ORDINANCE 26-10-02

AN ORDINANCE AMENDING THE PROCESS FOR PARKING CITATION APPEALS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of Kaysville City, Utah, is authorized by law to enact ordinances governing parking regulations and to establish civil penalties and procedures for the enforcement and collection of such penalties; and

WHEREAS, Kaysville City has established procedures for the issuance and enforcement of civil penalties for violations of Title 6, Chapter 2b of the Kaysville City Code relating to parking; and

WHEREAS, the City Council desires to clarify that written appeals of Notices of Parking Violations may be reviewed by a Hearing Officer; and

WHEREAS, the City Council desires to clarify that, when civil penalties remain unpaid, the City may pursue lawful collection remedies and recover reasonable costs of collection, including collection agency fees, attorney's fees, and court costs, to the extent permitted by law; and

WHEREAS, the City Council finds that the amendments set forth herein are in the best interests of Kaysville City and its residents and will promote consistent, fair, and efficient administration of civil parking penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Amendment. Title 6, Chapter 2b, Section 9 shall be amended to read as follows:

6-2b-9 Payment of Civil Penalty.

Payment of a ~~C~~civil penalty for violation of any provision of this ~~C~~chapter may be made ~~by:~~through the city website or

~~1. Making payment on-line at kaysvillecity.com and selecting the "Parking violation" payment option; or~~

~~2. Making payment~~ by mail or in person at the Kaysville City Hall at 23 East Center Street, Kaysville, Utah 84037.

SECTION III: Amendment. Title 6, Chapter 2b, Section 10 shall be amended to read as follows:

6-2b-10 Appeal.

1. The Mayor shall appoint a hearing officer to ~~hear appeals relating to violations of this Chapter~~review written appeals and conduct hearings under this section.

2. Any person affected by a Notice of Parking Violation may ~~appear before a Hearing Officer to contest the alleged violation~~ submit a written appeal through ~~. The request for a hearing must be made on~~ the Kaysville City website or ~~by filing written notice of appeal~~ at the Kaysville City Hall within ten ~~(10)~~ days after issuance of the Notice of Violation. The appellant may submit written statements, photographs, affidavits, receipts, or other relevant evidence.

~~3. The burden to prove any excuse for payment of the civil fee shall be on the person claiming the excuse.~~

3. The Hearing Officer shall review the written appeal and issue a written decision. If the hearing officer upholds the citation, the written decision shall advise the appellant that they may request an administrative hearing by filing a written request within ten days after the decision. Upon timely request, an Administrative Law Judge shall conduct an informal administrative hearing in accordance with Title 2, Chapter 8.

4. If the Hearing Officer finds that no unauthorized use occurred or an unauthorized use occurred but one ~~(1)~~ or more of the excuses set forth in this ~~S~~section is applicable, the Hearing Officer may dismiss the Notice of ~~unauthorized use~~Parking Violation and release the owner or driver from liability. Such excuses 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~~the Notice of Parking Violation was issued, the subject vehicle had been reported as stolen;

   b. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property;

   c. At the time of receipt of the Notice, possession of the subject vehicle had been acquired pursuant to written lease agreement or similar written agreement;

   d. The subject vehicle was mechanically incapable of being moved from such location; provided, however, such excuse shall not apply to any vehicle which remains at such location ~~in excess of~~more than six ~~(6)~~ hours;

   e. Any markings, signs or other indication of parking use regulation were not clearly visible or comprehensible;

   f. Such other mitigating circumstances as may be approved by the Hearing Officer.

5. The burden to prove any excuse shall be on the person claiming the excuse.

~~5~~6. If the Hearing Officer finds that an unauthorized use occurred and no applicable excuse exists, the Hearing Officer may, in the interest of justice and on behalf of the City, enter into an agreement for the timely or periodic payment of the applicable civil fee.

SECTION IV: Enactment. Title 6, Chapter 2b, Section 11 shall be enacted to read as follows:

6-2b-11 Collection.

~~6.~~ If the civil fee imposed pursuant to this chapter remains unpaid after 40 days from the date of the Notice, or ten days after the due date established in any payment agreement approved by the hearing officer or Administrative Law Judge, the City may use any lawful means to collect the unpaid civil fee, including referral to a collection agency or commencement of a civil action. The person responsible for the civil fee shall be liable for the unpaid civil fee together with all reasonable costs of collection, including collection agency fees, attorney's fees, court costs, and any other costs incurred by the City in collecting the unpaid civil fee, to the extent permitted by law.

~~If the civil fee imposed pursuant to this Chapter remains unsatisfied after forty (40) days from the receipt of Notice, 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 fee, including attorney's fees and costs.~~

SECTION V: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: Effective Date. This ordinance being necessary for the peace, health and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this 15th day of October, 2026.

Tamara Tran, Mayor

ATTEST:

Annemarie Plaizier, City Recorder