

ORDINANCE #2021- O - 8 - 2

ORDINANCE AMENDING DEFINITIONS RELATED TO CODE ENFORCEMENT AND  
COMMUNITY ENHANCEMENT (ACE) PROGRAM

WHEREAS, the Town of Brighton (“Town”) Town Council (“Council”) previously enacted an ordinance in order to put the ACE program into effect within the Town; and

WHEREAS, one of the uses for the ACE program is for business license violations and short-term rental violations and other minor violations of the Brighton Town Code.

WHEREAS, the Council wishes to clarify that the ACE program applies to such violations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BRIGHTON TOWN COUNCIL OF, UTAH, THAT:

SECTION I: Brighton Town Code Section 12.1.110 Definitions is amended as redlined in Exhibit A. The specific section being amended is as follows:

(20) "Minor violation" means nuisance violations, as defined in state law, Town of Brighton Code, and by Utah State Courts, to include, but not limited to:

- a. Land uses that do not conform to existing zoning of the property;
- b. Unauthorized collections of motor vehicles that are unlicensed, unregistered, and/or inoperable;
- c. Trash, litter, illegal dumping, and weeds;
- d. Nuisance noise and lighting;
- e. Illegal advertising; ~~and~~
- f. The unauthorized use of public streets and sidewalks that stem from news racks, merchandise displays, mobile food vending, and other such illegal uses.
- g. Short Term Rental Violations; and
- h. Business License Violations

Section II: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND APPROVED by the Town of Brighton Town Council, Utah, this 10th day of August in the year 2021.

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TOWN OF BRIGHTON



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Dan Knopp, Mayor

ATTEST:



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Kara John, Town Clerk

Attachments: Exhibit A



## 12 CODE ENFORCEMENT AND COMMUNITY ENHANCEMENT (ACE) PROGRAM AND UPDATE CIVIL PENALTIES FOR CODE VIOLATIONS

### 12.1.110 Definitions Applicable To Title Generally

The following words and phrases, whenever used in this Title, shall be constructed as defined in this section, unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply:

- (1) "Abate" or "Abatement" means any action the Town of Brighton may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding, and securing or replacement of property.
- (2) "Administrative Code Enforcement Order" means an order issued by an Administrative Law Judge. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Title and applicable state codes.
- (3) "Administrative Law Judge" or "hearing officer" means the position established by the Town of Brighton § Code 1.16 "Administrative Hearing."
- (4) "Animal Control Administrator" means the supervisor of the Animal Control Division, established in the Town of Brighton § Code 8.01.
- (5) "Chief Building Inspector" means the official authorized and responsible for planning, directing, and managing the building inspection activities within the Town of Brighton.
- (6) "Council" means the Brighton Town Council.
- (7) "Code Enforcement Lien" means a lien recorded to collect outstanding civil penalties, administrative fees, and costs.
- (8) "Code Enforcement Performance Bond" means a bond posted by a responsible person to ensure compliance with the Town of Brighton Code, applicable state titles, a judicial action, or an administrative code enforcement order.
- (9) "County" means Salt Lake County, Utah.
- (10) "Department" means the Town of Brighton's Planning and Development Services Department, or its designee.
- (11) "Director" means the director of the Town of Brighton's Planning and Development Services Department or his/her authorized agent(s) or any other person/entity and their authorized agent(s) that the Town of Brighton has authorized to provide code enforcement services.

(12) "Enforcement Official" means any person authorized to enforce violations of the Town of Brighton Code or applicable state codes.

(13) "Financial Institution" means any person that holds a recorded mortgage or deed of trust on a property.

(14) "Fire Department" means the applicable entity that is authorized and responsible for providing fire and emergency services to the Town of Brighton.

(15) "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; and acts of nature adverse to performing required acts.

(16) "Imminent Life Safety Hazard" means any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

(17) "Legal Interest" means any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.

(18) "Town of Brighton," means the Town of Brighton, a municipal corporation under state law.

(19) "Town" means the area within the territorial municipal limits of the Town of Brighton, and such territory outside of this Town of Brighton over which the Town of Brighton has jurisdiction or control by virtue of any constitutional or incorporation provisions or any law.

(20) "Minor violation" means nuisance violations, as defined in state law, Town of Brighton Code, and by Utah State Courts, to include, but not limited to:

a. Land uses that do not conform to existing zoning of the property;

b. Unauthorized collections of motor vehicles that are unlicensed, unregistered, and/or inoperable;

c. Trash, litter, illegal dumping, and weeds;

d. Nuisance noise and lighting;

e. Illegal advertising; ~~and~~

f. The unauthorized use of public streets and sidewalks that stem from news racks, merchandise displays, mobile food vending, and other such illegal uses.

g. Short Term Rental Violations; and

h. Business License Violations

(21) "Notice of Compliance" means a document issued by the Town of Brighton, representing that a property complies with the requirements outlined in the notice of violation.

(22) "Notice of Satisfaction" means a document or form approved by the Administrative Law Judge or his or her designee, which indicates that all outstanding civil penalties and costs have been either paid in full, or that the Town of Brighton has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.

(23) "Notice of Violation" means a written notice prepared by an enforcement official that informs a responsible person of code violations and orders them to take certain steps to correct the violations.

(24) "Oath" includes affirmations and oaths.

(25) "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.

(26) "Program" means the Code Enforcement and Community Enhancement Program authorized under this Title.

(27) "Property Owner" means the record owner of real property based on the county assessor's records.

(28) "Public Nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah Code Annotated.

(29) "Responsible Person" means a person who has charge, care, or control of any premises, dwelling, or dwelling unit as the legal or equitable owner, agent of the owner, lessee, or as an executor, administrator, trustee or guardian of the estate of the owner. In all cases, the person with legal title to any premises, dwelling, or dwelling unit shall be considered a responsible person, with or without accompanying actual possession thereof.

(30) "Treasurer" means the Town of Brighton Treasurer as designated pursuant to Utah Code Ann. § 10- 3c-203.

(31) "Written" includes handwritten, typewritten, photocopied, computer printed, emailed or facsimile.