

ORDINANCE NO. 2021-07

**AN ORDINANCE TO AMEND SECTION 15.03, 15.27 AND 15.32 RELATED TO
ENFORCEMENT IN THE KAMAS MUNICIPAL CODE**

WHEREAS, Kamas City, pursuant to state law, has multiple enforcement sections in the Kamas Municipal Code as it relates to land use thereof;

WHEREAS, Kamas City would like to consolidate and streamline penalties for ease of enforcement;

WHEREAS, Kamas City desires to establish one uniform code that aligns with State law where all other chapters will point to one place;

WHEREAS, the Planning Commission provided public notice of and held a public hearing on the proposed amendments on September 7, 2021; and

WHEREAS, the Planning Commission reviewed the proposed amendments and recommended to the City Council the approval of the proposed changes.

NOW, THEREFORE, be it ordained by the Kamas City Council, Kamas, Utah, as follows:

Section 1. Kamas City Code is hereby amended as set forth in the attached Exhibit A: Amendments to Title 15, Chapter 3, 27, and 32 of Kamas Municipal Code.

Section 2. This ordinance shall take effect 20 days after publication, in accordance with state law.

PASSED and ADOPTED by the Kamas City Council on September 14, 2021.

KAMAS CITY

Matt McCormick, Mayor

ATTEST:

Kim Peacock, City Recorder

EXHIBIT A: AMENDMENTS TO TITLE 15, CHAPTERS 3, 27, AND 32 OF KAMAS CITY CODE

15.03.070 Penalties

~~Any person, firm, partnership, or corporation, and the principals or agents thereof violating or causing the violation of this ordinance, or a permit issued pursuant to this ordinance, shall be guilty of a Class C misdemeanor and punished upon conviction by a fine and/or imprisonment described in the Municipal Code.~~

- ~~1. In addition, the city shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.~~
- ~~2. Private citizens of the city or owners of property within the city may file an action to enjoin the continuation of a violation affecting their interests.~~
1. Violations of the City's land use, zoning, and subdivision ordinances and regulations may be enforced by any means available to the City, including but not limited to nuisance abatement, as set forth in Title 8, Chapter 08, by revocation of a business license, as set forth in Title 5, Chapter 02, revocation or denial of building permits or other applicable permits or licenses, or by criminal, civil, or administrative remedies, including those set forth herein.
2. Infraction: Any owner, occupant or person having an interest in property who shall fail to comply with a notice or order issued by the City shall be guilty of an infraction and the person shall be subject to a fine of one hundred dollars (\$100.00) for each and every separate violation.
3. Class C Misdemeanor: Any owner, occupant or person having an interest in property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter may be charged with a class C misdemeanor for each and every separate violation if the violation or nuisance threatens the health, safety, or welfare of the person or an identifiable third party or the person has been convicted of a violation or nuisance regarding the same property on three previous occasions within the past 12 months.
4. Separate Violations:
 - a. Each day that a violation or nuisance continues beyond the date fixed for compliance shall be a separate violation.
 - b. For violations and nuisances related to a pet or person's use of the person's residence, each 14-day time period the violation continues shall be considered a separate violation.
5. The City's appointed administrative law judge shall be authorized to hear and decide appeals of civil or administrative prosecutions of the City's land use, zoning, or

subdivision ordinances, where such cases are not otherwise directed to a specific body or individual. Appeals shall follow the process set forth in KCC 8.08.110

15.27.080 Violations, enforcement, and appeals

~~Many code violations present either a threat to the public health and safety or a threat to the character of a neighborhood or an area. These violations need to be effectively addressed before serious ramifications occur.~~

- ~~1. Threats to public health and safety include, but are not limited to unsafe structures; miscellaneous debris that includes household garbage; environmental contaminants and/or hazards; and appliances with unsecured doors.~~
- ~~2. Threats to the character of an area include, but are not limited to, operating a commercial or industrial business that results in outside storage in a residential zone; noise or odors affecting the residential use of neighboring properties; commercial or industrial businesses operating in such a manner as to affect the ability of adjacent businesses to conduct their pursuits.~~

~~Violation of any city ordinance may be punishable by citations, fines, and/or (in the case of a business) loss of a Kamas City Business license. Any business and/or person who violates this ordinance or fails to comply with any of its requirements within the allotted time (ten working days) may be fined in the sum of \$100.00 per day with a maximum fine of \$1,000.00 per occurrence.~~

15.32.070 - Violations; penalties

Violation of this chapter shall be enforced pursuant to the procedures and penalties set forth in KMC ~~15.27.080~~ 15.03.070 of the land use ordinance as it currently exists or may hereafter be amended.