[**Title 1 GENERAL PROVISIONS**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=Title_1_GENERAL_PROVISIONS)

[Chapter 1.01 CODE ADOPTION](https://kearns.municipalcodeonline.com/book?type=ordinances#name=Chapter_1.01_CODE_ADOPTION)  
[Chapter 1.02 GENERAL PROVISIONS](https://kearns.municipalcodeonline.com/book?type=ordinances#name=Chapter_1.04_GENERAL_PROVISIONS)  
[Chapter 1.03 COPPERTON HOLIDAYS AND OFFICE HOURS](https://kearns.municipalcodeonline.com/book?type=ordinances#name=Chapter_1.06_COUNTY_HOLIDAYS_AND_OFFICE_HOURS)  
[Chapter 1.04 GENERAL PENALTIES](https://kearns.municipalcodeonline.com/book?type=ordinances#name=Chapter_1.12_GENERAL_PENALTY)  
[Chapter 1.16 ADMINISTRATIVE HEARING](https://kearns.municipalcodeonline.com/book?type=ordinances#name=Chapter_1.16_ADMINISTRATIVE_HEARING)

[**Chapter 1.01 CODE ADOPTION**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=Chapter_1.01_CODE_ADOPTION)

[1.01.010 Ordinance and Adoption](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.01.010_Adoption)  
[1.01.020 Title--Citation--Reference](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.01.020_Title--Citation--Reference)

1.01.030 Repeal of Existing Ordinances  
[1.01.040 Effect of Repealing Ordinances](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.01.030_Ordinance_Amendments--Change_In_Form_Of_County_Government)  
[1.01.050 Reference To Specific Ordinances](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.01.040_Reference_To_Specific_Ordinances)

1.01.060 Notice of Pending Ordinances  
[1.01.070 Effective Date Of This Code](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.01.050_Effective_Date_Of_This_Code)

1.01.080 Boldface Captions

1.01.090 Numbering of Ordinances

[**1.01.010 Ordinance and Adoption**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.01.010_Adoption)

Pursuant to Sections 10-3-707 and 10-8-84, Utah Code, the Council ordains as follows and adopts and recodifies the Code.

[**1.01.020 Title--Citation--Reference**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.01.020_Title--Citation--Reference)

This Code shall be known as the “Copperton Metro Township Code” and referred to in any prosecution for the violation of any provision therein or in any civil proceeding at law or equity. Any reference made in the Code to any portion or ordinance thereof shall apply to all amendments, corrections, and additions made before, as of, or after the effective date of the ordinance recodified in this chapter.

**1.01.030 Re**[**peal of Existing Ordinances**](https://vineyard.municipalcodeonline.com/book?type=ordinances#name=1.02.020_Repeal_Of_Existing_Ordinances)

1. If the provisions of the Code are the same as those of previously existing ordinances, the provisions shall be construed as continuations thereof. All Copperton ordinances and resolutions heretofore in force, except such as are of a private, local, or temporary nature including franchises, grants, dedications, bond issues, elections, impact fee enactments and special levies for local assessments, hereby are repealed.
2. The fees or charges established by the ordinances repealed by this Code shall remain in effect until subsequently changed by ordinance or resolution, except that the fees and charges established by this code shall prevail in the event of a conflict.
3. All Copperton general ordinances enacted prior to the adopt of this code are hereby repealed, except those included in this code or which are expressly or by necessary implication reserved from repeal.

**1.01.040.** [**Effect of Repealing Ordinances**](https://vineyard.municipalcodeonline.com/book?type=ordinances#name=1.02.030_Effect_Of_Repealing_Ordinances)

The repeal of the ordinances as provided in KMT Code 1.01.030 shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

[**1.01.050 Reference to Specific Ordinances**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.01.040_Reference_To_Specific_Ordinances)

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with, the ordinances which were therein specifically designated by number or otherwise and which are included within this code as repealed and reenacted.

**1.01.060 Notice of Pending Ordinances**

Pursuant to Section [10-9a-509](https://www.codepublishing.com/cgi-bin/uca.pl?cite=10-9a-509), Utah Code, the Council may formally initiate proceedings to amend Copperton’s land use ordinances by adopting a resolution specifying the nature of the proposed ordinance and directing that Copperton staff prepare such an ordinance. The resolution shall take effect immediately, shall be effective for no more than 180 days, and shall provide that the proposed ordinance shall be enacted by the Council within 180 days of adoption of the resolution. During the time the resolution is in effect, Copperton may prohibit activities that may violate the terms of the pending ordinance. This section is not exclusive and shall not be construed to eliminate or diminish any power of Copperton to initiate a change in ordinance by binding means other than as described in this section.

[**1.01.070 Effective Date.**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.01.050_Effective_Date_Of_This_Code)

This code shall be effective on [date].

**1.01.080 Boldface Captions**

The bold face captions preceding each section is a short summary of each title, chapter, section or part, called boldface, is not law. It is only intended to identify the content of each title, chapter, section, or part of the Code. Inaccurate boldface is not a basis for invalidating the code.

**1.01.090 Numbering of Ordinances**

A. The Clerk shall assign to any ordinance of a general nature a number which shall conform to the numbering system used in this code and shall identify upon the face of the ordinance the date adopted.

B. The Clerk shall keep all ordinances of a local, private or temporary nature, including franchises, grants, dedications, bond issues and tax levies, in a separate book of "Special Ordinances'' properly indexed and organized according to date adopted. The first number of such an ordinance shall be the last two digits of the year the ordinance is adopted, followed by a dash which is followed by a number which shall be a sequential, ascending number indicating the order in which such special ordinance was adopted during the year.

C. Failure to comply with this section shall not affect or render invalid any ordinance of this municipality.

[**Chapter 1.02 GENERAL PROVISIONS**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=Chapter_1.04_GENERAL_PROVISIONS)

[1.02.010 Definitions and Rules of Construction](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.04.010_Definitions_And_Rules_Of_Construction)  
1.02.020 Rules of Construction

[1.02.030 Interpretation of Language](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.04.020_Interpretation_Of_Language)  
1.02.040 Computation of Time   
[1.02.050 Severability](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.04.050_Severability)

[**1.02.010 Definitions and Rules of Construction**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.04.010_Definitions_And_Rules_Of_Construction)

1. In the construction of the revised ordinances set out in this code, and all ordinances amendatory thereof, the following definitions shall be observed, unless such construction would be inconsistent with the manifest intent of the council, or repugnant to the context of the ordinance.
2. “Administration” means administrative services Copperton provides, including the financial, communications, human resources, and technology services the Municipal Services District may provide.
3. “Administrative Law Judge” means a person appointed by the Mayor or the Mayor’s designee to preside over administrative hearings. An administrative law judge shall be an attorney licensed to practice law in the State of Utah and must not be an employee of Copperton.
4. “Administrative Hearing” means a hearing held pursuant to the procedures established by Title 1, Chapter 16, or Title 12.
5. “Animal services” means the animal services contracted with Salt Lake County through the MSD.
6. “Assessor” means the person who serves as the assessor for Copperton.
7. “Attorney” or “City Attorney” means the Copperton Attorney.
8. “Auditor” means the means the person who serves as the auditor for Copperton.
9. “Board of health" means the Salt Lake County board of health.
10. “Business” means any enterprise carried on the purpose of gain, economic profit or nonprofit for which a business license is required.
11. “Business enterprise” means a sole proprietorship, partnership, association, joint venture, corporation, limited liability company, or other entity used in the carrying on of business.
12. “City” or “town” means an incorporated municipality, including Copperton.
13. “Clerk” means the means the person who serves as the clerk or recorder for Copperton.
14. “Code” means the ordinances of Copperton.
15. “Copperton,” “Copperton Metro Township,” or “the municipality” means Copperton Metro Township, Utah.
16. “Council” means the Copperton Metro Township Council.
17. “Disaster” means a sudden calamitous manmade, natural or war-caused event bringing great damage, loss, or destruction.
18. “Deputy Mayor” means that member of the Council who has been elected to serve in the Mayor’s absence.
19. “District attorney” means the elected attorney of Salt Lake County, Utah.
20. “Enforcement Action” or “action” means any action by Copperton to enforce compliance with any ordinance, policy, regulation, or applicable state statute, and includes a notice of violation, an administrative citation, departmental determination or board finding, and related order or corrective action. This term shall not include any criminal prosecution.
21. “Enforcement Official” means any person and the designee authorized by Copperton, including the planning director, zoning officers, police officers, building and engineering inspectors, animal control officers, human resource officers, and health department officials to enforce compliance with code, policies, regulations, or applicable state code.
22. “Fire department” means the Greater Salt Lake Unified Fire Authority.
23. “General Rule” means that all words and phrases shall be construed and understood according to the common use and understanding of the language; the technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.
24. “Governing body” means the Council for legislative matters and the Mayor for executive matters.
25. “Health department” means the Salt Lake County health department.
26. “Hearing Officer” means any person assigned by Copperton to hear appeals of enforcement actions or other actions taken by Copperton.
27. “Highway” or “public highway” means any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or other public way situated within Copperton, laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within the right-of-way.
28. “Justice Court Services” means the Justice Court, municipal prosecution and indigent defense services provided to Copperton through Salt Lake County, the Salt Lake County District Attorney, or Salt Lake Legal Defenders Association.
29. “Knowingly” means intentionally or with intent, or willfully with respect to the nature of the conduct or the result of the conduct, when it is the conscious objective or desire to engage in the conduct or cause the result.
30. “Law” means applicable federal law, the United States Constitution, Utah Constitution, Utah Code, Salt Lake County ordinances, or the Code, and any rule or regulation promulgated thereunder.
31. “License” includes any certificate or license that Copperton may issue.
32. “License official” means the director of Copperton’s planning and development services division or their designee.
33. “Local emergency” means the proclamation by the Mayor invoking special powers and the emergency operation plan as a result of a disaster, except the Mayor may not exercise powers to respond to a pandemic or an epidemic.
34. “May” means an action that is authorized or permissive.
35. “May not” means an action that is not authorized and is prohibited.
36. “Mayor” means the Mayor of Copperton Metro Township.
37. “Metro township” means the Copperton Metro Township.
38. “MSD” means the Greater Salt Lake Municipal Services District” means the local district that operates pursuant to Title 11, Chapter 2a, Part 7, Utah Code, and provides certain services to Copperton.
39. “Municipality” means any class of city, a town, or a metro township.
40. “Municipal services district” means the MSD, which provides one or more of the services to its members, including administration, planning and development, animal services, municipal parks, public works operations and engineering, and legal services as permitted by applicable law.
41. “Offense” means again act, action, or conduct prohibited by this Code or the failure to perform any acts required by this Code.
42. “Order” means any Copperton order including a stop work order, notice of non-compliance, clean-up order, abatement action, revocation or suspension of a license or permit, assessment of charges or costs, notice of zoning violation, seizure of any animal or property, Code enforcement order relating to the occupancy of any structure or building, any written disciplinary action, the assessment of any costs or non-criminal penalty, or any other action seeking the cessation of any business or operation.
43. “Owner” applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant or less of the whole or of any part of the building or land.
44. “Parks and recreation” means the land and activities in Copperton that are serviced by Salt Lake County Parks through the Municipal Services District.
45. “Person” means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, bodies politic, business trust, organization, or the manager, lessee, agent, officer, or employee of any of them, or any individual, partnership, association, corporation, or group of individuals, however styled or designated, and any other entity that is recognized by law as the subject of rights or duties, or who represents or is the agent of such person.
46. “Personal property” means and includes money, goods, chattels, things in action, and evidences of debt.
47. “Plan” or general plan means the Copperton Metro Township General Plan.
48. “Planning and development” means the services provided to Copperton by the MSD.
49. “Police Department” means the police chief and his deputies with the Unified Police Department of Greater Salt Lake (UPD) that performs all law enforcement services in the Salt Lake Valley Law Enforcement Service Area (SLVLESA) through interlocal agreement.
50. “Policy and Procedures” means a written statement formally adopted by the Council providing for the implementation of ordinances, powers and duties for Copperton’s governance and administration.
51. “Property” means and includes real and personal property.
52. “Property Owner” means the record owner of real property as shown on the records of the Salt Lake County Recorder.
53. “Public Works” means Copperton operations and engineering services.
54. “Real property” means the means and includes lands, tenements, and hereditaments.
55. “Recorder” means the Salt Lake County recorder.
56. “Responsible Person” or "responsible party" means the person determined by Copperton who is responsible for causing or maintaining a violation of the Copperton Code, policies, regulations, or applicable state codes. The term "responsible person" shall include a property owner, agent, tenant, lessee, occupant, business owner, business manager or employee, architect, builder, contractor, or other person who individually or together with another person is responsible for the violation of any provision of the Copperton Code, policies, regulations, or applicable state codes.
57. “Shall” means an action that is required or mandatory.
58. “Sheriff” means the Salt Lake County Sheriff..
59. “State” means the state of Utah.
60. “Street” includes alleys, lanes courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks, and intersections.
61. “Surveyor” means the person who serves as the surveyor for Copperton.
62. “Tenant” or “occupant,” applied to a building or land, means and includes any person who occupies the whole or any part of such building, either alone or with others.
63. “Treasurer” means the person who serves as the treasurer for Copperton.
64. “Year” means a calendar year unless specified otherwise.

**1.02.020 Rules of Construction**

1. Mere stylistic changes are not intended to reflect changes in the substance or meaning of the ordinances.
2. The singular number includes the plural.
3. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.
4. Words used in the masculine gender comprehend the feminine and neuter.
5. The term "may" or “will” is permissive; the terms "shall” or "must" is mandatory.

[**1.02.030 Interpretation of Language**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.04.020_Interpretation_Of_Language)

Any word or phrase shall be construed according to the common and approved usage of the language, but any technical word or phrase and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.  
  
[**1.02.040 Computation of Time**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.04.030_Computation_Of_Time)

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, if Saturday, Sunday, or a holiday, in which case the last day shall be the next following business day. When the period of time is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded.  
  
[**1.02.050 Severability**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.04.050_Severability)

The Council hereby declares that the Council has passed these revised ordinances and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, void, or unlawful.

[**Chapter 1.03 COPPERTON HOLIDAYS AND OFFICE HOURS**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=Chapter_1.06_COUNTY_HOLIDAYS_AND_OFFICE_HOURS)

[**1.03.010 Office Hours**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.06.010_Office_Hours)[**1.03.020 Holidays**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.06.020_Holidays)[**1.03.030 Legal Delays**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.06.030_Legal_Delays)

**1.03.040 Official Name**

**1.03.050 Seal**

[**1.03.010 Office Hours**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.06.010_Office_Hours)

1. All Copperton offices, departments, and agencies shall keep their offices open for the transaction of public business between the hours of eight a.m. to five p.m., Monday through Friday. In addition to regular office hours, for those offices and agencies in which the normal transaction of public business requires other hours of operation, services shall be provided on such days and such hours as the public business necessitates.
2. All full-time Copperton employees shall work forty hours per week. Work schedules in offices, departments, and agencies shall be established pursuant to Copperton’s personnel policies.

[**1.03.020 Holidays**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.06.020_Holidays)

1. The following days are legal holidays when Copperton offices are closed:

|  |  |
| --- | --- |
| The First day of January | New Year’s Day |
| The Third Monday of January | Martin Luther King, Jr. Day |
| The Third Monday and February | Presidents' Day |
| The Last Monday in May | Memorial Day |
| The Fourth Day of July | Independence Day |
| The Twenty-fourth Day of July | Pioneer Day |
| The First Monday of September | Labor Day |
| The Eleventh Day of November | Veterans Day |
| The Fourth Thursday of November | Thanksgiving Day |
| The Fourth Friday of November | Day After Thanksgiving |
| The Twenty Fifth Day of December | Christmas Day |

1. If a holiday falls on a Saturday, it shall be observed on the preceding Friday. If the holiday falls on a Sunday, it shall be observed on the following Monday.

[**1.03.030 Legal Delays**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.06.030_Legal_Delays)

Any act which is authorized or required to be performed on a Saturday, Sunday, or holiday, when the Copperton offices are closed, may be performed on the next business day. No liability or loss of rights of any kind may result from that delay.

### **1.03.040 Official Name**

The official name of the municipality shall be “Copperton Metro Township.” It shall be equally valid, however, to use the name “Copperton.”

**1.03.050. Seal.**

The municipal seal shall be use by the Clerk and other Copperton officials as required by law. The seal shall be rendered in a form and style approved by the Council.

**Chapter 1.04 GENERAL PENALTIES**

[**1.04.010 Penalty for Violation of Code Provisions**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.12.010_Penalty_For_Violation_Of_Code_Provisions)

If no other penalty is prescribed, any person convicted of violating any provision of the Code, or any ordinance hereafter enacted, shall be considered to be guilty of a misdemeanor, or in violation of this Code, and punished as provided by state criminal code for a Class B misdemeanor or through civil penalties. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense or violation, unless otherwise provided.

**[1.04.020 Liability of Employers and Agents for Violation of Ordinances](https://kearns.municipalcodeonline.com/book?type=ordinances" \l "name=1.04.040_Liability_Of_Employers_And_Agents_To_Penalty_For_Violation_Of_Ordinances" \t "_blank)**

When the provisions of an ordinance prohibit the commission or omission of any act, the person doing the prohibited act or omitting the directed act and the employer, if the act or omission is done within the course and scope of employment, and all other persons aiding or abetting therein, shall be guilty of the offense described and subject to the penalty prescribed for the offense.

**1.04.030 No Liability on Municipality**None of the provisions of this Code shall create any civil liability on the municipality, its officers, or employees whether or not the Code imposes mandatory or directional duties and whether or not the municipality, its officers or employees perform or do not perform such duties.

### **1.04.040 Presumption of liability for certain violations**

The occupant and owner of any premises upon which a violation of any provision of this code or of any Copperton ordinance and the owner of any object or material placed or remaining anywhere in violation of any provision of this code or of any Copperton ordinance shall be presumed to be responsible for the violation so evidenced and subject to the penalty provided therefor.

### **1.04.050 Penalties not to excuse abatement of prohibited conditions**.

The application of any penalty under this chapter shall not constitute the condoning or legalizing of any prohibited condition or prevent the abatement or enforced removal of such condition by any lawful means available to Copperton including Title 12, Code Enforcement.

### **1.04.060 Double fee for failure to obtain required licenses**

If any work or activity for which a permit or license is required by this Code or by any Copperton ordinance is commenced without first having acquired such permit or license, the specified fee shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with all the requirements of this Code or any applicable Copperton ordinance, nor from any other prescribed penalties. Payment of such double fee or any unpaid portion thereof may be compelled by civil action in any court of competent jurisdiction. The acceptance of any portion less than the entire amount of such double fee by any officer or employee of Copperton shall not

[**1.04.070 Burden Of Proof**](https://vineyard.municipalcodeonline.com/book?type=ordinances#name=1.04.050_Burden_Of_Proof)

The provisions on burden of proof as provided in Utah Code Ann. §§ 76-1-501 through 76-1-504 shall govern.

[**1.04.080 Principles of Criminal Responsibility**](https://vineyard.municipalcodeonline.com/book?type=ordinances#name=1.04.060_Definitions)

The provisions on culpability and criminal responsibility as provided in Title 76, Chapter 2, Utah Code Ann., shall govern.

**1.04.090 Punishments**

The provisions of Title 76, Chapter 3, Utah Code Ann., shall govern unless specifically provided otherwise herein.

**1.04.010 Offenses**

The provisions on Title 76, Chapter 4, 5, 5b, 6, 6a, 7, 7a, 8, 9, and 10, Utah Code Ann., shall govern unless specifically provided otherwise herein.

[**Chapter 1.16 ADMINISTRATIVE HEARING**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=Chapter_1.16_ADMINISTRATIVE_HEARING)

[**1.16.010 Short Title**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.010_Short_Title)[**1.16.020 Purpose**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.020_Purpose) **and Scope**[**1.16.030**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.030_Scope) **Other Remedies and Criminal Prosecution**[**1.16.040 Service of Notice Requirements**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.060_Service_Of_Notice_Requirements)[**1.16.050 Direction to Adopt Rules**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.070_Direction_To_Adopt_Rules)[**1.16.060 Subpoenas**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.080_Subpoenas)[**1.16.070 Request for Administrative Hearing**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.090_Request_For_Administrative_Hearing)[**1.16.080 Notification of Administrative Hearing**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.100_Notification_Of_Administrative_Hearing)[**1.16.090 Powers of Administrative Law Judge**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.110_Powers_Of_Administrative_Law_Judge)[**1.16.100 Rules of Discovery and Evidence for Administrative Hearings**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.120_Rules_Of_Discovery_And_Evidence_For_Administrative_Hearings)[**1.16.110 Appeal**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.130_Appeal)

[**1.16.010 Short Title**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.010_Short_Title)

This chapter shall be known as the “Copperton Metro Township Administrative Hearing Procedures Ordinance.”  
  
[**1.16.020 Purpose and Scope**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.030_Scope)

Unless specified otherwise in this Code, the provisions of this chapter may be applied to any violation of the Code, policies, regulations, and applicable state statutes which occur within Copperton or relate to such activities subject to Copperton’s operations and jurisdiction. No judicial review shall be available to any citizen agency if the provisions of this chapter are not followed and administrative remedies exhausted. Failure to timely request and participate in an administrative review under this chapter shall bar any action in the state or federal courts by an aggrieved citizen or Copperton employee or agency.  
  
[**1.16.030 Other Remedies and Criminal Prosecution**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.040_Other_Remedies_And_Criminal_Prosecution)

Copperton shall have sole discretion to pursue civil remedies or seek administrative enforcement for the violation of any of its ordinances, policies, regulations, and applicable state statutes. This chapter shall not limit the powers of the Copperton attorney to pursue criminal charges for the violation of any Copperton ordinances, county ordinances, or state statutes, in addition to any civil action Copperton may take.  
  
[**1.16.040 Service of Notice Requirements**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.060_Service_Of_Notice_Requirements)

1. If a notice is required to be given under this chapter, it shall be in the form of a notice approved by the director and the notice shall be served by one of the following methods:
   1. Personal service;
   2. Regular mail, postage prepaid, to the last known address of a responsible person;
   3. Posting the notice conspicuously on or in front of the property that is the subject of the action.
   4. Publication in a newspaper of general circulation if service has not been accomplished after reasonable efforts to comply with Subsections 1 and 3; or
   5. As directed by the administrative law judge.
2. Failure of a responsible person to receive notice shall not affect the validity of any action taken hereunder if notice has been served in the manner set forth above.
3. Service by regular mail in the manner set forth above shall be considered to be served on the fourth day after the date of mailing.
4. The failure of a person, other than a responsible person, to be served notice in accordance with this section shall not affect the validity of any proceeding taken hereunder.

[**1.16.050 Direction to Adopt Rules**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.070_Direction_To_Adopt_Rules)

The Mayor shall:

1. Establish rules for administrative hearings;
2. Appoint the hearing officer from the pool of approved administrative law judges, or, in the case of a conflict, appoint an outside hearing officer;
3. Provide for the notification of the involved parties; and
4. Establish guidelines and operating procedures for administrative hearings, including the type of pre-hearing discovery that may be allowed.

[**1.16.060 Subpoenas**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.080_Subpoenas)

The administrative law judge is empowered to issue subpoenas for the production of documents and things and to compel the appearance of witnesses in the pending action. It shall be unlawful for any person to willfully refuse or fail to obey a subpoena issued for an administrative hearing. A violation of this section shall be a class B misdemeanor.  
  
[**1.16.070 Request for Administrative Hearing**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.090_Request_For_Administrative_Hearing)

1. A responsible person served with an enforcement action or any Copperton agency enforcing compliance shall have the right to request an administrative hearing as set forth in the Code.
2. Unless specified otherwise in this Code, a party who has been adversely affected by an enforcement action of Copperton may request an administrative hearing. Adverse effect may arise from:
   1. Any decision affecting the employment status, compensation, or treatment of an employee;
   2. Denial, revocation, or termination of any license, excluding business licenses, which are governed under Title 5;
   3. Any decision relating to the zoning or permitted use of real property located within the incorporated limits of Copperton;
   4. Any decision relating to the award or failure to award a bid or proposal during procurement;
   5. Any notice of violation, animal seizure, assessment of costs, or other action taken by animal services; or
   6. Such other violation, assessment, or action as designated by Code, policy, regulation, or state law.
3. The request for an administrative hearing shall be made in writing and delivered to the Mayor's office.
4. The written request for hearing must be received by the Mayor within fifteen (15) calendar days of the date the enforcement action is served upon the responsible party. Failure to request an administrative hearing within fifteen (15) calendar days from the date of service shall constitute a waiver of the right to an administrative hearing and of the right to an appeal to any state or federal court or agency.
5. Within fifteen (15) days of the issuance of an enforcement action, Copperton may request an administrative hearing for the purpose of compelling a responsible person to comply with the enforcement action.
6. If a responsible person fails to request a hearing after being issued an enforcement action, the corrective action detailed within the action shall be considered the final administrative order and the person shall be deemed to have waived any appeal of that order.

[**1.16.080 Notification of Administrative Hearing**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.100_Notification_Of_Administrative_Hearing)

1. As soon as practicable after receiving the written notice of the request for an administrative hearing, the Mayor shall appoint an administrative law judge who shall schedule a date, time, and place for the administrative hearing.
2. Written notice of the date, time, and place of the administrative hearing shall be served on the responsible person as soon as practicable prior to its date.
3. The notice shall be served by any of the methods of service set forth in Section 1.16.040 of this chapter.

[**1.16.090 Powers of Administrative Law Judge**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.110_Powers_Of_Administrative_Law_Judge)

1. An administrative law judge shall have authority to set the date, time, and place for holding an administrative hearing.
2. An administrative law judge may issue a scheduling order to guide the conduct of the case, to set the limits of any pre-hearing discovery, to provide for the identification of witnesses and their expected testimony, to list and exchange proposed exhibits, to approve stipulations regarding facts, applicable law, foundation to exhibits, and to govern such other matters related to hearing of the matter as deemed appropriate.
3. The administrative law judge holding a hearing shall arrange for the recording of any hearing.

[**1.16.100 Rules of Discovery and Evidence for Administrative Hearings**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.120_Rules_Of_Discovery_And_Evidence_For_Administrative_Hearings)

1. The administrative law judge shall determine the scope of any pre-hearing discovery.
2. The formal rules of evidence and of civil procedure adopted by the courts shall not be applied in any administrative hearings; however, the administrative law judge shall determine the admissibility and weight to be accorded any evidence.
3. The administrative law judge shall issue a written ruling after the conclusion of the hearing with findings of fact and conclusions of law.

[**1.16.110 Appeal**](https://kearns.municipalcodeonline.com/book?type=ordinances#name=1.16.130_Appeal)

1. Unless specified otherwise in this Code or state law, any responsible person or Copperton agency adversely affected by a final administrative order issued pursuant to a hearing before an administrative law judge may file a petition for review in the Third Judicial District Court of the State of Utah in accordance with the Utah Rules of Civil Procedure.
2. A petition for review shall be barred unless it is filed within thirty (30) days after the administrative order is final, unless a statute provides otherwise.
3. The record of the administrative hearing including minutes, findings, orders and, if available, a true and correct transcript of the proceeding shall be transmitted to the reviewing court by the party filing the appeal and the costs of producing the record, including any transcripts, shall be borne by the party filing the appeal. If the proceeding was tape recorded, a transcript of such tape recording shall be considered a true and correct transcript for purposes of this subsection.
4. The filing of a petition does not stay execution of an administrative order. Before filing a petition, a responsible person may request the administrative law judge to stay an administrative order. Upon receipt of a request to stay, the administrative law judge may order the administrative order to be stayed pending district court review if the administrative law judge finds such stay to be in the best interest of the parties and for good cause.