufacturing		\$350.00

Alcohol-related business license applications are referred to local communities for consent and approval.

Sexually-oriented Business Licenses

Fee Type	Description	Amount
Sexually Oriented Business - Outcall Services	Includes inspections and verification of zoning compliance.	\$500.00
Sexually Oriented Business - excluding Outcall Services	Includes inspections and verification of zoning compliance.	\$300.00

Building Permit Fees

Building permits include necessary inspections. If additional inspections are required, applicants will be charged the reinspection fee for each additional visit. Most building permits will require a plan check fee in addition to the building permit fee. Plan check fees are listed separately.

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Building permits and mechanical, plumbing & electrical permits will be charged a state surcharge equal to 1% of the permit fee.

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Fee Type	Description	Amount
Building Permit – Minimum Fee		\$70.00
Building Permit - new construction	See below for valuation schedules	Varies ^a

Building Permit - addition or remodel	See below for valuation schedules	Varies ^a
Mobile Home Setup Permit		\$200.00
Mechanical, Plumbing & Electrical Permit	Includes on-site inspection of one system. Additional appliances and fixtures after the first will be charged the per-unit fee listed below.	\$70.00
Fee per additional appliance or fixture	Applies to each additional appliance, fixture, etc. inspected by inspector already on site.	\$20.00
Grading Permit		Varies ^b
Retaining Wall Permit		Varies ^c
Demolition Permit		Varies ^d
Window & Door Replacement – residential	Applies when no other work is being done.	\$70.00
Window & Door Replacement – commercial	Applies when no other work is being done.	Varies ^d
Reroofing Permit Fees		
Reroofing – residential roof with sheathing	Includes inspection of sheathing or decking.	\$125.00
Reroofing – residential roof without sheathing	Shingles only; no decking or sheathing.	\$75.00
Reroofing – small commercial	Commercial roof project under \$10,000 valuation.	\$150.00
Reroofing – medium commercial	Commercial roof project between \$10,000 and \$49,999 valuation.	\$175.00
Reroofing – large commercial	Commercial roof project \$50,000 valuation or higher.	\$250.00
Solar Power System Permit Fees		
Residential/Small Commercial Solar Permit – base fee	Applies to residential and commercial installations up to 20 kW. Does not include fees for required plan check.	\$100.00
Residential/Small Commercial Solar Permit – fee per kW	Additional fee based on size of installation. Does not include fees for required plan check.	\$30.00 per kW
Commercial Solar over 20 kW	Applies to larger commercial installations over 20 kW.	Varies ^e
Battery Storage System	Assumes that inspector is already on site for inspection of installation.	\$2.00 per battery
Additional Inspection Fees		
Reinspection		\$50 100.00
Pre-inspection	Inspections after a fire or disaster to determine extent of damage and permits needed for repairs.	\$70.00
Multi-unit Inspection		\$100.00
Overtime/After-hours Inspection		\$120 50.00 (Per hour)

Administrative Fees		Amount
Cancellation of building permit	Applies when permit is cancelled before work commences	25% of permit fee (\$200 maximum)
Reinstatement Fee - general	Applies when permit has been expired for more than 30 business days:	50% of permit fee
Reinstatement Fee - final inspection	Applies when only final inspection is required, and permit has been expired for more than 30 business days.	50% of permit fee (\$200 maximum)
Building or grading without a permit, or violating a stop work order.	Base fee equal to \$250 for first offense, \$500 for second offense in 12 months, and \$1,000 for third offense in 12 months or 100% of the building permit fee, whichever is greater; , plus daily fees commencing 15 business days after notice of violation has been issued if issue not resolved or permit has not been obtained detained.	Base fee plus per day

^a Permit fees for new construction, additions and remodels are based on calculated square footage and the current ICC valuation tables (see below). When square footage determinations not practical or possible, permit fees will be based on applicant's declared valuation as reasonably determined by Director or Designee.

^b Permit fees for grading are based on the number of cubic yards of earth cut or filled.

^c Base fee is \$243 for cut fill operations under 1400 cubic yards

^d Permit fees for retaining walls are based on the size of the project in lineal feet.

^e Permit fees for demolition and window/door replacement are based on declared valuation.

^e Permit fees for large solar installations are based on applicant's declared valuation as reasonably determined by Director or designee.

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Construction Valuation Tables

The valuations below are used to determine construction valuations for building permit fee calculations. The valuations will be updated automatically as new standards are published by ICC, which is usually twice per year.

Supplemental Construction Valuation Tables

The supplemental valuations below may be updated annually as part of the annual fee approval process.

Construction Type	Unit	Valuation
Basements - Unfinished	Square Foot	As provided in the ICC valuation table footnote above
Basements - Finished	Square Foot	\$41.00
Decks (any type)	Square Foot	\$22.00
Carport/Covered Patio	Square Foot	\$22.00
Roof Conversions	Square Foot	\$22.00
Fence (any type)	Lineal Foot	\$20.00
Retaining Wall (any type)	Lineal Foot	\$59.00
Exterior Finish	Square Foot	\$5.00
Fire Sprinklers	Square Foot	\$6.00
Remodel/Alteration	Square Foot	\$39.00
Basement TI	Square Foot	\$28.00
Grading	Cubic Yard Cut and Fill	Equation
Tenant Improvements	Calculated	35% of the valuation for new construction
Shell Only	Calculated	80% of the valuation for new construction

Building and Inspection Fee Calculation

Building permit fees based on valuation are calculated based on the calculations below.

Construction Valuation	Fee
Less than and including \$2,000	\$70.00
\$2,001 to \$25,000	\$76.50 for the first \$2,000 plus \$16.50 for each additional \$1,000 or fraction thereof, to and including \$25,000. Example: Valuation of \$3,400 would be \$76.50 plus \$33.00 (\$16.50 x 2), or \$109.50
\$25,001 to \$50,000	\$456.00 for the first \$25,000 plus \$12.00 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$765.00 for the first \$50,000 plus \$8.50 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$1,181.00 for the first \$100,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,781.00 for the first \$500,000 plus \$5.50 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.
Over \$1,000,001	\$6,531.00 for the first \$1,000,000 plus \$4.50 for each additional \$1,000 or fraction thereof..

Plan Check Fees

Plan checks for building permits include up to 4 reviews. Additional reviews will be charged the hourly fee listed below.

Fee Type	Description	Amount
Plan Check Fee - residential construction	<u>Provides for up to four reviews prior to building permit issuance. After four reviews or after the permit issuance, additional reviews are subject to the hourly plan check fee.</u>	40% of building permit fee
Plan Check Fee - commercial construction	<u>Provides for up to four reviews prior to building permit issuance. After four reviews or after the permit issuance, additional reviews are subject to the hourly plan check fee.</u>	65% of building permit fee
Plan Check Fee - smaller projects	<u>Includes residential solar plan check</u>	\$150.00
Land Use Review Fee		\$110.00
Card File Plan Check Fee - single-family or duplex	Includes accessory structures.	\$175.00
Card File Plan Check Fee - multi-family residential		\$350.00
Plan Check Fee - hourly		\$80.00 per hour

Stormwater Review & Stormwater Pollution Prevention Plans (SWPPP)

Stormwater Review & Inspection Fees

Fee Type	Description	Amount
Stormwater Review – base fee	Base fee per project.	\$200.00
Stormwater Review – per-acre fee	Additional fee per acre after the first acre; applies when SWPPP required.	\$30.00
Floodplain Development Permit	Permit is required for any development within a mapped floodplain as required by FEMA.	\$75.00

SWPPP Control Measures

All penalties and fines may be doubled for a second or third offense. Violations may be referred to the District Attorney for further action.

Penalty Type	Description	Amount
Working without an approved stormwater permit	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$500.00

Tracking mud on road	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$300.00
Failure to clean up or report spills	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$250.00
Failure to conduct stormwater inspections	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$100.00
Failure to use general best management practices as determined by the authority	Per site, per occurrence and then for each business day beginning the day after the day on which fine was issued	\$250.00

SWPPP Illicit Discharge Fines

The table below lists illicit discharges common to construction and maintenance activities. It is a violation to discharge pollutants. The presence of BMPs does not excuse an illicit discharge.

Penalty Type	Description	Amount
Sediment	Per day per violation.	\$1,000.00
Cementitious Material	Per day per violation.	\$500.00
Paints and Solvents	Per day per violation.	\$500.00
Solid Waste	Per day per violation.	\$500.00
Sanitary Waste	Per day per violation.	\$2,000.00
Fuels	Per day per violation.	\$1,000.00
Fertilizers	Per day per violation.	\$500.00
Organics	Per day per violation.	\$250.00
Cleansers	Per day per violation.	\$500.00
Hazardous materials	Any illicit discharge may be assigned to this category depending on the impact. Per day per violation.	\$5,000.00

Land Use Fees

Permitted and Conditional Uses

Fee Type	Description	Amount
Building permit site plan	Over-the-counter staff review. Permitted uses not requiring separate land use permit.	\$110.00
Change of Use Permit	Over-the-counter staff review. Includes tenant changes and uses subordinate to an existing Conditional Use Permit.	\$110.00
Sign Permit	Over-the-counter staff review.	\$110.00
Business license review	Over-the-counter staff review.	\$110.00
Accessory Dwelling Unit	Includes limited agency review	\$175.00
Site Plan Review (less than 3 acres)	Includes agency review meeting and technical review.	\$990.00
Site Plan Review (3 acres or more)	Includes agency review meeting, technical review and Planning Commission meeting.	\$1,640.00
Minor Site Plan Amendments	Limited agency review	\$175.00
Residential Development (FCOZ)	Includes agency review meeting and technical review.	\$990.00
Simple Land Use Permit	Home daycare/pre-school, mobile store, condominium conversion, similar uses requiring limited staff review.	\$175.00
Other Conditional Use Permits	Commercial uses, residential uses, or signs needing conditional use approval. Includes agency review, technical review and Planning Commission meeting.	\$1,640.00

Subdivision and Land Development Permits

Fee Type	Description	Amount
Minor Subdivision (<5 lots)	Includes agency review meeting and technical review.	\$990.00
Major Subdivision (Single Phase)	Includes agency review meeting, technical review and Planning Commission meeting.	\$1,640.00
Major Subdivision with Multiple Phases (Includes Preliminary Plat and First Phase Final Plat)	Includes agency review meeting, technical review and Planning Commission Meeting	\$1,640.00
Final Plat Approval for Phases Two and Beyond	Includes Technical Review	\$535.00
Planned Unit Development (Preliminary approval and First Phase Final Approval/Plat)	Includes agency review meeting, technical review and Planning Commission meeting.	\$1,640.00
Final Planned Unit Development Approval for Phases Two and Beyond	Includes Technical Review	\$535.00
Subdivision amendments	Includes agency review meeting and technical review. In some cases, a Planning Commission and/or Mayors meeting is required. These fees will be added as needed based on the applicable fees in this fee schedule.	\$990.00
Simple Boundary Adjustment	Includes limited staff review.	\$110.00
Full Boundary Adjustments	Includes limited staff review. Applicable when amended plat not necessary.	\$175.00
Extension of Time	Includes review by Director.	\$275.00

Ordinance Adjustments

Fee Type	Description	Amount
Text Change	Includes Planning Commission meeting and Council meeting.	\$765.00
Zoning Map Change - minor	Changes less than 3 acres. Includes limited staff review, Planning Commission meeting and Council meeting.	\$940.00
Zoning Map Change - small	Changes 3 up to 10 acres. Includes agency review meeting, staff review, Planning Commission meeting and Council meeting.	\$1,755.00
Zoning Map Change - medium	Changes over 10 up to 50 acres. Includes agency review meeting, staff review, Planning Commission meeting, Council meeting, and General Plan fees.	\$1,755.00 plus \$200 per acre
Zoning Map Change - large	Changes over 50 up to 100 acres. Includes agency review meeting, staff review, Planning Commission meeting, Council meeting, and General Plan fees.	\$1,755.00 plus \$300 per acre
Zoning Map Change - Major	Changes over 100 acres.	To be determined by agreement between agency and applicant prior to acceptance of the application.

Other Land Use Applications

Fee Type	Description	Amount
Land Use Hearing Officer	Needed for appeal of decisions, variances, nonconforming use expansions, takings relief petition, etc.	\$1,000.00 ^a
Land Use Hearing Officer	Double fee if construction has started.	\$2,000.00
Administrative Determination	Requires Director review.	\$275.00
Special Exception to have Use violation declared legal	Planning Commission meeting.	\$650.00
Zoning Verification Letter	Base fee plus costs for research time.	\$25.00 base fee plus \$25.00 per hour
General Plan Amendment	Includes limited staff review, Planning Commission meeting, Council meeting, and General Plan fees.	\$2,440.00
Agency Review Meeting at applicants' request	Agency Review meeting that includes outside agencies.	\$455.00
Other applications requiring preliminary and/or technical review.	Up to 4 total review sessions. Additional charge if 4 total sessions exceeded for any application type.	\$535.00
Other applications requiring Planning Commission meeting	Planning Commission meeting.	\$650.00
Other applications requiring Council or Mayor's meeting	Council or Mayor's meeting.	\$115.00

^a For appeals, if the Land Use Hearing Officer finds in favor of the appellant then the fee shall be refunded less a \$100.00 administration fee.

Code Enforcement Fees

Fee Type	Description	Amount
Administrative Citation	All minor violations unless specified otherwise.	\$100.00 per violation
Appeal Fee	As provided for in 12.04.530 of Kearns code.	\$375.00 per appeal request
Civil Penalties	All violations of the code other than zoning violations and as otherwise prescribed in the code.	
	Violation per day for first 30 days.	\$100.00 per violation per day CE not enforcing
	Violation per day for days 31-60.	\$150.00 per violation per day CE is enforcing
	Violation per day over 60 days.	\$200.00 per violation per day CE not enforcing
Clean-up Fees	Administrative fee plus costs billed from Public Works or other contracted firm.	\$100.00 plus actual costs

Parking appeal fee	Can be recouped upon successful appeal	Cost of fine(s) on ticket (\$75 or \$150)
Parking Violation – minor	Violations under section 11.20.070, 11.20.080, 11.20.090 or 11.20.140	\$75.00 per violation
Parking Violation – major	Violations under section 11.20.070, 11.20.080, 11.20.090 or 11.20.140	\$150.00 per violation
Short-Term Rental Violations		Amount
Operating short-term rental without a business license		\$650.00 per infraction per day
Operating short-term rental for less than two nights for each stay		\$650.00 per infraction per day
Holding special event at short-term rental - first violation		\$650.00 per infraction per day
<u>Holding special event at short-term rental – subsequent violations (individual)</u>		<u>\$1,000.00 per infraction per day</u>
Holding special event at short-term rental - subsequent violations (non-individual)		\$1,300.00 per infraction per day
Other short-term rental violations	Violations not covered in the above categories.	\$100.00 per infraction per day

Civil Penalties for Violation of Zoning Regulations

Violation of the provisions of Title 19 of the City of Kearns Municipal Code shall result in civil penalties pursuant to the following schedule:

CIVIL PENALTIES FOR VIOLATION OF ZONING REGULATIONS

Type of Zone	Classification of Violation	Fine Per Day (after warning period)
Residential Zones R-1's R-2's R-4-8.5 RMH	Conditional use without a permit Other violations	\$75
	Non-permitted use Violation of permit for approval	\$150
Mixed Zones R-M NMU TC CMU	Conditional use without a permit Other violations	\$100
	Non-permitted use Violation of permit or approval	\$200
Commercial/Manufacturing Zones	Conditional use without a permit Other violations	\$150

C's M's	Non-permitted use Violation of permit or approval	\$300
Agricultural Zones A's	Conditional use without a permit Other violations	\$75
	Non-permitted use Violation of permit or approval	\$150
Other Zones PR PF PI	Conditional use without a permit	\$100
	Other violations	
	Non-permitted use Violation of permit or approval	\$200
Overlay Zones AOZ	Violation of provisions	\$200

Each day a violation is continued or maintained after receipt of notice shall give rise to a separate civil penalty for each day of violation.

Bond Administration Fees

Fee Type	Description	Amount
Bond Processing Fee	Must be paid prior to acceptance of bond.	\$100.00
Bond Forfeiture	Will be called if improvements are not complete by expiration date.	Varies ^a
Deferred Curb and Gutter		Varies ^b
Bond Reinspection	Inspections required for partial bond release or if applicant fails bond inspections twice.	\$100.00
Overtime/After-hours Inspection		\$120.00 (Per hour)

^a Based on bond amount

^b Based on project size

Miscellaneous Service Fees

Fee Type	Description	Amount
Development Agreements		Varies ^a
Hourly Rate	Per hour fees for staff time not covered under specific fee types.	\$80.00 per hour
GRAMA	Time spent on research and compiling.	Actual cost ^b
Material Costs	Copies, maps, CDs, USB drives, etc.	Actual cost ^b
Research	Research related to administrative decisions, zoning compliance letters, or determination of legal status of a lot or parcel.	\$25.00 base fee plus \$25.00 per hour
Health Department Review	Activities performed by the Salt Lake County Health Department.	County fee ^c
Postage	For noticing mailings, postage is charged per meeting.	Actual cost ^b

Newspaper Notices	Notices of meetings before Councils.	Actual cost ^b
Candidate Filing Fee	Fee for Declaration of Candidacy in a Municipal Election	\$50.00

- ^a Development agreements will be determined between local government agency and Applicant prior to acceptance of the application.
- ^b Customer will be charged actual costs of materials per MSD Records and Access and Management Policy.
- ^c Health Department fees will be charged as provided in the Salt Lake County Fee Schedule.

Engineering Fees

The fees below are collected by the MSD on behalf of the Engineering Division.

Right-of-way Improvement Review & Inspection Fees		Amount
Replacement of existing improvements	Replacement of existing curb & gutter, sidewalk, and drive approach improvements in the same configuration.	No charge
Changes to improvements (existing curb & gutter)	Changes to sidewalks and drive approaches where curb & gutter are already present. Includes review and inspection by County. Design and staking by applicant.	\$20.00 base fee plus \$1.00 per linear foot
Changes to improvements (no existing curb & gutter or sidewalk)	Addition of curb & gutter, sidewalks, and/or drive approaches where no curb & gutter or sidewalk are present. Includes review and inspection by County. Design and staking by applicant.	\$150.00 base fee plus \$1.00 per linear foot
Changes to sidewalk (no existing curb & gutter or sidewalk)	Addition of sidewalk only. Includes review and inspection by County. Design and staking by applicant.	\$100.00 base fee plus \$1.00 per linear foot
Changes to drive approach (no existing curb & gutter or sidewalk)	Addition of drive approaches only. Includes review and inspection by County. Design and staking by applicant.	\$100.00 base fee plus \$0.50 per linear foot
Engineering Plan Check Fees		Amount
For Subdivision Development – Master Planning	Engineering check fee, reviewing master planning for subdivision development	\$500 plus \$50/dwelling unit or lot
For Subdivision Development – Final	Engineering check fee, final subdivision fee and plat filing for subdivisions	\$500 plus \$125/dwelling unit or lot
Amended Subdivision Plat		\$400.00
Non-Subdivision Development		\$1,000 plus \$500 per acre

Excavation Permit Fees		Amount
Excavation within asphalt or concrete		\$0.50 per square foot \$250 minimum
Excavation within dirt		\$0.25 per square foot \$125 minimum
Road Closures or		\$50 per day per

Commented [LA1]: Excavation Permit Fees are currently in Municode Title 14.16. We want all the fees in the fee schedule instead of buried in the code.

Obstructions caused by Excavation Permits		lane or partial lane closed or obstructed for more than 72 hours
Permit Extension		Fee equal to one-half of the original fee
Excavation Work Without Permit Penalty	A person found doing work in the public right-of-way without having obtained a permit shall be required to pay a penalty	Penalty Fee equal to two times the normal permit fee

Other Fees		Amount
Road Dedication (non-subdivision development)	Where required for street widening and improvements.	\$150.00
Street Sign	Includes sign and installation by MSD or contracted service provider	\$200.00
Geology/Natural Hazard Review Fees		Amount
Initial Site Assessment	Determination of whether project falls within boundaries of any mapped hazards.	\$200.00
Review of Technical Report	Coordination and review of third-party technical report.	Actual cost of third-party review plus \$300.00 agency review
Traffic Impact Review Fees		Amount
Initial Site Assessment	Determination of whether project meets TIS threshold.	\$200.00
Review of Technical Report	Coordination and review of third-party technical report.	Actual cost of third-party review plus \$100 agency review

Public Works - Engineering Special Events

Special Events within Kearns require the submittal of an application.

Insurance certificates, maps, and fees will need to be submitted to the Permit Specialist before your request can be fully processed. See fee schedule below.

Special Event Permit Fees (for municipalities within the District)	
# of Participants	Fee per day
0 to 100	\$50.00
100 to 200	\$100.00
200 to 400	\$200.00
400 to 600	\$500.00
Over 600	\$1,000.00

Filming Fees	\$200.00
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- Special events or Filming held on any state roadway(s) may also require an additional permit from Utah Department of Transportation.
- Special events or Filming held in any canyon may also require an additional permit from United States Department of Agriculture, Forest Service Division.
- Sponsors of block parties will also be required to submit paperwork with the signatures of affected neighbors' concurrence of the road closure. This paperwork should reflect the addresses of each resident, as well as their signature indicating agreement for the road closure. Barricades and security are the responsibility of the applicant.

Glossary of Terms

Condominium Plat: The procedure to review and record a condominium plat is subject to the Condominium Ownership Act (57.8- Utah Code). Staff review includes addressing all units, a review to verify compliance with the zoning ordinance and conditions of approval previously imposed and an engineering review to verify compliance with platting requirements.

Director: The Director of Planning and Development or designee.

General Plan Amendment: Planning Commissions make a recommendation to the Council who must authorize Amendments to a General Plan. A study that includes public involvement is conducted after Council gives the direction to proceed to the Development Services Director.

Home Daycare / Pre-school Application Fees: Although a home daycare or pre-school may be operated out of a private residence, it is not considered or reviewed in the same manner as a home business. Therefore, they are listed separately in the fee schedule and in the ordinance.

Modification to a Recorded Subdivision Plat: Utah Code requires a specific process be followed to amend, vacate or alter a recorded subdivision plat. This involves application, notice, a public hearing before the planning commission and executive (commonly referred to as a 608 hearing/ Mayor's Meeting). Additionally, an engineering review of the preliminary and final plat prior to approval and recording is required. Fees may include Planning Commission Review, Additional Public Body Review, Technical Review.

MSD: Means the Greater Salt Lake Municipal Services District, which the City of Kearns has contracted with to provide planning and zoning, building permit, business license, and code enforcement services

PUD (Planned Unit Development): In those zones which allow development of a PUD they are listed as a Conditional Use, which requires review by the Planning Commission. For developers who intend to sell individual lots within the PUD both the Planning Commission Review, Conditional Use and a Subdivision Preliminary Plat review would be required, and a Technical Review prior to final approval is also required. Per the fee schedule each of these reviews requires separate fee.

Additionally, because more than one review process is required the application would also involve an Agency Review Meeting. Fees may include: Agency Coordination Meeting, Planning Commission Review (Conditional Use), Planning Commission Review (Preliminary Plat), Technical Review.

The conditional use approval (Planning Commission approval) is required prior to preparation of the subdivision preliminary plat to ensure that the recommendations of the Planning Commission are properly incorporated into the preliminary plat.

Re-Zone (Zoning Map Amendment): A request to change the existing zoning (re-zone) requires: review and recommendation from the planning commission (Public Body Review) and final decision by the council (Additional Public Body Review) and technical work (Technical Review) for map and index work).

Signs: Signs vary in the type and complexity of review process required therefore they are listed under several review types. It is intended that the fees are assessed per review process and not per sign. For example, a business that had 2 signs requiring Planning Commission review would be charged for 1 Planning Commission review. However, a business which had 1 sign which required Planning Commission review and another sign which did not would be charged for 1 Planning Commission review and 1 staff review.

Subdivision: A request to subdivide property requires review and approval of a preliminary plat, and a Technical Review of the Final Plat. Additionally, an Agency Review Meeting is required. Note that in the case of a "one-lot" subdivision there might also be an Administrative Review for the proposed Single-Family Dwelling. Fees may include: Agency Coordination Meeting, Planning Commission Meeting, Technical Review, Staff Review of a Site Plan.

Valuation: The estimated construction cost for a project.



Fee Schedule for the City of Kearns

adopted TBD by Council

effective date TBD by Ordinance

Contents

Address Fees	3
Business License Fees	3
General Business Licenses	3
Short-term Rental Licenses	4
Alcohol-Related Licenses	4
Sexually-oriented Business Licenses	4
Building Permit Fees	4
Construction Valuation Tables	6
Supplemental Construction Valuation Tables	8
Building and Inspection Fee Calculation.....	8
Plan Check Fees	9
Stormwater Pollution Prevention Plans (SWPPP).....	9
SWPPP Fees.....	9
SWPPP Control Measures	9
SWPPP Illicit Discharge Fines.....	10
Land Use Fees	10
Conditional Use Permits	10
Permitted Uses	10
Subdivision Permits	11
Ordinance Adjustments.....	11
Other Land Use Applications	12
Code Enforcement Fees	12
Bond Administration Fees.....	14
Miscellaneous Service Fees.....	14
Engineering Fees	14
Glossary of Terms	17

The City of Kearns contracts with the Greater Salt Lake Municipal Services District ("MSD") to provide planning and zoning, building permit, business license, and code enforcement services. The MSD provides these services on behalf of and under the direction of the City of Kearns.

NOTE: Fees and Fines will be applied as approved and set forth in this schedule. The Director of Engineering, Chief Building Official or Director of Planning and Development may on occasion adjust fees/fines in unique circumstances up to \$1,500 per application. The MSD's General Manager may do the same up to \$5,000. These adjustments must be documented and reported on if requested. Adjustments over \$5,000 require approval of the governing body of the jurisdiction to which the application pertains.

Address Fees

Fee Type	Description	Amount
Assignment of Address	Provide address information on recorded subdivision plat and/or individual parcel/building addresses. Ensure assignments meet addressing standards and are suitable for mail delivery, public safety, utility services and general delivery of services.	\$100.00 base fee plus \$40.00 per lot ^a ; for multi-family units, \$40.00 for the first 8 units in addition to base fee and \$5 per unit for each unit over 8 units
Street Name Change	Confirm that petition includes the required signatures. Document street name change and address change for each property along street by filing an affidavit with the Salt Lake County Recorder's Office. Notify the property owner, Public Safety dispatch and the Salt Lake County Treasurer of the address/street name change.	\$250.00 base fee plus \$50.00 per lot

^a The per lot fee does not apply to Accessory Dwelling Units (ADU).

Business License Fees

General Business Licenses

Fee Type	Description	Amount
General Business License - Commercial Business	For commercial business locations. Includes inspections and verification of zoning compliance.	\$150.00
General Business License - Home-Based Business (simple)	For home-based businesses <u>without</u> on-site visitors and customers.	No Fee
General Business License - Home-Based Business	For home-based businesses with on-site visitors and customers. Includes inspections and verification of zoning compliance.	\$150.00
Per-employee Fee	Includes verification of EIN documentation.	\$6.00
Seasonal Business License	For business operations of up to days per year.. Includes inspections and verification of zoning compliance.	\$120.00
Solicitor ID	Includes photograph of applicant and issuance of ID card.	\$65.00
Accessory Dwelling Unit (ADU) License		\$50.00
Administrative Citation	Issued for operating a business without a license or with an expired license.	\$300.00

Notes regarding business license fees:

1. Withdrawn applications are subject to a charge of 25% of the fee amount.
2. Licenses must be renewed prior to the expiration date.
 - o Licenses renewed within 30 days of expiring will not be charged a penalty.
 - o Licenses renewed 31-60 days of expiring will be charged a penalty of 25% of the general license fee.
 - o Licenses renewed more than 60 days of expiring will be charged a penalty of 100% of the general license fee

Short-term Rental Licenses

To the extent allowed under Municipal Code the following applies for the City of Kearns:

Fee Type	Description	Amount
Umbrella Short-term Rental License Fee - main license	Primary license for short-term rental management companies with multiple rental units/locations.	\$500.00
Umbrella Short-term Rental License Fee - per unit	Includes inspections and verification of zoning compliance.	\$50.00
Short-term Rental License Fee - homeowner	Short-term rental license for homeowners renting their primary residence. Includes verification of zoning compliance.	\$500.00

Alcohol-Related Licenses

Fee Type	Description	Amount
Off-Premise Beer Retailer		\$250.00
Recreational On-Premise Beer Retailer		\$350.00
Restaurant Liquor		\$500.00
Limited Restaurant Liquor		\$500.00
Beer-Only Restaurant		\$350.00
On-Premise Beer Tavern		\$350.00
Resort		\$500.00
Club Liquor		\$600.00
Banquet & Catering		\$500.00
Single Event		\$150.00
Wholesale Beer		\$300.00
Manufacturing		\$350.00

Alcohol-related business license applications are referred to local communities for consent and approval.

Sexually-oriented Business Licenses

Fee Type	Description	Amount
Sexually Oriented Business - Outcall Services	Includes inspections and verification of zoning compliance.	\$500.00
Sexually Oriented Business - excluding Outcall Services	Includes inspections and verification of zoning compliance.	\$300.00

Building Permit Fees

Building permits include necessary inspections. If additional inspections are required, applicants will be charged the reinspection fee for each additional visit. Most building permits will require a plan check fee in addition to the building permit fee. Plan check fees are listed separately.

Building permits and mechanical, plumbing & electrical permits will be charged a state surcharge equal to 1% of the permit fee.

Fee Type	Description	Amount
Building Permit – Minimum Fee		\$70.00
Building Permit - new construction	See below for valuation schedules	Varies ^a
Building Permit - addition or remodel	See below for valuation schedules	Varies ^a
Mobile Home Setup Permit		\$200.00
Mechanical, Plumbing & Electrical Permit	Includes on-site inspection of one system. Additional appliances and fixtures after the first will be charged the per-unit fee listed below.	\$70.00
Fee per additional appliance or fixture	Applies to each additional appliance, fixture, etc. inspected by inspector already on site.	\$20.00
Grading Permit		Varies ^b
Retaining Wall Permit		Varies ^c
Demolition Permit		Varies ^d
Window & Door Replacement – residential	Applies when no other work is being done.	\$70.00
Window & Door Replacement – commercial	Applies when no other work is being done.	Varies ^d
Reroofing Permit Fees		
Reroofing – residential roof with sheathing	Includes inspection of sheathing or decking.	\$125.00
Reroofing – residential roof without sheathing	Shingles only; no decking or sheathing.	\$75.00
Reroofing – small commercial	Commercial roof project under \$10,000 valuation.	\$150.00
Reroofing – medium commercial	Commercial roof project between \$10,000 and \$49,999 valuation.	\$175.00
Reroofing – large commercial	Commercial roof project \$50,000 valuation or higher.	\$250.00
Solar Power System Permit Fees		
Residential/Small Commercial Solar Permit – base fee	Applies to residential and commercial installations up to 20 kW. Does not include fees for required plan check.	\$100.00
Residential/Small Commercial Solar Permit – fee per kW	Additional fee based on size of installation. Does not include fees for required plan check.	\$30.00 per kW
Commercial Solar over 20 kW	Applies to larger commercial installations over 20 kW.	Varies ^e
Battery Storage System	Assumes that inspector is already on site for inspection of installation.	\$2.00 per battery
Additional Inspection Fees		
Reinspection		\$100.00
Pre-inspection	Inspections after a fire or disaster to determine extent of damage and permits needed for repairs.	\$70.00
Multi-unit Inspection		\$100.00
Overtime/After-hours Inspection		\$150.00 (Per hour)

Administrative Fees		Amount
Cancellation of building permit	Applies when permit is cancelled before work commences	25% of permit fee (\$200 maximum)
Reinstatement Fee - general	Applies when permit has been expired for more than 30 business days:	50% of permit fee
Reinstatement Fee - final inspection	Applies when only final inspection is required, and permit has been expired for more than 30 business days.	50% of permit fee (\$200 maximum)
Building or grading without a permit, or violating a stop work order.	Base fee equal to \$250 for first offense, \$500 for second offense in 12 months, and \$1,000 for third offense in 12 months or 100% of the building permit fee, whichever is greater; , plus daily fees commencing 15 business days after notice of violation has been issued if issue not resolved or permit has not been obtained.	Base fee plus per day

- ^a Permit fees for new construction, additions and remodels are based on calculated square footage and the current ICC valuation tables (see below). When square footage determinations not practical or possible, permit fees will be based on applicant's declared valuation as reasonably determined by Director or Designee.
- ^b Permit fees for grading are based on the number of cubic yards of earth cut or filled
Base fee is \$243 for cut fill operations under 1400 cubic yards
- ^c Permit fees for retaining walls are based on the size of the project in lineal feet.
- ^d Permit fees for demolition and window/door replacement are based on declared valuation.
- ^e Permit fees for large solar installations are based on applicant's declared valuation as reasonably determined by Director or designee.

Construction Valuation Tables

The valuations below are used to determine construction valuations for building permit fee calculations. The valuations will be updated automatically as new standards are published by ICC, which is usually twice per year.

- d. Unfinished basements (Group R-3) = \$31.50 per sq. ft.

Supplemental Construction Valuation Tables

The supplemental valuations below may be updated annually as part of the annual fee approval process.

Construction Type	Unit	Valuation
Basements - Unfinished	Square Foot	As provided in the ICC valuation table footnote above
Basements - Finished	Square Foot	\$41.00
Decks (any type)	Square Foot	\$22.00
Carport/Covered Patio	Square Foot	\$22.00
Roof Conversions	Square Foot	\$22.00
Fence (any type)	Lineal Foot	\$20.00
Retaining Wall (any type)	Lineal Foot	\$59.00
Exterior Finish	Square Foot	\$5.00
Fire Sprinklers	Square Foot	\$6.00
Remodel/Alteration	Square Foot	\$39.00
Basement TI	Square Foot	\$28.00
Grading	Cubic Yard Cut and Fill	Equation
Tenant Improvements	Calculated	35% of the valuation for new construction
Shell Only	Calculated	80% of the valuation for new construction

Building and Inspection Fee Calculation

Building permit fees based on valuation are calculated based on the calculations below.

Construction Valuation	Fee
Less than and including \$2,000	\$70.00
\$2,001 to \$25,000	\$76.50 for the first \$2,000 plus \$16.50 for each additional \$1,000 or fraction thereof, to and including \$25,000. Example: Valuation of \$3,400 would be \$76.50 plus \$33.00 (\$16.50 x 2), or \$109.50
\$25,001 to \$50,000	\$456.00 for the first \$25,000 plus \$12.00 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$765.00 for the first \$50,000 plus \$8.50 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$1,181.00 for the first \$100,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,781.00 for the first \$500,000 plus \$5.50 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.
Over \$1,000,001	\$6,531.00 for the first \$1,000,000 plus \$4.50 for each additional \$1,000 or fraction thereof..

Plan Check Fees

Plan checks for building permits include up to **4** reviews. Additional reviews will be charged the hourly fee listed below.

Fee Type	Description	Amount
Plan Check Fee - residential construction	Provides for up to four reviews prior to building permit issuance. After four reviews or after the permit issuance, additional reviews are subject to the hourly plan check fee.	40% of building permit fee
Plan Check Fee - commercial construction	Provides for up to four reviews prior to building permit issuance. After four reviews or after the permit issuance, additional reviews are subject to the hourly plan check fee.	65% of building permit fee
Plan Check Fee - smaller projects	Includes residential solar plan check	\$150.00
Land Use Review Fee		\$110.00
Card File Plan Check Fee - single-family or duplex	Includes accessory structures.	\$175.00
Card File Plan Check Fee - multi-family residential		\$350.00
Plan Check Fee - hourly		\$80.00 per hour

Stormwater Review & Stormwater Pollution Prevention Plans (SWPPP)

Stormwater Review & Inspection Fees

Fee Type	Description	Amount
Stormwater Review – base fee	Base fee per project.	\$200.00
Stormwater Review – per-acre fee	Additional fee per acre after the first acre; applies when SWPPP required.	\$30.00
Floodplain Development Permit	Permit is required for any development within a mapped floodplain as required by FEMA.	\$75.00

SWPPP Control Measures

All penalties and fines may be doubled for a second or third offense. Violations may be referred to the District Attorney for further action.

Penalty Type	Description	Amount
Working without an approved stormwater permit	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$500.00
Tracking mud on road	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$300.00
Failure to clean up or report spills	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$250.00
Failure to conduct stormwater inspections	Per occurrence and then for each business day beginning the day after the day on which fine was issued	\$100.00
Failure to use general best management practices as determined by the authority	Per site, per occurrence and then for each business day beginning the day after the day on which fine was issued	\$250.00

SWPPP Illicit Discharge Fines

The table below lists illicit discharges common to construction and maintenance activities. It is a violation to discharge pollutants. The presence of BMPs does not excuse an illicit discharge.

Penalty Type	Description	Amount
Sediment	Per day per violation.	\$1,000.00
Cementitious Material	Per day per violation.	\$500.00
Paints and Solvents	Per day per violation.	\$500.00
Solid Waste	Per day per violation.	\$500.00
Sanitary Waste	Per day per violation.	\$2,000.00
Fuels	Per day per violation.	\$1,000.00
Fertilizers	Per day per violation.	\$500.00
Organics	Per day per violation.	\$250.00
Cleansers	Per day per violation.	\$500.00
Hazardous materials	Any illicit discharge may be assigned to this category depending on the impact. Per day per violation.	\$5,000.00

Land Use Fees

Permitted and Conditional Uses

Fee Type	Description	Amount
Building permit site plan	Over-the-counter staff review. Permitted uses not requiring separate land use permit.	\$110.00
Change of Use Permit	Over-the-counter staff review. Includes tenant changes and uses subordinate to an existing Conditional Use Permit.	\$110.00
Sign Permit	Over-the-counter staff review.	\$110.00
Business license review	Over-the-counter staff review.	\$110.00
Accessory Dwelling Unit	Includes limited agency review	\$175.00
Site Plan Review (less than 3 acres)	Includes agency review meeting and technical review.	\$990.00
Site Plan Review (3 acres or more)	Includes agency review meeting, technical review and Planning Commission meeting.	\$1,640.00
Minor Site Plan Amendments	Limited agency review	\$175.00
Residential Development (FCOZ)	Includes agency review meeting and technical review.	\$990.00
Simple Land Use Permit	Home daycare/pre-school, mobile store, condominium conversion, similar uses requiring limited staff review.	\$175.00
Other Conditional Use Permits	Commercial uses, residential uses, or signs needing conditional use approval. Includes agency review, technical review and Planning Commission meeting.	\$1,640.00

Subdivision and Land Development Permits

Fee Type	Description	Amount
Minor Subdivision (<5 lots)	Includes agency review meeting and technical review.	\$990.00
Major Subdivision (Single Phase)	Includes agency review meeting, technical review and Planning Commission meeting.	\$1,640.00
Major Subdivision with Multiple Phases (Includes Preliminary Plat and First Phase Final Plat)	Includes agency review meeting, technical review and Planning Commission Meeting	\$1,640.00
Final Plat Approval for Phases Two and Beyond	Includes Technical Review	\$535.00
Planned Unit Development (Preliminary approval and First Phase Final Approval/Plat)	Includes agency review meeting, technical review and Planning Commission meeting.	\$1,640.00
Final Planned Unit Development Approval for Phases Two and Beyond	Includes Technical Review	\$535.00
Subdivision amendments	Includes agency review meeting and technical review. In some cases, a Planning Commission and/or Mayors meeting is required. These fees will be added as needed based on the applicable fees in this fee schedule.	\$990.00
Simple Boundary Adjustment	Includes limited staff review.	\$110.00
Full Boundary Adjustments	Includes limited staff review. Applicable when amended plat not necessary.	\$175.00
Extension of Time	Includes review by Director.	\$275.00

Ordinance Adjustments

Fee Type	Description	Amount
Text Change	Includes Planning Commission meeting and Council meeting.	\$765.00
Zoning Map Change - minor	Changes less than 3 acres. Includes limited staff review, Planning Commission meeting and Council meeting.	\$940.00
Zoning Map Change - small	Changes 3 up to 10 acres. Includes agency review meeting, staff review, Planning Commission meeting and Council meeting.	\$1,755.00
Zoning Map Change - medium	Changes over 10 up to 50 acres. Includes agency review meeting, staff review, Planning Commission meeting, Council meeting, and General Plan fees.	\$1,755.00 plus \$200 per acre
Zoning Map Change - large	Changes over 50 up to 100 acres. Includes agency review meeting, staff review, Planning Commission meeting, Council meeting, and General Plan fees.	\$1,755.00 plus \$300 per acre
Zoning Map Change - Major	Changes over 100 acres.	To be determined by agreement between agency and applicant prior to acceptance of the application.

Other Land Use Applications

Fee Type	Description	Amount
Land Use Hearing Officer	Needed for appeal of decisions, variances, nonconforming use expansions, takings relief petition, etc.	\$1,000.00 ^a
Land Use Hearing Officer	Double fee if construction has started.	\$2,000.00
Administrative Determination	Requires Director review.	\$275.00
Special Exception to have Use violation declared legal	Planning Commission meeting.	\$650.00
Zoning Verification Letter	Base fee plus costs for research time.	\$25.00 base fee plus \$25.00 per hour
General Plan Amendment	Includes limited staff review, Planning Commission meeting, Council meeting, and General Plan fees.	\$2,440.00
Agency Review Meeting at applicants' request	Agency Review meeting that includes outside agencies.	\$455.00
Other applications requiring preliminary and/or technical review.	Up to 4 total review sessions. Additional charge if 4 total sessions exceeded for any application type.	\$535.00
Other applications requiring Planning Commission meeting	Planning Commission meeting.	\$650.00
Other applications requiring Council or Mayor's meeting	Council or Mayor's meeting.	\$115.00

^a For appeals, if the Land Use Hearing Officer finds in favor of the appellant then the fee shall be refunded less a \$100.00 administration fee.

Code Enforcement Fees

Fee Type	Description	Amount
Administrative Citation	All minor violations unless specified otherwise.	\$100.00 per violation
Appeal Fee	As provided for in 12.04.530 of Kearns code.	\$375.00 per appeal request
Civil Penalties	All violations of the code other than zoning violations and as otherwise prescribed in the code.	
	Violation per day for first 30 days.	\$100.00 per violation per day CE not enforcing
	Violation per day for days 31-60.	\$150.00 per violation per day CE is enforcing
	Violation per day over 60 days.	\$200.00 per violation per day CE not enforcing
Clean-up Fees	Administrative fee plus costs billed from Public Works or other contracted firm.	\$100.00 plus actual costs
Parking appeal fee	Can be recouped upon successful appeal	Cost of fine(s) on ticket (\$75 or \$150)
Parking Violation – minor	Violations under section 11.20.070, 11.20.080, 11.20.090 or 11.20.140	\$75.00 per violation
Parking Violation – major	Violations under section 11.20.070, 11.20.080, 11.20.090 or 11.20.140	\$150.00 per violation

Short-Term Rental Violations		Amount
Operating short-term rental without a business license		\$650.00 per infraction per day
Operating short-term rental for less than two nights for each stay		\$650.00 per infraction per day
Holding special event at short-term rental - first violation		\$650.00 per infraction per day
Holding special event at short-term rental – subsequent violations (individual)		\$1,000.00 per infraction per day
Holding special event at short-term rental - subsequent violations (non-individual)		\$1,300.00 per infraction per day
Other short-term rental violations	Violations not covered in the above categories.	\$100.00 per infraction per day

Civil Penalties for Violation of Zoning Regulations

Violation of the provisions of Title 19 of the City of Kearns Municipal Code shall result in civil penalties pursuant to the following schedule:

CIVIL PENALTIES FOR VIOLATION OF ZONING REGULATIONS

Type of Zone	Classification of Violation	Fine Per Day (after warning period)
Residential Zones R-1's R-2's R-4-8.5 RMH	Conditional use without a permit Other violations	\$75
	Non-permitted use Violation of permit for approval	\$150
Mixed Zones R-M NMU TC CMU	Conditional use without a permit Other violations	\$100
	Non-permitted use Violation of permit or approval	\$200
Commercial/Manufacturing Zones C's M's	Conditional use without a permit Other violations	\$150
	Non-permitted use Violation of permit or approval	\$300
Agricultural Zones A's	Conditional use without a permit Other violations	\$75
	Non-permitted use Violation of permit or approval	\$150

Other Zones PR PF PI	Conditional use without a permit	\$100
	Other violations	
	Non-permitted use Violation of permit or approval	\$200
Overlay Zones AOZ	Violation of provisions	\$200

Each day a violation is continued or maintained after receipt of notice shall give rise to a separate civil penalty for each day of violation.

Bond Administration Fees

Fee Type	Description	Amount
Bond Processing Fee	Must be paid prior to acceptance of bond.	\$100.00
Bond Forfeiture	Will be called if improvements are not complete by expiration date.	Varies ^a
Deferred Curb and Gutter		Varies ^b
Bond Reinspection	Inspections required for partial bond release or if applicant fails bond inspections twice.	\$100.00
Overtime/After-hours Inspection		\$120.00 (Per hour)

^a Based on bond amount

^b Based on project size

Miscellaneous Service Fees

Fee Type	Description	Amount
Development Agreements		Varies ^a
Hourly Rate	Per hour fees for staff time not covered under specific fee types.	\$80.00 per hour
GRAMA	Time spent on research and compiling.	Actual cost ^b
Material Costs	Copies, maps, CDs, USB drives, etc.	Actual cost ^b
Research	Research related to administrative decisions, zoning compliance letters, or determination of legal status of a lot or parcel.	\$25.00 base fee plus \$25.00 per hour
Health Department Review	Activities performed by the Salt Lake County Health Department.	County fee ^c
Postage	For noticing mailings, postage is charged per meeting.	Actual cost ^b
Newspaper Notices	Notices of meetings before Councils.	Actual cost ^b
Candidate Filing Fee	Fee for Declaration of Candidacy in a Municipal Election	\$50.00

^a Development agreements will be determined between local government agency and Applicant prior to acceptance of the application.

^b Customer will be charged actual costs of materials per MSD Records and Access and Management Policy.

^c Health Department fees will be charged as provided in the Salt Lake County Fee Schedule.

Engineering Fees

The fees below are collected by the MSD on behalf of the Engineering Division.

Right-of-way Improvement Review & Inspection Fees		Amount
Replacement of existing improvements	Replacement of existing curb & gutter, sidewalk, and drive approach improvements in the same configuration.	No charge
Changes to improvements (existing curb & gutter)	Changes to sidewalks and drive approaches where curb & gutter are already present. Includes review and inspection by County. Design and staking by applicant.	\$20.00 base fee plus \$1.00 per linear foot
Changes to improvements (no existing curb & gutter or sidewalk)	Addition of curb & gutter, sidewalks, and/or drive approaches where no curb & gutter or sidewalk are present. Includes review and inspection by County. Design and staking by applicant.	\$150.00 base fee plus \$1.00 per linear foot
Changes to sidewalk (no existing curb & gutter or sidewalk)	Addition of sidewalk only. Includes review and inspection by County. Design and staking by applicant.	\$100.00 base fee plus \$1.00 per linear foot
Changes to drive approach (no existing curb & gutter or sidewalk)	Addition of drive approaches only. Includes review and inspection by County. Design and staking by applicant.	\$100.00 base fee plus \$0.50 per linear foot
Engineering Plan Check Fees		Amount
For Subdivision Development – Master Planning	Engineering check fee, reviewing master planning for subdivision development	\$500 plus \$50/dwelling unit or lot
For Subdivision Development – Final	Engineering check fee, final subdivision fee and plat filing for subdivisions	\$500 plus \$125/dwelling unit or lot
Amended Subdivision Plat		\$400.00
Non-Subdivision Development		\$1,000 plus \$500 per acre

Excavation Permit Fees		Amount
Excavation within asphalt or concrete		\$0.50 per square foot \$250 minimum
Excavation within dirt		\$0.25 per square foot \$125 minimum
Road Closures or Obstructions caused by Excavation Permits		\$50 per day per lane or partial lane closed or obstructed for more than 72 hours
Permit Extension		Fee equal to one-half of the original fee
Excavation Work Without Permit Penalty	A person found doing work in the public right-of-way without having obtained a permit shall be required to pay a penalty	Penalty Fee equal to two times the normal permit fee

Other Fees		Amount
Road Dedication (non-subdivision development)	Where required for street widening and improvements.	\$150.00
Street Sign	Includes sign and installation by MSD or contracted service provider	\$200.00
Geology/Natural Hazard Review Fees		Amount
Initial Site Assessment	Determination of whether project falls within boundaries of any mapped hazards.	\$200.00
Review of Technical Report	Coordination and review of third-party technical report.	Actual cost of third-party review plus \$300.00 agency review
Traffic Impact Review Fees		Amount
Initial Site Assessment	Determination of whether project meets TIS threshold.	\$200.00
Review of Technical Report	Coordination and review of third-party technical report.	Actual cost of third-party review plus \$100 agency review

Public Works - Engineering Special Events

Special Events within Kearns require the submittal of an application.

Insurance certificates, maps, and fees will need to be submitted to the Permit Specialist before your request can be fully processed. See fee schedule below.

Special Event Permit Fees (for municipalities within the District)	
# of Participants	Fee per day
0 to 100	\$50.00
100 to 200	\$100.00
200 to 400	\$200.00
400 to 600	\$500.00
Over 600	\$1,000.00
Filming Fees	\$200.00

- Special events or Filming held on any state roadway(s) may also require an additional permit from Utah Department of Transportation.
- Special events or Filming held in any canyon may also require an additional permit from United States Department of Agriculture, Forest Service Division.
- Sponsors of block parties will also be required to submit paperwork with the signatures of affected neighbors' concurrence of the road closure. This paperwork should reflect the addresses of each resident, as well as their signature indicating agreement for the road closure. Barricades and security are the responsibility of the applicant.

Glossary of Terms

Condominium Plat: The procedure to review and record a condominium plat is subject to the Condominium Ownership Act (57.8- Utah Code). Staff review includes addressing all units, a review to verify compliance with the zoning ordinance and conditions of approval previously imposed and an engineering review to verify compliance with platting requirements.

Director: The Director of Planning and Development or designee.

General Plan Amendment: Planning Commissions make a recommendation to the Council who must authorize Amendments to a General Plan. A study that includes public involvement is conducted after Council gives the direction to proceed to the Development Services Director.

Home Daycare | Pre-school Application Fees: Although a home daycare or pre-school may be operated out of a private residence, it is not considered or reviewed in the same manner as a home business. Therefore, they are listed separately in the fee schedule and in the ordinance.

Modification to a Recorded Subdivision Plat: Utah Code requires a specific process be followed to amend, vacate or alter a recorded subdivision plat. This involves application, notice, a public hearing before the planning commission and executive (commonly referred to as a 608 hearing/ Mayor's Meeting). Additionally, an engineering review of the preliminary and final plat prior to approval and recording is required. Fees may include Planning Commission Review, Additional Public Body Review, Technical Review.

MSD: Means the Greater Salt Lake Municipal Services District, which the City of Kearns has contracted with to provide planning and zoning, building permit, business license, and code enforcement services

PUD (Planned Unit Development): In those zones which allow development of a PUD they are listed as a Conditional Use, which requires review by the Planning Commission. For developers who intend to sell individual lots within the PUD both the Planning Commission Review, Conditional Use and a Subdivision Preliminary Plat review would be required, and a Technical Review prior to final approval is also required. Per the fee schedule each of these reviews requires separate fee.

Additionally, because more than one review process is required the application would also involve an Agency Review Meeting. Fees may include: Agency Coordination Meeting, Planning Commission Review (Conditional Use), Planning Commission Review (Preliminary Plat), Technical Review.

The conditional use approval (Planning Commission approval) is required prior to preparation of the subdivision preliminary plat to ensure that the recommendations of the Planning Commission are properly incorporated into the preliminary plat.

Re-Zone (Zoning Map Amendment): A request to change the existing zoning (re-zone) requires: review and recommendation from the planning commission (Public Body Review) and final decision by the council (Additional Public Body Review) and technical work (Technical Review) for map and index work).

Signs: Signs vary in the type and complexity of review process required therefore they are listed under several review types. It is intended that the fees are assessed per review process and not per sign. For example, a business that had 2 signs requiring Planning Commission review would be charged for 1 Planning Commission review. However, a business which had 1 sign which required Planning Commission review and another sign which did not would be charged for 1 Planning Commission review and 1 staff review.

Subdivision: A request to subdivide property requires review and approval of a preliminary plat, and a Technical Review of the Final Plat. Additionally, an Agency Review Meeting is required. Note that in the case of a "one-lot" subdivision there might also be an Administrative Review for the proposed Single-Family Dwelling. Fees may include: Agency Coordination Meeting, Planning Commission Meeting, Technical Review, Staff Review of a Site Plan.

Valuation: The estimated construction cost for a project.

KEARNS CITY COUNCIL

ORDINANCE NO. 2026-O-10

DATE: July 13, 2026

**AN ORDINANCE REPEALING AND REPLACING SECTION 11.20.170 OF THE
KEARNS MUNICIPAL CODE REGARDING PARKING ENFORCEMENT**

WHEREAS, the City of Kearns (“**Kearns**”) regulates parking and the use of public streets, rights-of-way, and related public areas to protect public safety, maintain access for emergency services, preserve traffic flow, and promote the orderly use of public infrastructure; and

WHEREAS, unauthorized parking and other improper uses of public streets and parking areas may create hazards to pedestrians and motorists, interfere with emergency access, impede maintenance and snow removal operations, and negatively affect the public welfare; and

WHEREAS, the City finds that providing both criminal and civil enforcement mechanisms for parking violations will allow for more flexible, efficient, and proportional enforcement depending on the nature and severity of the violation; and

WHEREAS, the City further finds that establishing a clear civil enforcement framework, including notice requirements, response deadlines, hearing procedures, defenses, and collection mechanisms, will promote fairness, due process, and consistent administration of parking regulations; and

WHEREAS, the City desires to authorize the use of written notices of unauthorized parking as an administrative enforcement tool to encourage prompt resolution of violations while reducing the need for immediate criminal prosecution or court intervention; and

WHEREAS, the City finds that allowing contested parking violations to be resolved through administrative adjudication before the Greater Salt Lake Municipal Services District, or its designee, will provide an efficient and cost-effective process for resolving disputes while preserving appropriate procedural safeguards for vehicle owners and responsible parties; and

WHEREAS, the City further finds that providing reasonable defenses, opportunities for mitigation, and payment arrangements serves the interests of justice while ensuring accountability for violations of parking regulations; and

WHEREAS, the City Council determines that the repeal and replacement of Section 11.20.170 of the Kearns Municipal Code is necessary and appropriate to strengthen enforcement of parking regulations, improve compliance, reduce administrative burdens, and protect the public health, safety, and welfare of the residents of Kearns.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Kearns City Council:

1. Enactment: Section 11.20.170 of the Kearns Municipal Code is repealed in its entirety and replaced with the language attached to this ordinance.

2. Severability: If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of this ordinance, or specific application of this ordinance, shall be severed from the remainder, which shall continue in full force and effect.

2. Direction to Mayor and Staff: The Mayor and staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

3. Effective Date: This ordinance shall become effective immediately upon its posting.

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 13th day of July 2026.

CITY OF KEARNS

By: _____
Jesse Valdez, Mayor

ATTEST

Diana Baun, City Recorder

City Council Vote as Recorded:

Council Member Butterfield	voting _____
Council Member Colby	voting _____
Council Member Longtin	voting _____
Council Member Schaeffer	voting _____
Mayor Valdez	voting _____

(Complete as Applicable)

Date ordinance summary was posted to the City of Kearns website, the Utah Public Notice website, and in a public place within the City of Kearns per Utah Code §10-3-711: _____

Effective date of ordinance: _____

**SUMMARY OF
CITY OF KEARNS
ORDINANCE NO. 2026-O-10**

On July 13, 2026, the Kearns City Council enacted Ordinance No. 2026-O-12 amending Title 12 of the Kearns Municipal Code regarding code compliance and community preservation.

CITY OF KEARNS

By: _____
Jesse Valdez, Mayor

ATTEST

Diana Baun, City Recorder

City Council Vote as Recorded:

Council Member Butterfield	voting _____
Council Member Colby	voting _____
Council Member Longtin	voting _____
Council Member Schaeffer	voting _____
Mayor Valdez	voting _____

A complete copy of Ordinance No. 2026-O-10 is available in the office of the Kearns Recorder, 860 Levoy Dr., Suite 300, Taylorsville, Utah, 84123.

11.20.170 Penalty

All parking violations on City streets or highways shall be punishable either as a criminal infraction or as a civil code violation at the City's discretion.

A civil code violation will be subject to the procedure outlined in Title 12 of the Kearns Code of Ordinances and the following subsections of this chapter and the fines associated with a violation of this code as listed in the City's Fee Schedule.

- A. Violation: Any person engaging in the unauthorized use of streets, parking lots or other areas as provided under this chapter, within the jurisdiction of the City, shall be liable for a civil penalty. Any penalty assessed in subsection B of this section may be in addition to such other penalties as may be provided in this chapter. If a vehicle is cited for a violation and within three days is cited for a substantially similar violation, in addition to fines, the City may also have the vehicle towed and impounded without further notice.
- B. Late Fee: A twenty-five percent (25%) late fee will be added to any penalty that remains unpaid thirty (30) days after the date of the receipt of notice.
- C. Receipt of Notice:
 - 1. As used in this section, "receipt of notice" means either:
 - a. Affixing a notice of unauthorized parking to the vehicle alleged to have been in violation of this chapter; or
 - b. By delivery of such notice of unauthorized use to the owner or driver thereof.
 - 2. Receipt of notice shall be issued in writing by a peace officer or duly authorized code enforcement official and contain not less than the following information:
 - a. The make, model, color and license plate of the vehicle (if any);
 - b. The name of the person in whose name such vehicle is registered, if known;
 - c. The date and place of the violation;
 - d. The parking code violation and related fine;
 - e. Notice that the notice of unauthorized use must be responded to; and
 - f. Other information, including information related to payments by mail, telephone, in-person, or electronic means.

D. Response to Notice: Any person to whom a notice of unauthorized use has been issued shall respond within ten (10) days of receipt by either paying the civil penalty(s) listed on the notice, in the manner provided by the receipt of notice, or contesting the notice in the manner described by this section.

E. Adjudication Procedures:

1. The Greater Salt Lake Municipal Services District, or its designee, shall have jurisdiction to resolve contested matters relating to the unauthorized use of streets.
2. The Greater Salt Lake Municipal Services District, or its designee, may take any appropriate steps necessary to authorize one or more hearing officers to initially settle or resolve matters related to the unauthorized use of streets in a manner consistent with this chapter.
3. Any person, or vehicle owner, having received notice of such unauthorized use, may appear before a hearing officer at an appointed date and time and present and contest such alleged unauthorized use.
4. The notice of unauthorized use shall constitute prima facie evidence that the violation alleged therein actually occurred. The adjudication shall be conducted as informally as the circumstances will allow and shall be based on the civil standard of a preponderance of the evidence.
5. The burden to prove any defense shall be upon the person raising such defense.
6. The hearing officer may find that no unauthorized use occurred and dismiss the notice.
7. If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this section are applicable, they may dismiss the notice and release the owner or driver from liability thereunder. Such defenses are:
 - a. At the time of the receipt of the notice, possession of the subject vehicle had been acquired in violation of the criminal laws of the State of Utah;
 - b. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property;
 - c. If the hearing officer finds that the owner of the vehicle is deceased but was living when the notice was issued;
 - d. If the hearing officer finds that the vehicle was sold with the original license plates on, and the notice of unauthorized use was received prior to the sale, provided the sale is reported to the Utah Division of Motor Vehicles and the bill of sale is provided within twenty (20) days of receipt of the notice;

8. If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this section are applicable, the hearing officer may reduce the penalty associated therewith, but in no event shall such penalty be reduced below the sum of twenty-five dollars (\$25.00). Such defenses are:
 - a. The subject vehicle was mechanically incapable of being moved from such location; provided, however, such defense shall not apply to any vehicle which remains at such location in excess of six (6) hours;
 - b. At the time of the notice a responsible person receiving such notice of unauthorized use had, but failed to properly display, a special disability group license plate or placard that was valid and relevant to the notice. However, the hearing officer may not reduce the associated civil penalty below the sum of twenty-five dollars (\$25.00).
9. If the hearing officer finds that an unauthorized use occurred and no applicable defense exists, the hearing officer may enter into an agreement with a person who has received notice for the timely or periodic payment of the applicable penalty.
10. If the hearing officer and a person who has received notice are unable to resolve the notice, the hearing officer may refer the matter to the City Attorney to commence a civil action to compel enforcement of the notice in a court of competent jurisdiction.

If the penalty imposed pursuant to this chapter remains unsatisfied after forty (40) days from the receipt of notice of unauthorized use, or ten (10) days from such date as may have been agreed to by the hearing officer, the City may use such lawful means as are available to collect such penalty, including costs and attorney fees

KEARNS CITY COUNCIL

ORDINANCE NO. 2026-O-11

DATE: July 13, 2026

AN ORDINANCE REPEALING AND REENACTING TITLE 12 OF THE KEARNS MUNICIPAL CODE

WHEREAS, on December 7, 2023 Kearns repealed and replaced Title 12 of the Kearns Municipal Code.

WHEREAS, Kearns has adopted regulations codified in Title 12 of the Kearns Municipal Code to protect the public health, safety, and welfare through the enforcement of land use, nuisance, property maintenance, and related municipal standards; and

WHEREAS, the City recognizes that voluntary compliance with municipal code requirements is generally the most efficient, cost-effective, and cooperative means of achieving compliance and preserving community standards; and

WHEREAS, the City desires to establish a formal procedure for providing courtesy notices to property owners, occupants, and other responsible parties prior to the initiation of formal enforcement proceedings when appropriate, in order to encourage voluntary correction of code violations; and

WHEREAS, the City finds that the use of courtesy notices may improve communication with residents, provide greater transparency regarding alleged violations, reduce unnecessary enforcement costs, and foster cooperative resolution of code compliance issues; and

WHEREAS, the City further finds that certain amendments to Title 12 are necessary to clarify enforcement procedures, improve administrative efficiency, strengthen compliance mechanisms, and provide code enforcement personnel with clear authority and guidance in carrying out their duties; and

WHEREAS, the City Council has determined that updating Title 12 of the Kearns Municipal Code as set forth herein will promote a more effective, consistent, and equitable code compliance structure while preserving the Township's authority to take immediate enforcement action when necessary to protect public health, safety, or welfare; and

WHEREAS, the City Council finds that adoption of this Ordinance is in the best interests of the residents of Kearns and will further the public health, safety, and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Kearns City Council:

1. Enactment: Title 12 of the Kearns Municipal Code is repealed in its entirety and reenacted to read as attached to this ordinance.

2. Severability: If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of this ordinance, or specific application of this ordinance, shall be severed from the remainder, which shall continue in full force and effect.

2. Direction to Mayor and Staff: The Mayor and staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

3. Effective Date: This ordinance shall become effective immediately upon its posting.

[execution on following page]

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 13th day of July, 2026.

KEARNS CITY COUNCIL

By: Jesse Valdez, Mayor

ATTEST

Diana Baun, City Recorder

Voting:

Council Member Butterfield	voting	_____
Council Member Colby	voting	_____
Council Member Longtin	voting	_____
Council Member Schaeffer	voting	_____
Mayor Valdez	voting	_____

(Complete as Applicable)

Date ordinance summary was posted to the City of Kearns website, the Utah Public Notice website, and in a public place within the City of Kearns per Utah Code §10-3-711: _____

Effective date of ordinance: _____

**SUMMARY OF
CITY OF KEARNS
ORDINANCE NO. 2026-O-11**

On July 13, 2026, the Kearns City Council enacted Ordinance No. 2026-O-11 to Repeal and Replace Title 12 of the Kearns City Code, which will take effect immediately upon its posting pursuant to Utah Code §10-3-711.

CITY OF KEARNS

By: _____
Jesse Valdez, Mayor

ATTEST

Diana Baun, City Recorder

City Council Vote as Recorded:

Council Member Butterfield	voting	_____
Council Member Colby	voting	_____
Council Member Longtin	voting	_____
Council Member Schaeffer	voting	_____
Mayor Valdez	voting	_____

A complete copy of Ordinance No. 2026-O-11 is available in the office of the Kearns Recorder, 860 Levoy Dr., Suite 300, Taylorsville, Utah, 84123.

Title 12 CODE COMPLIANCE AND COMMUNITY PRESERVATION*

Chapter 12.02 General

Chapter 12.04 Administrative Code Compliance Procedures

Chapter 12.06 Administrative And Judicial Remedies

Chapter 12.08 Recover Of Code Compliance Penalties And Costs

BE IT ORDAINED BY KEARNS METRO TOWNSHIP COUNCIL as follows:

1. Title 12 is repealed and replaced in its entirety with the revised Title 12 attached hereto as Attachment 1.
2. Severability. If a court of competent jurisdiction determines that any part of these Ordinances is unconstitutional or invalid, then such portion(s) of these Ordinances, or specific application of these Ordinances, shall be severed from the remainder, which shall continue in full force and effect.
3. Implementation. Kearns staff are instructed to take any administrative steps needed to prepare and finalize Attachment 1 for publication to Municode, including but not limited to making any formatting, grammatical, or other non-substantive changes to the Ordinances that may be needed.
4. Posting and Effective Date. After Kearns staff have prepared Attachment 1 for publication to Municode, the staff shall post the attached summary pursuant to Utah Code § 10-3-711(1)(b); and publish Attachment 1 to Municode. This ordinance will become effective as of the date the summary is posted and Attachment 1 is published to Municode.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

Chapter 12.02 General

12.02.010 Short Title

12.02.020 Authority

12.02.030 Declaration Of Purpose

12.02.040 Scope

12.02.050 Existing Ordinances And Laws Continued

12.02.060 Criminal Prosecution Right

12.02.070 Effect Of Headings

12.02.080 Validity Of Title - Severability

12.02.090 No Mandatory Duty - Civil Liability

12.02.100 General Rules Of Interpretation Of Ordinances

12.02.110 Definitions Applicable To Title Generally

12.02.111 Acts Include Causing, Aiding And Abetting

12.02.200 Part 2 - Service Requirements

12.02.210 Service Of Process

12.02.220 Construction Notice Of Recorded Documents

[12.02.300 Part 3 - General Authority And Offenses](#)
[12.02.310 General Compliance Authority](#)
[12.02.320 Adoption Of Policy And Procedures](#)
[12.02.330 Authority To Inspect](#)
[12.02.340 Administrative Search Warrant Procedure](#)
[12.02.350 Power To Issue Citations](#)
[12.02.360 False Information Or Refusal Prohibited](#)
[12.02.370 Failure To Obey A Subpoena](#)

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.010 Short Title

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.020 Authority

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.030 Declaration Of Purpose

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.040 Scope

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.050 Existing Ordinances And Laws Continued

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.060 Criminal Prosecution Right

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.070 Effect Of Headings

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.080 Validity Of Title - Severability

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.090 No Mandatory Duty - Civil Liability

It is the intent of the Council that in establishing performance standards or an obligation to act by a Kearns officer, employee, or designee, the standards or obligation shall not be construed to create a mandatory duty for purposes of tort liability if the officer,

employee, or designee fails to perform his or her directed performance standards or obligation to act.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.100 General Rules Of Interpretation Of Ordinances

For purposes of this Title:

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.110 Definitions Applicable To Title Generally

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

1. "Abate" or "Abatement" means any action Kearns may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including demolition, removal, eviction of persons, repair, boarding, securing, or replacement of property.
2. "Administrative Code Compliance Order" means an order issued by an Administrative Law Judge. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Title and applicable state codes.
3. "Administrative Law Judge" or "hearing officer" means the position established by the Code § 1.16.
4. "Animal Control Administrator" means the supervisor of the Animal Control Division, established in the Code § 8.1.
5. "Chief Building Official" means the official authorized and responsible for planning, directing, and managing the building inspection activities within Kearns.
6. "Council" means the Kearns Council.
7. "Code Compliance Lien" means a lien recorded to collect outstanding civil penalties, administrative fees, or costs.
8. "Code Compliance Performance Bond" means a bond posted by a responsible person to ensure compliance with Kearns Code, applicable state titles, a judicial action, or an administrative code compliance order.
9. "County" means Salt Lake County, Utah.

10. "Courtesy Notice" means a written notice prepared by an compliance official that informs a responsible person of a violation and notifies the responsible person of the necessary actions that are required to correct the violation.
11. "Department" means Kearns's Planning and Development Services Department, or its designee.
12. "Director" means the director of Kearns's Planning and Development Services Department or the director's authorized agent or any other person or entity and authorized agent directed to provide code compliance services.
13. "Compliance Official" means any person authorized to enforce violations of Kearns Code or applicable state codes.
14. "Financial Institution" means any person or entity that holds a recorded mortgage or deed of trust on a property.
15. "Fire Department" means the applicable entity that is authorized and responsible for providing fire and emergency services to Kearns.
16. "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.
17. "Hazardous Materials" means the same as that term is defined in Utah Code Section 10-11-1.
18. "Imminent Life Safety Hazard" means any condition that creates a present, extreme, or immediate danger to life, property, health, or public safety.
19. "Kearns" means Kearns Metro Township, a municipal corporation or city under state law pursuant to Utah Code Subsection 68-3-12.5(6).
20. "Legal Interest" means any interest that is represented by a document, including a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.
21. "Violation" means any nuisance or other violation as defined in Kearns Code, state code or Utah state courts, to include, without limitations, any:
 1. land use that does not conform to existing zoning of the property;
 2. unauthorized collection of motor vehicles that are unlicensed, unregistered, or inoperable;
 3. accumulations of trash, litter, illegal dumping;
 4. weeds;
 5. conditions which increase the risk of fire or the spreading of fire to a neighboring property;
 6. unauthorized use of any public street or sidewalk, including news racks, merchandise displays, mobile food vending, or other illegal uses.
 7. illegal advertising;
 8. illegal residing in a Recreational Vehicle
 9. open storage of items; or
 10. any other violation of Kearns Municipal Code that is not specifically defined as a minor violation.
22. "Municipality" means the area within the territorial municipal limits of Kearns, and such territory outside the area over which Kearns has jurisdiction or control.

23. "Notice of Compliance" means a document issued by Kearns, representing that the violations outlined in the notice of violation have been remedied and the property is in compliance with applicable codes.
24. "Notice of Satisfaction" means a document or form approved by the Director or designee, which states that all outstanding civil penalties and costs have been paid in full, negotiated to an agreed amount, or resolved by a subsequent administrative or judicial decision. The property shall also be in compliance with the requirements of the notice of violation.
25. "Notice of Violation" means a written notice prepared by an compliance official that informs a responsible person of any code violation and orders the person to take certain actions to correct the violation.
26. "Oath" includes any affirmation or oath.
27. "Parking Violation" means any violation of Kearns Municipal Code Chapter 11.20.
28. "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.
29. "Program" means the Code Compliance and Community Enhancement Program authorized under this Title.
30. "Property Owner" means the record owner of real property based on the county assessor's records.
31. "Public Nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare or that significantly obstructs, injures, or interferes with the reasonable or quiet use of property in a neighborhood, community, or by a considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah statute.
32. "Recreational Vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by or on another vehicle, including truck campers, camper trailers, motorhomes, vehicles converted to have living facilities, or other vehicles used as sleeping or living accommodations.
33. "Residing" as it relates to a Recreational Vehicle means a rebuttable presumption that a Recreational Vehicle is being used as a residential unit if the Recreational Vehicle is occupied at any time between the hours of 1:00 a.m. and 5:00 a.m. for more than 14-consecutive days within a 6-month period. This presumption may be rebutted upon a showing of substantial evidence that the Recreational Vehicle is not used for sleeping, toilet facilities, food preparation, or showering.
34. "Responsible Person" means a person who has charge, care, or control of any premises, dwelling, or dwelling unit as the legal or equitable owner, agent of the owner, lessee, or as an executor, administrator, trustee, or guardian of the estate of the owner. In all cases, the person with legal title to any premises, dwelling, or dwelling unit shall be considered a responsible person, with or without accompanying actual possession thereof.
35. "Traffic Violation" means any violation of Kearns Municipal Code Title 11.

36. "Treasurer" means the Kearns Treasurer as designated pursuant to Utah Code Ann. § 10-3c-203.

37. "Written" includes handwritten, typewritten, photocopied, computer printed, or facsimile, whether in l or electronic form.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.111 Acts Include Causing, Aiding And Abetting

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.200 Part 2 - Service Requirements

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.210 Service Of Process

1. If service in person or by mail is required to be given under this Title, service shall be made in accordance with Utah Code Ann. § 10-11-2 unless another form of service is required by law.
2. If service complies with the requirements of this Part, it shall be considered to be a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Title.
3. The failure to serve all responsible persons shall not affect the validity of any proceedings.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.220 Construction Notice Of Recorded Documents

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.300 Part 3 - General Authority And Offenses

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.310 General Compliance Authority

If the Director or compliance official finds that a violation of Kearns Code or applicable state code has occurred or continues to exist, the administrative compliance procedure

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.320 Adoption Of Policy And Procedures

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.330 Authority To Inspect

The Director or any designated compliance official is authorized to enter upon any property or premises to inspect and ascertain if the person is complying with Kearns Code or applicable state code provisions and to make any necessary examination or survey in the performance of the compliance duties with either the permission of the responsible person, landowner, or upon obtaining a search warrant. If the responsible person refuses to allow the compliance official to enter the property, the compliance official shall obtain a search warrant. The Director or any designated compliance official may not enter a property, except to access the front door, without permission or a warrant. Any inspection entry, examination, or survey shall be done in a reasonable manner based upon probable cause. The Director or any designated compliance official may obtain evidence viewable from any public street, sidewalk, adjacent property or location where the responsible person has given authorization for entry without a warrant.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.340 Administrative Search Warrant Procedure

1. The Director or any designated compliance official may apply for an administrative search warrant with the Administrative Law Judge upon a showing of probable cause to believe that a violation of the Kearns Code or an applicable state code has occurred, is occurring, or is about to occur. The showing of

probable cause shall be based on specific and articulable facts or circumstances and shall be supported by a sworn affidavit or a verified complaint.

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.350 Power To Issue Citations

The Director or any designated compliance official is authorized to issue a misdemeanor citation or administrative citation if there is reasonable cause to believe that the person is committing or has committed a violation of the Kearns Code, including Parking Violations, Traffic Violation, or violations of state code in the compliance official's presence.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.360 False Information Or Refusal Prohibited

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.370 Failure To Obey A Subpoena

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

Chapter 12.04 Administrative Code Compliance Procedures

[12.04.010 Authority](#)

[12.04.020 Courtesy Notice](#)

[12.04.030 Notice Of Violation](#)

[12.04.040 Failure To Bring Property Into Compliance](#)

[12.04.050 Inspections](#)

[12.04.200 Part 2 - Emergency Abatement](#)

[12.04.210 Authority To Abate](#)

[12.04.220 Procedures For Abatement](#)

[12.04.300 Part 3 - Emergency Abatement](#)

[12.04.310 Authority](#)

[12.04.320 Procedures](#)

[12.04.330 Notice Of Emergency Abatement](#)

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

[12.04.410 Authority](#)

[12.04.420 Notice Of Hazardous Material Abatement](#)

[12.04.430 Certified Decontamination Specialist](#)

[12.04.440 Restricting Access](#)

[12.04.500 Part 5 - Demolitions](#)

[12.04.510 Authority](#)

[12.04.420 Procedures](#)

[12.042.400 Part 4 - Administrative Citations](#)

[12.042.410 Declaration Of Purpose](#)

[12.042.420 Authority](#)

[12.042.430 Procedures](#)

[12.042.440 Contents Of Administrative Citation](#)

[12.042.450 Civil Penalties Assessed](#)

[12.04.500 Part 5 - Appeal And Hearing Procedures](#)

[12.04.510 Declaration Of Purpose](#)

[12.04.520 Authority And Scope Of Hearings](#)

[12.04.530 Appeal And Request For Administrative Code Compliance Hearing](#)

[12.04.540 Hearings And Orders](#)

[12.04.550 Notification Of Administrative Code Compliance Hearing](#)

[12.04.560 Disqualification Of Administrative Law Judge](#)

[12.04.570 Powers Of The Administrative Law Judge](#)

[12.04.580 Procedures At Administrative Code Compliance Hearing](#)
[12.04.590 Failure To Attend Administrative Code Compliance Hearing](#)
[12.04.591 Administrative Code Compliance Order](#)
[12.04.595 Failure To Comply With Order](#)
[12.04.600 Part 6 - Administrative Compliance Appeals](#)
[12.04.610 Appeal Of Administrative Code Compliance Hearing Decision](#)
[12.04.700 Part 7 - Administrative Citations](#)
[12.04.710 Declaration Of Purpose](#)
[12.04.720 Authority](#)
[12.04.730 Procedures](#)
[12.04.740 Contents Of Administrative Citation](#)
[12.04.750 Civil Penalties Assessed](#)

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.010 Authority

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.020 Courtesy Notice

1. If the Director or any designated compliance official determines that a violation has occurred, the Director or compliance official may issue a courtesy notice to a responsible person by leaving a courtesy notice with the responsible person or affixing the notice to the door or gate of the property. The courtesy notice shall include the following information:
 1. Name of the property owner of record according to the records of the County Recorder;
 2. Street address of violation;
 3. Nature and results of the examination and investigation conducted;
 4. Date and approximate time the violation was observed
 5. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
 6. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
 7. A statement that if the violation has not been remedied within 7 days, the designated compliance official will issue a notice of violation consistent with the requirements of this chapter.
 8. The name and contact information of the code compliance official who may be contacted regarding the courtesy notice.
2. The issuance of a courtesy notice is discretionary, and an compliance official may proceed with the issuance of a notice of violation without first issuing a

courtesy notice. In issuing a courtesy notice, compliance officers shall take into consideration the duration, extent, and severity of the violation, formal and informal complaints by neighboring property owners, public health and safety, and any other factors relevant to code compliance in Kearns.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.030 Notice Of Violation

1. If the Director or any designated compliance official determines that a violation of the Kearns Code or applicable state codes has occurred or continues to exist, the Director or compliance official may issue a notice of violation to a responsible person. The notice of violation shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute(s):
 1. Name of the property owner of record according to the records of the County Recorder;
 2. Street address of violation;
 3. Nature and results of the examination and investigation conducted;
 4. Date and approximate time the violation was observed;
 5. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
 6. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
 7. A specific date for the responsible party to correct the violations listed in the notice of violation or appeal the notice of violation, which date shall be at least fifteen days from the date of service unless the Director determines that the violation requires emergency abatement under Section 12.2.200;
 8. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by Kearns and re-payment to Kearns for the costs of the abatement; other costs incurred by Kearns; administrative fees; and any other legal remedies;
 9. Civil penalties shall begin to accrue immediately on expiration of the date to correct violations;
 10. The amount of the civil penalty on each violation and that the penalty shall accrue daily until the property is brought into compliance;
 11. Only one notice of violation is required for any 12-month period, and civil penalties begin immediately upon any subsequent violation of the notice. The responsible person may request a hearing on the renewed violation by following the same procedure as provided for the original notice;
 12. Procedures to appeal the notice and request a hearing, including the amount of the appeal fee, as provided in the adopted fee schedule and

consequences for failure to request one, including that failure to appeal waives all defenses to the notice of violation and the Director, or designee, may order the abatement of the property without a subsequent hearing or order; and

13. Procedures to request an inspection after the violation has been abated.
2. The notice of violation shall be served by one of the methods of service listed in Section 12.2.210 of this Title.
3. More than one notice of violation may be issued against the same responsible person if it encompasses different dates, or different violations.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.040 Failure To Bring Property Into Compliance

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.050 Inspections

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.200 Part 2 - Emergency Abatement

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.210 Authority To Abate

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.220 Procedures For Abatement

1. The Director may abate a violation pursuant to this Part after providing notice under this Title and by following the process set forth in Utah Code § 10-11-3 or any applicable successor statute if the Responsible Party:
 1. Does not abate a violation within the time period prescribed in a notice; and
 2. Did not file a request for an administrative code compliance hearing under this Title.
2. The Director may request a default hearing but is not required to do so to abate the violation under this Part and may abate the violation without a default hearing pursuant to Utah Code § 10-11-3 or any applicable successor statute.
3. The Director may use Kearns personnel or a private contractor acting under the Director's or Kearns' direction to abate the violation.
4. Kearns personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or administrative code compliance order.
5. If the responsible person abates the violation before Kearns performs the actual abatement pursuant to a notice of violation or administrative code compliance order, the Director may still assess the costs incurred by Kearns against the responsible person.
6. In compliance with Utah Code § 10-11-3 or any applicable statute, the Director shall prepare an itemized statement of the work performed when the abatement is completed on the responsible person.
7. The Administrative Law Judge shall hear any appeals filed by a responsible person in response to an itemized statement issued under this Part and shall conduct such appeals and any related hearings in accordance with Utah Code § 10-11-3 or any applicable successor statute.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.300 Part 3 - Emergency Abatement

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.310 Authority

1. Whenever the Director determines that an imminent life safety hazard exists that requires immediate correction or elimination, the Director may exercise the following powers without prior notice to the responsible person:
 1. Order the immediate vacation of any tenants, and prohibit occupancy or entry until all repairs are completed, provided that an order prohibiting entry shall specify how entry is to be made to mitigate damage, complete repairs, retrieve personal property, or for any other purpose, if any, during the abatement process;
 2. Post the premises as unsafe, substandard, or dangerous;
 3. Board, fence, or secure the building or site;
 4. Raze, grade, and remove that portion of the building or site to prevent further collapse or any hazard to the general public;
 5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
 6. Take any other action appropriate to eliminate the emergency.
2. The Director and his or her agents have the authority for good cause to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.
3. The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Title.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.320 Procedures

1. The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by Kearns during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures provided in this Title.
2. The Director may also pursue any other valid and legal administrative or judicial remedy to abate any remaining violations.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.330 Notice Of Emergency Abatement

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.400 Part 4 - Abatement Of Hazardous Materials

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.410 Authority

If the Director determines that a structure has been closed to occupancy or entry by a local health department due to contamination from hazardous materials, the Director may appoint a municipal inspector for the purpose of implementing and complying with the provisions of Utah Code § 10-11-1. The Director may authorize abatement of the interior of the structure to eliminate or remove hazardous materials within a structure that has been closed to occupancy or entry by a local health department or fire department.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.420 Notice Of Hazardous Material Abatement

1. If the Director or any designated compliance official determines that a structure has been closed by the local health department or fire department for hazardous materials, the Director or compliance official will issue a notice of hazardous material abatement to a responsible person.
2. The notice of hazardous material abatement shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute:
 1. Name of the property owner of record according to the records of the County Recorder;
 2. Street address of violation;
 3. Nature and results of the examination and investigation conducted;
 4. Date and approximate time the violation was observed;
 5. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
 6. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
 7. A specific date for the responsible party to correct the violations listed in the notice of hazardous material abatement or appeal the notice of hazardous material abatement, which date shall be at least 180 days from the date of service;
 8. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by Kearns and re-payment to Kearns for the costs of the abatement; other costs incurred by Kearns; administrative fees; and any other legal remedies;
 9. Civil penalties shall begin to accrue immediately on expiration of the date to correct violations, or the appeal and administrative proceeding process is completed;

10. The amount of the civil penalty on each violation and that the penalty shall accrue daily until the property is brought into compliance;
 11. Procedures to appeal the notice and request a hearing, including the amount of the appeal fee, as provided in the adopted fee schedule, and consequences for failure to request one, including that failure to appeal waives all defenses to the notice of hazardous material abatement and the Director, or designee, may order the abatement of the property without a subsequent hearing or order; and
 12. Procedures to request an inspection after the violation has been abated.
3. The notice of hazardous material abatement shall be served by one of the methods of service listed in Section 12.02.210 of this Title.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.430 Certified Decontamination Specialist

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.440 Restricting Access

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.500 Part 5 - Demolitions

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.510 Authority

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.420 Procedures

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.400 Part 4 - Administrative Citations

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.410 Declaration Of Purpose

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

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.420 Authority

Any person violating a provision of the Metro Township Kearns Code or applicable state codes may be issued an administrative citation by an compliance official as provided in this Part.

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

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.430 Procedures

1. Upon discovering any violation of the Metro Township Kearns Code, or applicable state codes, an compliance official may issue an administrative citation to a responsible person in the manner prescribed in this Part or as prescribed in Section 12.1.210. The administrative citation shall be issued on a form approved by the Director.
2. If the responsible person is a business, the compliance official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the compliance official can only locate the manager of the business, the

administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 12.1.210 of this Title.

3. Once the responsible person has been located, the compliance official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.
4. If the compliance official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 12.1.210 of this Title.
5. If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 12.1.210 of this Title.
6. The administrative citation shall also contain the signature of the compliance official.
7. The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.440 Contents Of Administrative Citation

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

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.450 Civil Penalties Assessed

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.500 Part 5 - Appeal And Hearing Procedures

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.510 Declaration Of Purpose

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.520 Authority And Scope Of Hearings

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.530 Appeal And Request For Administrative Code Compliance Hearing

1. A person served with one of the following documents or notices has the right to appeal by requesting an administrative code compliance hearing, if the request is filed within 15 calendar days from the date of service of one of the following notices:
 1. Notice of violation;
 2. Notice of itemized bill for costs; or
 3. Notice of emergency abatement;
2. A person served with a notice of hazardous material abatement shall have the right to appeal by requesting an administrative code compliance hearing, if the request is filed within 180 calendar days from the date of service.
3. The request for hearing shall be made in writing and filed with the Director or as otherwise indicated in the notice of violation. The request shall contain the following:
 1. the case number,
 2. the address of the violation,
 3. a statement of the legal and factual basis supporting the overturning the notice of violation; and

4. the signature of the responsible party.
4. The request for hearing shall be accompanied by payment of the appeal fee the amount of which shall be provided forth in the Kearns Fee Schedule.
5. Failure to provide all the information required in Subsection 12.02.530(2) and payment of the appeal fee required in Subsection 12.02.530 (3), may result in the dismissal of the appeal without a hearing.
6. As soon as practicable after receiving the written notice of the request for hearing, the Director shall schedule a date, time, and place for the hearing with the Administrative Law Judge and serve a Notice of Hearing on the responsible party.
7. Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to appeal the action.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.540 Hearings And Orders

1. If the responsible person fails to request a hearing before the expiration of the 15-calendar day required deadline, the Director may:
 1. Schedule the abatement of the property and serve a notice of abatement on the responsible party.
 2. Request a default hearing, with the Administrative Law Judge and notify the responsible person of the date, time, and place of the hearing by one of the methods listed in Section 12.2.210.
2. A default hearing may be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees and/or costs due to Kearns before collection.
3. At any hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Title, to do one or more of the following in addition to any other rights afforded under other provisions of Kearns Code or applicable law:
 1. Waive or reduce the fines which have accumulated;
 2. Postpone an abatement action by Kearns; or
 3. Excuse the responsible person's failure to request a hearing within the 15-day period.
4. If the responsible person fails to establish good cause to take one or more of the actions set forth in paragraph (3), the Administrative Law Judge shall review the notice of violation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence.
 1. If the evidence shows that the violations existed, the Administrative Law Judge shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall run until the Director or other duly authorized representative of Kearns issues a Notice of Compliance stating when the violations were actually abated.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.550 Notification Of Administrative Code Compliance Hearing

1. The Administrative Law Judge or Kearns shall provide written notice of the day, time, and place of the hearing to a responsible person as soon as practicable prior to the date of the hearing with the format and contents of the hearing provided in accordance with rules and policies promulgated by the Administrative Law Judge.
2. The notice of hearing shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.560 Disqualification Of Administrative Law Judge

1. A responsible person may file a written motion to disqualify an Administrative Law Judge for bias, prejudice, a conflict of interest, or any other reason for which a judge may be disqualified in a court of law. The motion to disqualify shall be accompanied by an affidavit or unsworn declaration as described in Title 78B of the Utah Code or applicable successor statute signed by the responsible person, which shall:
 1. State that the motion is filed in good faith;
 2. Allege facts sufficient to show bias, prejudice, a conflict of interest, or any other reason that would disqualify a judge in a court of law in Utah; and
 3. State when and how the Responsible Party came to know of the reason for disqualification.
2. The responsible person shall file the motion within 21 days of the assignment of the action to an Administrative Law Judge or the date on which the responsible person knew or should have known of the grounds on which the motion is based, whichever is later.
3. A responsible person may only file one motion to disqualify an Administrative Law Judge, unless a second or subsequent motion is based on grounds that the responsible person did not know of and could not have known of at the time of the earlier motion.
4. The Administrative Law Judge who is the subject of a motion to disqualify must, without taking any further action, provide the Director with a copy of the motion and refer the motion to the Kearns Council.
5. Upon receipt of a motion to disqualify, the Kearns Council will schedule and notice the matter for review at its next regular scheduled meeting. The Kearns Council may, in its sole discretion, elect to hold a special meeting to hear the motion before its next regularly scheduled meeting. The Kearns Council shall first review the motion to disqualify to determine if it satisfies the requirements of paragraphs (1) and (2) of this Section. If the motion to disqualify does not satisfy the requirements of this Section, the Council will deny the motion and remand it

to the Administrative Law Judge for further proceedings. If the motion to disqualify satisfies the requirements of paragraphs (1) and (2) of this Section, the Kearns Council shall determine whether the motion is legally sufficient to warrant disqualification. If the Kearns Council determines that disqualification is warranted, it will assign the matter to another Administrative Law Judge. If the Kearns Council determines that the motion to disqualify is not legally sufficient, it will remand the matter back to the Administrative Law Judge.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.570 Powers Of The Administrative Law Judge

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.580 Procedures At Administrative Code Compliance Hearing

1. Administrative code compliance hearings are intended to be informal. Formal rules of evidence and discovery do not apply; however, an informal exchange of

discovery may be required. The request shall be in writing. Failure to request discovery may not be a basis for a continuance. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Administrative Law Judge.

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.590 Failure To Attend Administrative Code Compliance Hearing

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.591 Administrative Code Compliance Order

1. Once all evidence and testimony are completed, the Administrative Law Judge shall issue, or cause the prevailing party to circulate, an administrative code compliance order that affirms, modifies, or rejects the notice or citation. The Administrative Law Judge may increase or decrease the total amount of civil

penalties and costs that are due pursuant to Kearns's fee schedule and the procedures in this Title.

2. The parties may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as a stipulated administrative code compliance order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.
3. The Administrative Law Judge may order Kearns to enter the property and abate all violations, including demolitions and the removal of vehicles, garbage, animals, and other property kept in violation of Kearns Code.
4. The Administrative Law Judge may revoke a kennel permit, an animal license, or the right to possess animals as provided in Kearns Code.
5. As part of the administrative code compliance order, the Administrative Law Judge may condition the total or partial assessment of civil penalties on the responsible person's ability to complete compliance by specified deadlines.
6. The Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative code compliance order.
7. The Administrative Law Judge may order the responsible person to post a performance bond to ensure compliance with the order.
8. The administrative code compliance order shall become final on the date of the signing of the order.
9. The administrative code compliance order shall be served on all parties by any one of the methods listed in Section 12.1.210 of this Title.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.595 Failure To Comply With Order

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.600 Part 6 - Administrative Compliance Appeals

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.610 Appeal Of Administrative Code Compliance Hearing Decision

1. Any person adversely affected by any administrative decision made pursuant to this Chapter may file a petition for review of the decision or order by the district court within 30 days after the decision is rendered.
2. No person may challenge in district court an administrative code compliance hearing officer's decision until that person has exhausted his or her administrative remedies.

3. Within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The Administrative Law Judge shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs, including the cost of a licensed court reporter transcribing all relevant recorded hearings. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within 180 days after the petition for review was filed shall be grounds for dismissal of the petition.
 1. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may remand the matter to the Administrative Law Judge for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.
4. The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.
5. The courts shall:
 1. Presume that the administrative code compliance hearing officer's decision and orders are valid; and
 2. Review the record to determine whether or not the decision was arbitrary, capricious, or illegal.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.700 Part 7 - Administrative Citations

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.710 Declaration Of Purpose

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

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.720 Authority

1. Any person violating any minor provision of the Kearns Code or applicable state statutes may be issued an administrative citation by an compliance official as provided in this Part.

2. A civil penalty shall be assessed by means of an administrative citation issued by the compliance official, and shall be payable directly to Kearns Treasurer's Office, or other offices designated to receive payment on behalf of Kearns.
3. Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in the remedies section of this Title.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.730 Procedures

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.740 Contents Of Administrative Citation

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

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.750 Civil Penalties Assessed

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

Chapter 12.06 Administrative And Judicial Remedies

12.06.100 Part 1 - Recordation Of Notices Of Violation

12.06.110 Declaration Of Purpose

12.06.120 Authority

12.06.130 Procedures For Recordation

12.06.140 Service Of Notice Of Recordation

12.06.150 Failure To Request

12.06.160 Notice Of Compliance - Procedures

12.06.170 Authority To Withhold Issuance Of Municipal Permits

12.06.180 Cancellation Of Recorded Notice Of Violation

12.06.200 Part 2 - Administrative Civil Penalties

12.06.210 Authority

12.06.220 Procedures For Assessing Civil Penalties

12.06.230 Determination Of Civil Penalties

12.06.240 Modification Of Civil Penalties

12.06.250 Failure To Pay Penalties

12.06.300 Part 3 - Costs

12.06.310 Declaration Of Purpose

12.06.320 Authority

12.06.330 Notification Of Assessment Of Reinspection Fees

12.06.340 Failure To Timely Pay Costs

12.06.400 Part 4 - Administrative Fees

12.06.410 Administrative Fees

12.06.500 Part 5 - Injunctions

12.06.510 Violations - Injunctions

12.06.600 Part 6 - Performance Bonds

12.06.610 Performance Bond

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.100 Part 1 - Recordation Of Notices Of Violation

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.110 Declaration Of Purpose

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

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.120 Authority

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.130 Procedures For Recordation

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.140 Service Of Notice Of Recordation

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.150 Failure To Request

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.160 Notice Of Compliance - Procedures

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.170 Authority To Withhold Issuance Of Municipal Permits

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.180 Cancellation Of Recorded Notice Of Violation

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.200 Part 2 - Administrative Civil Penalties

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.210 Authority

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.220 Procedures For Assessing Civil Penalties

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.230 Determination Of Civil Penalties

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.240 Modification Of Civil Penalties

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.250 Failure To Pay Penalties

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.300 Part 3 - Costs

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.310 Declaration Of Purpose

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.320 Authority

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.330 Notification Of Assessment Of Reinspection Fees

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.340 Failure To Timely Pay Costs

The failure of any person to pay assessed costs, fees, or fines by the deadline specified in the invoice shall result in a late fee pursuant to Kearns policy.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.400 Part 4 - Administrative Fees

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.410 Administrative Fees

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.500 Part 5 - Injunctions

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.510 Violations - Injunctions

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.600 Part 6 - Performance Bonds

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.610 Performance Bond

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

Chapter 12.08 Recover Of Code Compliance Penalties And Costs

12.08.100 Part 1 - Code Compliance Tax Liens

12.08.110 Declaration Of Purpose

12.08.120 Procedures For Tax Liens Without A Judgement

12.08.130 Procedures For Tax Liens With A Judgement

12.08.140 Cancellation Of Code Compliance Tax Lien

12.08.200 Part 2 - Writ Of Execution

12.08.201 Recovery Of Costs By Writ Of Execution

12.08.300 Part 3 - Writ Of Garnishment

12.08.310 Recovery Of Costs By Writ Of Garnishment

12.08.400 Part 4 - Allocation Of Funds Collected Under Administrative Code

Compliance Hearing Program

12.08.410 Abatement Fund

12.08.420 Repayment Of Abatement Fund

12.08.430 Code Compliance Administrative Fees And Cost Fund

12.08.440 Allocation Of Civil Penalties

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.100 Part 1 - Code Compliance Tax Liens

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.110 Declaration Of Purpose

The Council finds that recordation of code compliance tax liens will assist in the collection of civil penalties, administrative costs, actual costs, and administrative fees

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.120 Procedures For Tax Liens Without A Judgement

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.130 Procedures For Tax Liens With A Judgement

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.140 Cancellation Of Code Compliance Tax Lien

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

provided for in the original Code Compliance Tax Lien. Such notice of satisfaction of judgment shall cancel the code compliance tax lien.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.200 Part 2 - Writ Of Execution

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.201 Recovery Of Costs By Writ Of Execution

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.300 Part 3 - Writ Of Garnishment

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.310 Recovery Of Costs By Writ Of Garnishment

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.400 Part 4 - Allocation Of Funds Collected Under Administrative Code Compliance Hearing Program

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.410 Abatement Fund

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.420 Repayment Of Abatement Fund

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.430 Code Compliance Administrative Fees And Cost Fund

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.440 Allocation Of Civil Penalties

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

Title 12 CODE ENFORCEMENT COMPLIANCE AND COMMUNITY PRESERVATION*

Chapter 12.02 General

Chapter 12.04 Administrative Code Enforcement Compliance Procedures

Chapter 12.06 Administrative And Judicial Remedies

Chapter 12.08 Recover Of Code Enforcement Compliance Penalties And Costs

BE IT ORDAINED BY KEARNS METRO TOWNSHIP COUNCIL as follows:

1. Title 12 is repealed and replaced in its entirety with the revised Title 12 attached hereto as Attachment 1.
2. Severability. If a court of competent jurisdiction determines that any part of these Ordinances is unconstitutional or invalid, then such portion(s) of these Ordinances, or specific application of these Ordinances, shall be severed from the remainder, which shall continue in full force and effect.
3. Implementation. Kearns staff are instructed to take any administrative steps needed to prepare and finalize Attachment 1 for publication to Municode, including but not limited to making any formatting, grammatical, or other non-substantive changes to the Ordinances that may be needed.
4. Posting and Effective Date. After Kearns staff have prepared Attachment 1 for publication to Municode, the staff shall post the attached summary pursuant to Utah Code § 10-3-711(1)(b); and publish Attachment 1 to Municode. This ordinance will become effective as of the date the summary is posted and Attachment 1 is published to Municode.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

Chapter 12.02 General

12.02.010 Short Title

12.02.020 Authority

12.02.030 Declaration Of Purpose

12.02.040 Scope

12.02.050 Existing Ordinances And Laws Continued

12.02.060 Criminal Prosecution Right

12.02.070 Effect Of Headings

12.02.080 Validity Of Title - Severability

12.02.090 No Mandatory Duty - Civil Liability

12.02.100 General Rules Of Interpretation Of Ordinances

12.02.110 Definitions Applicable To Title Generally

12.02.111 Acts Include Causing, Aiding And Abetting

12.02.200 Part 2 - Service Requirements

12.02.210 Service Of Process

12.02.220 Construction Notice Of Recorded Documents

[12.02.300 Part 3 - General Authority And Offenses](#)
[12.02.310 General ~~Enforcement~~ Compliance Authority](#)
[12.02.320 Adoption Of Policy And Procedures](#)
[12.02.330 Authority To Inspect](#)
[12.02.340 Administrative Search Warrant Procedure](#)
[12.02.350 Power To Issue Citations](#)
[12.02.360 False Information Or Refusal Prohibited](#)
[12.02.370 Failure To Obey A Subpoena](#)

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.010 Short Title

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.020 Authority

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.030 Declaration Of Purpose

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.040 Scope

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.050 Existing Ordinances And Laws Continued

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.060 Criminal Prosecution Right

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.070 Effect Of Headings

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.080 Validity Of Title - Severability

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.090 No Mandatory Duty - Civil Liability

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

be construed to create a mandatory duty for purposes of tort liability if the officer, employee, or designee fails to perform his or her directed performance standards or obligation to act.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.100 General Rules Of Interpretation Of Ordinances

For purposes of this Title:

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.110 Definitions Applicable To Title Generally

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

1. "Abate" or "Abatement" means any action Kearns may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including demolition, removal, eviction of persons, repair, boarding, securing, or replacement of property.
2. "Administrative Code [EnforcementCompliance](#) Order" means an order issued by an Administrative Law Judge. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Title and applicable state codes.
3. "Administrative Law Judge" or "hearing officer" means the position established by the Code § 1.16.
4. "Animal Control Administrator" means the supervisor of the Animal Control Division, established in the Code § 8.1.
5. "Chief Building Official" means the official authorized and responsible for planning, directing, and managing the building inspection activities within Kearns.
6. "Council" means the Kearns Council.
7. "Code [EnforcementCompliance](#) Lien" means a lien recorded to collect outstanding civil penalties, administrative fees, or costs.
8. "Code [EnforcementCompliance](#) Performance Bond" means a bond posted by a responsible person to ensure compliance with Kearns Code, applicable state titles, a judicial action, or an administrative code [enforcementcompliance](#) order.
9. "County" means Salt Lake County, Utah.

10. "Courtesy Notice" means a written notice prepared by an enforcement compliance official that informs a responsible person of a violation ~~minor violation~~ and notifies the responsible person of the necessary actions that are required to correct the ~~minor~~ violation.
11. "Department" means Kearns's Planning and Development Services Department, or its designee.
12. "Director" means the director of Kearns's Planning and Development Services Department or the director's authorized agent or any other person or entity and authorized agent directed to provide code enforcement compliance services.
13. "Enforcement Compliance Official" means any person authorized to enforce violations of Kearns Code or applicable state codes.
14. "Financial Institution" means any person or entity that holds a recorded mortgage or deed of trust on a property.
15. "Fire Department" means the applicable entity that is authorized and responsible for providing fire and emergency services to Kearns.
16. "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.
17. "Hazardous Materials" means the same as that term is defined in Utah Code Section 10-11-1.
18. "Imminent Life Safety Hazard" means any condition that creates a present, extreme, or immediate danger to life, property, health, or public safety.
19. "Kearns" means Kearns Metro Township, a municipal corporation or city under state law' pursuant to Utah Code Subsection 68-3-12.5(6).
20. "Legal Interest" means any interest that is represented by a document, including a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.
21. "~~Major~~ Violation" means any nuisance or other violation as defined in Kearns Code, state code or Utah state courts, to include, without limitations, any:
 1. land use that does not conform to existing zoning of the property;
 2. unauthorized collection of motor vehicles that are unlicensed, unregistered, or inoperable;
 3. accumulations of trash, litter, illegal dumping, ~~which occupy a combined area more than 50 square feet~~;
 4. weeds;
 - 4-5. that occupy a combined area that exceeds 100 square feet conditions which increase the risk of fire or the spreading of fire to a neighboring property;
 - 5-6. unauthorized use of any public street or sidewalk, including news racks, merchandise displays, mobile food vending, or other illegal uses.
 - 6-7. illegal advertising;
 - 7-8. illegal residing in a Recreational Vehicle
 - 8-9. open storage of items; or

- ~~9-10.~~ any other violation of Kearns Municipal Code that is not specifically defined as a minor violation.
22. ~~"Metro Township" or~~ "Municipality" means the area within the territorial municipal limits of Kearns, and such territory outside the area over which Kearns has jurisdiction or control.
23. ~~"Minor violation" means the following violations of Kearns Municipal Code:~~
- ~~1. accumulations of trash, litter, or illegal dumping, which occupy a combined area less than 50 square feet; or~~
 - ~~2. weeds which occupy a combined area less than 100 square feet and do not increase the risk of fire spreading to a neighboring property.~~
- 24-23. "Notice of Compliance" means a document issued by Kearns, representing that the violations outlined in the notice of violation have been remedied and the property is in compliance with applicable codes.
- 25-24. "Notice of Satisfaction" means a document or form approved by the Director or designee, which states that all outstanding civil penalties and costs have been paid in full, negotiated to an agreed amount, or resolved by a subsequent administrative or judicial decision. The property shall also be in compliance with the requirements of the notice of violation.
- 26-25. "Notice of Violation" means a written notice prepared by an ~~enforcement~~compliance official that informs a responsible person of any code violation and orders the person to take certain actions to correct the violation.
26. "Oath" includes any affirmation or oath.
27. "Parking Violation" means any violation of Kearns Municipal Code Chapter 11.20.
28. "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.
29. "Program" means the Code ~~Enforcement~~Compliance and Community Enhancement Program authorized under this Title.
30. "Property Owner" means the record owner of real property based on the county assessor's records.
31. "Public Nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare or that significantly obstructs, injures, or interferes with the reasonable or quiet use of property in a neighborhood, community, or by a considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah statute.
32. "Recreational Vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by or on another vehicle, including truck campers, camper trailers, motorhomes, vehicles converted to have living facilities, or other vehicles used as sleeping or living accommodations.
33. "Residing" as it relates to a Recreational Vehicle means a rebuttable presumption that a Recreational Vehicle is being used as a residential unit if the Recreational Vehicle is occupied at any time between the hours of 1:00 a.m. and 5:00 a.m. for more than 14-consecutive days within a 6-month period. This presumption may

be rebutted upon a showing of substantial evidence that the Recreational Vehicle is not used for sleeping, toilet facilities, food preparation, or showering.

34. "Responsible Person" means a person who has charge, care, or control of any premises, dwelling, or dwelling unit as the legal or equitable owner, agent of the owner, lessee, or as an executor, administrator, trustee, or guardian of the estate of the owner. In all cases, the person with legal title to any premises, dwelling, or dwelling unit shall be considered a responsible person, with or without accompanying actual possession thereof.

34-35. "Traffic Violation" means any violation of Kearns Municipal Code Title 11.

35-36. "Treasurer" means the Kearns Treasurer as designated pursuant to Utah Code Ann. § 10-3c-203.

36-37. "Written" includes handwritten, typewritten, photocopied, computer printed, or facsimile, whether in l or electronic form.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.111 Acts Include Causing, Aiding And Abetting

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.200 Part 2 - Service Requirements

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.210 Service Of Process

1. If service in person or by mail is required to be given under this Title, service shall be made in accordance with Utah Code Ann. § 10-11-2 unless another form of service is required by law.
2. If service complies with the requirements of this Part, it shall be considered to be a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Title.
3. The failure to serve all responsible persons shall not affect the validity of any proceedings.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.220 Construction Notice Of Recorded Documents

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.300 Part 3 - General Authority And Offenses

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.310 General ~~Enforcement~~ Compliance Authority

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.320 Adoption Of Policy And Procedures

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.330 Authority To Inspect

The Director or any designated ~~compliance~~ enforcement official is authorized to enter upon any property or premises to inspect and ascertain if the person is complying with Kearns Code or applicable state code provisions and to make any necessary examination or survey in the performance of the ~~enforcement~~ compliance duties with either the permission of the responsible person, landowner, or upon obtaining a search warrant. If the responsible person refuses to allow the ~~enforcement~~ compliance official to enter the property, the ~~enforcement~~ compliance official shall obtain a search warrant. The Director or any designated ~~enforcement~~ compliance official may not enter a property, except to access the front door, without permission or a warrant. Any inspection entry, examination, or survey shall be done in a reasonable manner based upon probable cause. The Director or any designated ~~enforcement~~ compliance official may obtain evidence viewable from any public street, sidewalk, adjacent property or

location where the responsible person has given authorization for entry without a warrant.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.340 Administrative Search Warrant Procedure

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.350 Power To Issue Citations

The Director or any designated [enforcementcompliance](#) official is authorized to issue a misdemeanor citation or administrative citation if there is reasonable cause to believe that the person is committing or has committed a violation of the Kearns Code, [including Parking Violations, Traffic Violation, or violations of](#) state code in the [enforcementcompliance](#) official's presence.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.360 False Information Or Refusal Prohibited

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.02.370 Failure To Obey A Subpoena

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code [enforcementcompliance](#) hearing. Failure to obey a subpoena constitutes contempt and is a class B misdemeanor.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

Chapter 12.04 Administrative Code [EnforcementCompliance](#) Procedures

[12.04.010 Authority](#)

[12.04.020 Courtesy Notice](#)

[12.04.030 Notice Of Violation](#)

[12.04.040 Failure To Bring Property Into Compliance](#)

[12.04.050 Inspections](#)

[12.04.200 Part 2 - Emergency Abatement](#)

[12.04.210 Authority To Abate](#)

[12.04.220 Procedures For Abatement](#)

[12.04.300 Part 3 - Emergency Abatement](#)

[12.04.310 Authority](#)

[12.04.320 Procedures](#)

[12.04.330 Notice Of Emergency Abatement](#)

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

[12.04.410 Authority](#)

[12.04.420 Notice Of Hazardous Material Abatement](#)

[12.04.430 Certified Decontamination Specialist](#)

[12.04.440 Restricting Access](#)

[12.04.500 Part 5 - Demolitions](#)

[12.04.510 Authority](#)

[12.04.420 Procedures](#)

[12.042.400 Part 4 - Administrative Citations](#)

[12.042.410 Declaration Of Purpose](#)

[12.042.420 Authority](#)

[12.042.430 Procedures](#)

[12.042.440 Contents Of Administrative Citation](#)

[12.042.450 Civil Penalties Assessed](#)
[12.04.500 Part 5 - Appeal And Hearing Procedures](#)
[12.04.510 Declaration Of Purpose](#)
[12.04.520 Authority And Scope Of Hearings](#)
[12.04.530 Appeal And Request For Administrative Code ~~Enforcement~~Compliance Hearing](#)
[12.04.540 Hearings And Orders](#)
[12.04.550 Notification Of Administrative Code ~~Enforcement~~Compliance Hearing](#)
[12.04.560 Disqualification Of Administrative Law Judge](#)
[12.04.570 Powers Of The Administrative Law Judge](#)
[12.04.580 Procedures At Administrative Code ~~Enforcement~~Compliance Hearing](#)
[12.04.590 Failure To Attend Administrative Code ~~Enforcement~~Compliance Hearing](#)
[12.04.591 Administrative Code ~~Enforcement~~Compliance Order](#)
[12.04.595 Failure To Comply With Order](#)
[12.04.600 Part 6 - Administrative ~~Enforcement~~Compliance Appeals](#)
[12.04.610 Appeal Of Administrative Code ~~Enforcement~~Compliance Hearing Decision](#)
[12.04.700 Part 7 - Administrative Citations](#)
[12.04.710 Declaration Of Purpose](#)
[12.04.720 Authority](#)
[12.04.730 Procedures](#)
[12.04.740 Contents Of Administrative Citation](#)
[12.04.750 Civil Penalties Assessed](#)

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.010 Authority

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.020 Courtesy Notice

1. If the Director or any designated ~~enforcement~~compliance official determines that a ~~minor~~ violation has occurred, the Director or ~~enforcement~~compliance official may issue a courtesy notice to a responsible person by leaving a courtesy notice with the responsible person or affixing the notice to the door or gate of the property. The courtesy notice shall include the following information:
 1. Name of the property owner of record according to the records of the County Recorder;
 2. Street address of violation;
 3. Nature and results of the examination and investigation conducted;
 4. Date and approximate time the violation was observed
 5. All code sections violated and descriptions of the condition of the property that violates the applicable codes;

6. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
 7. A statement that if the violation has not been remedied within 7 days, the designated enforcementcompliance official will issue a notice of violation consistent with the requirements of this chapter.
 8. The name and contact information of the code enforcementcompliance official who may be contacted regarding the courtesy notice.
2. The issuance of a courtesy notice is discretionary, and an enforcementcompliance official may proceed with the issuance of a notice of violation without first issuing a courtesy notice. In issuing a courtesy notice, compliance officers shall take into consideration the duration, extent, and severity of the violation, formal and informal complaints by neighboring property owners, public health and safety, and any other factors relevant to code compliance in Kearns.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.030 Notice Of Violation

1. If the Director or any designated enforcementcompliance official determines that a ~~major~~-violation of the Kearns Code or applicable state codes has occurred or continues to exist ~~or a minor violation continues to exist~~, the Director or enforcementcompliance official may issue a notice of violation to a responsible person. The notice of violation shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute(s):
 1. Name of the property owner of record according to the records of the County Recorder;
 2. Street address of violation;
 3. Nature and results of the examination and investigation conducted;
 4. Date and approximate time the violation was observed;
 5. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
 6. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
 7. A specific date for the responsible party to correct the violations listed in the notice of violation or appeal the notice of violation, which date shall be at least fifteen days from the date of service unless the Director determines that the violation requires emergency abatement under Section 12.2.200;
 8. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by Kearns and re-payment to Kearns

- for the costs of the abatement; other costs incurred by Kearns; administrative fees; and any other legal remedies;
9. Civil penalties shall begin to accrue immediately on expiration of the date to correct violations;
 10. The amount of the civil penalty on each violation and that the penalty shall accrue daily until the property is brought into compliance;
 11. Only one notice of violation is required for any 12-month period, and civil penalties begin immediately upon any subsequent violation of the notice. The responsible person may request a hearing on the renewed violation by following the same procedure as provided for the original notice;
 12. Procedures to appeal the notice and request a hearing, including the amount of the appeal fee, as provided in the adopted fee schedule and consequences for failure to request one, including that failure to appeal waives all defenses to the notice of violation and the Director, or designee, may order the abatement of the property without a subsequent hearing or order; and
 13. Procedures to request an inspection after the violation has been abated.
2. The notice of violation shall be served by one of the methods of service listed in Section 12.2.210 of this Title.
 3. More than one notice of violation may be issued against the same responsible person if it encompasses different dates, or different violations.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.040 Failure To Bring Property Into Compliance

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.050 Inspections

It shall be the duty of the responsible person served with a notice of violation to request in writing an inspection when the responsible person's property has been brought into

compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued. Re-inspection fees shall be assessed if more than one inspection is necessary.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.200 Part 2 - Emergency Abatement

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.210 Authority To Abate

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.220 Procedures For Abatement

1. The Director may abate a violation pursuant to this Part after providing notice under this Title and by following the process set forth in Utah Code § 10-11-3 or any applicable successor statute if the Responsible Party:
 1. Does not abate a violation within the time period prescribed in a notice; and
 2. Did not file a request for an administrative code ~~enforcement~~compliance hearing under this Title.
2. The Director may request a default hearing but is not required to do so to abate the violation under this Part and may abate the violation without a default hearing pursuant to Utah Code § 10-11-3 or any applicable successor statute.
3. The Director may use Kearns personnel or a private contractor acting under the Director's or Kearns' direction to abate the violation.
4. Kearns personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or administrative code ~~enforcement~~compliance order.
5. If the responsible person abates the violation before Kearns performs the actual abatement pursuant to a notice of violation or administrative code ~~enforcement~~compliance order, the Director may still assess the costs incurred by Kearns against the responsible person.
6. In compliance with Utah Code § 10-11-3 or any applicable statute, the Director shall prepare an itemized statement of the work performed when the abatement is completed on the responsible person.
7. The Administrative Law Judge shall hear any appeals filed by a responsible person in response to an itemized statement issued under this Part and shall

conduct such appeals and any related hearings in accordance with Utah Code § 10-11-3 or any applicable successor statute.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.300 Part 3 - Emergency Abatement

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.310 Authority

1. Whenever the Director determines that an imminent life safety hazard exists that requires immediate correction or elimination, the Director may exercise the following powers without prior notice to the responsible person:
 1. Order the immediate vacation of any tenants, and prohibit occupancy or entry until all repairs are completed, provided that an order prohibiting entry shall specify how entry is to be made to mitigate damage, complete repairs, retrieve personal property, or for any other purpose, if any, during the abatement process;
 2. Post the premises as unsafe, substandard, or dangerous;
 3. Board, fence, or secure the building or site;
 4. Raze, grade, and remove that portion of the building or site to prevent further collapse or any hazard to the general public;
 5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
 6. Take any other action appropriate to eliminate the emergency.
2. The Director and his or her agents have the authority for good cause to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.
3. The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Title.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.320 Procedures

1. The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by Kearns during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures provided in this Title.
2. The Director may also pursue any other valid and legal administrative or judicial remedy to abate any remaining violations.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.330 Notice Of Emergency Abatement

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.400 Part 4 - Abatement Of Hazardous Materials

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.410 Authority

If the Director determines that a structure has been closed to occupancy or entry by a local health department due to contamination from hazardous materials, the Director may appoint a municipal inspector for the purpose of implementing and complying with the provisions of Utah Code § 10-11-1. The Director may authorize abatement of the interior of the structure to eliminate or remove hazardous materials within a structure that has been closed to occupancy or entry by a local health department or fire department.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.420 Notice Of Hazardous Material Abatement

1. If the Director or any designated ~~enforcement~~compliance official determines that a structure has been closed by the local health department or fire department for hazardous materials, the Director or ~~enforcement~~compliance official will issue a notice of hazardous material abatement to a responsible person.
2. The notice of hazardous material abatement shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute:
 1. Name of the property owner of record according to the records of the County Recorder;
 2. Street address of violation;
 3. Nature and results of the examination and investigation conducted;
 4. Date and approximate time the violation was observed;
 5. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
 6. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
 7. A specific date for the responsible party to correct the violations listed in the notice of hazardous material abatement or appeal the notice of hazardous material abatement, which date shall be at least 180 days from the date of service;
 8. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which

- may include criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by Kearns and re-payment to Kearns for the costs of the abatement; other costs incurred by Kearns; administrative fees; and any other legal remedies;
9. Civil penalties shall begin to accrue immediately on expiration of the date to correct violations, or the appeal and administrative proceeding process is completed;
 10. The amount of the civil penalty on each violation and that the penalty shall accrue daily until the property is brought into compliance;
 11. Procedures to appeal the notice and request a hearing, including the amount of the appeal fee, as provided in the adopted fee schedule, and consequences for failure to request one, including that failure to appeal waives all defenses to the notice of hazardous material abatement and the Director, or designee, may order the abatement of the property without a subsequent hearing or order; and
 12. Procedures to request an inspection after the violation has been abated.
3. The notice of hazardous material abatement shall be served by one of the methods of service listed in Section 12.02.210 of this Title.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.430 Certified Decontamination Specialist

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.440 Restricting Access

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.500 Part 5 - Demolitions

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.510 Authority

If the Director determines that a property or building requires demolition, the Director may demolish or remove the offending structure, or exercise any or all of the powers listed in this Title once appropriate notice has been given to a responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Codes as required under state law, provided that the notice shall include a written description

of the Director's findings, explaining the need for the demolition and citations to the applicable ordinances or laws authorizing the demolition. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Title.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.420 Procedures

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.400 Part 4 - Administrative Citations

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.410 Declaration Of Purpose

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

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.420 Authority

Any person violating a provision of the Metro Township Kearns Code or applicable state codes may be issued an administrative citation by an enforcementcompliance official as provided in this Part.

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

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.430 Procedures

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.440 Contents Of Administrative Citation

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

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.042.450 Civil Penalties Assessed

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.500 Part 5 - Appeal And Hearing Procedures

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.510 Declaration Of Purpose

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.520 Authority And Scope Of Hearings

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.530 Appeal And Request For Administrative Code EnforcementCompliance Hearing

1. A person served with one of the following documents or notices has the right to appeal by requesting an administrative code enforcementcompliance hearing, if the request is filed within 15 calendar days from the date of service of one of the following notices:

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.540 Hearings And Orders

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

3. Excuse the responsible person's failure to request a hearing within the 15-day period.
4. If the responsible person fails to establish good cause to take one or more of the actions set forth in paragraph (3), the Administrative Law Judge shall review the notice of violation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence.
 1. If the evidence shows that the violations existed, the Administrative Law Judge shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall run until the Director or other duly authorized representative of Kearns issues a Notice of Compliance stating when the violations were actually abated.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.550 Notification Of Administrative Code Enforcement Compliance Hearing

1. The Administrative Law Judge or Kearns shall provide written notice of the day, time, and place of the hearing to a responsible person as soon as practicable prior to the date of the hearing with the format and contents of the hearing provided in accordance with rules and policies promulgated by the Administrative Law Judge.
2. The notice of hearing shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.560 Disqualification Of Administrative Law Judge

1. A responsible person may file a written motion to disqualify an Administrative Law Judge for bias, prejudice, a conflict of interest, or any other reason for which a judge may be disqualified in a court of law. The motion to disqualify shall be accompanied by an affidavit or unsworn declaration as described in Title 78B of the Utah Code or applicable successor statute signed by the responsible person, which shall:
 1. State that the motion is filed in good faith;
 2. Allege facts sufficient to show bias, prejudice, a conflict of interest, or any other reason that would disqualify a judge in a court of law in Utah; and
 3. State when and how the Responsible Party came to know of the reason for disqualification.
2. The responsible person shall file the motion within 21 days of the assignment of the action to an Administrative Law Judge or the date on which the responsible person knew or should have known of the grounds on which the motion is based, whichever is later.
3. A responsible person may only file one motion to disqualify an Administrative Law Judge, unless a second or subsequent motion is based on grounds that the

responsible person did not know of and could not have known of at the time of the earlier motion.

4. The Administrative Law Judge who is the subject of a motion to disqualify must, without taking any further action, provide the Director with a copy of the motion and refer the motion to the Kearns Council.
5. Upon receipt of a motion to disqualify, the Kearns Council will schedule and notice the matter for review at its next regular scheduled meeting. The Kearns Council may, in its sole discretion, elect to hold a special meeting to hear the motion before its next regularly scheduled meeting. The Kearns Council shall first review the motion to disqualify to determine if it satisfies the requirements of paragraphs (1) and (2) of this Section. If the motion to disqualify does not satisfy the requirements of this Section, the Council will deny the motion and remand it to the Administrative Law Judge for further proceedings. If the motion to disqualify satisfies the requirements of paragraphs (1) and (2) of this Section, the Kearns Council shall determine whether the motion is legally sufficient to warrant disqualification. If the Kearns Council determines that disqualification is warranted, it will assign the matter to another Administrative Law Judge. If the Kearns Council determines that the motion to disqualify is not legally sufficient, it will remand the matter back to the Administrative Law Judge.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.570 Powers Of The Administrative Law Judge

1. The Administrative Law Judge has the authority to conduct an adjudicative proceeding, determine if any violation of Kearns Code exists, order compliance with Kearns Code, and enforce compliance as provided in this Title on any matter subject to the provisions of the Title.
2. The Administrative Law Judge may complete the attendance of a witness and production of a document or other evidence, administer an oath, take testimony, and receive evidence as necessary.
3. The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing. The Administrative Law Judge must enter on the record the good cause on which a continuance is granted.
4. The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Administrative Law Judge shall develop policies and procedures relating to the issuance of subpoenas in administrative code ~~enforcement~~compliance hearings, including the form of the subpoena and related costs.
5. The Administrative Law Judge has continuing jurisdiction over the subject matter of an administrative code ~~enforcement~~compliance hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code ~~enforcement~~compliance order using any remedies available under the law; ensuring compliance with that order, which includes the right to authorize Kearns

to enter and abate a violation; modifying an administrative code [enforcementcompliance](#) order; or, where extraordinary circumstances exist, granting a new hearing.

6. The Administrative Law Judge has the authority to require a responsible person to post a code [enforcementcompliance](#) performance bond to ensure compliance with an administrative code [enforcementcompliance](#) order.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.580 Procedures At Administrative Code [EnforcementCompliance](#) Hearing

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.590 Failure To Attend Administrative Code [EnforcementCompliance](#) Hearing

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.591 Administrative Code EnforcementCompliance Order

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.595 Failure To Comply With Order

Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcementcompliance order, Kearns may abate the

violation as provided in this Title and use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.600 Part 6 - Administrative Enforcement Compliance Appeals

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.610 Appeal Of Administrative Code Enforcement Compliance Hearing Decision

1. Any person adversely affected by any administrative decision made pursuant to this Chapter may file a petition for review of the decision or order by the district court within 30 days after the decision is rendered.
2. No person may challenge in district court an administrative code [enforcement compliance](#) hearing officer's decision until that person has exhausted his or her administrative remedies.
3. Within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The Administrative Law Judge shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs, including the cost of a licensed court reporter transcribing all relevant recorded hearings. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within 180 days after the petition for review was filed shall be grounds for dismissal of the petition.
 1. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may remand the matter to the Administrative Law Judge for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.
4. The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.
5. The courts shall:
 1. Presume that the administrative code [enforcement compliance](#) hearing officer's decision and orders are valid; and
 2. Review the record to determine whether or not the decision was arbitrary, capricious, or illegal.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.700 Part 7 - Administrative Citations

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.710 Declaration Of Purpose

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

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.720 Authority

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.730 Procedures

1. Upon discovering a violation of the Kearns Code, or applicable state codes, an enforcement compliance official may issue an administrative citation to a responsible person in the manner prescribed in this Part or as prescribed in Section 12.1.210. The administrative citation shall be issued on a form approved by the Director.
2. If the responsible person is a business, the enforcement compliance official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement compliance official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 12.1.210 of this Title.
3. Once the responsible person has been located, the enforcement compliance official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.
4. If the enforcement compliance official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 12.1.210 of this Title.

5. If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 12.1.210 of this Title.
6. The administrative citation shall also contain the signature of the ~~enforcement~~compliance official.
7. The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.740 Contents Of Administrative Citation

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

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.04.750 Civil Penalties Assessed

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

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

Chapter 12.06 Administrative And Judicial Remedies

12.06.100 Part 1 - Recordation Of Notices Of Violation

12.06.110 Declaration Of Purpose

12.06.120 Authority

12.06.130 Procedures For Recordation

12.06.140 Service Of Notice Of Recordation

12.06.150 Failure To Request

12.06.160 Notice Of Compliance - Procedures

12.06.170 Authority To Withhold Issuance Of Municipal Permits

12.06.180 Cancellation Of Recorded Notice Of Violation

12.06.200 Part 2 - Administrative Civil Penalties

12.06.210 Authority

12.06.220 Procedures For Assessing Civil Penalties

[12.06.230 Determination Of Civil Penalties](#)
[12.06.240 Modification Of Civil Penalties](#)
[12.06.250 Failure To Pay Penalties](#)
[12.06.300 Part 3 - Costs](#)
[12.06.310 Declaration Of Purpose](#)
[12.06.320 Authority](#)
[12.06.330 Notification Of Assessment Of Reinspection Fees](#)
[12.06.340 Failure To Timely Pay Costs](#)
[12.06.400 Part 4 - Administrative Fees](#)
[12.06.410 Administrative Fees](#)
[12.06.500 Part 5 - Injunctions](#)
[12.06.510 Violations - Injunctions](#)
[12.06.600 Part 6 - Performance Bonds](#)
[12.06.610 Performance Bond](#)

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.100 Part 1 - Recordation Of Notices Of Violation

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.110 Declaration Of Purpose

The Council finds that there is a need for alternative methods of [enforcementcompliance](#) for violations of Kearns Code and applicable state codes that are found to exist on real property. The Council further finds that an appropriate method of [enforcementcompliance](#) for these types of violations is the issuance and recordation of notices of violation.

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.120 Authority

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.130 Procedures For Recordation

1. Once the Director has issued a notice of violation to a responsible person, and the property remains in violation after the deadline established in the notice of

violation, and no request for an administrative hearing has been filed, the Director shall record a notice of violation with the County Recorder's Office.

2. If an administrative hearing is held, and an order is issued in Kearns's favor, the Director shall record the administrative code ~~enforcement~~compliance order with the County Recorder's Office.
3. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, and a copy of the notice of violation or order.
4. The recordation does not encumber the property but merely places future interested parties on notice of any continuing violation found upon the property.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.140 Service Of Notice Of Recordation

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.150 Failure To Request

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.160 Notice Of Compliance - Procedures

1. When the violation has been corrected, the responsible person or property owner may request an inspection of the property from the Director.
2. Upon receipt of a request for inspection, the Director shall re-inspect the property as soon as practicable to determine whether the violations listed in the notice of violation or the order have been corrected, and whether all necessary permits have been issued and final inspections have been performed.
3. The Director shall serve a notice of satisfaction to the responsible person or property owner as provided in Section 12.2.210 of this Title, if the Director determines that the violation listed in the recorded notice of violation or order has been corrected;
4. All necessary permits have been issued and finalized;
5. All civil penalties assessed against the property have been paid or satisfied; and
6. The party requesting the notice of satisfaction has paid all administrative fees and costs.

7. If the Director denies a request to issue a notice of satisfaction, upon request, the Director shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.170 Authority To Withhold Issuance Of Municipal Permits

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.180 Cancellation Of Recorded Notice Of Violation

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.200 Part 2 - Administrative Civil Penalties

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.210 Authority

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

5. Civil penalties for violations of any provision of Kearns Code or applicable state codes shall be assessed pursuant to the Kearns's applicable fee schedule.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.220 Procedures For Assessing Civil Penalties

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.230 Determination Of Civil Penalties

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.240 Modification Of Civil Penalties

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.250 Failure To Pay Penalties

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.300 Part 3 - Costs

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.310 Declaration Of Purpose

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.320 Authority

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.330 Notification Of Assessment Of Reinspection Fees

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.340 Failure To Timely Pay Costs

The failure of any person to pay assessed costs, **fees, or fines** -by the deadline specified in the invoice shall result in a late fee pursuant to Kearns policy.

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.400 Part 4 - Administrative Fees

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.410 Administrative Fees

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.500 Part 5 - Injunctions

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.510 Violations - Injunctions

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.600 Part 6 - Performance Bonds

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.06.610 Performance Bond

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

Chapter 12.08 Recover Of Code Enforcement Compliance Penalties And Costs

12.08.100 Part 1 - Code Enforcement Compliance Tax Liens

12.08.110 Declaration Of Purpose

12.08.120 Procedures For Tax Liens Without A Judgement

12.08.130 Procedures For Tax Liens With A Judgement

[12.08.140 Cancellation Of Code Enforcement Compliance Tax Lien](#)
[12.08.200 Part 2 - Writ Of Execution](#)
[12.08.201 Recovery Of Costs By Writ Of Execution](#)
[12.08.300 Part 3 - Writ Of Garnishment](#)
[12.08.310 Recovery Of Costs By Writ Of Garnishment](#)
[12.08.400 Part 4 - Allocation Of Funds Collected Under Administrative Code Enforcement Compliance Hearing Program](#)
[12.08.410 Abatement Fund](#)
[12.08.420 Repayment Of Abatement Fund](#)
[12.08.430 Code Enforcement Compliance Administrative Fees And Cost Fund](#)
[12.08.440 Allocation Of Civil Penalties](#)

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.100 Part 1 - Code Enforcement Compliance Tax Liens

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.110 Declaration Of Purpose

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.120 Procedures For Tax Liens Without A Judgement

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.130 Procedures For Tax Liens With A Judgement

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.140 Cancellation Of Code ~~Enforcement~~Compliance Tax Lien

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.200 Part 2 - Writ Of Execution

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.201 Recovery Of Costs By Writ Of Execution

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.300 Part 3 - Writ Of Garnishment

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.310 Recovery Of Costs By Writ Of Garnishment

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.400 Part 4 - Allocation Of Funds Collected Under Administrative Code EnforcementCompliance Hearing Program

HISTORY

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.410 Abatement Fund

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.420 Repayment Of Abatement Fund

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.430 Code EnforcementCompliance Administrative Fees And Cost Fund

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

12.08.440 Allocation Of Civil Penalties

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

HISTORY

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

Repealed & Replaced by Ord. [2023-12-02](#) on 12/7/2023

KEARNS 5400 SOUTH CORRIDOR STUDY

CITY COUNCIL MEETING - 6/8/2026



MUNICIPAL SERVICES
DISTRICT



MEETING OVERVIEW

- Today's Meeting: Brief update and overview
 - *Next meeting w/ Council in the Fall will be more detailed*
- Kearns 5400 S Study Goals
 - Stakeholder Outreach
- Existing Conditions Analysis
- Future Needs Assessment
- Next Steps

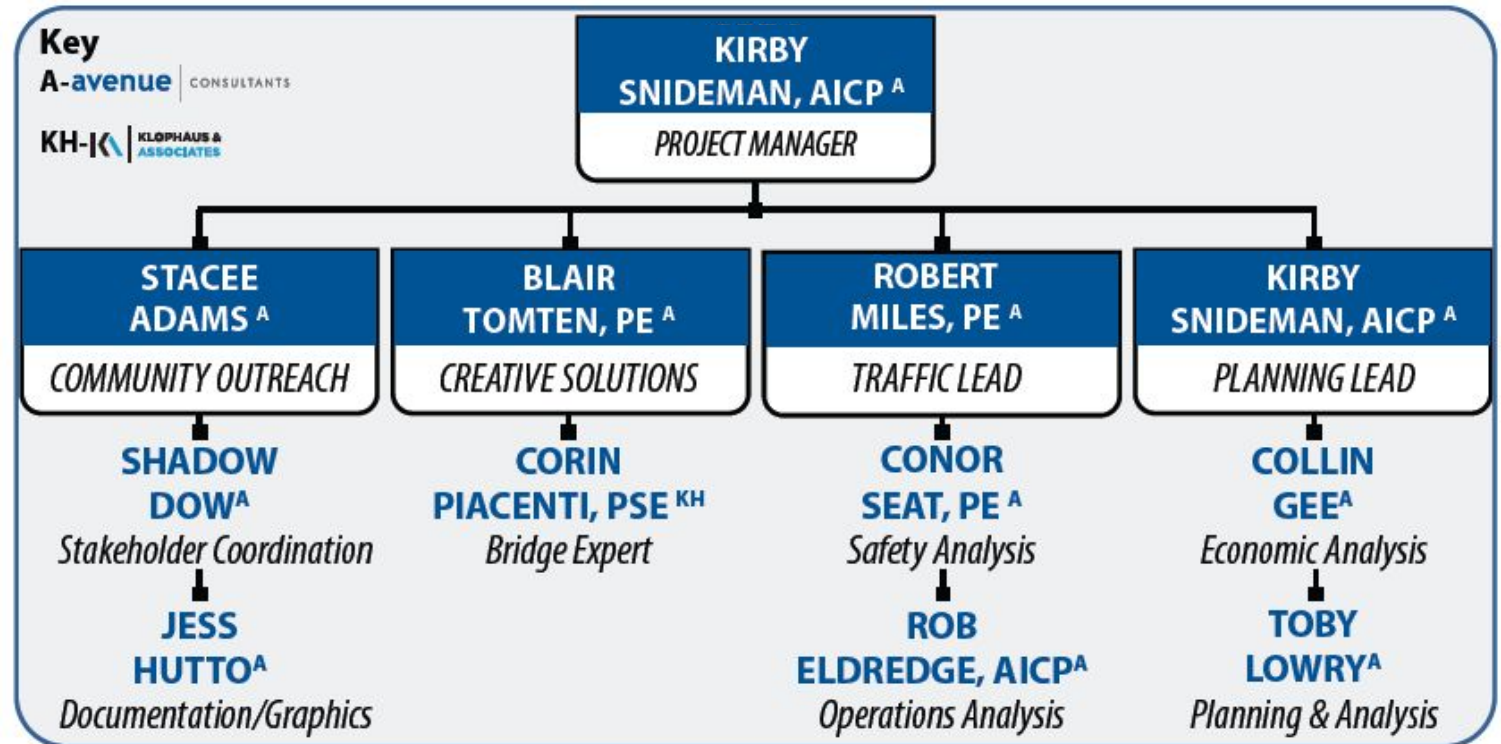


PROJECT TEAM

- Kearns & MSD
- Wasatch Front Regional Council
- Avenue Consultants
 - Traffic Analysis
 - Plan Review & Dev.
 - Econ. Dev.
 - Concept Design
- Klophaus
 - Structural Eng.



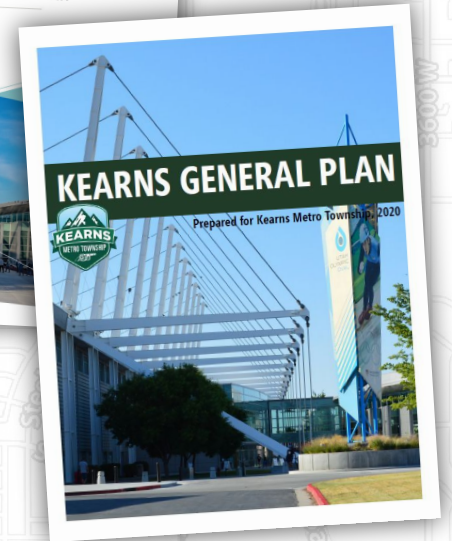
Bianca Paulino
Kearns Planner & Project Manager



STUDY INTRODUCTION

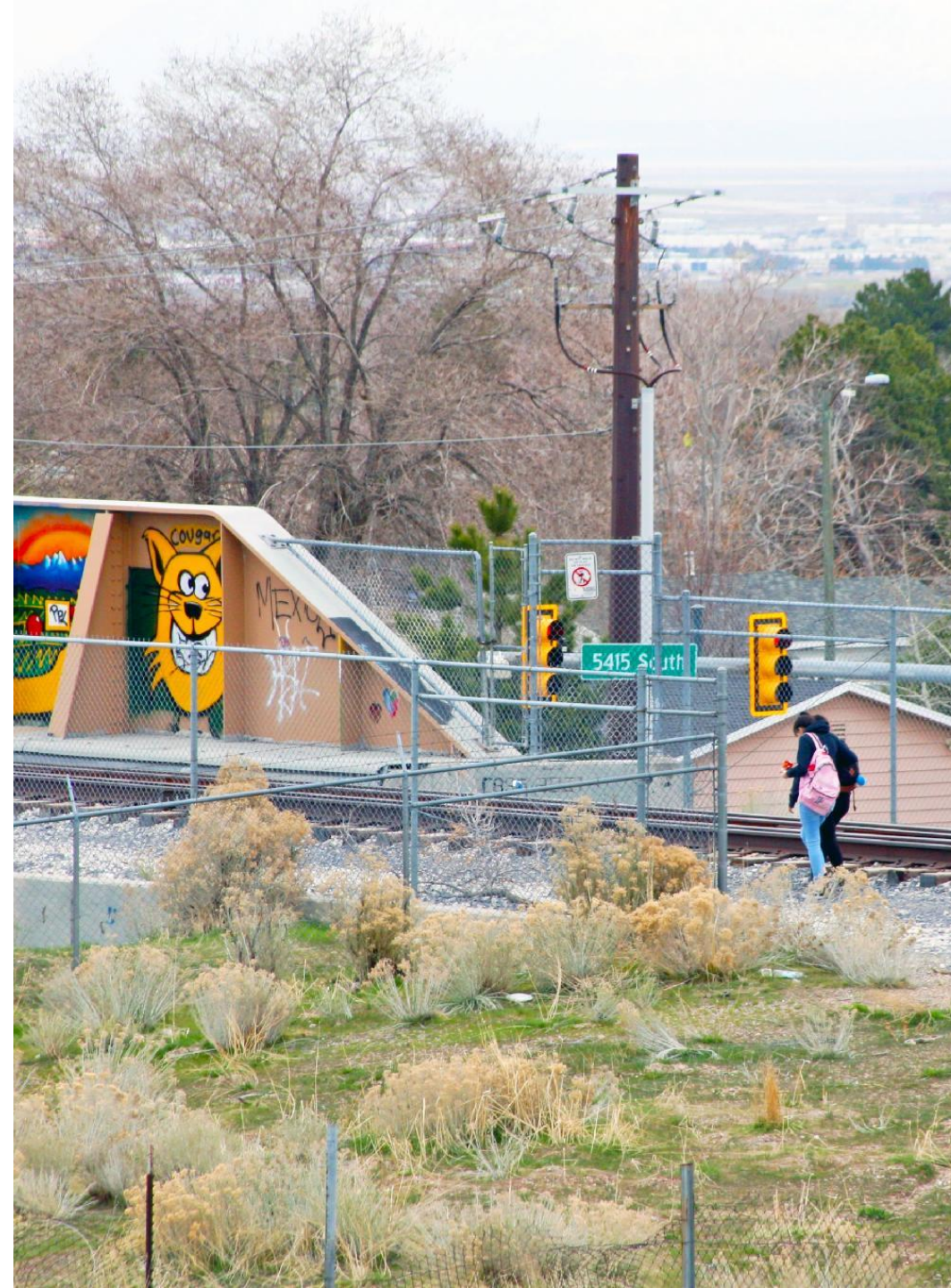
Project History:

- 2019 ● Kearns Town Center Master Plan
- 2020 ● Kearns General Plan; Kearns Active Transportation Plan; Kearns Transportation Master Plan
- 2021 ● Moderate Income Housing Plan
- 2022 ● Kearns Mobility Hub
- 2023 ● 5400 S Corridor Study WFRG Grant Application
- 2024 ● Kearns City Incorporation
- 2025 ● Utah 2034 Winter Olympics Announcement
- 2026 ● 5400 S Corridor Study Commencement



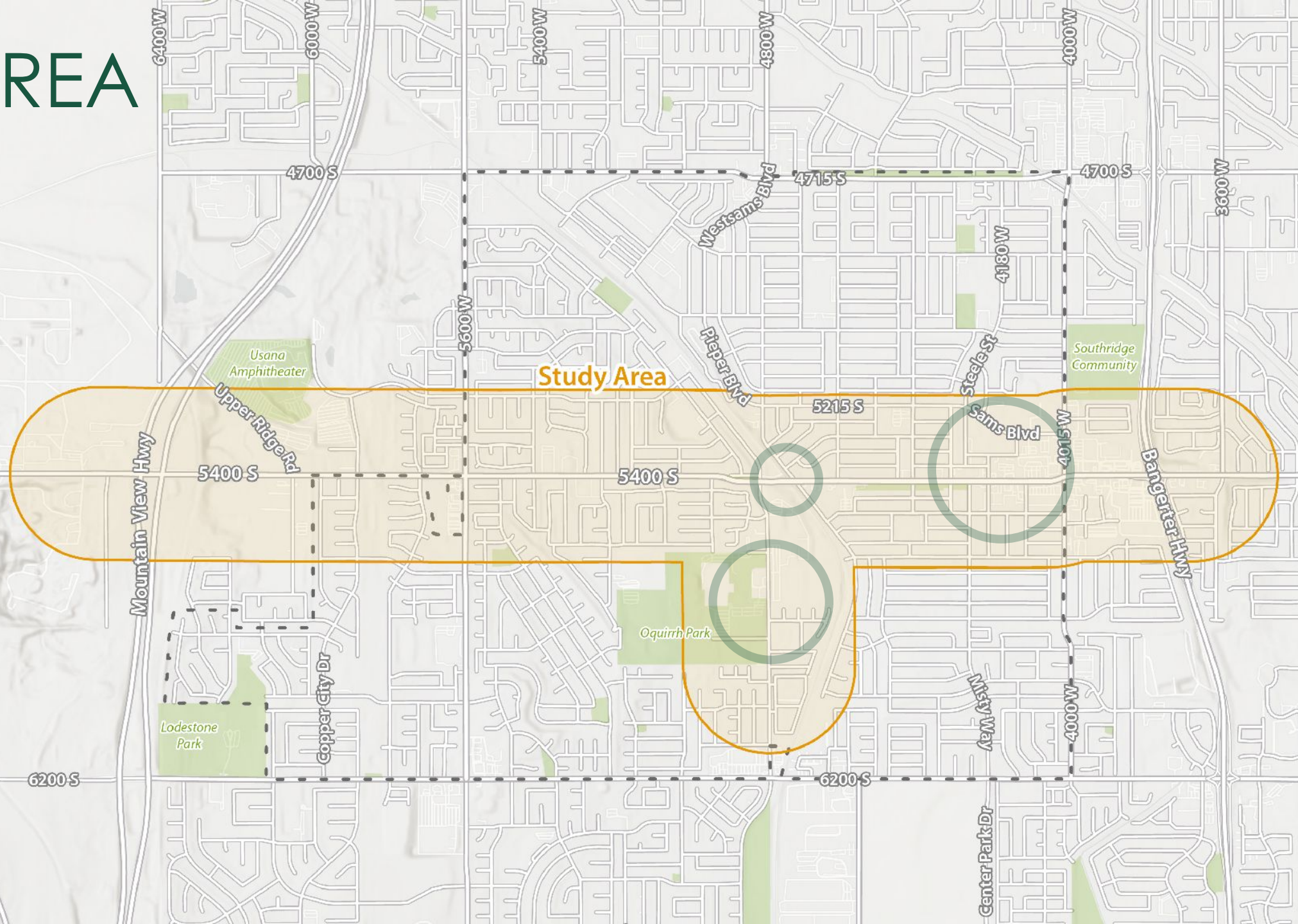
STUDY PURPOSE

- Make progress on adopted plans & prior public input
- “Evaluate existing conditions along 5400 South”
- “Recommend **practical solutions** addressing **immediate** and **future challenges** in safety, mobility, connectivity, and placemaking”
- Focus of concepts will be **active transportation**
- Consensus on future of 5400 S

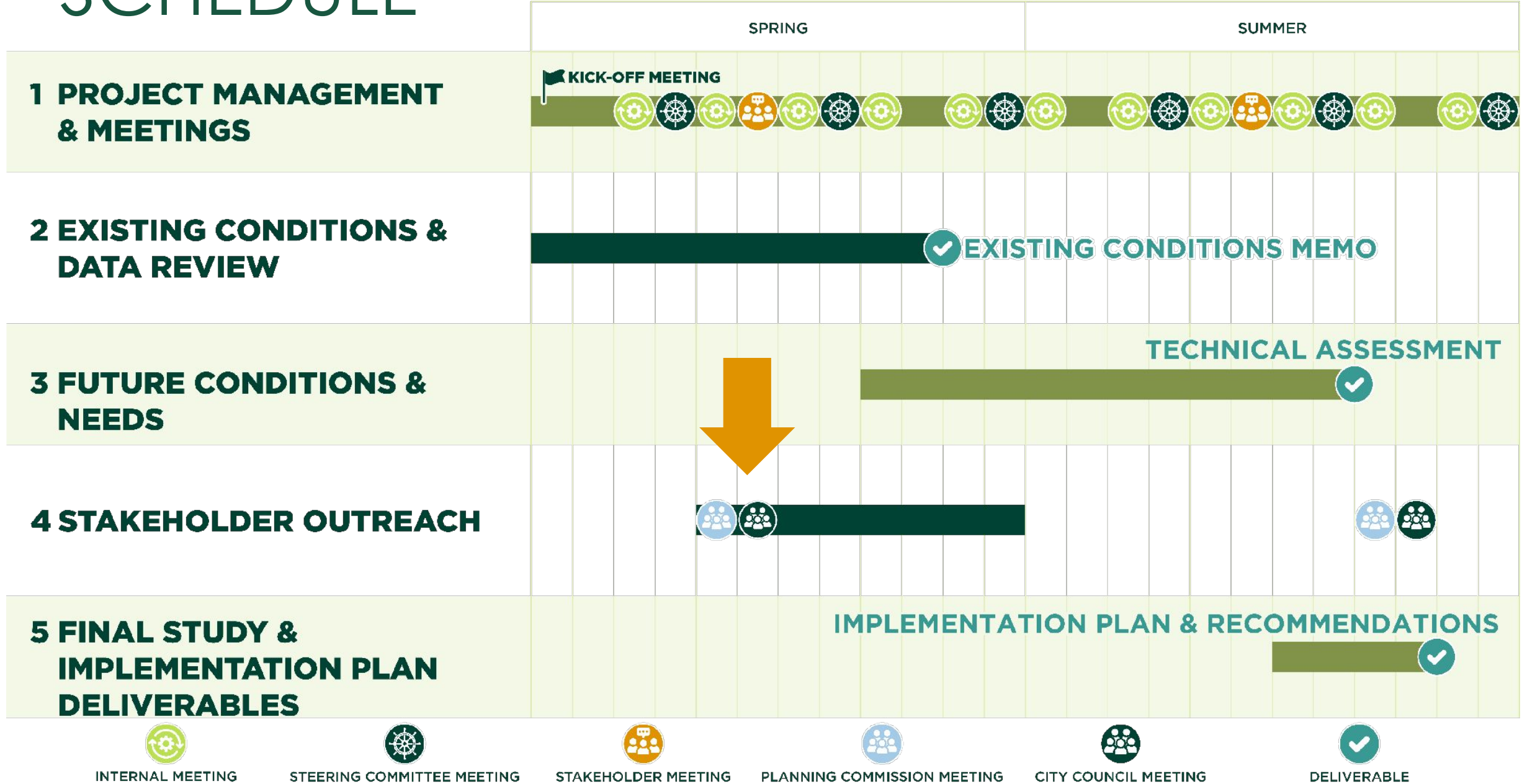


STUDY AREA

- 5400 South, Bangerter to MVC
- Priority Areas:
 - Kearns Town Center
 - 5400 S Railroad Bridge and crossing
 - Olympic Oval & Oquirrh Park



SCHEDULE



STAKEHOLDER INVOLVEMENT

- Steering Committee:
Kearns, MSD, UDOT, UTA
 - Gray Thomas, PC
 - Patrick Schaeffer, CC
- Stakeholders:
 - Kearns Improvement District, Kearns Rec District, Granite School District, Taylorsville, West Valley City
- Public Engagement:
 - Kearns Hometown Days
 - Community Survey



EXISTING CONDITIONS ANALYSIS

- ✓ • Improvements for cyclists and pedestrians
- ✓ • UDOT Coordination
- ✓ • Current Traffic Analysis
- ✓ • Travel Demand Modeling
- Future Growth Assessment
- Concept Design
- Final Study & Recommendations

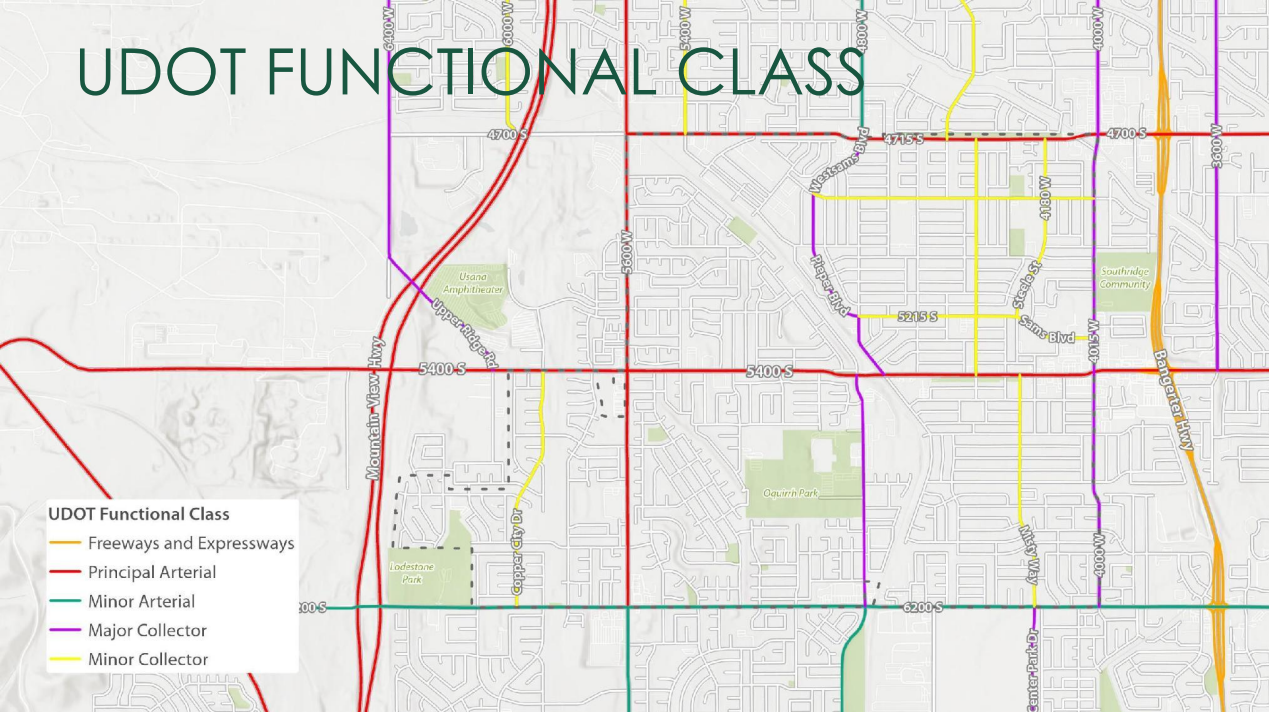


TRAFFIC & SAFETY ANALYSIS

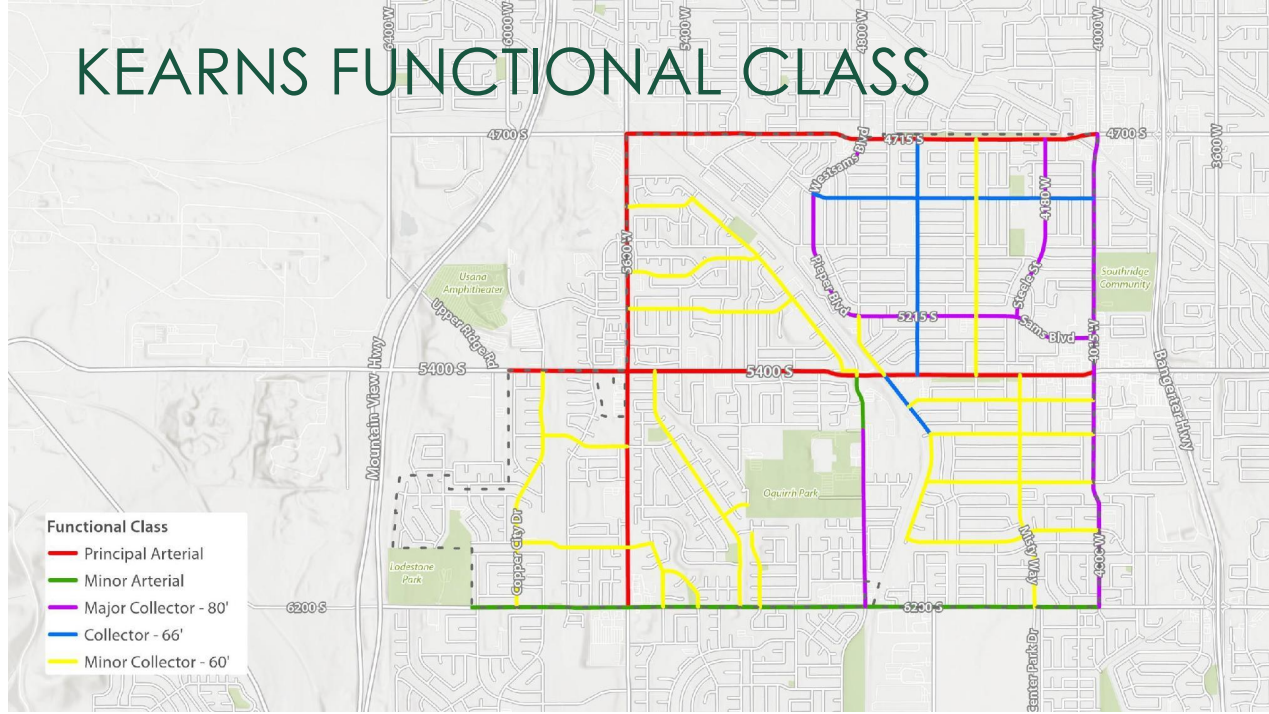
- Transportation Infrastructure
- Published Traffic Volumes
- Crash & Safety Data
- Bike/Ped Demand
- Traffic Data Collection & Analysis



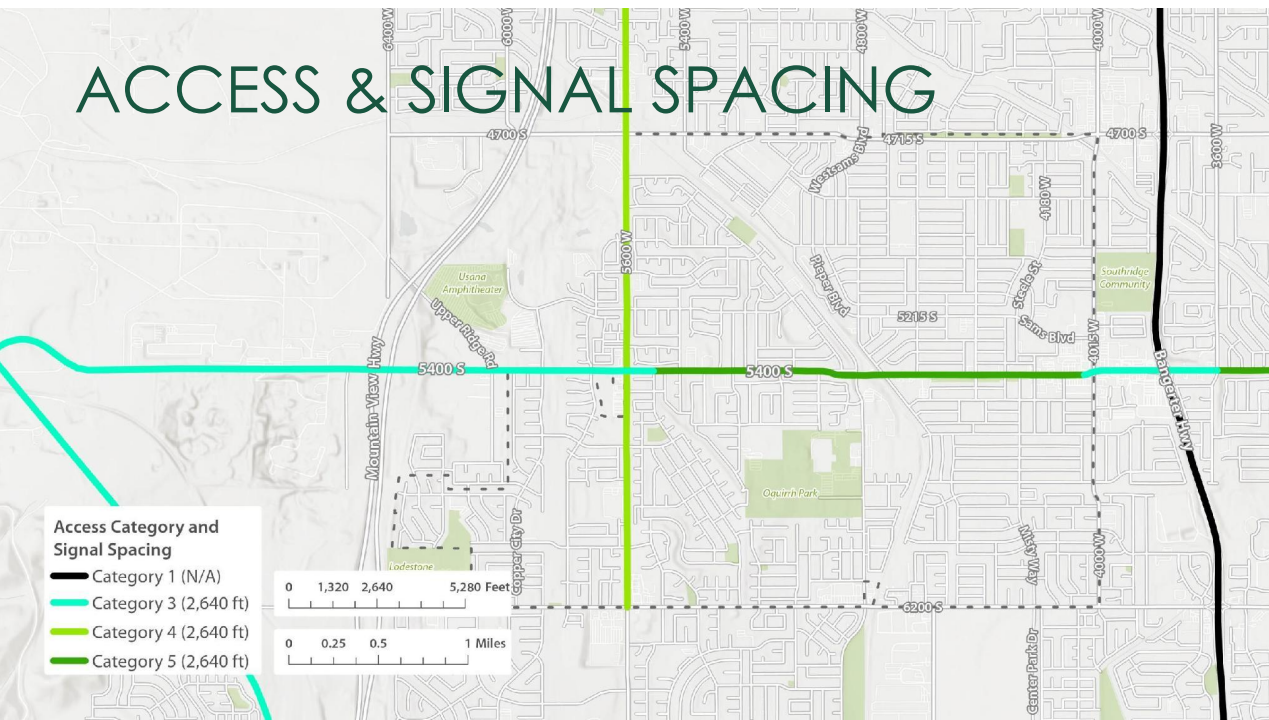
UDOT FUNCTIONAL CLASS



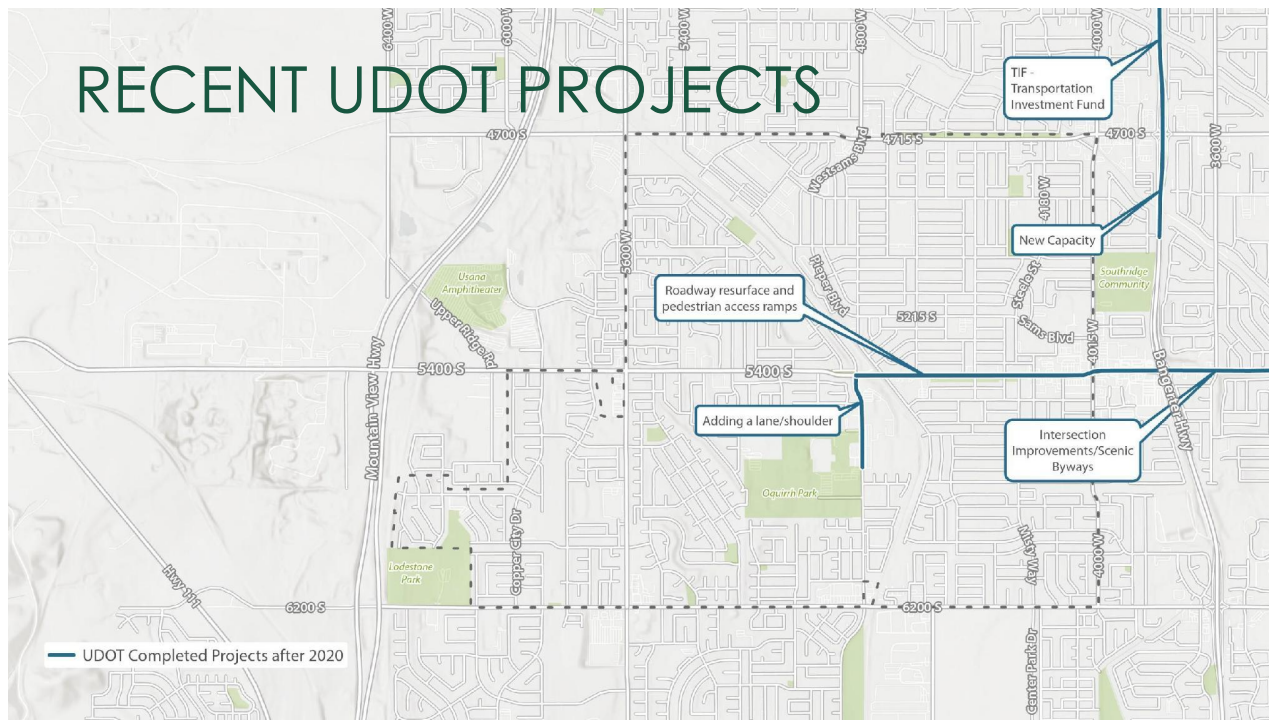
KEARNS FUNCTIONAL CLASS



ACCESS & SIGNAL SPACING



RECENT UDOT PROJECTS



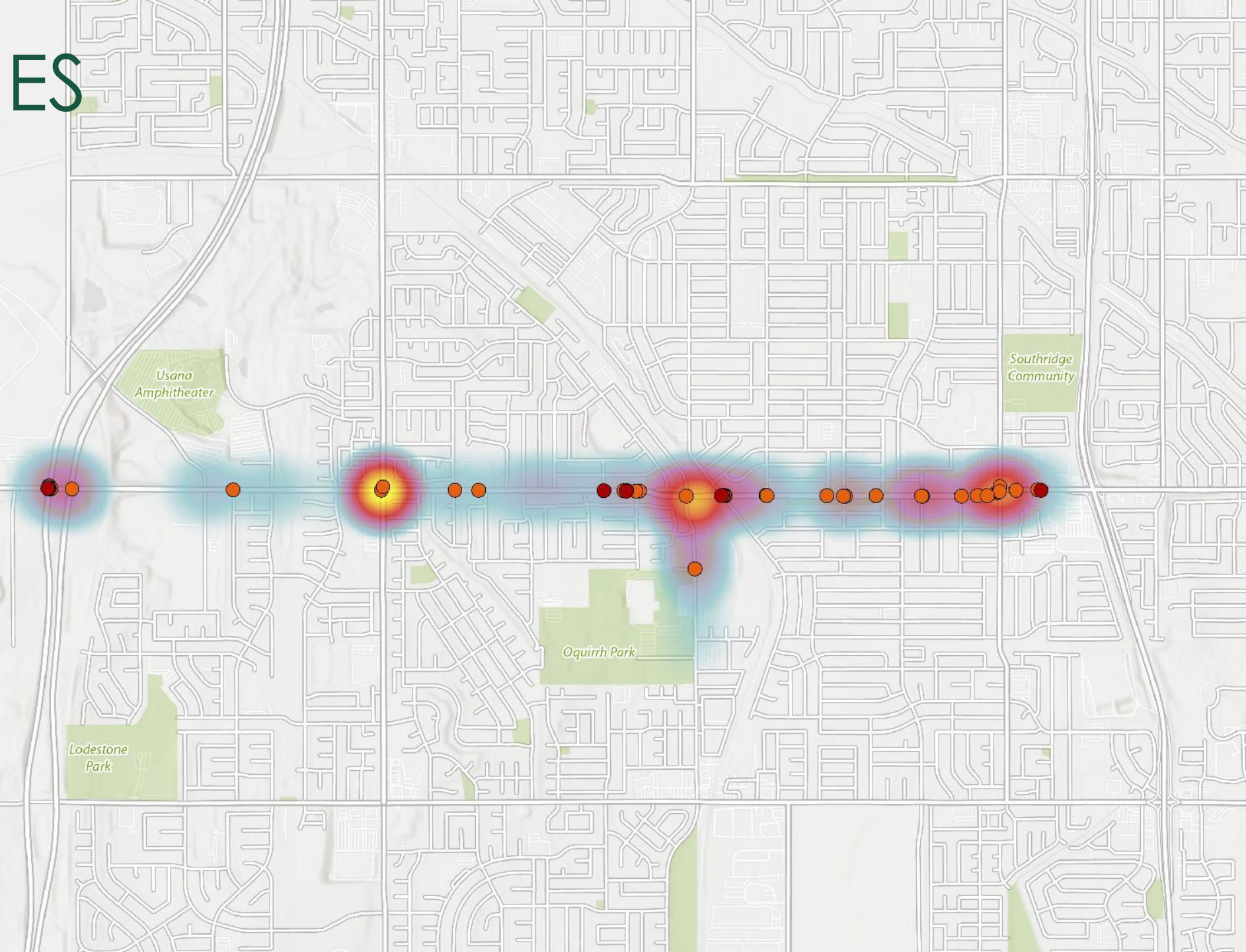
ALL CRASHES

- '19-'25 data
- 1,355 near corridor crashes
- 896 on corridor crashes
- 128 annual average
- 42 Bike/Ped

Crash Severity

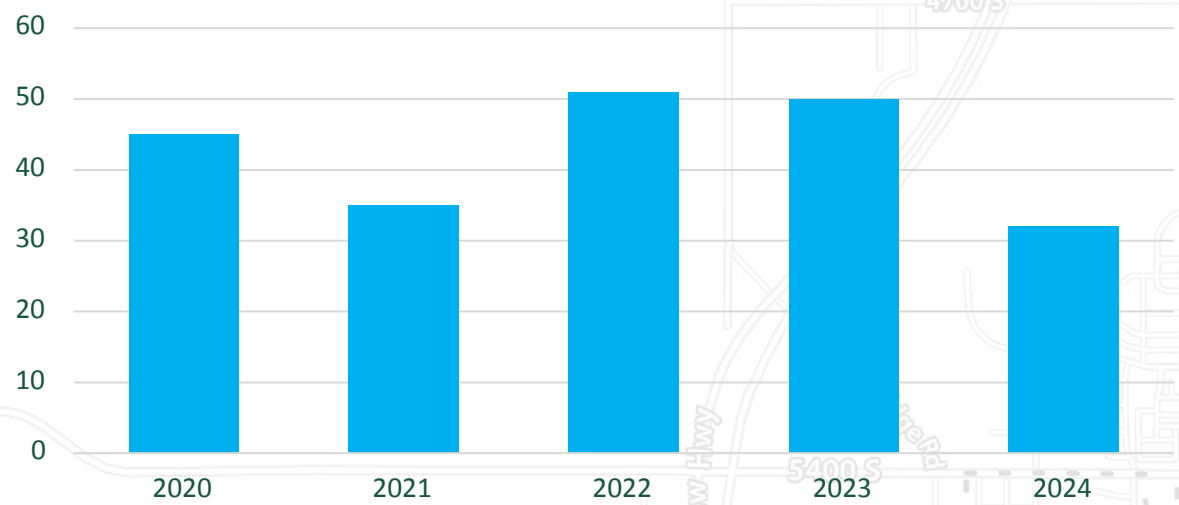
- Fatal (7)
- Serious Injury (36)

All Crashes

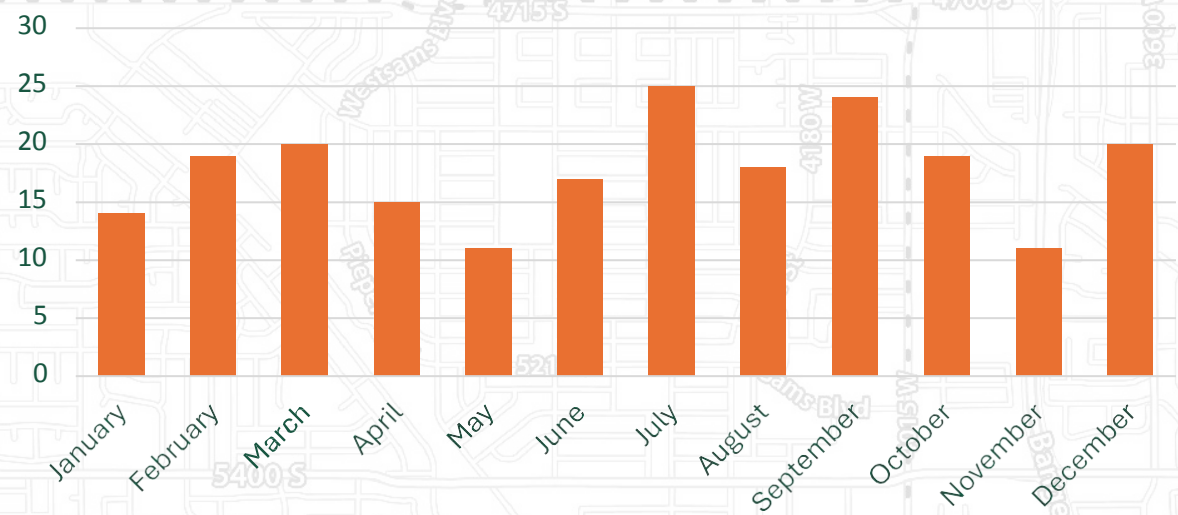


CRASHES

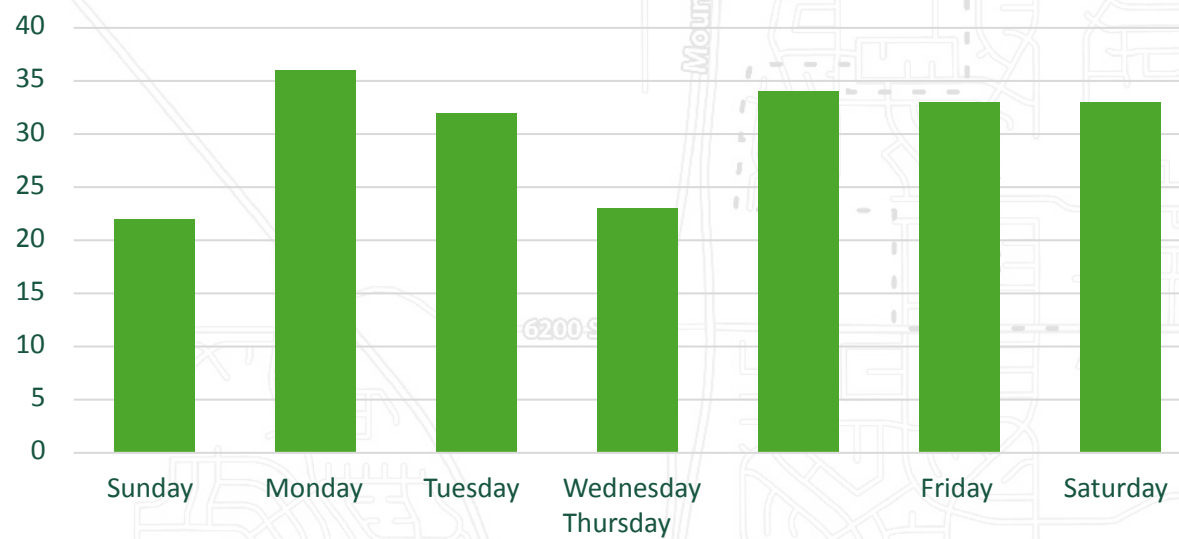
Crash Yearly Distribution (a)



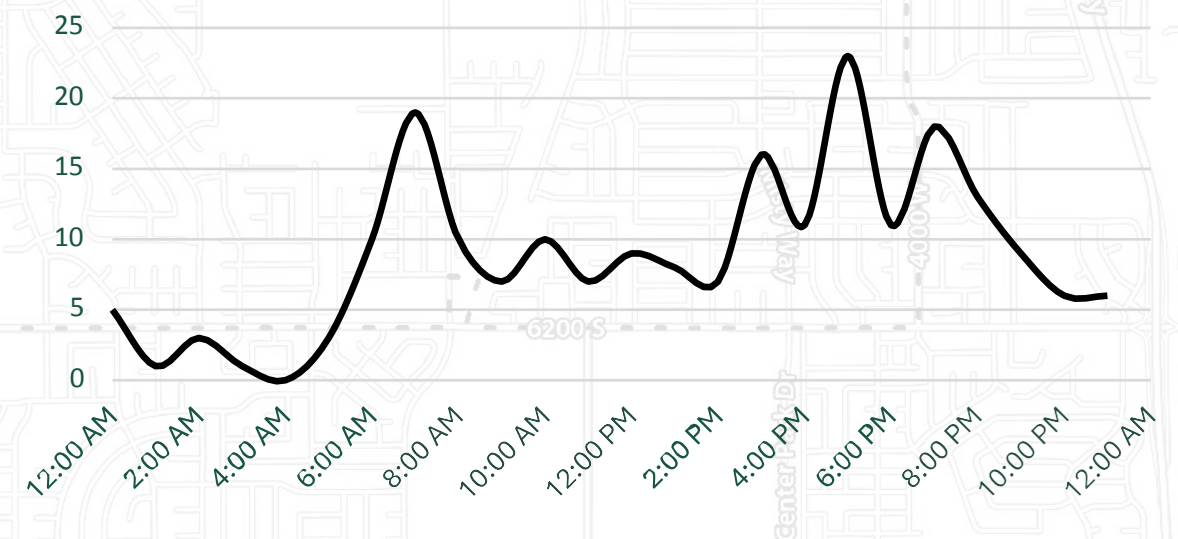
Crash Monthly Distribution (b)



Crash Daily Distribution (c)

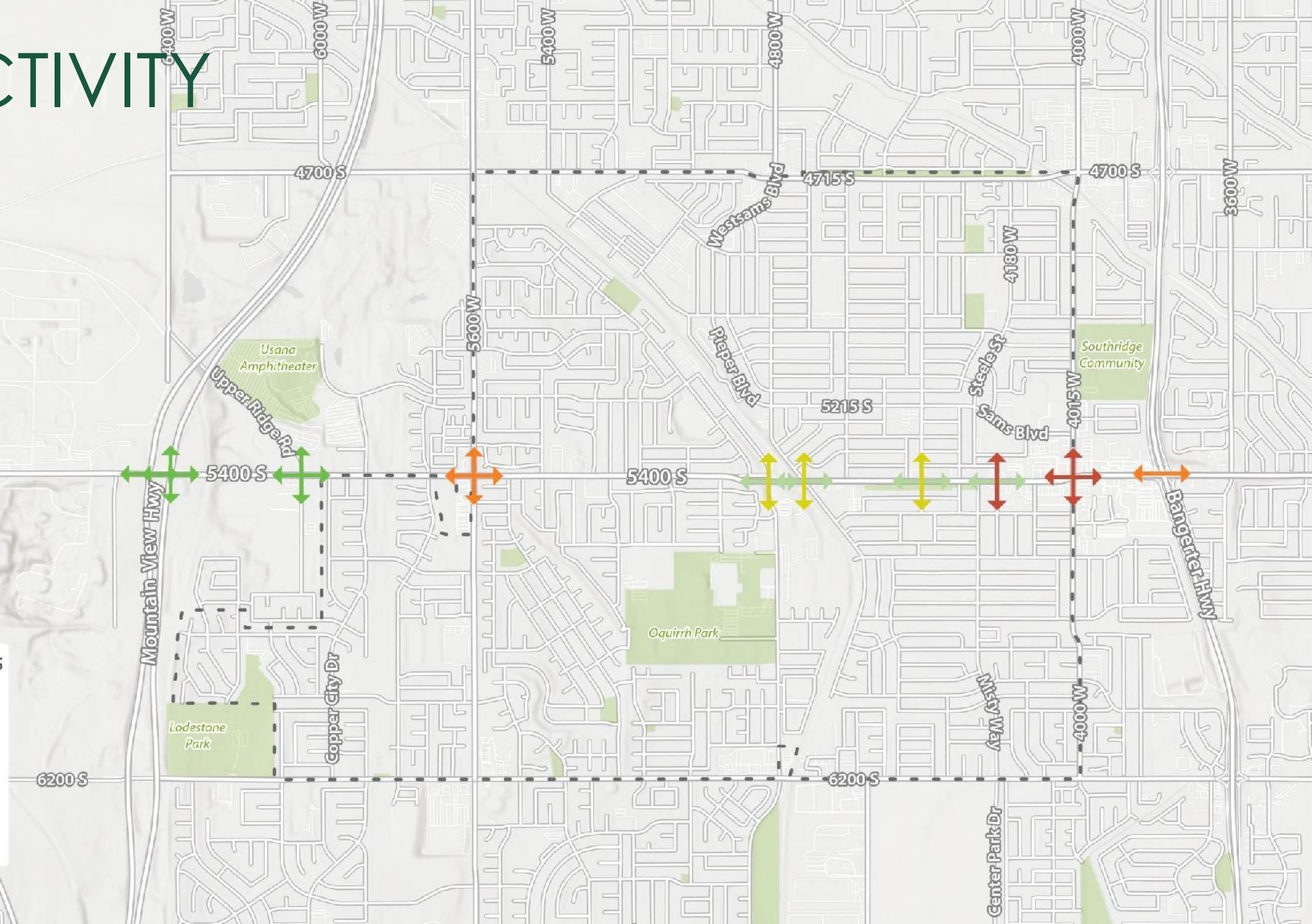
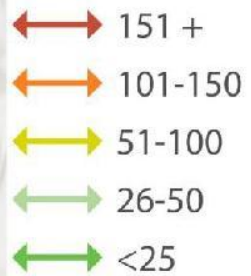


Crash Hourly Distribution (d)



PED ACTIVITY

Estimated Daily Pedestrians



BIKE/PED CRASHES 2019-2025

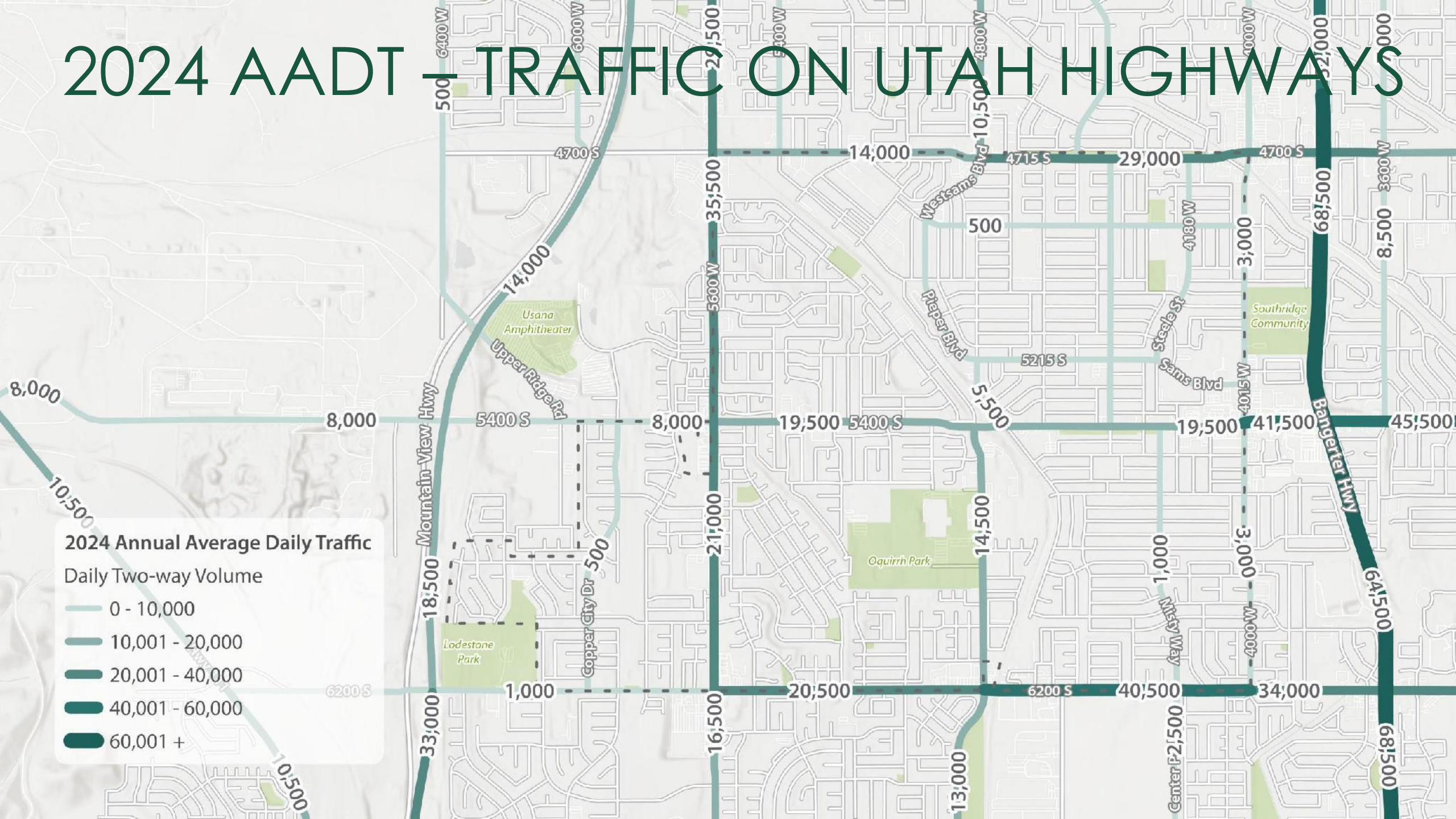


2024 AADT – TRAFFIC ON UTAH HIGHWAYS

2024 Annual Average Daily Traffic
Daily Two-way Volume

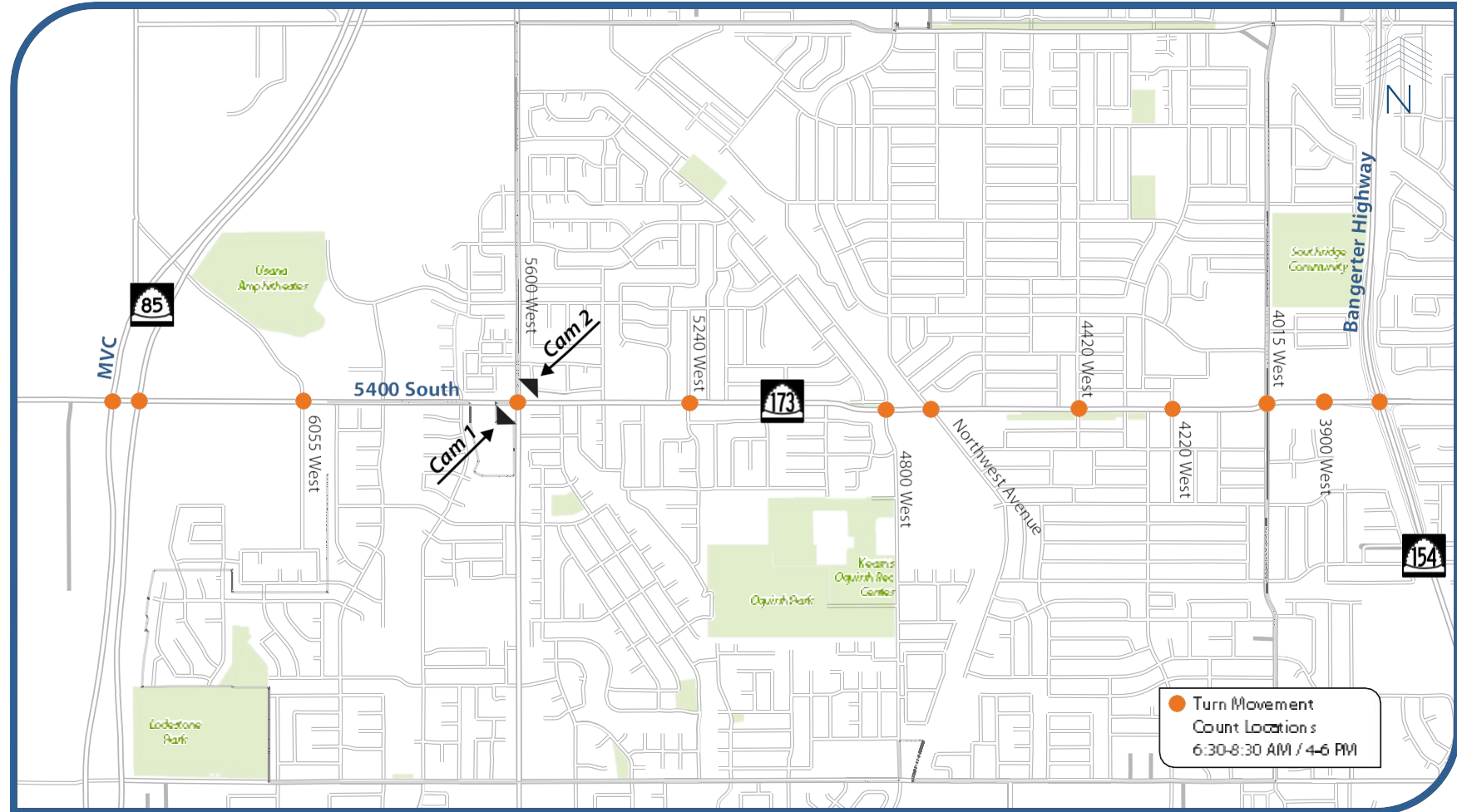
- 0 - 10,000
- 10,001 - 20,000
- 20,001 - 40,000
- 40,001 - 60,000
- 60,001 +

Map labels include: Mountain View Hwy, Copper City Dr, Upper Ridge Rd, Usana Amphitheater, Lodestone Park, Oquirrh Park, Southridge Community, Westsams Blvd, Paeper Blvd, Steele St, Sams Blvd, Center Pk, and Highway 89. AADT values are displayed along the highway segments, such as 14,000, 18,500, 21,000, 29,000, 33,000, 35,500, 36,000, 41,500, 45,500, 47,000, 47,150, 52,150, 54,000, 56,000, 62,000, 64,500, 68,500, and 68,500.



TRAFFIC DATA COLLECTION

- Counts collected
March 11,
2026
- AI Cameras
Collect: Turning
Movements
Counts, Vehicle
Types,
Bikes/Peds
- Observations:
Max Queueing,
Calibrate
Simulation
Models



TRAFFIC DATA COLLECTION

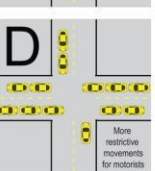
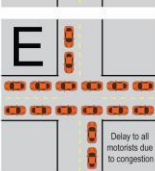
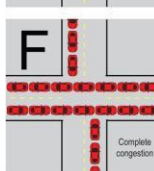
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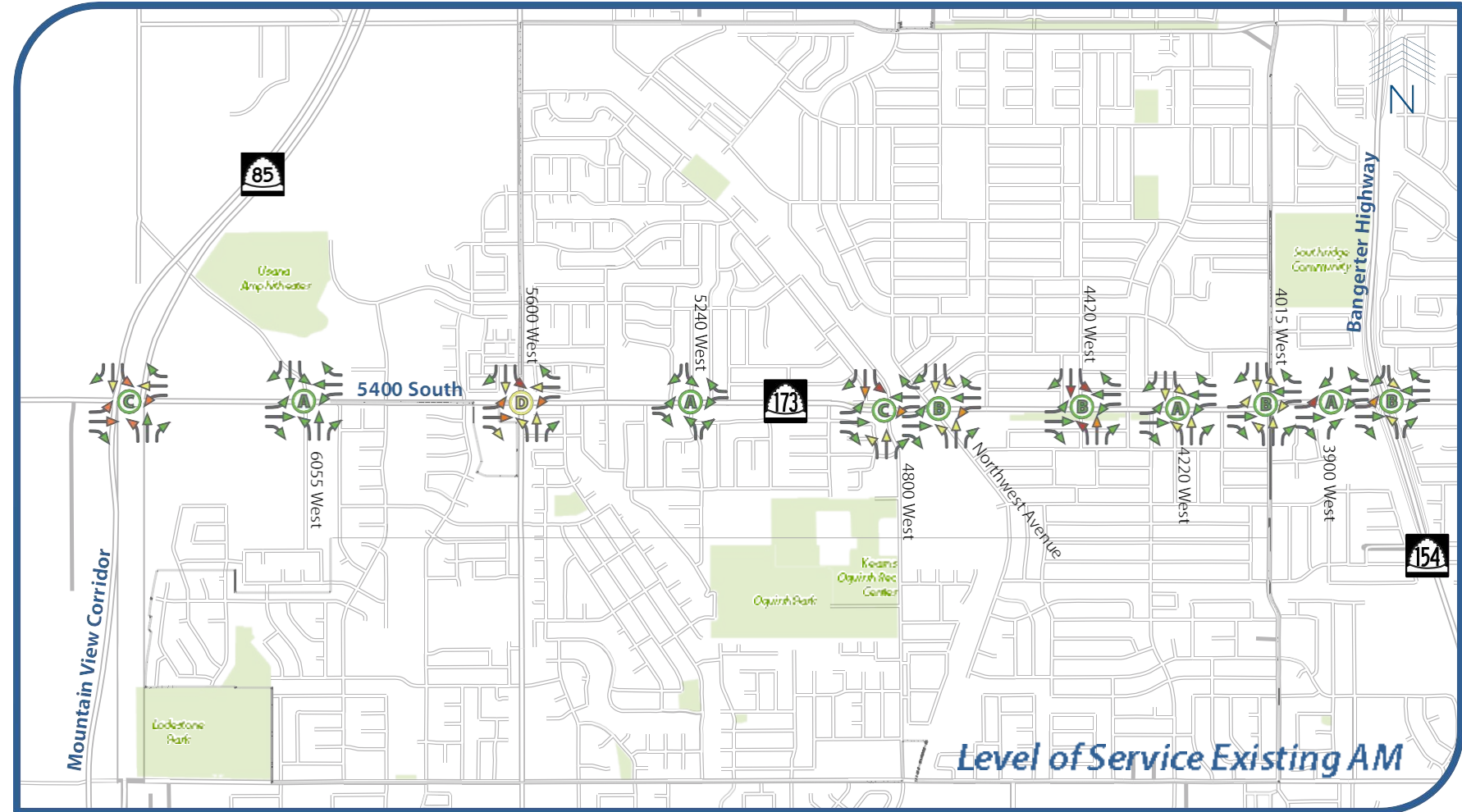


RESULTS: AM PEAK HOUR

- All intersections operating at LOS D or Better
- Seasonal Trends (11% volume increase) may tip 5600 W to LOS E

Level of Service (Signalized Intersections)	Average Vehicle Delay at Intersection (seconds)
A	<10
B	>10 and <20
C	>20 and <35
D	>35 and <55
E	>55 and <80
F	>80

A	B	C
		
D	E	F
		



RESULTS: PM PEAK HOUR

- All intersections operating at LOS D or Better
- Seasonal Trend (16% volume increase) may tip Bangerter & 5600 W to LOS E

Level of Service (Signalized Intersections)	Average Vehicle Delay at Intersection (seconds)
A	<10
B	>10 and <20
C	>20 and <35
D	>35 and <55
E	>55 and <80
F	>80

A	B	C
D	E	F



TRAVEL DEMAND MODELING

Mathematical formulas (as known as a crystal ball) that predict how people will travel in the future based on where they live, work, shop, and play..



Inputs

Population, jobs, schools, and other locations where people want to go



Process

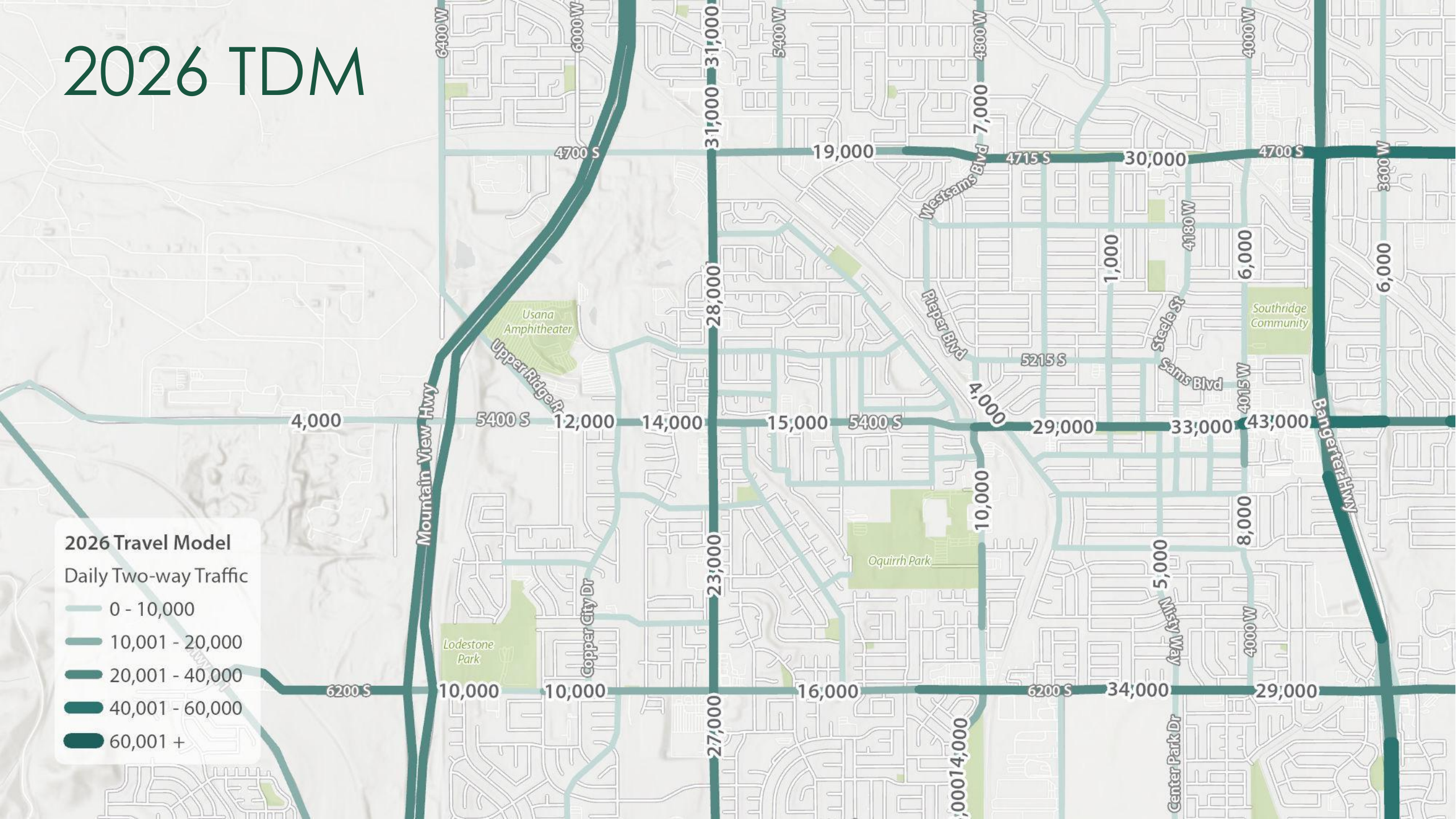
Mathematical equations that simulate travel decisions



Outputs

Forecasted traffic volumes, and transit ridership, 20–30 years out

2026 TDM



PLANNED LOCAL DEVELOPMENT

Town Center:

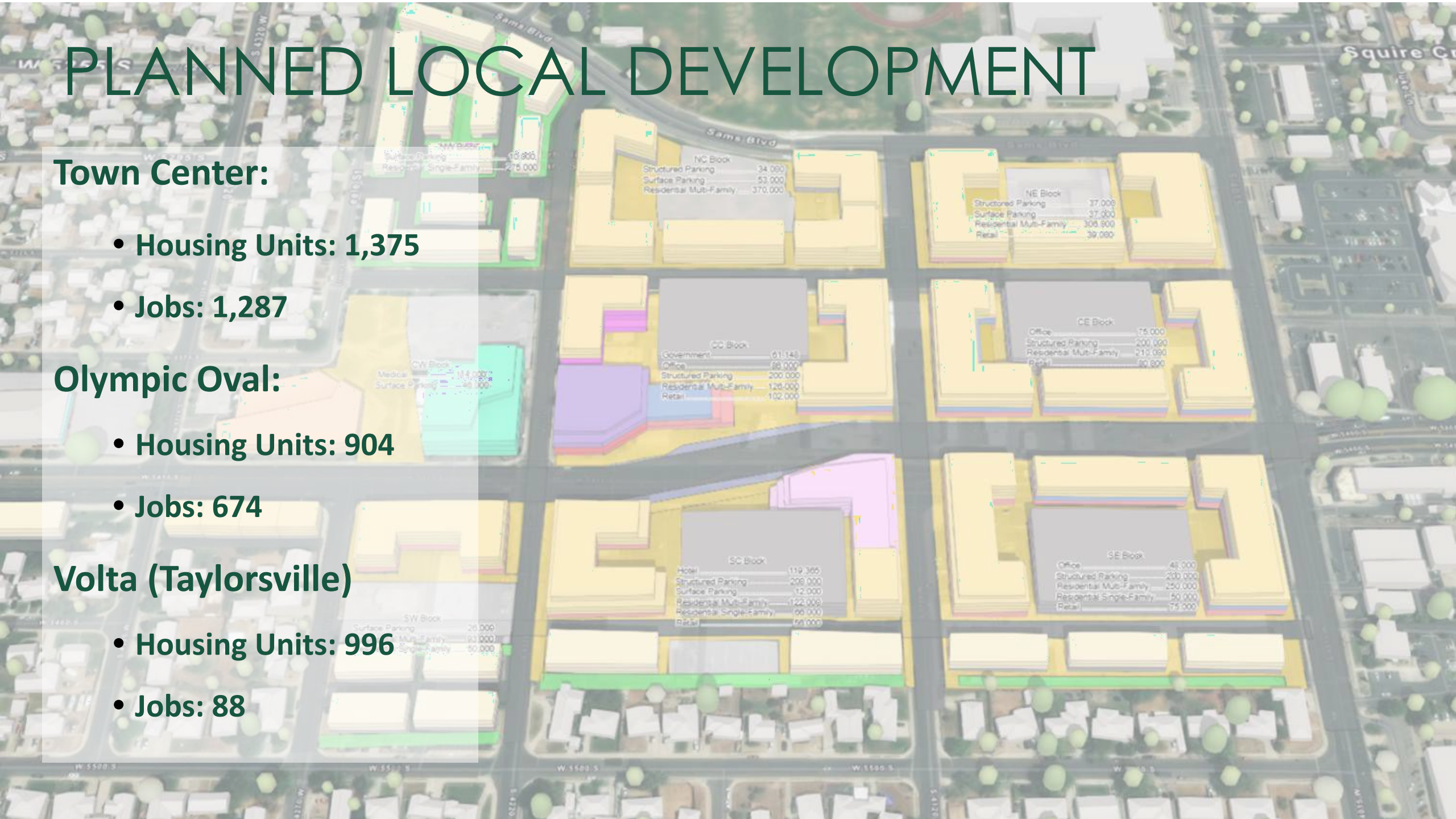
- Housing Units: 1,375
- Jobs: 1,287

Olympic Oval:

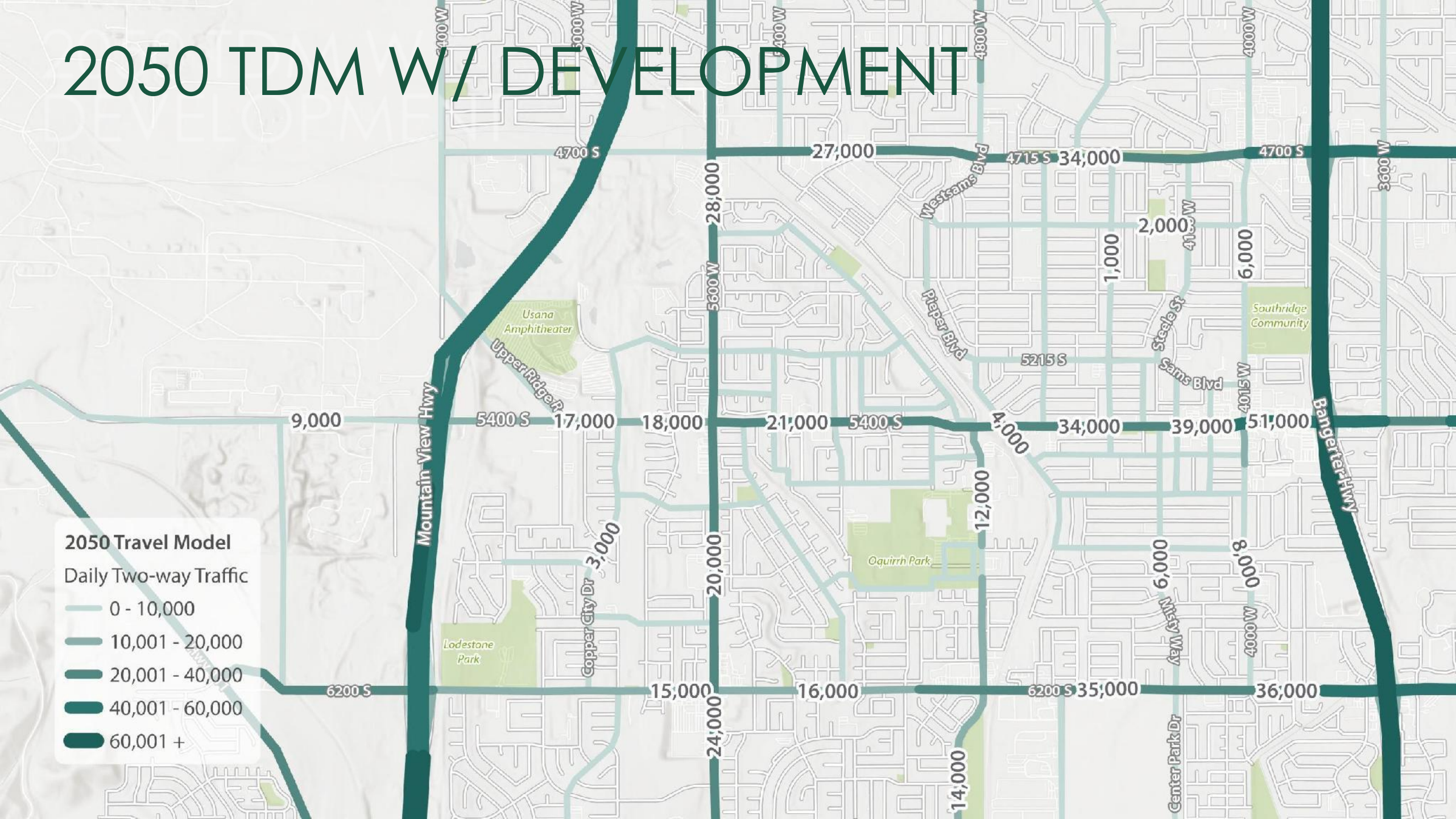
- Housing Units: 904
- Jobs: 674

Volta (Taylorsville)

- Housing Units: 996
- Jobs: 88



2050 TDM W/ DEVELOPMENT



NEXT STEPS

- Work with steering committee & stakeholders
- Develop preliminary concepts & recommendations
- Community Input
 - Kearns Hometown Days
- Present study to Kearns Planning Commission & City Council
 - Fall 2026





THANK You!

Questions?

Bianca Paulino

385-377-7147

bipaulino@msd.utah.gov



MUNICIPAL SERVICES
DISTRICT



Greater Salt Lake Municipal Services District

Standard Financial Report

50 City of Kearns - 07/01/2025 to 05/31/2026

91.67% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual
Net Position		
Assets:		
Current Assets		
Cash and cash equivalents		
10100 Cash - Zions Checking	0.00	96,095.09
10110 Cash - Xpress Bill Pay	0.00	8,596.01
10200 Cash - PTIF	2,528,399.87	2,579,480.47
10401 Zions Credit Card	0.00	(13.18)
10750 Undeposited Receipts	(0.09)	13,004.44
Total Cash and cash equivalents	2,528,399.78	2,697,162.83
Receivables		
11530 Accounts Rec. -	17,878.51	352.71
11531 Taxes Receivable	0.00	6.84
12500 Due from Other Gov.	1,655,624.41	1,984,789.65
12550 Due from Other Funds	510.00	10,510.00
Total Receivables	1,674,012.92	1,995,659.20
Other current assets		
12600 Prepaid	0.00	16,666.68
Total Other current assets	0.00	16,666.68
Total Current Assets	4,202,412.70	4,709,488.71
Non-Current Assets		
Restricted assets		
10102 Cash - Zions Bond Escrow	95,324.92	43,388.77
Total Restricted assets	95,324.92	43,388.77
Total Non-Current Assets	95,324.92	43,388.77
Total Assets:	4,297,737.62	4,752,877.48
Liabilities and Fund Equity:		
Liabilities:		
Current liabilities		
21000 Accounts Payable	13,758.54	16,363.67
21100 Accrued Expenses	17,547.09	17,547.09
23450 Performance Bonds Payable	95,324.92	43,388.77
24000 Due to Other Funds	1,674,114.51	0.00
Total Current liabilities	1,800,745.06	77,299.53
Total Liabilities:	1,800,745.06	77,299.53
Equity - Fund Balance		
29000 Unassigned Net Position (Fund Bal)	1,632,308.87	3,587,894.26
29010 Assigned Capital Fund	262,683.69	262,683.69
29561 Restricted Corridor Preservation Fund	602,000.00	825,000.00
Total Equity - Fund Balance	2,496,992.56	4,675,577.95
Total Liabilities and Fund Equity:	4,297,737.62	4,752,877.48
Total Net Position	0.00	0.00

Greater Salt Lake Municipal Services District

Standard Financial Report

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91.67% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
Change In Net Position					
Revenue:					
Taxes					
Sales Taxes					
3100.300 Sales Tax	6,900,633.70	5,808,575.03	6,500,000.00	691,424.97	89.36%
Total Sales Taxes	6,900,633.70	5,808,575.03	6,500,000.00	691,424.97	89.36%
SB 136 Sales Tax					
3100.350 SB 136 Sales Tax	618,184.70	526,247.00	650,000.00	123,753.00	80.96%
Total SB 136 Sales Tax	618,184.70	526,247.00	650,000.00	123,753.00	80.96%
MET Taxes					
3100.112 MET-Municipal Telecom	0.00	(6,210.63)	0.00	6,210.63	0.00%
Total MET Taxes	0.00	(6,210.63)	0.00	6,210.63	0.00%
Total Taxes	7,518,818.40	6,328,611.40	7,150,000.00	821,388.60	88.51%
Intergovernmental revenue					
Road Funds					
3100.560 B&C Road Fund Allotment	1,721,486.51	1,360,666.26	1,600,000.00	239,333.74	85.04%
3100.561 HB244 Corridor Preservation Funds	302,000.00	223,000.00	0.00	(223,000.00)	0.00%
3100.562 County Public Transit Tax	6,283.41	262,790.63	0.00	(262,790.63)	0.00%
Total Road Funds	2,029,769.92	1,846,456.89	1,600,000.00	(246,456.89)	115.40%
CARES Act					
3100.322 ARPA Funds	0.00	0.00	2,631,285.00	2,631,285.00	0.00%
Total CARES Act	0.00	0.00	2,631,285.00	2,631,285.00	0.00%
Total Intergovernmental revenue	2,029,769.92	1,846,456.89	4,231,285.00	2,384,828.11	43.64%
Licenses and permits					
Business licenses					
3100.130 Business Licenses	54,126.00	37,789.25	50,000.00	12,210.75	75.58%
Total Business licenses	54,126.00	37,789.25	50,000.00	12,210.75	75.58%
Building permits					
3100.260 Building Permit	190,854.69	147,073.02	200,000.00	52,926.98	73.54%
Total Building permits	190,854.69	147,073.02	200,000.00	52,926.98	73.54%
Total Licenses and permits	244,980.69	184,862.27	250,000.00	65,137.73	73.94%
Charges for services					
Charges other					
3100.420 Engineering Services	23,374.00	55,271.00	50,000.00	(5,271.00)	110.54%
3100.450 Planning Services	5,742.06	3,551.50	15,000.00	11,448.50	23.68%
Total Charges other	29,116.06	58,822.50	65,000.00	6,177.50	90.50%
Total Charges for services	29,116.06	58,822.50	65,000.00	6,177.50	90.50%
Fines and forfeitures					
Code enforcement fines and fees					
3100.240 Code Enforcement Fines and Fees	20,259.64	756.00	5,000.00	4,244.00	15.12%
Total Code enforcement fines and fees	20,259.64	756.00	5,000.00	4,244.00	15.12%
Justice court fines/forfeitures					
3100.500 Justice Court Fines/Forfeitures	266,267.95	218,624.16	250,000.00	31,375.84	87.45%
Total Justice court fines/forfeitures	266,267.95	218,624.16	250,000.00	31,375.84	87.45%
Total Fines and forfeitures	286,527.59	219,380.16	255,000.00	35,619.84	86.03%
Miscellaneous revenue					
Interest					
3600.100 Interest Earnings	54,641.13	71,937.75	125,000.00	53,062.25	57.55%
Total Interest	54,641.13	71,937.75	125,000.00	53,062.25	57.55%
Miscellaneous other					
3100.870 Donations	0.00	25.00	0.00	(25.00)	0.00%
3600.900 Other Revenue	18,670.20	514.90	0.00	(514.90)	0.00%
3600.902 Other Revenue - Declaration of Candidate	400.00	0.00	0.00	0.00	0.00%
Total Miscellaneous other	19,070.20	539.90	0.00	(539.90)	0.00%
Total Miscellaneous revenue	73,711.33	72,477.65	125,000.00	52,522.35	57.98%
Contributions and transfers					
3100.001 Operating transfers in	722,144.69	303.00	0.00	(303.00)	0.00%

Greater Salt Lake Municipal Services District

Standard Financial Report

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91.67% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
3800.100 Contribution from GF	1,083,361.00	1,221,141.00	1,221,141.00	0.00	100.00%
Total Contributions and transfers	1,805,505.69	1,221,444.00	1,221,141.00	(303.00)	100.02%
Total Revenue:	11,988,429.68	9,932,054.87	13,297,426.00	3,365,371.13	74.69%
Expenditures:					
Administration					
4100.100 Wages	103,565.34	89,849.97	225,000.00	135,150.03	39.93%
4100.130 Employee Benefits	75.60	54.60	19,800.00	19,745.40	0.28%
4100.150 Social Security Tax	6,339.21	5,533.52	14,000.00	8,466.48	39.53%
4100.160 Medicare	1,482.56	1,294.13	3,500.00	2,205.87	36.98%
4100.180 Medical Insurance	60,428.28	48,721.01	132,500.00	83,778.99	36.77%
4100.190 FUTA	0.00	474.56	0.00	(474.56)	0.00%
4100.200 Awards, Promotional & Meals	1,092.42	3,181.74	1,500.00	(1,681.74)	212.12%
4100.210 Subscriptions/Memberships	23,630.20	23,557.08	30,000.00	6,442.92	78.52%
4100.220 Printing/Publications/Advertising	4,576.52	9,090.21	5,500.00	(3,590.21)	165.28%
4100.230 Travel/Mileage	11,446.73	2,023.29	1,500.00	(523.29)	134.89%
4100.240 Office Expense and Supplies	3,421.59	15,009.01	5,000.00	(10,009.01)	300.18%
4100.255 Computer Equip/Software	0.00	0.00	30,000.00	30,000.00	0.00%
4100.280 Cell phone and Telephone	0.00	377.63	0.00	(377.63)	0.00%
4100.310 Attorney-Civil	102,804.50	105,526.00	130,000.00	24,474.00	81.17%
4100.312 Lobbyist Services	12,000.00	10,000.00	12,000.00	2,000.00	83.33%
4100.320 Attorney - Land Use	1,971.00	12,866.50	40,000.00	27,133.50	32.17%
4100.330 Training and Seminars	750.00	359.00	0.00	(359.00)	0.00%
4100.360 Web Page Development/Maintenance	6,323.92	1,435.90	15,000.00	13,564.10	9.57%
4100.370 Software/Streaming	18,745.98	27,919.37	17,000.00	(10,919.37)	164.23%
4100.380 Internet Connections	5,990.94	4,408.12	5,500.00	1,091.88	80.15%
4100.390 Payroll Processing Fees	504.00	1,410.50	0.00	(1,410.50)	0.00%
4100.410 Communications	0.00	56.16	0.00	(56.16)	0.00%
4100.420 Contributions/Special Events	78,500.00	9,740.00	90,000.00	80,260.00	10.82%
4100.430 City Elections and Voting	0.00	43,358.23	0.00	(43,358.23)	0.00%
4100.510 Insurance	25,960.79	24,697.28	40,000.00	15,302.72	61.74%
4100.520 Workers Comp Insurance	0.00	2,086.21	8,500.00	6,413.79	24.54%
4100.590 Postage	7,694.10	8,074.23	5,000.00	(3,074.23)	161.48%
4100.600 Professional and Technical	1,980.00	6,858.04	7,500.00	641.96	91.44%
4100.621 Victim Critical Needs	0.00	2,166.00	25,000.00	22,834.00	8.66%
4100.635 Election Support Services	0.00	3,000.00	84,341.00	81,341.00	3.56%
4100.640 Grant Related	20,547.09	0.00	0.00	0.00	0.00%
4100.650 SL (Client) County Support Services	87.07	0.00	50,000.00	50,000.00	0.00%
4100.750 Non-Cap Improvements	1,012.50	22,712.00	25,000.00	2,288.00	90.85%
4100.760 Christmas on 54th Decorations & Lights	64.34	3,240.00	8,000.00	4,760.00	40.50%
4100.801 Kearns Olympic related expenses	0.00	14,050.41	0.00	(14,050.41)	0.00%
4100.860 Code Enforcement Abatements	7,469.86	(2,726.76)	50,000.00	52,726.76	-5.45%
4100.870 Rent	6,817.92	6,249.76	135,000.00	128,750.24	4.63%
4100.880 Non-Classified Expenses	0.00	1,420.81	5,000.00	3,579.19	28.42%
Total Administration	515,282.46	508,074.51	1,221,141.00	713,066.49	41.61%
COVID Related Expenses					
4100.243 ARPA Act Expense and Supplies	0.00	0.00	2,631,285.00	2,631,285.00	0.00%
Total COVID Related Expenses	0.00	0.00	2,631,285.00	2,631,285.00	0.00%
Transfers					
4100.928 Contribution to General Fund	9,878,196.49	7,245,394.97	9,445,000.00	2,199,605.03	76.71%
48450.001 Operational Transfers out	162,289.09	0.00	0.00	0.00	0.00%
Total Transfers	10,040,485.58	7,245,394.97	9,445,000.00	2,199,605.03	76.71%
Total Expenditures:	10,555,768.04	7,753,469.48	13,297,426.00	5,543,956.52	58.31%
Total Change In Net Position	1,432,661.64	2,178,585.39	0.00	(2,178,585.39)	0.00%

Greater Salt Lake Municipal Services District
Standard Financial Report
52 Kearns Beer Tax Special Fund - 07/01/2025 to 05/31/2026
91.67% of the fiscal year has expired

	2025	2026
	Year-End	YTD
	Actual	Actual
Net Position		
Assets:		
Current Assets		
Cash and cash equivalents		
10200 Cash - PTIF	0.00	30,643.13
Total Cash and cash equivalents	0.00	30,643.13
Total Current Assets	0.00	30,643.13
Total Assets:	0.00	30,643.13
Liabilites and Fund Equity:		
Equity - Fund Balance		
29000 Unassigned Net Position (Fund Bal)	0.00	30,643.13
Total Equity - Fund Balance	0.00	30,643.13
Total Liabilites and Fund Equity:	0.00	30,643.13
Total Net Position	0.00	0.00

Greater Salt Lake Municipal Services District
Standard Financial Report
52 Kearns Beer Tax Special Fund - 07/01/2025 to 05/31/2026
91.67% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
Change In Net Position					
Revenue:					
Intergovernmental revenue					
State liquor fund					
3100.580 State Liquor Fund Allotment	61,156.89	30,643.13	30,000.00	(643.13)	102.14%
Total State liquor fund	61,156.89	30,643.13	30,000.00	(643.13)	102.14%
Total Intergovernmental revenue	61,156.89	30,643.13	30,000.00	(643.13)	102.14%
Total Revenue:	61,156.89	30,643.13	30,000.00	(643.13)	102.14%
Expenditures:					
Administration					
4100.850 Beer Funds	61,156.89	0.00	30,000.00	30,000.00	0.00%
Total Administration	61,156.89	0.00	30,000.00	30,000.00	0.00%
Total Expenditures:	61,156.89	0.00	30,000.00	30,000.00	0.00%
Total Change In Net Position	0.00	30,643.13	0.00	(30,643.13)	0.00%

Greater Salt Lake Municipal Services District
Standard Financial Report
55 Kearns Council Designated Fund - 07/01/2025 to 05/31/2026
91.67% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual
Net Position		
Assets:		
Current Assets		
Cash and cash equivalents		
10100 Cash - Zions Checking	0.00	807,890.87
10101 Cash - Zions CARES	2,828.09	2,828.09
10200 Cash - PTIF	238,422.63	567,492.53
10202 Cash - PTIF 9074 CARES	746,187.08	280,890.32
10750 Undeposited Receipts	(0.01)	6,210.62
Total Cash and cash equivalents	987,437.79	1,665,312.43
Receivables		
12500 Due From Other Gov.	157,924.59	182,008.16
Total Receivables	157,924.59	182,008.16
Total Current Assets	1,145,362.38	1,847,320.59
Total Assets:	1,145,362.38	1,847,320.59
Liabilites and Fund Equity:		
Liabilities:		
Current liabilities		
21000 Accounts Payable	494,288.00	0.00
Total Current liabilities	494,288.00	0.00
Deferred revenue		
23455 CARES2 Deferred Revenue	258,120.71	191,520.96
Total Deferred revenue	258,120.71	191,520.96
Total Liabilities:	752,408.71	191,520.96
Equity - Fund Balance		
29000 Unassigned Net Position (Fund Bal)	392,953.67	1,655,799.63
Total Equity - Fund Balance	392,953.67	1,655,799.63
Total Liabilites and Fund Equity:	1,145,362.38	1,847,320.59
Total Net Position	0.00	0.00

Greater Salt Lake Municipal Services District
Standard Financial Report
55 Kearns Council Designated Fund - 07/01/2025 to 05/31/2026
91.67% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
Change In Net Position					
Revenue:					
Taxes					
MET Taxes					
3100.111 MET-Municipal Energy	3,072.68	2,830.79	0.00	(2,830.79)	0.00%
3100.112 MET-Municipal Telecom	55,240.50	74,116.09	60,000.00	(14,116.09)	123.53%
3100.113 MET-Pacificorp/Rocky Mtn Power	271,348.65	728,976.04	600,000.00	(128,976.04)	121.50%
3100.114 MET-Questar Gas/Dominion Energy	391,618.88	385,571.91	720,000.00	334,428.09	53.55%
Total MET Taxes	721,280.71	1,191,494.83	1,380,000.00	188,505.17	86.34%
Franchise Taxes					
3100.401 Google Franchise Fee	80,796.00	46,614.00	30,000.00	(16,614.00)	155.38%
Total Franchise Taxes	80,796.00	46,614.00	30,000.00	(16,614.00)	155.38%
Total Taxes	802,076.71	1,238,108.83	1,410,000.00	171,891.17	87.81%
Intergovernmental revenue					
Road Funds					
3100.561 HB244 Corridor Preservation Funds	0.00	0.00	300,000.00	300,000.00	0.00%
Total Road Funds	0.00	0.00	300,000.00	300,000.00	0.00%
CARES Act					
3100.322 ARPA	82,130.00	504,592.20	0.00	(504,592.20)	0.00%
3100.323 CARES2	623,691.70	66,599.75	0.00	(66,599.75)	0.00%
Total CARES Act	705,821.70	571,191.95	0.00	(571,191.95)	0.00%
Total Intergovernmental revenue	705,821.70	571,191.95	300,000.00	(271,191.95)	190.40%
Miscellaneous revenue					
Interest					
3600.100 Interest Earnings	81,946.53	27,737.13	42,000.00	14,262.87	66.04%
Total Interest	81,946.53	27,737.13	42,000.00	14,262.87	66.04%
Total Miscellaneous revenue	81,946.53	27,737.13	42,000.00	14,262.87	66.04%
Contributions and transfers					
3100.001 Operating Transfers in	2,828.09	0.00	0.00	0.00	0.00%
Total Contributions and transfers	2,828.09	0.00	0.00	0.00	0.00%
Total Revenue:	1,592,673.03	1,837,037.91	1,752,000.00	(85,037.91)	104.85%
Expenditures:					
Administration					
4100.420 Contributions/Special Events	0.00	3,000.00	0.00	(3,000.00)	0.00%
Total Administration	0.00	3,000.00	0.00	(3,000.00)	0.00%
Professional services					
4100.623 Public Safety	493,897.66	0.00	25,000.00	25,000.00	0.00%
Total Professional services	493,897.66	0.00	25,000.00	25,000.00	0.00%
COVID Related Expenses					
4100.242 CARES 2 Expense and Supplies	623,691.70	66,599.75	0.00	(66,599.75)	0.00%
4100.243 ARPA Act Expense and Supplies	82,130.00	504,592.20	0.00	(504,592.20)	0.00%
Total COVID Related Expenses	705,821.70	571,191.95	0.00	(571,191.95)	0.00%
Total Expenditures:	1,199,719.36	574,191.95	25,000.00	(549,191.95)	2,296.77%
Total Change In Net Position	392,953.67	1,262,845.96	1,727,000.00	464,154.04	73.12%

Diana Baun

From: Barry Sommer <barry.sommer78@gmail.com>
Sent: Sunday, June 28, 2026 10:57 AM
To: Diana Baun
Subject: Public Record Submission: Unaddressed Drag Racing and Safety Hazards on 4715 South

You don't often get email from barry.sommer78@gmail.com. [Learn why this is important](#)

Dear Ms. Baun,

I am requesting that this correspondence be officially logged into the public record and distributed to Mayor Jesse Valdez and the members of the Kearns City Council ahead of the next scheduled meeting.

On June 10th, I sent a direct email to Mayor Valdez and UPD administrative channels detailing severe, recurring public safety hazards along 4715 South and the surrounding side streets. This included specific tracking data: daily early morning speeding (4 AM) exceeding 50 mph in a 35 mph zone, and illegal late-night drag racing (12 AM–1 AM). It has been 18 days, and I have received zero response, confirmation, or notice of patrol deployment.

While I understand the council recently allocated funds to add a single traffic enforcement vehicle to the Kearns Precinct, relying on just one car for a community of our size is entirely unacceptable and ineffective.

Furthermore, city leadership appears to be overlooking a clear fiscal solution: robust, city-wide traffic enforcement is inherently self-funding. While generating revenue should never be the primary motivation for policing, the reality is that strictly ticketing the rampant speeding, reckless driving, and illegal vehicle modifications occurring across Kearns would easily generate the necessary revenue to offset the costs of additional patrol units and officers. We need these resources properly deployed to make Kearns a safe, family-oriented community once again.

Because these dangerous violations happen daily and threaten the lives of law-abiding Kearns residents, I am submitting this to ensure a permanent, legal paper trail exists showing that city leadership has been explicitly warned about the drag racing corridor on 4715 South.

I look forward to an official response detailing when real, multi-unit targeted enforcement actions will be taken.

Sincerely,
Barry Sommer
Lifelong Kearns Resident
4459 W 4715 S

CITY OF KEARNS

RESOLUTION #R2026-15

DATE: July 13, 2026

A RESOLUTION OF THE KEARNS CITY COUNCIL RESTATING THE COUNCIL'S RULES OF ORDER AND PROCEDURE

RECITALS

WHEREAS, Utah Code §§ 52-4-101 et seq., Open and Public Meetings Act, require the City of Kearns (“**Kearns**”) to take its actions openly and conduct deliberations openly, unless statutory exceptions apply; and

WHEREAS, Utah Code §10-3-606 requires the Kearns City Council (“**Council**”) to adopt rules of order and procedure to govern and prescribe parliamentary order and procedure, ethical behavior, and civil discourse in a public meeting; and

WHEREAS, the Council desires to revise and restate its rules of order and procedure to account for the City’s conversion from a metro township to a City, to include a more defined agenda development process, and to make other necessary amendments and updates; and

WHEREAS, the Council, as the legislative body for Kearns, requires a systematic way of conducting its business through rules of order and procedure designed to provide for the orderly conduct of full, open, and comprehensive debate of issues placed on the Council Agenda for action in a forum open to the public; and

WHEREAS, the Council finds that it is proper to restate its rules of order and procedure so that Council meetings and other public hearings are conducted in a fair, orderly, and efficient manner; and

WHEREAS, this resolution is adopted to provide a set of rules to govern Council meetings and public hearings.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Council:

1. Adoption: The rules of order and procedure attached to this resolution are approved effective immediately, and all prior rules of order and procedure are repealed in their entirety.
2. Severability: If a court of competent jurisdiction determines that any part of this resolution is unconstitutional or invalid, then such portion of this resolution, or specific application of this resolution, shall be severed from the remainder, which shall continue in full force and effect.
3. Direction to Mayor and Staff: The Mayor and staff are authorized and directed to take such steps as may be needed: (a) for this resolution to become effective under Utah law; and (b) to finalize and post the resolution to MuniCode, including but not limited to making non-substantive edits to correct any scrivener’s, formatting, and numbering errors.

4. Effective Date: This resolution shall become effective immediately.

APPROVED and ADOPTED this 13th day of July 2026

CITY OF KEARNS

By: _____
Jesse Valdez, Mayor

ATTEST

Diana Baun, City Recorder

Voting:

Council Member Butterfield	voting	_____
Council Member Colby Jr.	voting	_____
Council Member Longtin	voting	_____
Council Member Schaeffer	voting	_____
Mayor Valdez	voting	_____

CITY COUNCIL OF KEARNS

RULES OF ORDER AND PROCEDURE

Effective July 13, 2026

ARTICLE I – GENERAL

A. Definitions. The following definitions shall apply for the purposes of these Rules:

1. “Agenda” means the agenda prepared by Staff for any given Meeting.
2. “City” means the City of Kearns.
3. “City Administrator” means the Kearns City Administrator.
4. “Code of Conduct” means those rules and procedures regarding the conduct of Councilmembers set forth in Article IV below.
5. “Council” means the Kearns City Council.
6. “Councilmember” means a member of the Council.
7. “Including” means “including but not limited to” or “without limitation.”
8. “May” means an action is permissive.
9. “May not” means an action is prohibited.
10. “Mayor” means the Mayor of the City of Kearns.
11. “Meeting” means any regular, special, or other meeting of the Council, including public hearings.
12. “Recorder” means the Kearns City Recorder.
13. “Rules” means these Rules of Order and Procedure.
14. “Shall” means an action is mandatory or required.
15. “Staff” means the employees, contractors, and agents that are authorized to represent and act on behalf of the City, including the City Administrator or City Attorney, as employees, contractors, or service providers, including but not limited to the Greater Salt Lake Municipal Services District.

16. “**Stakeholders**” means service providers that supply services to the City, including the Unified Police Department, the Salt Lake Valley Law Enforcement Service Area, the Unified Fire Authority, the Unified Fire Service Area, the Kearns Redevelopment Authority, the Kearns Improvement District, and Wasatch Front Waste and Recycling District.

B. Quorum. Three Councilmembers shall constitute a quorum to conduct business in a Meeting, including the Mayor who is a regular and voting member of the Council pursuant to Utah Code § 10-3b-402.

C. Mayor Pro Tempore. The Council shall select the Mayor pro tempore by a majority vote at the first Meeting in January.

D. Absence of City Administrator. In the absence of a City Administrator, the Mayor shall fulfill the duties of the City Administrator under these Rules.

ARTICLE II – AGENDA ITEMS AND CREATION

A. Agenda Development Process. Councilmembers, City Administrator, Recorder, Staff, Stakeholders, and members of the public shall follow the following schedule in proposing items for regular Meetings and providing related documents and materials to the City Administrator and Mayor:

Deadline	Item Due or Action
Conclusion of each regular Meeting	Items for future Meeting Agenda are identified
Three (3) weeks before next regular Meeting	City Administrator and Recorder prepare and distribute a first draft of the Agenda based on the items identified at prior regular Meeting
5:00 p.m. on 14 th calendar day before next regular Meeting	The following are due to the City Administrator and Recorder: ▪ All Agenda items not included in the Initial Agenda that <u>require Council approval of a document</u> (e.g., resolutions; ordinances, policies, contracts, agreements, staff reports, etc.), excluding Planning Commission items;; ▪ All public hearing items requiring more than 24 hours’ notice (budgets, fees, officer compensation, etc.); and City Administrator or Recorder shall forward documents requiring legal review to the City Attorney as soon as reasonably practicable
5:00 p.m. on the 8 th calendar day before the next regular Meeting	The following are due to the City Administrator and Recorder: ▪ All Agenda items that <u>do not</u> require Council approval of a document; and

	▪ All finalized staff reports with the attached notice of meeting or public hearing, finalized ordinances, finalized resolutions, and ▪ Planning Commission Agenda items <i>Staff, Stakeholders, and members of the public may not propose additional Agenda items after this date</i>
5:00 p.m. on the 7 th calendar day before the next regular Meeting	The following are due to the City Administrator and Recorder: ▪ All PowerPoint presentations and any other Meeting materials; ▪ Documents from the City Attorney; and ▪ All Planning Commission documents requiring Council approval <i>Documents, presentations, and other materials received after this date may not be included in the Meeting packet, and late submissions may require removal of the related item from the Agenda</i>
5:00 p.m. on 6 th calendar day before the next regular Meeting	Recorder distributes the second draft Agenda and draft Meeting packet
5:00 p.m. on the 4 th calendar day before the next regular Meeting	Councilmembers provide final suggested edits to the second draft Agenda and Meeting packet to the City Administrator and Recorder
No later than 24 hours before the next regular Meeting	Recorder posts the final Agenda and Meeting packet

B. Decision-making Authority. The Mayor, in consultation with the City Administrator, shall have final decision-making authority to determine which items and related materials are included in a final Agenda and Meeting packet; provided, however, that two Councilmembers may require the Recorder to include an item in the final Agenda.

C. Late Agenda Items. Any Agenda item that Staff, Stakeholders, and members of the public do not submit in a timely manner, shall be held back until the following Meeting. Councilmembers may, however, submit additional Agenda items and materials after the date for submissions has passed but shall strive to submit Agenda items in a timely manner.

D. Exceptions. The Mayor, or two Councilmembers, may in their sole discretion grant exceptions to the schedule in Section A for Staff, Stakeholders, and members of the public if the Mayor or two Councilmembers find that emergencies, extenuating circumstances, or other justifiable reasons warrant the exception.

E. Use of Document Sharing Software. The Recorder may use a reputable electronic document sharing software program (e.g., SharePoint or Teams) the Council has authorized to distribute Agendas and the Meeting packets to the Council and Staff. The Mayor, City

Administrator, or the Council may authorize the Recorder to share Agendas, meeting packets, and related materials with specific Stakeholders. Provided, however, that the Mayor, City Administrator, and Recorder shall consult with the City Attorney to ensure that unauthorized Stakeholders or members of the public do not receive confidential, private, or protected records, which the Recorder shall provide to the Council and applicable Staff and authorized Stakeholders in coordination with the City Attorney.

- F. Conflicts with State Law and City Ordinance.** Public notice requirements in State law or City ordinance shall control over any conflicting internal deadlines in this Article.

ARTICLE III – CONDUCT OF MEETINGS

- A. Regular Meeting.** The Council shall schedule regular Meetings in advance by resolution on an annual basis. The schedule shall set the time and place of the regular Meeting which shall be held typically on the second Monday of each month. The Mayor or the Mayor Pro Tempore shall call the Meeting to order at the time scheduled, preserve order at the Meeting, and conduct the Meeting as stated on the Agenda and in compliance with applicable ordinances and these Rules.
- B. Special Meetings.** Pursuant to Utah Code § 10-3-502, the Mayor or two Councilmembers may order the convening of a special Meeting of the Council for any reason.
1. Each order convening a special Meeting of the Council shall: (i) be entered in the minutes of the Council; and (ii) provide at least three hours' notice of the special Meeting.
 2. The Recorder shall serve notice of the special Meeting on each Councilmember who did not sign the order to convene the special meeting by delivering the notice personally or by leaving it at the member's usual place of abode.
 3. The personal appearance by a Councilmember at a special Meeting of the Council constitutes a waiver of the notice required under this Subsection.
- C. Emergency Meetings.** Public notice requirements may be disregarded for an emergency Meeting held pursuant to Utah Code § 52-4-202(5).
- D. Work Sessions.** A work session or workshop on the same day may precede or be included in the regular Meeting for the Council to ask questions or receive input from Staff or others on Agenda items or other matters. The work session may be informal. Final action may not be taken on any item discussed during a work session pursuant to Utah Code § 52-4-201.
- E. Public Comments at Regular Meeting.** At every regular Meeting of the Council, there shall be an Agenda item titled "Public Comment" near the beginning of the Meeting to allow any member of the public to speak to the Council on any matter of public concern

regardless if the item is identified on the Agenda for action.

1. If any member of the public provides comment on a matter that is set for action later on the Agenda, the Mayor may identify the public comment as part of the record for that Agenda action but only at the time set for discussion.
2. The Council may not take final action on any unscheduled matter identified during the public comment portion of the Agenda, but any Councilmember may ask questions, give recommendations to the Mayor, or request that a matter be placed on the Agenda at a later Meeting.
3. To ensure fairness and neutrality, the Mayor shall limit public comments to a maximum of three minutes per individual. The Mayor shall govern the conduct of the public comments to prevent outward displays of support or opposition to those speaking and prohibit allocations of time by one commenter to another.

F. General Meeting Procedure. The matters shall proceed in the order specified on the Agenda. A motion to amend the Agenda shall be made by the Councilmember requesting a change of order to the Agenda and seconded, with the majority of the Council in attendance in favor of amending the Agenda. All Meetings shall be conducted fairly, efficiently, and respectfully. The Mayor or Mayor Pro Tempore has discretion to conduct the Meeting consistent with these goals.

G. Consent Agenda. If there is a routine or uncontested matter that requires approval, the Council may vote to approve each item as a group on the consent Agenda without extensive discussion. Any Councilmember may request that any consent Agenda item be removed from consideration and reviewed individually. If a consent Agenda item is placed on the regular Agenda, the Council shall vote separately on the item or by motion may table the consent Agenda item by a nondebatable motion to set it for a future Meeting.

H. Conduct of Meetings in Accordance with Agenda. The Meeting is governed by the Agenda, and the Agenda constitutes the Council's ordered list of items for discussion or decision. Final action may be taken on any action item that is in the open Meeting and on the Agenda.

1. The Mayor shall clearly announce the numbered Agenda item and clearly state the subject of the Agenda item.
2. The Mayor may invite the appropriate person, who may be the Mayor, a Councilmember, the Recorder, or Staff, or an invited person, to provide input, recommendations, or a report on the Agenda item.
3. The Mayor may request a Councilmember to address germane questions for clarification to the person who provided input or a report. The person shall be given time to respond.

4. At a public hearing, the Mayor may request a motion and second to go into a public hearing and the motion shall pass by a majority vote. The Mayor shall open the public hearing for public input and announce the time. After hearing public input, the Mayor shall close the public hearing and announce the time. At the conclusion of the public hearing, the Mayor may request a motion and a second to adjourn the public hearing, and after a majority vote, return to the open Meeting.
 5. With or without the Mayor's invitation for a motion, a Councilmember may make a motion to take action on the action Agenda item. The Mayor shall identify the maker of the motion.
 6. The Mayor shall recognize the second to the motion and identify the maker of the second, if made. If no Councilmember makes a motion to second the original motion, the Agenda item is considered concluded without decision, and the Council moves on to the next Agenda item, unless another motion is made.
 7. The Mayor shall announce the motion and its second or request the maker of the motion to repeat it or request the Recorder or City Attorney to repeat the motion.
 8. The Mayor shall declare that now is the time on the Agenda to discuss the motion. If no discussion occurs or when discussion ends, the Mayor shall announce that the Council shall vote on the motion.
 9. The Mayor may repeat the motion if there has been substantial discussion to clarify the purpose of the motion and vote.
 10. In the event of a tie vote or a nay vote, such votes shall be roll call votes for the purposes of the minutes.
 11. The Mayor shall announce the result of the vote and what action has been taken, if any.
 12. The person(s) who sets an Agenda item, whether the Mayor or two Councilmembers, may withdraw that Agenda item from consideration by communicating the withdrawal to the Mayor prior to the commencement of the Meeting.
 13. During the Meeting, the Mayor shall announce that the item has been pulled from the Agenda and why.
- I. Initial Presentation Procedures.** After an initial input or report on an Agenda item, the Mayor or any Councilmember may ask germane questions of the person who provided the input or report and review documents and information as necessary to understand the issue.
- J. Motions Required for Council Action.** To act on any Agenda item under consideration,

a Councilmember shall make the motion to approve the action item or adopt the ordinance, resolution, or rule. The motion shall receive a second from another Councilmember. Any motion to approve requires the majority of the Council or three votes to pass. In the absence of a second to a motion, the motion to approve fails, and the Agenda item is concluded without decision unless another motion is made. There can be no more than three motions on the floor at the same time. The vote shall proceed first on the last motion made.

1. Initial Motion. Any Councilmember may make an initial motion on an Agenda item. Prior to voting on the initial motion, the Council may discuss or debate the motion fully. Each Councilmember shall be given the opportunity to discuss the motion beginning with the Councilmember making the motion and the Councilmember making the second to the motion. The remaining Councilmembers then shall be allowed to discuss. After each Councilmember has had the opportunity to discuss once, the Mayor may ask for another round of discussion. The Mayor shall then close the discussion and call for the vote. The Mayor may limit the length of the discussion for fairness, orderliness, and efficiency. The Mayor may call the question to vote on the matter if a motion has been made and seconded. Any other Councilmember may also call the question to vote on the matter.
2. Motion to Withdraw. At any time prior to voting, the same Councilmember who made the initial motion to approve the action item or adopt the ordinance, resolution, or rule may, without a second or a vote, withdraw the motion.
3. Motion to Amend. Any Councilmember may amend an initial motion but it requires a second by a Councilmember. The motion to amend must be germane to the initial motion. The Council may debate or discuss and shall vote on the amended motion prior to voting on the initial motion. If the motion to amend the initial motion has been seconded and passes, the Mayor shall allow debate and action on the amended motion. If the motion to amend fails, the Mayor shall bring the initial motion back to debate in its original format, not amended.
4. Motion to Substitute. Any Councilmember may make a new and different motion, known as a substitute motion, which is not germane to the subject under consideration in the initial motion or the motion to amend the initial motion. The motion to substitute requires a second. If a Councilmember questions the characterization of the motion as a substitute motion, the Mayor shall designate the type of motion made, either a motion to amend or a motion to substitute, which is the final determination. After discussion and debate on the substitute motion, which is the most recent motion on the floor, a vote shall be taken. If the substitute motion passes, the initial motion or motion to amend is eliminated. The substitute motion thus completes the Agenda item. If the substitute motion fails, the Mayor now opens the debate on the initial motion, or the motion to amend the initial motion. If the motion to amend passes, the Mayor shall bring the initial motion back to the debate as amended. If the motion to amend fails, the Mayor shall bring the initial motion back to debate in its original format, not amended.

5. General Consent. The Mayor may use general consent or unanimous consent to dispense with any motion if it appears the Council is all in agreement. The Mayor shall first determine there are no objections to the general consent motion before the motion is approved.

K. Nondebatable Motions. The Mayor shall immediately call for a vote of the Council without debate on the following motions made and seconded. A majority vote is required to approve the motion, except under Subsections 1 and 6.

1. Motion to Adjourn. A motion to adjourn requires the Council to adjourn immediately to its next regularly scheduled Meeting and requires only a motion and second to adjourn pursuant to Utah Code § 10-3-507.
2. Motion to Fix the Time to Adjourn. A motion that requires the Council to adjourn the Meeting to a specific time identified in the motion requires a motion and a second to the motion and a majority vote as provided in Utah Code § 10-3-507.
3. Motion to Recess. A motion that requires the Council to immediately take a recess with the length of time identified in the motion.
4. Motion to Table. A motion that requires Council discussion of the Agenda item to cease and the Agenda item placed on indefinite hold unless the motion contains a specific time for the return of the Agenda item at a future Meeting upon the order of the Mayor or two Councilmembers.
5. Call for Previous Question. A motion that requires the Council to cut off debate and put the matter to a vote. The motion is frequently “I move the previous question” or “I call the question.” If the previous question motion is made and seconded, the Mayor shall stop debate and call for the vote on the motion to limit debate.
6. Call for Orders of the Day. Any Councilmember may call for orders of the day to return the discussion to the Agenda. This motion does not require a vote.
7. Action Items. For information requests or specific assignments to Staff, the Council may act informally or by consensus without a motion.

L. Voting. Any matter brought for legislative action before the Council by motion must be decided by an affirmative vote or negative vote of a majority of the Council. Any action by the Council requires three yes votes to pass.

1. On any motion to approve an ordinance, resolution, or rule which creates financial obligations of the City, the vote shall be recorded as a roll call vote.
2. On any motion to approve, if the voice vote tally is unclear, or if there is even one

Nay vote, the entire vote shall be recorded as a roll call vote.

3. If a Councilmember makes the motion to approve which is seconded and then it fails, a Councilmember may request an entry of findings of fact and conclusions of law to be included into the motion and the record. The Council may move to recess to allow the City Attorney to prepare the findings of fact and conclusions of law to be included in the motion or to table for consideration at a future Meeting.

M. Closed Meetings. The Council may hold a closed Meeting pursuant to Utah Code § 52-4-205 for certain purposes only. On the public notice required pursuant to Utah Code Subsection 52-4-202(1), the public notice shall include the Meeting Agenda, which shall include an Agenda item to go into a closed Meeting, even if not acted upon at each Meeting.

1. Any Councilmember may make the motion to convene a closed Meeting, and in the open Meeting, shall state the reasons for the motion. The motion shall be seconded. The Council shall approve the motion by a two-thirds vote of the Councilmembers present prior to convening the closed Meeting.
2. The motion to enter a closed Meeting shall specifically state at least one of the following grounds as provided in Utah Code § 52-4-205(1). A closed Meeting may only be held for:
 - i. discussion of the character, professional competence, or physical or mental health of an individual, except to fill a midterm vacancy or temporary absence which occurs in open Meeting;
 - ii. strategy sessions to discuss collective bargaining;
 - iii. strategy sessions to discuss pending or reasonably imminent litigation;
 - iv. strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water rights or water shares, to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state, if public discussion would disclose the appraisal or estimated value of the property under consideration or prevent the Council from completing the transaction on the best possible terms;
 - v. strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if the public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the Council from completing the transaction on the best possible terms when the Council previously gave public notice that the property would be offered for sale and the terms of the sale are publicly disclosed before the Council approves the sale;

- vi. discussion regarding deployment of security personnel, devices, or systems;
 - vii. investigative proceedings regarding allegations of criminal misconduct; or
 - viii. deliberations concerning an evaluation, protest, or appeal concerning procurement matters as provided in Utah Code §§ 52-4-205(1) (m), (n), or (o).
3. At the conclusion of the closed Meeting discussion, the Mayor shall request a motion and a second to adjourn the closed Meeting and return to the open Meeting.

N. Reconsideration. Only a Councilmember who is in the majority on a vote may make a motion to reconsider or rescind any action taken. Any Councilmember may second the motion. If approved by a majority, the original Agenda item shall be reconsidered or rescinded in the current Meeting or placed on the next Council or special Meeting Agenda for reconsideration and discussion.

- 1. At the time of reconsideration, the Council may discuss and debate the initial motion as if it were on the floor for the first time. The number of Councilmembers present must be equal to or greater than the number of Councilmembers present when the matter was first considered in compliance with Utah Code § 10-3-508.
- 2. If reconsideration would cancel or abrogate a binding obligation of the Town, the City Attorney shall provide a legal opinion to the Council on the subject prior to any action on reconsideration.
- 3. At the time of reconsideration, if a motion to rescind the action is made and seconded, the City Attorney shall provide a legal opinion to the Council on the subject prior to any action on the motion to rescind.
- 4. Pursuant to Utah Code § 10-3-508, the Council may not reconsider or rescind a prior adopted motion at a special Meeting unless the number of Councilmembers present at the special Meeting is equal to or greater than the number of members present at the Meeting when the action was approved.

O. Public Hearings at Meetings. The Council shall conduct a public hearing during its Meeting to consider an annexation, the adoption or any modification of a land use regulation, zoning text, or zoning map, the tentative budget, any bond issuance, or any truth in taxation hearing pursuant to Utah Code § 59-2-919. The Council may also elect to hold a public hearing on a matter even if it is not required by law.

P. Rules of Procedure for Public Hearings. These Rules apply to all public hearings. The Recorder shall make the Rules available to members of the public who attend the public hearing and on the City's public website.

Q. Formal Nature of Public Hearings. A public hearing may be more formal than other portions of the Meeting to protect the due process rights of the applicant and any other

participant.

1. If a Staff report is generated prior to the public hearing, the applicant shall be provided with a copy of the Staff report within a reasonable period of time prior to the public hearing.
2. The matter shall be introduced by Staff and followed by testimony from the applicant at the applicant's discretion. Any interested person shall then be given the opportunity to provide testimony for or against the matter. At the conclusion of testimony by interested persons, the applicant shall be given the opportunity to offer rebuttal testimony.
3. Any person providing testimony shall be requested to state the person's name and address, state clearly the person's position on the matter subject to review; and provide testimony, information, or data in support.
4. Any person other than the applicant may provide testimony only once during a specific public hearing, including public hearings that are postponed or continued for future Meetings.
5. The Mayor may limit the length of testimony or allocate available time equitably for any interested person who requests to testify.
6. Any testimony, evidence, documents, photographs, or other information received by the Council shall be entered into the record of proceedings. The Council has the discretion to postpone action on a public hearing item, and it may continue to receive additional written comments or other evidence until such time as the Mayor closes the public hearing or reschedules the public hearing.
7. At the conclusion of the public hearing, the Council may consider the matter and engage in discussion and debate as necessary. Although the rules of evidence do not apply to public hearings, Councilmembers have discretion to weigh the evidence and measure the credibility of the testimony by a preponderance of the evidence.
8. The Council may make a final decision at the close of the public hearing, except that the Council may, in some circumstances:
 - i. announce its findings of fact and conclusions of law in support of the decision orally on the record; or
 - ii. give directions to Staff to prepare a written order, permit, or decision consistent with the Council findings, which the Council may adopt or modify at a future Meeting.

R. Modification of Rules. To the extent these Rules conflict with any other law or statute, the other law or statute shall prevail. The Council or the presiding officer has discretion

to modify these rules or the procedures under these rules to the extent necessary to accommodate the needs of a particular situation or changes in the law. The adoption of these rules may not be deemed to confer any specific substantive or procedural rights upon any person participating at a Council hearing or Meeting.

S. Adjournment. The Council may vote to adjourn the Meeting by motion and a second without hearing all matters on the Agenda. Any matter not heard may be rescheduled on the next available Agenda. The Council may also adjourn at any time if disruptive conduct at a Meeting prevents orderly action.

T. Compelling Councilmember Attendance. Pursuant to Utah Code § 10-3-505, the Council may compel the attendance of its own members at its Meetings and provide penalties it considers necessary for the failure to comply with an exercise of the authority to compel attendance.

U. Requiring Attendance of Witnesses, Production of Evidence. The Council may require the attendance of any person to give testimony or produce records, documents, or things for inspection, copying, or examination necessary or useful to the governance of the municipality. The Council may by ordinance establish its own procedures for issuing subpoenas to require attendance or production in the same manner as provided in the Utah Rules of Civil Procedure and through the assistance of the City Attorney.

V. Conduct of Mayor During Meetings. The Mayor shall:

1. Preside at and conduct Meetings;
2. Is a regular and voting member of the Council pursuant to Utah Code § 10-3b-402;
3. Participate in discussion of any matter;
4. Have no power to veto;
5. Possess primary responsibility to enforce the Rules;
6. Maintain the dignity of Meetings;
7. Call the Meeting to order and confine discussion to the Agenda;
8. Permit Staff and public participation at appropriate times;
9. Require knowledge of the Rules;
10. Ensure compliance with the Rules;
11. Ensure compliance with the Utah Open and Public Meetings Act;

12. Advise or courteously discourage any member who talks disproportionately to other members, including imposing a time limit on Council reports;
13. Ensure those who have the floor are not interrupted;
14. Make the ruling if a member is out of order or noncompliant with these Rules;
and
15. Exercise any other applicable power designated to the Mayor under State law or City ordinance.

W. Written Minutes. The Recorder shall keep written minutes and a recording of all open Meetings. Written minutes shall include the date, time, place of Meeting, the names of members present and absent, the substance of all matters proposed, discussed, or decided by the Council which may include a summary of comments made by members of the Council. Any member of the Council may request any other information or record of the proceeding to be entered in the minutes or recorded at the open Meeting. The written minutes are intended to be a summary document of the Agenda items acted upon and related discussions, not a transcript or verbatim summary of comments made by Councilmembers.

X. Online Version of Minutes. An online version of the Council minutes may satisfy the requirements that minutes include “the substance of all matters proposed, discussed, or decided or the substance of testimony or comments” if maintained and publicly available online by providing a link to the Meeting recording as required in Utah Code Subsection 52-4-203 (2)(b).

Y. Parliamentarian. The City Attorney shall serve as the parliamentarian for the Council and its Meetings, and shall recommend rulings, upon request by the presiding officer, to all points of order raised during the proceedings.

ARTICLE IV – CODE OF CONDUCT

- A. Applicability.** The “Code of Conduct,” set forth in this Article, applies both in and out of Meetings to the Council and the members of all City boards, committees, and commissions to ensure public confidence in the integrity of local government and its effective, open, and fair operation. To the extent applicable, the Code of Conduct shall also apply to Staff, Stakeholders, and the public. If there is a conflict between the Code of Conduct as set forth in these Rules and the rules of order and procedure of any other City board, commission, or committee, these Rules shall govern.
- B. Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, Councilmembers shall work for the common good of the people of the City and not for any private or personal interest, and they shall ensure fair and equal treatment to all persons, claims and transactions coming before the Council, boards, committees, and commissions.

- C. Comply with the Law.** Councilmembers shall comply with the laws of the nation, the State of Utah, and the City in the performance of their public duties. These laws include the United States and Utah Constitutions; the Kearns Municipal Code; statutory provisions pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government, including the Utah Public Officers' and Employees' Ethics Act, Utah Code, Title 67, Chapter 16; and City policies and procedures.
- D. Conduct of Councilmembers.** The professional and personal conduct of Councilmembers must be above reproach and avoid even the appearance of impropriety. Councilmembers shall refrain from rudeness, disrespectful comments, insults, name-calling, abusive conduct, personal charges, or verbal attacks upon the character or motives of other Councilmembers, the Mayor, the Mayor Pro Tempore, boards, committees, commissions, Staff, or the public.
- E. Respect for Process.** Councilmembers shall perform their duties in accordance with the processes and the applicable rules of order and procedure as established by the Mayor, Council, board, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by Staff.
- F. Conduct at Public Meetings.** Councilmembers shall prepare themselves for public issues in the Meeting, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of Meetings. Councilmembers may not use cell phones during a Meeting. Everyone should feel safe in expressing their opinions, views, and concerns. Clapping, shouting, and booing during Meetings are not permitted. All persons attending a Public Meeting shall obey any lawful order of the person chairing the Meeting to enforce these Rules and the Code of Conduct.
- G. Board Representation.** When representing the City Council on any board or similar organization, Councilmembers shall endeavor, to the best of their abilities, to vote according to the shall of the Council on those matters for which the Council has taken an official position. In the absence of an official position by the Council, Councilmembers shall exercise their best judgment to determine how best to vote in accordance with the best interests of the Town.
- H. Conflict of Interest.** To ensure their independence and impartiality on behalf of the common good, Councilmembers may not use their official positions to influence governmental decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest. In accordance with law, Councilmembers shall disclose investments, interests in real property, sources of income, gifts, and any related conflicts of interest prior to any Meetings on the matter. After disclosing

the conflict of interest, the Councilmember may not vote on the matter and may not speak during the Meeting on the matter under consideration, unless the majority of the remaining Councilmembers determine by a majority vote that adequate consideration of the matter requires responses from the Councilmember with the conflict. Councilmembers with a conflict of interest shall also not attempt to influence other City officials or Staff outside of the Meeting.

- I. Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, Councilmembers shall refrain from using their elected positions to unduly influence the deliberations or outcomes of board, committee, commission, and Staff deliberation proceedings.
- J. Positive Workplace Environment.** Councilmembers shall support the maintenance of a positive and constructive workplace environment for Staff and for citizens and businesses dealing with the City. Councilmembers shall recognize their special role in dealing with Staff but without giving inappropriate direction to Staff.
- K. Compliance and Enforcement.** The Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when Councilmembers are thoroughly familiar with it and embrace its provisions. The Code of Conduct expresses standards for ethical conduct expected of the Mayor and Councilmembers, boards, committees, and commissions. Councilmembers themselves have the primary responsibility to ensure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The Mayor and the persons who chair City boards, committees, and commissions have the responsibility to intervene when actions of Councilmembers are witnessed or reported that appear to be in violation of the Code of Conduct.
 1. Sanctions The Council by a two-thirds vote may also impose sanctions on Councilmembers whose conduct does not comply with the City's ethical standards and applicable law in accordance with the following:
 - i. Official verbal reprimand in an open Meeting if the Councilmember continuously causes disruptions during a Meeting and does not appropriately respond to a simple warning.
 - ii. Formal public letter of censure by Mayor, the person chairing the Meeting, or majority of the Council or body.
 - iii. Loss of any committee assignment.
 2. Official Warning and Temporary Suspension The person chairing a Meeting shall issue an official warning before taking further action in response to the following actions by a Councilmember, Staff, Stakeholders, or the public who does any of the following:

- i. Repeatedly begins speaking without being recognized by the person chairing the Meeting;
 - ii. Engages in attacking insults; or
 - iii. Engages in boisterous conduct, including applause, whistling, stamping of feet, booing, or making any loud, threatening, profane, abusive, personal, impertinent, slanderous, or obscene utterance that disturbs, disrupts, or otherwise impedes the conduct of the Meeting.
 - iv. The warning shall clearly identify the inappropriate behavior and the potential consequences that shall arise if such behavior persists, provide the warned individual with an opportunity to correct the conduct, before the City takes more serious action, including temporary removal from the premises. The Council shall issue this warning by a majority vote.
3. Expulsion of Councilmembers Pursuant to Utah Code § 10-3-607, the Council may, by a two-thirds vote, fine or expel any Councilmember from a Meeting or suspend that Councilmember's attendance at subsequent Meetings if the person violates the Code of Conduct, violates the law or City ordinance, or otherwise engages in disorderly conduct during the Meeting, fails to disclose a direct or indirect financial conflict of interest regarding the issue discussed at or action proposed to be taken during the Meeting, or commits a crime during the Meeting.
4. Expulsion of Non-Councilmembers. Pursuant to Utah Code § 10-3-608 and Utah Code § 52-4-301, the Council may expel from a Meeting any person who violates the Code of Conduct or who is disorderly during a Meeting by a two-thirds vote.

ARTICLE V – COUNCIL OVERSIGHT AND REVISIONS

The Council may revise these Rules as needed at any time by majority vote.



Eat, Explore, Shop
KEARNS

Walking Loops Introduction



Utah Walking Loops is an initiative of the Utah Department of Transportation (UDOT), partnering with the City of Kearns.

Walking Loops Invite residents and visitors to take active steps in discovering local businesses, cultural landmarks, and public spaces in the state's diverse communities.



Walking Loops Introduction

Project goals:

- **Increase the awareness of walking** as a travel mode and activity in people's communities by highlighting engaging destinations and/or safe, interesting, and convenient routes.
- **Promote and draw foot traffic** to Main Streets, cultural districts and small businesses, in the near term and in long-term opportunities like the 2034 Olympics.
- **Engage the community** by celebrating local business, character, history, and culture.
- **Create momentum for future upgrades** to pedestrian infrastructure and wayfinding.
- **Link to regional active transportation networks** while highlighting the economic, health, and connectivity benefits these broader connections can bring.

District Background

- Town Center Master Plan
- Kearns Town Center Visioning and Implementation Project





Library

5400 SOUTH

4015 WEST



Library

START

FINISH

5400 SOUTH

4015 WEST

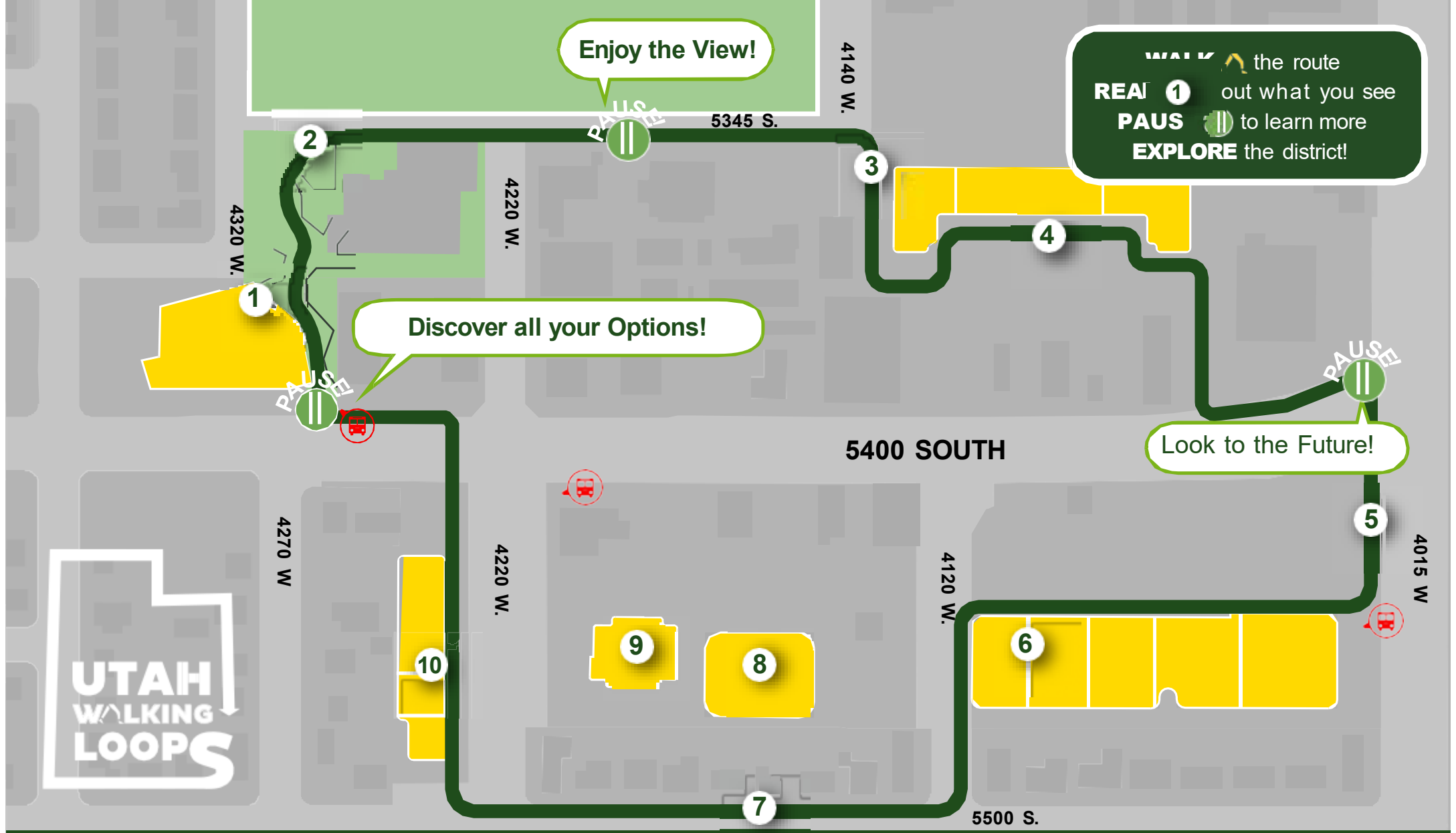




WALKING LOOP elements

- Postcard
- Onsite route signs/decals
- “Pop-up” pedestrian improvements
- Website

WALK the route
REAL 1 out what you see
PAUSE to learn more
EXPLORE the district!



EAT, EXPLORE, SHOP **KEARNS!** 1.2 MILES | 2500 STEPS

EAT, EXPLORE, SHOP KEARNS!

When you see



-READ THE CLUE-

-LOOK AROUND-

-SCAN THE CODE-

① The new Kearns Library was completed in 2020, and is one of Salt Lake County's largest recent library investments. ② Look north! The old Oquirrh Hills Elementary school now is being considered to be reused for potential future city or community uses. ③ Kearns City hopes to build safer walking routes between Town Center destinations. ④ At the Kearns Shopping Center, Tacos El Olvido makes each tortilla entirely by hand and fresh for each order, while Vientiane Market, one of the only Thai/Laotian markets in the Salt Lake Valley, still steams sticky rice in traditional baskets and cooks its curries and soups from scratch every morning. ⑤ Food trucks and market events have helped activate underused commercial centers. ⑥ At the Kearns Center, Antojitos y Nieves Jaqui offers both dairy-based and water-based *nieves* in traditional flavors like tamarindo, mamey, bubble gum, mango, and guava, each churned fresh on-site daily, while Azteca De Oro operates as a Mexican mini-mart and taqueria, stocking fresh, house-made tortillas, chiles, spices, produce, and serving tacos, tamales, sopes, huaraches, gorditas, burritos, and birria. ⑦ The Kearns Town Center area is surrounded by residential neighborhoods developed from farmland during and after World War II with the opening of Kearns Army Base. ⑧ Rancho Markets opened in 2006 as one of Utah's first Latino-focused supermarkets, bringing traditional foods to the community. ⑨ Stan's Market first opened as Safeway in 1958. It became Michael's Grocery, before Stan (Michael's brother-in-law) purchased it and opened Stan's Market in 1980, making it Kearns' oldest locally owned, family-operated grocery store. ⑩ Step into Kearns Plaza, home to Artesanías Mi México, Diamante Negro, Dulcería Azul, and Regalos y Más, where you'll find handcrafted art, gifts, accessories, clothing, and traditional Mexican candies.

Utah Walking Loops is an initiative of the Utah Department of Transportation (UDOT), partnering with the City of Kearns. Walking Loops invite residents and visitors to take active steps in discovering local businesses, cultural landmarks, and public spaces in the state's diverse communities.

Onsite route signage/decals



Onsite route signage/decals





EAT, EXPLORE, SHOP KEARNS! 1.2 MILES | 2500 STEPS

“Pop-up” pedestrian improvements



Benches

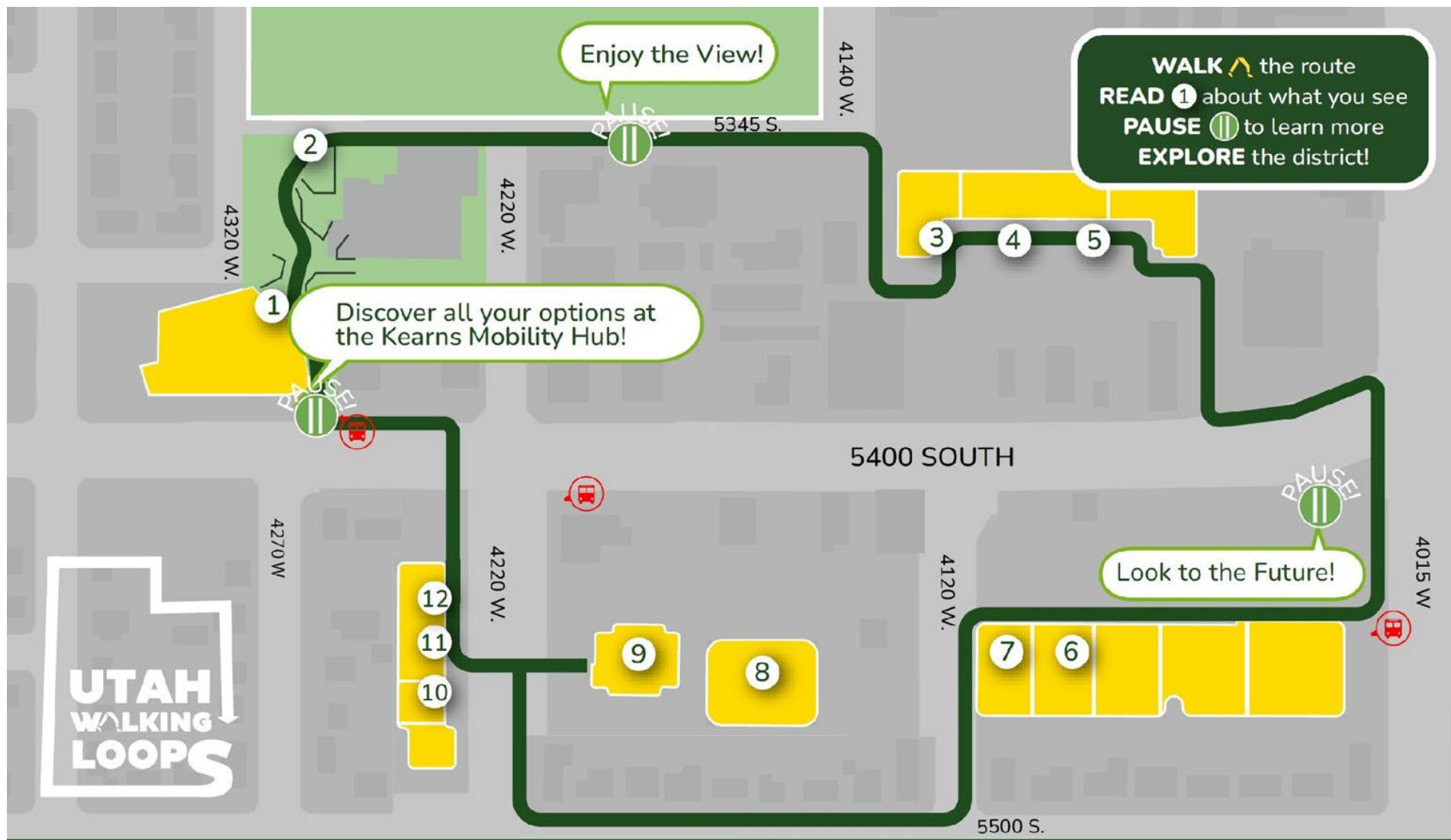


Crosswalks

“Pop-up” pedestrian improvements



Temporary improvements can create momentum and support for permanent improvements.



What would be good temporary pedestrian improvements or amenities and where on the route should they go?

WEBSITE

 Utah Walking Loops About Explore Loops Pop-Ups Bring It to Your City Contact

Walk. Pause. Discover.

LEARN MORE



Walk the Loops. Share the Path.

Utah Walking Loops are an initiative of the Utah Department of Transportation (UDOT) and the Greater Salt Lake Municipal Services District (MSD). Each walking loop invites residents and visitors to take active steps in discovering Kearns' local businesses, cultural landmarks, and public spaces.

EXPLORE THE LOOPS

BRING IT TO YOUR CITY





HISTORIC MAGNA

Highlight a specific service or product. It can be a property appraisal service, a consultation, or something uniquely yours. Give it room to shine here.

LEARN MORE



EAT, SHOP, EXPLORE KEARNS!

Highlight a specific service or product. It can be a property appraisal service, a consultation, or something uniquely yours. Give it room to shine here.

LEARN MORE

LOOP XYZ

Highlight a specific service or product. It can be a property appraisal service, a consultation, or something uniquely yours. Give it room to shine here.

LOOP XYZ

Highlight a specific service or product. It can be a property appraisal service, a consultation, or something uniquely yours. Give it room to shine here.

NEXT STEPS

- Finalize postcard design and print.
- Coordinate internally in City/MSD.
- Build out website.
- Finalize and install decals/signage.
- Promote to the community.

WALK 🚶 the route
READ ① about what you see
PAUSE ⏸ to learn more
EXPLORE the district!

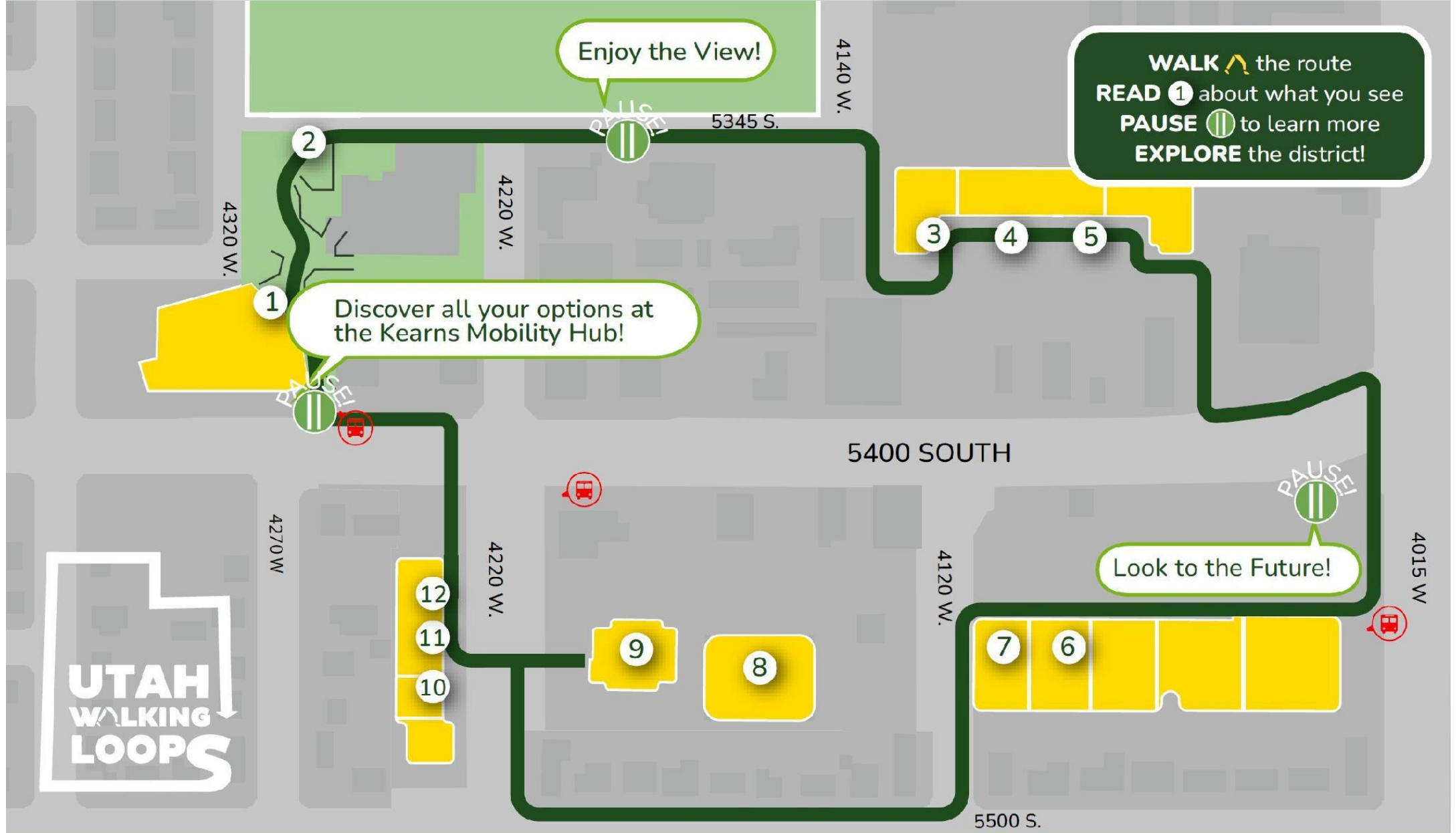
Enjoy the View!

Discover all your options at the Kearns Mobility Hub!

Look to the Future!



EAT, EXPLORE, SHOP KEARNS! 1.2 MILES | 2500 STEPS



EAT, EXPLORE, SHOP KEARNS!

When you see



-READ THE CLUE-
-LOOK AROUND-
-SCAN THE CODE-

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