

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

Signed by:

By: EEA186388F5F46B
Jesse Valdez, Mayor

ATTEST


Diana Baun, City Recorder

City Council Vote as Recorded:

Council Member Butterfield	voting	<u>aye</u>
Council Member Colby	voting	<u>aye</u>
Council Member Longtin	voting	<u>aye</u>
Council Member Schaeffer	voting	<u>aye</u>
Mayor Valdez	voting	<u>aye</u>

(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: August 1, 2026

Effective date of ordinance: August 1, 2026

**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

Signed by:

By: EEA186388E5E46B
Jesse Valdez, Mayor

ATTEST


Diana Baun, City Recorder

City Council Vote as Recorded:

Council Member Butterfield	voting	<u>aye</u>
Council Member Colby	voting	<u>aye</u>
Council Member Longtin	voting	<u>aye</u>
Council Member Schaeffer	voting	<u>aye</u>
Mayor Valdez	voting	<u>aye</u>

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