

ORDINANCE NO. O- 18 -2021

**AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH,
AMENDING THE EAGLE MOUNTAIN MUNICIPAL CODE,
CHAPTERS 2.07 MUNICIPAL BUILDINGS, 5.05 BUSINESS LICENSES,
6.05 ANIMAL CONTROL, 7.05 PARKS, TRAILS AND SPECIAL EVENTS,
8.05 SOLID WASTE MANAGEMENT, 8.07 NUISANCE ABATEMENT,
10.10 PARKING, 17.05 GENERAL PROVISIONS, AND
17.80 SIGN REGULATIONS AND SIGN PERMITS**

PREAMBLE

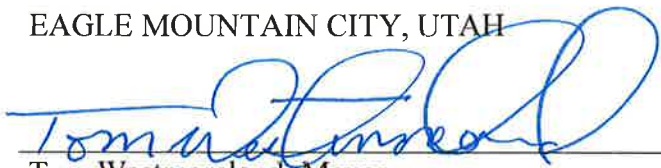
WHEREAS, the City Council of Eagle Mountain City finds that it is in the public interest to amend the Eagle Mountain Municipal Code, Chapters 2.07 Municipal Buildings, 5.05 Business Licenses, 6.05 Animal Control, 7.05 Parks, Trails and Special Events, 8.05 Solid Waste Management, 8.07 Nuisance Abatement, 10.10 Parking, 17.05 General Provisions, and 17.80 Sign Regulations and Sign Permits, as described in Exhibit A.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

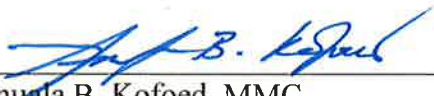
1. The City Council finds that all required notices, public hearings, and other requirements have been completed for the City Council to consider an amendment to the Eagle Mountain Municipal Code Chapters 2.07 Municipal Buildings, 5.05 Business Licenses, 6.05 Animal Control, 7.05 Parks, Trails and Special Events, 8.05 Solid Waste Management, 8.07 Nuisance Abatement, 10.10 Parking, 17.05 General Provisions, and 17.80 Sign Regulations and Sign Permits.
2. The amendment described in Exhibit A is hereby approved.
3. This Ordinance shall take effect upon its first posting or publication.

ADOPTED by the City Council of Eagle Mountain City this 18th day of May, 2021.

EAGLE MOUNTAIN CITY, UTAH


Tom Westmoreland, Mayor

ATTEST:


Fionnuala B. Kofoed, MMC
City Recorder



CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City, Utah on this 18th day of May, 2021.

Those voting aye:

☒ Donna Burnham

☒ Melissa Clark

☒ Colby Curtis

☐ Jared Gray

☒ Carolyn Love

Those voting nay:

☐ Donna Burnham

☐ Melissa Clark

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

Those excused:

☐ Donna Burnham

☐ Melissa Clark

☐ Colby Curtis

☒ Jared Gray

☐ Carolyn Love


Fionnuala B. Kofoed, MMC
City Recorder

Posted to City Bulletin Boards on 05.21.2021 by UP.

Exhibit A

Chapter 2.07

MUNICIPAL BUILDINGS

Sections:

2.07.010 Purpose.

2.07.020 Authorized use.

2.07.030 Unauthorized use.

2.07.040 Violation – Penalty.

2.07.010 Purpose.

The municipal buildings which are the property of Eagle Mountain City are owned and maintained by the city for official city uses and activities of the municipal government of Eagle Mountain City only or as otherwise defined by ordinances and resolutions of the city, the laws of the state of Utah and the laws of the United States.

For the purpose of this chapter, “municipal buildings” do not include facilities in city parks or other facilities which are governed by specific ordinances or resolutions concerning the use of such facilities. [Ord. O-23-2007 § 1].

2.07.020 Authorized use.

The City Council Chambers of City Hall may be available for use if approved in advance by the Mayor as set forth herein. Classification of authorized uses are as follows:

- A. Priority One. Priority One activities are those of the Eagle Mountain City government, including elected and appointed officials, City employee meetings, official City committees or City boards and groups.
- B. Priority Two. Priority Two activities are those of other government agencies, including cities, counties, the State of Utah, regional governments, school districts, and other similar organizations.
- C. Priority Three. Priority Three activities are City-sponsored activities of non-governmental entities.

2.07.030 Unauthorized use.

It is unlawful for any city employee, elected official, or other person having lawful access to the municipal buildings of Eagle Mountain City to use, facilitate the use of, or allow the use of a municipal building without the authorization of the mayor of Eagle Mountain City or such person or persons as the mayor may designate in writing. [Ord. O-23-2007 § 3].

2.07.040 Violation – Penalty.

Each violation of this chapter shall be a misdemeanor punishable by a term of not more than six months in jail and/or a fine of \$1,000. [Ord. O-23-2007 § 4].

Chapter 5.05

BUSINESS LICENSES

5.05.050 Fee payments – Delinquency penalties.

- A. Unless otherwise specifically provided in a separate article in this chapter, all license fees required for licenses shall be paid annually by the licensee to the license office on or before the expiration date, and shall be effective for one year.
- B. As a courtesy to licensees, the license official shall mail a statement of the time of expiration of the license held by the licensee three weeks prior to the date of such expiration to all licensees in the city. A failure to send out such notice or the failure of the licensee to receive it shall not, however, excuse the licensee from a failure to obtain a new license, or a renewal of a license, nor shall it be a defense in an action for operation without a license.
- C. In the event renewal fees are not received at the license office by 45 days following the expiration, the licensee must reapply for a business license and pay a penalty of 25 percent of the fees due as part of the reissuance fee. In the event the renewal fees are not received at the license office by 75 days after the expiration, the licensee must reapply for a business license and pay a penalty of 100 percent of the fee due as part of the reissuance fee. The city council may, upon good cause shown, waive imposition of the penalties provided in this section.
- D. Unless otherwise specified in this chapter, the penalty for a violation of any provision contained herein shall be a fee of \$100.00.

Chapter 6.05

ANIMAL CONTROL

6.05.480 Licenses generally.

- A. Required. All dog owners, except tourists or visitors who stay less than one month in an area coming within the jurisdiction of this chapter, shall apply for and obtain a separate dog license for each dog they own, possess, keep, or harbor, after it is four months old. Each license shall be issued by the county or by duly authorized veterinarians. All dog owners must possess such license at the time the dog is four months old or one month after obtaining or bringing into an area coming within the jurisdiction of this chapter any dog over four months of age. Dog owners shall renew the dog license before it becomes delinquent for as long as they own, possess, keep or harbor, or otherwise have custody of the dog. If renewal is not required, dog owners shall within two months after the expiration date advise the county of the reason therefor.
- B. Presumption That License Required. Any dog legally impounded according to the provisions of this chapter shall be presumed to be a dog which, prior to impounding, required a license, regardless of such dog's actual age or owner's place of residence.
- C. Issuance. Upon presentation by the dog owner of a properly completed license application form including proof that the rabies vaccination will be valid throughout the license period, the proper license fee, and if applicable, a late or delinquent fee, the county shall issue a validated dog license. The dog owner shall retain the dog license for inspection by any person charged with the enforcement of this chapter.
- D. Validity – Rabies Vaccination Prerequisite to Issuance. Licenses shall be valid from the date issued until the expiration date. No dog shall be licensed without proof of approved rabies vaccination. No license may expire later than the expiration date of the rabies vaccination.
- E. Lost or Damaged Tags – Tags to Be Worn – Exception. Whenever a license tag is lost or damaged, the owner shall apply for and secure a replacement from the county upon payment of the prescribed fee. Each dog required to be licensed shall wear at all times the current license tag assigned to that dog, except:
 - 1. When the dog is participating in any dog exhibition, field trial, or competition; or
 - 2. When the dog is confined in a licensed kennel or veterinary hospital, in which case the license tag number shall be recorded and placed nearby so that it is readily identifiable with the dog with which it belongs; or if not licensed, that fact shall be clearly indicated on the facility's records. A license tag shall not be removed from any dog without the consent of the owner thereof.
- F. Duty of Person Issuing License. Each duly authorized person issuing a dog license for any dog shall complete the license in triplicate. He shall keep one copy and shall give one copy to the owner of the licensed dog, which the owner shall retain in his possession. He shall file the other copy with the county on a monthly basis.
- G. Transfer License.

1. Owners of dogs having a current license issued by another dog licensing agency may upon proof of license issued by said agency be issued a county dog license upon payment of the applicable transfer fee. The rabies vaccination for any such dog must be valid for the duration of the license issued.
2. Whenever the ownership of a licensed dog changes, the new owner shall apply for and obtain a transfer license and pay the applicable fee.
3. The address of the owner is presumed to be the address where the dog is kept. Any change of address must be reported to the county within one month following such change.
4. Dog owners or the parent or guardian of minor children who sell or otherwise transfer the ownership or custody of a dog shall within one month thereafter inform the department of the name, address and telephone number of the new owner and the name and description of the dog. If the ownership or custody of a vicious dog is transferred, the owner or the parent or guardian of minor children shall, in addition, advise the new owner in writing of the details of the dog's record and provide the department with a copy thereof containing an acknowledgment by the new owner of his receipt of the original.

Chapter 7.05

PARKS, TRAILS, AND SPECIAL EVENTS

7.05.040 Permits, regulations and use requirements.

A. The city may approve special event applications or use application reservation requests submitted by private parties for park facilities or events requiring specific park areas or other city-owned properties which will permit exclusive park facility or trail or property use for private individuals and groups sponsoring special events. An application for a reservation for a group-sponsored use or for group-sponsored special events shall be filed in writing with the city on forms approved by the city. Uses by the city for recreation programs or city-sponsored special events have priority over privately sponsored group uses or events in cases of conflicting requests for specific facilities or specific park areas. Approved reservation uses or special event applications for group-sponsored events must conform to the application special park use guidelines and the provisions of this title. Group-sponsored uses and activities include entertainment events, association and club activities, family reunions, privately sponsored ticketed events and political activities and other activities not sponsored by the city. Applicants for special events permits or reservations of facilities for exclusive use shall make an adequate security deposit with the city to secure payment to the city to reimburse the costs to the public for such events. Deposits shall be paid before approval of each application and shall be calculated based on the reasonable costs for emergency services, sheriff's personnel, city supervision of uses and clean up and repair of city facilities.

Chapter 8.05

SOLID WASTE MANAGEMENT

8.05.060 Prohibited acts.

Except as otherwise provided by law, it shall be unlawful for any person:

- A. To dispose of any solid waste in any place except at a facility or site that has been approved by the city.
- B. To deposit any solid waste upon any public or private property without the consent of the owner and approval of the city.
- C. To construct, alter, operate or change the operating procedure of a site or facility without the corresponding permit or approval from the city.
- D. To scavenge at a site.
- E. To feed farm or domestic animals on an existing site, unless approved by the city.
- F. To dispose of any solid waste in a way prohibited by any applicable laws.
- G. To open burn, except as provided by law.
- H. To create or operate an open dump.
- I. To accumulate, litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, consolidate, incinerate or dispose of any solid waste contrary to this chapter or orders of the city.
- J. To create, cause or allow insect or rodent propagation, conditions for transmission of disease, any unsanitary condition, or any other safety or public health hazards.
- K. To accumulate, litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, incinerate or dispose of any solid waste in such a way that a nuisance is created.
- L. To dispose of used oil, except through a used oil collector.
- M. To discharge used oil into sewers, drainage systems, surface waters, ground waters or watercourses or deposit used oil on land, unless authorized under other provision of law.
- N. To mix or commingle used oil with solid waste that is to be disposed of in landfills or otherwise by trash collection.
- O. To apply used oil to road oiling, dust control, weed abatement or other similar uses that have the potential to release used oil into the environment.
- P. To dispose of wet paint in violation of DEQ requirements and processes.

Chapter 8.07

NUISANCE ABATEMENT

8.07.020 Weeds and other refuse.

A. Responsibility to Keep Property Clean. It is unlawful for any person, corporation, partnership or legal entity owning or occupying real property in the city to let the height of weeds on such property grow beyond the maximum permitted, or to fail to remove from the property any such weeds or refuse, dog manure or waste, unsightly or deleterious objects or structures, after having been given written notice by the city.

B. Weed Control Standards. Weeds shall not be permitted to reach a height of more than six inches at any time or to otherwise create a fire hazard to structures or habitat for disease, insect vectors, or vermin. As used in this chapter, the term “weeds” means plants which are unwanted in the location where they are growing and which are not a part of landscaping, xeriscaping, or native plant landscaping. The term “weeds” also includes noxious weeds which are described under the Utah Noxious Weed Act, defined by the State Weed Committee of the state of Utah and by Utah County. In addition, the following plants are designated as noxious weeds by Eagle Mountain City:

1. Kochia (*Kochia scoparia*);
2. Russian thistle (*Salsola tragus*);
3. Jim Hill mustard (*Sisymbrium altissimum*);
4. Cheatgrass (*Bromus tectorum*);
5. Bur buttercup (*Ceratocephala testiculata*);
6. Tausi mustard.

C. Examination of Property for Compliance. The examination and investigation authorized by this section shall not include physical entry to private property in the city, unless probable cause exists to believe that a violation of this chapter is present. The officer of the city is authorized to make observations based on conditions in plain view from public property or from the property of a complaining witness and nothing in this section shall be construed to prevent the officer from entering on property to deliver a notice to the occupant of the property.

D. Violation – Notice to Owner. Upon a determination that a violation of the provisions of this section exists, the officer shall ascertain the name of the owner and a description of the premises where the violation exists. The officer shall serve notice in writing upon the owner or occupant of such property, either personally or by certified mail, postage prepaid, addressed to the owner or occupant at the last known post office address as disclosed by the records of the county assessor, requiring such owner/occupant, as the case may be, to eradicate, destroy or remove the weeds, refuse, objects or structures causing the violation within such time as the officer may designate, which shall be no less than 10 days from the date of service of such notice.

E. Civil Penalties.

1. Determination of Civil Penalties

a. Civil penalties shall be assessed per violation per day at the rate established in the Eagle Mountain City Consolidated Fee Schedule.

b. Civil penalties shall continue to accrue until the violation (s) has/have been brought into compliance with the city code or applicable state codes.

2. Modifications of Civil Penalties.

a. Upon completion of the notice of violation or administrative enforcement order, the administrative law judge may modify the civil penalties on a finding of good cause.

b. Civil penalties may be waived or modified by the administrative law judge if there is finding of good cause based on the responsible person's claim of nonconforming use or conditional use and:

(1) The city's need to verify the claim, or

(2) The responsible person's filing of an application for either use before expiration of the date to correct.

F. Property Cleaned by City When – Costs.

1. If any owner or occupant of property described in the notice provided in this section fails to eradicate or destroy and remove such weeds, refuse, dog manure or waste, objects or structures in accordance with such notice, the officer is authorized to employ necessary assistance and cause such weeds, refuse, dog manure or waste, objects or structures to be destroyed or removed at the expense of the city.

2. The officer shall prepare an itemized statement of all expenses incurred in the removal and destruction of same and shall mail a copy thereof to the owner demanding payment within 20 days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail and addressed to the last known address of the property owner.

3. Costs – Alternate Methods of Compelling Payment. In the event the owner fails to make payment of the amount set forth in such statement to the city treasurer within 20 days of the date of mailing, the city may cause suit to be brought in an appropriate court of law, or pursue remedies as provided in Section 10-11-1, et seq., Utah Code Annotated 1953.

4. Costs – Collection by Lawsuit. In the event collection of expenses of destruction and removal are pursued through the court, the city shall sue for and receive judgment for all expenses of destruction and removal, together with reasonable attorney's fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.

5. Costs – Included in Tax Notice – Procedure. In the event collection of expenses of destruction and removal are pursued as provided in Section 10-11-1, et seq., Utah Code Annotated 1953, the provisions of this subsection apply:

a. Upon receipt of the itemized statement of the costs of destroying or removing the weeds, refuse, objects or structures, the city treasurer shall forthwith mail one copy to the owner of the land from which the same was removed, together with a notice that objection in writing to the city may be made within 30 days to the whole or any part of the statement so filed. The city treasurer shall, at the same time, deliver a copy of the statement to the city recorder.

b. If objections to any statement are filed with the city, a date for hearing shall be set, giving notice thereof, and upon the hearing of the matter, fix and determine the actual cost of destruction or removal; hearing findings shall be reported to the city treasurer.

c. If no objection to the items of the account are made within 30 days of the date of mailing, the city treasurer shall comply with the requirements of Section 10-11-1, et seq., Utah Code Annotated 1953.

8.07.030 Junk.

A. Responsibility to Keep Property Free of Junk. It is unlawful for any person, corporation, partnership or legal entity owning or occupying real property in the city to allow the accumulation of junk or to fail to remove from the property any junk.

B. Junk Defined.

1. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or other articles not stored for recycling purposes in a fully enclosed container, or materials commonly designated as junk. "Junk," except as provided in subsection (B)(2) of this section, shall also mean any motor vehicle not currently registered and dismantled, wrecked or inoperable, motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days.

2. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property, for a period not to exceed two years; provided, that the automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged or exposing jagged metal and is fully covered and concealed with a covering maintained in a secure good condition which does not extend closer to the ground than the lowest point on the vehicle body.

C. Examination of Property for Compliance. The examination and investigation authorized by this section shall not include physical entry to private property in the city, unless probable cause exists to believe that a violation of this chapter is present. The officer of the city is authorized to make observations based on conditions in plain view from public property or from the property of a complaining witness and nothing in this section shall be construed to prevent the officer from entering on property to deliver a notice to the occupant of the property.

D. Penalties. Any person who violates the provisions of this section shall be subject to criminal and civil penalties as set forth in this section.

E. Violation – Penalties and Remedies.

1. Violation of any of the provisions of this section is punishable as a Class B misdemeanor upon conviction. In addition, the provisions of this section may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.

2. Any one, all, or any combination of the penalties and remedies set forth in subsection (E)(1) of this section may be used to enforce the provisions of this section.

3. Each day that any violation continues after notification by the officer that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this section.

4. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

F. Violation – Persons Liable. Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this section may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

G. Violation – Notice and Order.

1. Upon inspection and discovery that any provision of this section is being violated, the officer shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.

2. The written notice shall:

a. Indicate the nature of the violation;

b. Order the action necessary to correct the violation;

c. Give information regarding the established warning period for the violation; and

d. State the action the officer intends to take if the violation is not corrected within the warning period.

3. The written notice shall be delivered personally or mailed, postage prepaid, certified, return receipt requested, to the property owner, as shown on the records of the county recorder, and to any other person who may be responsible for the violation. "Receipt of notice" shall mean three days after the date written notice is delivered or mailed as provided herein.

4. The written notice shall serve to start any warning periods provided in this chapter, commencing upon receipt of notice. If the violation remains uncured within five days after the expiration of the warning period, a second notice of violation and order shall be delivered in the same manner as the first notice. The second notice shall serve to start the civil penalties.

5. In cases where the officer determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this section, the city attorney may seek immediate enforcement without prior written notice by instituting any appropriate remedies.

H. Civil Penalties.

1. Determination of Civil Penalties

a. Civil penalties shall be assessed per violation per day at the rate established in the Eagle Mountain City Consolidated Fee Schedule.

b. Civil penalties shall continue to accrue until the violation (s) has/have been brought into compliance with the city code or applicable state codes.

2. Modifications of Civil Penalties.

a. Upon completion of the notice of violation or administrative enforcement order, the administrative law judge may modify the civil penalties on a finding of good cause.

b. Civil penalties may be waived or modified by the administrative law judge if there is finding of good cause based on the responsible person's claim of nonconforming use or conditional use and:

(1) The city's need to verify the claim, or

(2) The responsible person's filing of an application for either use before expiration of the date to correct.

3. Violation Appeal Procedure.

a. The council, as it determines, shall constitute an appellate panel to consider matters relating to the violation of this section or it may appoint a hearing officer to consider matters relating to the violation of this section.

b. Any person having received notice of such violation, or the owner of any affected property, may appear before the council or a hearing officer and present and contest such alleged violation of this section.

c. The burden to prove any defense specified in subsection (H)(3)(d) of this section shall be upon the person raising such defense.

d. If the council or a hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this subsection is applicable, the council or hearing officer may dismiss the written notice of violation. Such defenses are:

i. At the time of the receipt of the written notice of violation, compliance would have violated the criminal laws of the state of Utah.

ii. Compliance with the subject sections of this chapter would have presented an imminent and irreparable injury to persons or property.

e. If the council or hearing officer finds that a violation of this section occurred and no applicable defense exists, the council or 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 penalty by the violator.

f. No action by the council or hearing officer shall relieve the violator from complying with any of the provisions of this section.

8.07.040 Construction trash or debris.

A. It shall be unlawful for every owner of property, building permit holder or lessee of a commercial or construction trash container to allow trash or debris to spill or be blown by the wind from the construction or other trash container and/or to cause litter to the property of others or to property of the public.

B. Examination of Property for Compliance. The officer is hereby authorized to make examination and investigation of all real property in the city to determine whether the owners of such property are complying with the provisions of this section.

C. Penalties. Any person who violates the provisions of this section shall be subject to criminal and civil penalties as set forth in this section.

D. Violation – Penalties and Remedies. Violation of any of the provisions of this section is punishable as a Class B misdemeanor upon conviction. In addition, the provisions of this section may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.

1. Any one, all, or any combination of the penalties and remedies set forth in subsection D of this section may be used to enforce the provisions of this section.

2. Each day that any violation continues after notification by the officer that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this section.

3. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

E. Violation – Persons Liable. Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this section may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

F. Violation – Notice and Order.

1. Upon inspection and discovery that any provision of this section is being violated, the officer shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.

2. The written notice shall:

a. Indicate the nature of the violation;

b. Order the action necessary to correct the violation;

c. Give information regarding the established warning period for the violation; and

d. State the action the officer intends to take if the violation is not corrected within the warning period.

3. The written notice shall be delivered personally or mailed, postage prepaid, certified, return receipt requested, to the property owner, as shown on the records of the county recorder, and to any other person who may be responsible for the violation. "Receipt of notice" shall mean three days after the date written notice is delivered or mailed as provided herein.

4. The written notice shall serve to start any warning periods provided in this chapter, commencing upon receipt of notice. If the violation remains uncured within five days after the expiration of the warning period, a second notice of violation and order shall be delivered in the same manner as the first notice. The second notice shall serve to start the civil penalties.

5. In cases where the officer determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this section, the city attorney may seek immediate enforcement without prior written notice by instituting any appropriate remedies.

G. Civil Penalties.

1. Determination of Civil Penalties

a. Civil penalties shall be assessed per violation per day at the rate established in the Eagle Mountain City Consolidated Fee Schedule.

b. Civil penalties shall continue to accrue until the violation (s) has/have been brought into compliance with the city code or applicable state codes.

2. Modifications of Civil Penalties.

a. Upon completion of the notice of violation or administrative enforcement order, the administrative law judge may modify the civil penalties on a finding of good cause.

b. Civil penalties may be waived or modified by the administrative law judge if there is finding of good cause based on the responsible person's claim of nonconforming use or conditional use and:

(1) The city's need to verify the claim, or

(2) The responsible person's filing of an application for either use before expiration of the date to correct.

3. Violation Appeal Procedure.

a. The council, as it determines, shall constitute an appellate panel to consider matters relating to the violation of this section or it may appoint a hearing officer to consider matters relating to the violation of this section.

b. Any person having received notice of such violation, or the owner of any affected property, may appear before the council or a hearing officer and present and contest such alleged violation of this section.

c. The burden to prove any defense specified in subsection (G)(3)(d) of this section shall be upon the person raising such defense.

d. If the council or a hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this subsection is applicable, the council or hearing officer may dismiss the written notice of violation. Such defenses are:

i. At the time of the receipt of the written notice of violation, compliance would have violated the criminal laws of the state of Utah.

ii. Compliance with the subject section of this chapter would have presented an imminent and irreparable injury to persons or property.

e. If the council or hearing officer finds that a violation of this section occurred and no applicable defense exists, the council or 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 penalty by the violator.

f. No action by the council or hearing officer shall relieve the violator from complying with any of the provisions of this section.

Chapter 10.10

PARKING

Article I. General Restrictions

- 10.10.010** **No parking” zones.**
- 10.10.020** **Obstructing traffic prohibited.**
- 10.10.030** **Parking on public streets without being moved.**
- 10.10.040** **Enforcement**

Article II. Winter Restrictions

- 10.10.050** **Parking prohibited when snow accumulates.**
- 10.10.060** **Vehicles subject to removal.**
- 10.10.070** **Depositing snow in streets prohibited.**
- 10.10.080** **Enforcement.**

Article III. Commercial, Recreational and Agricultural Vehicles

- 10.10.090** **Definitions.**
- 10.10.100** **Parking prohibited on public streets – Exceptions.**
- 10.10.110** **Towing authorized.**

Article 1. General Restrictions

10.10.010 “No parking” zones.

A. Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not:

1. Stop, stand, or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge of the curb of a street (double parking);
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - g. On any bridge or other elevated structure, on a highway, or within a highway tunnel;
 - h. On any controlled-access highway;
 - i. In the area between roadways of a divided highway, including crossovers; or
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway without owner’s permission;
 - b. Within 15 feet of a fire hydrant;
 - c. Within 20 feet of a crosswalk;

- d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
 - f. At any place where a traffic-control device prohibits standing;
 - g. Within 30 feet from start of curb curvature leading up to an intersection (including roundabouts);
 - h. Opposite the flow of traffic; or
3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
- a. Within 50 feet of the nearest rail of a railroad crossing; or
 - b. At any place where traffic-control devices prohibit parking.

B. A person may not move a vehicle that is not lawfully under the person's control into any prohibited area or into an unlawful distance from the curb.

C. This section does not apply to a tow truck motor carrier responding to a customer service call if the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.

D. It shall be unlawful to park any vehicle or leave any vehicle standing unattended in Eagle Mountain City on park strips, sidewalks or a city street marked as a "no parking" zone either by signage or by curb marking established by authority of the city.

E. Parking may be restricted on one side of surface streets when the width of asphalt is less than 28 feet.

F. Parking may be restricted on one side of surface streets when the width of asphalt is less than 36 feet and vehicle ADT (average daily trips) exceeds 6,000.

G. In addition to the specific parking restrictions set forth in this section, parking may also be restricted or prohibited wherever city staff deems necessary to provide for the health and safety of residents of the city.

10.10.020 Obstructing traffic prohibited.

A. It shall be unlawful to park any vehicle, or leave any vehicle standing unattended, on any street or roadway in Eagle Mountain City which will prevent the flow of traffic on the street. This section shall apply to motor vehicles, trailers of every kind and nature, and other obstructions left standing in the roadways of Eagle Mountain City, Utah.

B. Except as otherwise provided in this section, so as to not obstruct traffic, a vehicle stopped or parked on a two-way roadway shall be stopped or parked:

- 1. Parallel to and within 12 inches of the right-hand curb; or

2. As close as practicable to the right edge of the right-hand shoulder.

10.10.030 Parking on public streets without being moved.

It is unlawful to leave any vehicle parked on a public street for longer than 72 hours without being moved.

10.10.040 Enforcement.

Penalties associated with violations of this article shall be consistent with the consolidated fee schedule as adopted by the city council and/or towing and removal by the city.

Article II. Winter Restrictions

10.10.050 Parking prohibited when snow accumulates.

It is unlawful to park vehicles, trailers, or other property constituting obstructions to traffic on the streets of Eagle Mountain City from November 1st to March 15th of the succeeding year whenever snow accumulates on streets in the city.

10.10.060 Vehicles subject to removal.

Vehicles and other obstructions on streets and roads of Eagle Mountain City parked in violation of this article are subject to fines according to the consolidated fee schedule as adopted by the city council and/or towing and removal by the city to facilitate maneuvering snowplows and snow removal operations.

10.10.070 Depositing snow in streets prohibited.

It shall be unlawful to place, plow, or dump snow in the streets and roads of Eagle Mountain City. Violations are subject to fines according to the consolidated fee schedule as adopted by the city council.

10.10.080 Enforcement.

It is the policy of Eagle Mountain City that this article will be enforced consistently with the fines adopted in the consolidated fee schedule during periods requiring snowplowing or snow removal from the streets and roads of Eagle Mountain City.

Article III. Commercial, Recreational and Agricultural Vehicles

10.10.090 Definitions.

A. "Commercial vehicle" means a tractor or motor vehicle with more than two axles, trailer, or semi-trailer used or maintained for the transportation of persons or property that operates:

1. As a carrier for hire, compensation, or profit; or
2. As a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

B. "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 another vehicle. "Recreational vehicle" includes:

1. A travel trailer;
2. A camping trailer;
3. A motor home;
4. A fifth wheel trailer; and

5. A van.

10.10.100 Parking prohibited on public streets – Exceptions.

A. It is unlawful to park any:

1. Commercial vehicle, agricultural vehicle, recreational vehicle, occupied or empty trailer or truck on any public street within a residential zone of the city for a period of time longer than 24 hours;
2. Agricultural vehicle, recreational vehicle, occupied or empty trailer, or truck within the front yard area of any residential zone of the city; or
3. Commercial vehicle on any lot or parcel within any residential zone of the city.

B. Exceptions. This section shall not restrict the temporary parking or stopping of a city vehicle or of a vehicle owned and/or operated by a public utility for the purpose of conducting repairs or related work. This section shall not restrict the temporary parking of vehicles actively used to deliver building supplies and materials to property in any residential zone, nor shall it prohibit the temporary parking of vehicles used while performing work upon property in residential zones.

10.10.110 Towing authorized.

In addition to the fines adopted in the consolidated fee schedule and all other penalties authorized by law, and at the expense of the owner, any vehicle or trailer parked in violation of this article may be towed to impound.

Chapter 17.05

GENERAL PROVISIONS

- 17.05.010 Short title.
- 17.05.020 What this chapter does.
- 17.05.030 Purpose.
- 17.05.040 Regulatory authority.
- 17.05.050 Vested rights – Transition to this title.
- 17.05.060 Nonconforming lots.
- 17.05.070 Nonconforming uses and structures.
- 17.05.080 Most restrictive standards apply.
- 17.05.090 Conflict with private agreements.
- 17.05.100 Burden of proof.
- 17.05.110 Severability.
- 17.05.120 Amendments to this title.
- 17.05.130 Amendments to the zoning map.
- 17.05.140 Exactions.
- 17.05.150 Public meetings.
- 17.05.160 Public hearings.
- 17.05.170 Land use authority.
- 17.05.180 Appeal authority.
- 17.05.190 Enforcement and Civil Penalties
- 17.05.200 Tables.

....

17.05.190 Enforcement and Civil Penalties

A. Violations of any provisions of this Title may be enforced in accordance with the procedures in Title 4 and civil penalties and/or administrative citations issued in accordance with the consolidated fee schedule.

17.05.200 Tables

Chapter 17.80

SIGN REGULATIONS AND SIGN PERMITS

17.80.150 Sign enforcement.

The planning director, or designee, shall perform the following duties and use the following procedures when enforcing sign regulations:

A. Compliance. Determine and ascertain that all signs, construction, reconstruction, or alterations of existing signs are completed in compliance with this chapter.

B. Site Inspections. Conduct site inspections to determine compliance with this chapter.

C. Instigate Proceedings. Instigate appropriate action or proceedings in any case where a sign is illegally erected, constructed, altered, repaired or maintained in violation of any city ordinance, including the provisions of this chapter.

D. Notices of Violation. Issue verbal or written notice of violation to owners or persons having control, charge or benefit of any sign that is found to be unsafe or in violation of city ordinances or this chapter, including all general provisions (EMMC 17.80.060).

E. Unsafe or Dangerous Signs. Abate and remove signs that are unsafe or dangerous.

F. Removal of Illegal Signs. Assist applicants to bring into compliance signs that are illegal under the provisions of this chapter or that are installed without a permit. The planning director or designee shall have the authority to abate and remove such signs if they are not brought into compliance within seven calendar days after written notice has been given to the owner or party in interest advertised on the sign. The person responsible for such sign shall be liable for the cost of removal and the city is authorized to effect the collection of said cost.

G. Removal of Temporary Signs. Abate and remove temporary signs posted upon private property if they are not made conforming within 72 hours after being noticed. Verbal or written notice is sufficient warning for these signs. The person responsible for such an illegal sign shall be liable for the cost of its removal and the city is authorized to effect the collection of said cost.

H. Removal of Signs on Public Property. Remove or require the immediate removal of any sign posted on public property. Such signs, though removed, shall not be destroyed for at least seven calendar days from the date of removal. In no case shall a failure to remove such signs constitute approval by the city of the illegal placement of the sign.

I. Removal of Abandoned Signs. Remove or require the removal of all signs that are nonmaintained, abandoned, or that identify a discontinued or abandoned use within 45 calendar days after giving written notice to the person having control of or receiving benefit from the sign. The person responsible for such a sign shall be liable for the cost of its removal and the city is authorized to effect the collection of said cost.

J. Continual Sign Erection without Permits. Persons who continue to erect signs without the proper permits may have the unauthorized signs removed without notice. All signs removed by the city will be impounded. Owners of impounded signs shall pay a fee before the signs are released.

K. Fines. The penalties associated with violations of this chapter shall be consistent with the consolidated fee schedule as adopted by the city council.