



**AN ORDINANCE AMENDING TITLE 9 OF THE GARLAND CITY CODE,
SPECIFICALLY CHAPTERS 1, SECTION 9, REGARDING CERTIFICATES OF NON-
COMPLIANCE PROCEDURES.**

WHEREAS, the Garland City Council finds it necessary to establish procedures for determining and addressing structures that are occupied or used without required zoning approvals or verified code compliance;

WHEREAS, the Garland City Council finds it appropriate to authorize the use of Certificates of Noncompliance and Certificates of Compliance as public notice tools, with due process protections for affected property owners.

WHEREAS, a public hearing was held on August 5, 2026 to receive public input and comment regarding the proposed amendment to the Garland City Code.

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

Section 1. That Garland City Code be amended and to now include the following:

- 1)** The adoption of the proposed changes to Title 9 as shown on Attachment 1.

The provisions of this ordinance shall take effect upon passage, signature of the mayor and after being posted or published as required by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF GARLAND, UTAH, THIS 5th DAY
OF AUGUST 2026.**

CITY OF GARLAND

By: _____

Danny Austin, Mayor

A handwritten signature in black ink, appearing to read "Danny Austin", is written over a horizontal line.

ATTEST: Whitney Eggleston
Whitney Eggleston, City Recorder



Approved as to form:

Steve Brooks
Steve Brooks, City Attorney

Voting by the City Council

	"YES"	"NO"	"ABSENT"
Jeanette Atkinson	☒	☐	☐
Angie Johnsen	☒	☐	☐
Josh Munns	☒	☐	☐
Tena Allen	☒	☐	☐
Jim Hall	☒	☐	☐
Danny Austin (if tied)	☐	☐	

Attachment 1

(Title 9-1-9 CERTIFICATE OF OCCUPANCY and Certificates of Non-Compliance)

9-1-9: CERTIFICATE OF OCCUPANCY:

A. Required: No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the building official has issued a certificate of occupancy.

B. Construction: Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this title or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this title or other ordinances of the jurisdiction shall not be valid.

C. Posting: The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

D. Revocation: The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this title whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure, or portion thereof, is in violation of any ordinance or regulation or any of the provisions of this title.

E. , Non-Compliance: Any structure occupied without a required certificate of occupancy or in violation of the adopted building code or the Garland City Code shall be deemed noncompliant. Upon determination by the Building Official that a structure is noncompliant and following notice and an opportunity to cure, Garland City may declare a default under any applicable construction or performance bond and take action consistent with the terms of such bond.

If compliance cannot be verified, Garland City may record a certificate of noncompliance against the property with the Box Elder County Recorder's Office. The certificate of noncompliance shall state that the City is unable to verify code compliance for the structure and that final approval for occupancy has not been granted. The recordation of a certificate of noncompliance shall not be deemed an encumbrance on the noncompliant property but shall merely place interested parties on notice of any continuing violation of this title at the noncompliant property.

Prior to recording a certificate of noncompliance, written notice shall be provided to the responsible person and/or property owner describing the

violations and the steps necessary to achieve compliance. The property owner shall be provided a reasonable period of time to bring the structure into compliance, as determined by the Building Official, consistent with the adopted International Building Code and applicable enforcement procedures. If a certificate of noncompliance has been recorded and the Building Official determines that all violations have been corrected, the Building Official shall issue a certificate of compliance by recording the certificate of compliance on the property with the Box Elder County Recorder's Office.

Recordation of the certificate of compliance shall have the effect of canceling the recorded certificate of noncompliance.

F E. Responsibility: It shall be the responsibility of the person signing the building permit as owner or contractor to see that a certificate of occupancy is received before the building is used and the notice stating the requirement stays on premises.

G F. Penalty: Failure to comply with occupancy permit requirements or removal of the notice stating the requirement to have occupancy permit, will be considered a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this code. (Ord., 9-3-1996; amd. 2006 Code)