

BRIGHTON, UTAH
ORDINANCE NO. 2022 – O – 11 – 2

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 20, SECTION 170 “PENALTY”
OF THE BRIGHTON CODE OF ORDINANCES TO CORRECT A DRAFTING ERROR**

WHEREAS, the Brighton Town Council ("Council) met in a regular session on October 14, 2022 enacted a civil parking enforcement ordinance; and

WHEREAS, after passage, a typographical error was discovered in the code language which require amending the language to correct the errors. Subsection E contained different dates to respond to the notice.

NOW, THEREFORE, BE IT ORDAINED by the Brighton Town Council that:

Section 1. Amendment. Title 11 “Vehicles and Traffic,” Chapter 20 , Section 170 “Penalty” of the Brighton Code of Ordinances is hereby amended as follows:

11.20.170 Penalty.

All parking violations on town streets or highways shall be punishable either as a criminal infraction or as a civil code violation at the Town’s discretion.

A civil code violation will be subject to the procedure outlined in Title 12 of the Brighton Code of Ordinances and the following subsections of this chapter and the fines associated with a violation of this code as listed in the Town’s Fee Schedule.

- A. Violation: Any person engaging in the unauthorized use of streets, parking lots or other areas as provided under this chapter, within the jurisdiction of the Town, shall be liable for a civil penalty. Any penalty assessed in subsection B of this section may be in addition to such other penalties as may be provided in this chapter.
- B. Late Fee: A twenty five percent (25%) late fee will be added to any penalty that remains unpaid thirty (30) days after the date of the receipt of notice.
- C. Receipt of Notice:
 - 1. As used in this section, “receipt of notice” means either:
 - a. Affixing a notice of unauthorized parking to the vehicle alleged to have been in violation of this chapter; or
 - b. By delivery of such notice of unauthorized use to the owner or driver thereof.
 - 2. Receipt of notice shall be issued in writing by a peace officer or duly authorized code enforcement official and contain not less than the following information:
 - a. The make, model, color and license plate of the vehicle (if any).
 - b. The name of the person in whose name such vehicle is registered, if known;
 - c. The date and place of the violation;

- d. The parking code violation and related fine;
- e. Notice that the notice of unauthorized use must be responded to; and
- f. Other information, including information related to payments by mail, telephone, in-person, or electronic means.

E. Response to Notice:

Any person to whom a notice of unauthorized use has been issued shall respond within ~~seven~~ **ten** (10) days of receipt by either paying the civil penalty(s) listed on the notice, in the manner provided by the receipt of notice, or contesting the notice in the manner described by subsection F “Adjudication Procedures” of this section.

F. Adjudication Procedures:

1. The Greater Salt Lake Municipal Services District shall have jurisdiction to resolve contested matters relating to the unauthorized use of streets.
2. The Greater Salt Lake Municipal Services District may take any appropriate steps necessary to authorize one or more hearing officers to initially settle or resolve matters related to the unauthorized use of streets in a manner consistent with this chapter.
3. Any person, or vehicle owner, having received notice of such unauthorized use, may appear before a hearing officer at an appointed date and time and present and contest such alleged unauthorized use.
4. The notice of unauthorized use shall constitute prima facie evidence that the violation alleged therein actually occurred. The adjudication shall be conducted as informally as the circumstances will allow and shall be based on the civil standard of a preponderance of the evidence.
5. The burden to prove any defense shall be upon the person raising such defense.
6. The hearing officer may find that no unauthorized use occurred and dismiss the notice.
7. If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this section are applicable, they may dismiss the notice and release the owner or driver from liability thereunder. Such defenses are:
 - a. At the time of the receipt of the notice, possession of the subject vehicle had been acquired in violation of the criminal laws of the State of Utah;
 - b. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property;
 - c. If the hearing officer finds that the owner of the vehicle is deceased but was living when the notice was issued;
 - d. If the hearing officer finds that the vehicle was sold with the original license plates on, and the notice of unauthorized use was received prior to the sale, provided the sale is reported to the Utah Division of Motor Vehicles and the bill of sale is provided within twenty (20) days of receipt of the notice;

8. If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this section are applicable, the hearing officer may reduce the penalty associated therewith, but in no event shall such penalty be reduced below the sum of twenty-five dollars (\$25.00). Such defenses are:
 - a. At the time of receipt of the notice, possession of the subject vehicle had been acquired by another party pursuant to a written lease agreement or similar written agreement, and the owner submits a copy of the written agreement;
 - b. The subject vehicle was mechanically incapable of being moved from such location; provided, however, such defense shall not apply to any vehicle which remains at such location in excess of six (6) hours;
 - c. Any applicable markings, signs or other indicia of parking use regulation were not clearly visible or comprehensible;
 - d. At the time of the notice a responsible person receiving such notice of unauthorized use had, but failed to properly display, a special disability group license plate or placard that was valid and relevant to the notice. However, the hearing officer may not reduce the associated civil penalty below the sum of twenty-five dollars (\$25.00).
9. If the hearing officer finds that an unauthorized use occurred and no applicable defense exists, the hearing officer may enter into an agreement with a person who has received notice for the timely or periodic payment of the applicable penalty.
10. If the hearing officer and a person who has received notice are unable to resolve the notice, the hearing officer may refer the matter to the Town Attorney to commence a civil action to compel enforcement of the notice in a court of competent jurisdiction.
11. If the penalty imposed pursuant to this chapter remains unsatisfied after forty (40) days from the receipt of notice of unauthorized use, or ten (10) days from such date as may have been agreed to by the hearing officer, the Town may use such lawful means as are available to collect such penalty, including costs and attorney fees.

Section 2 Effective Date. This ordinance shall go into effect upon publication.

PASSED AND APPROVED this 8th Day of November, 2022.

TOWN OF BRIGHTON

By: 
Dan Knopp, Mayor

ATTEST:


Kara John, Town Clerk

