

CITY OF HOLLADAY

ORDINANCE No. 2021-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLADAY AMENDING
SECTION 13.94.070 RELATING TO CIVIL PENALTIES

WHEREAS, the City Council of the City of Holladay has recently revised its Ordinances relating to fees charged by the City and has reviewed and adopted a revised Consolidated Schedule of Fees; and

WHEREAS, in the review of City fees, the City has determined that certain Civil Penalties charged by the City for code violations should be reflected in the Consolidated Fee Schedule of the City and the Planning Commission has held a public hearing and has recommended that the City Council adopt the proposed amendments and the City Council has held a public hearing and now desires to adopt the proposed amendments;

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

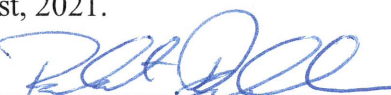
Section 1. Amendment. Section 13.94.070 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this 5th day of August, 2021.

By: _____



Robert Dahle, Mayor

[SEAL]

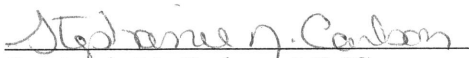


VOTING:

Matt Durham
Sabrina R. Petersen
Drew Quinn
Paul Fotheringham
Dan Gibbons
Robert Dahle

Yea	<u>X</u>	Nay	___
Yea	___	Nay	___ <i>excused</i>
Yea	<u>X</u>	Nay	___
Yea	<u>X</u>	Nay	___
Yea	<u>X</u>	Nay	___
Yea	<u>X</u>	Nay	___

ATTEST:



Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this 5th day of August, 2021.

RECORDED this 5th day of August, 2021.

Exhibit A

13.94.070: CIVIL PENALTIES:

A. Schedule: Violations of the provisions of this title shall result in civil penalties pursuant to the adopted Consolidated Fee Schedule

B. Daily Violations: 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.

C. Violation Appeal Procedure:

1. The city council shall appoint such hearing officers as the board deems appropriate to consider matters relating to the violation of this title.
2. Any person having received notice of such violation, or the owner of any affected property, may appear before a hearing officer and present and contest such alleged violation of this title.
3. The burden to prove any defense specified in subsection C4 of this section shall be upon the person raising such defense.
4. If the hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the written notice of violation. Such defenses are:
 - a. At the time of the receipt of the written notice of violation, compliance would have violated the criminal laws of the state.
 - b. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.
5. If the hearing officer finds that a violation of this title occurred and no applicable defense 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 penalty by the violator.
6. No action by a hearing officer shall relieve the violator from complying with any of the provisions of this title.

D. Abatement For Correction And Payment:

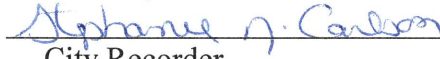
1. Civil penalties shall be partially abated after the violation is cured and in the discretion of a hearing officer, considering the following guidelines and other factors:
 - a. Reductions are generally appropriate for promptly curing the violation pursuant to the following schedule, but the hearing officer may grant greater or lesser abatements depending on the facts of the case:
 - (1) Cured within fourteen (14) days after second notice: Seventy five percent (75%) reduction;
 - (2) Cured within twenty eight (28) days after second notice: Fifty percent (50%) reduction; or
 - (3) Cured within fifty six (56) days after second notice: Twenty five percent (25%) reduction.
 - b. If strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property.
 - c. If the violation and inability to cure were both caused by an event such as war, act of nature, strike, or civil disturbance.
 - d. Such other mitigating circumstances as may be approved by the city attorney or designee.
 - e. If a change in the actual ownership of the property was recorded in the recorder's office after the first or second notice was issued and the new owner is not related by blood, marriage or common ownership to the prior owner.
2. If the hearing officer finds that the noticed violation occurred and no applicable defense applies, the hearing officer may, in the interest of justice and on behalf of the city, enter into an agreement for the delayed or periodic payment of the applicable penalty.

E. Collection Of Civil Penalties:

1. If the penalty imposed pursuant to this chapter remains unsatisfied after forty (40) days or when the penalty amounts to five thousand dollars (\$5,000.00) 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 penalty, including costs and attorney fees.
2. Commencement of any action to remove penalties shall not relieve the responsibility of any penalty to cure the violation or make payment of subsequently accrued civil penalties, nor shall it require the city to reissue any of the notices required by this chapter. (Ord. 2012-15, 9-20-2012)

CERTIFICATE OF PUBLICATION

I hereby certify that Ordinance 2021-19 was passed on the 5th day of August, 2021 and this Ordinance, or a summary hereof, was posted on the State Public Notice website.



City Recorder

CITY OF HOLLADAY PUBLIC NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that on the 5th day of August, 2021 the Holladay City Council adopted Ordinance 2021-19.

Ordinance 2021-19 amends section 13.94.070 relating to civil penalties and moves them into the Consolidated Fee Schedule.

The complete ordinance is available for public inspection during normal working hours from 8:00 a.m. to 5:00 p.m. Monday through Friday in the office of the City Recorder located at 4580 S 2300 E, Holladay, UT.

Dated this 10th day of August, 2021

BY ORDER OF THE HOLLADAY CITY COUNCIL

Stephanie N. Carlson, MMC
Holladay City Recorder