

# ORDINANCE NO. 2023-03

## AN ORDINANCE ADOPTING AN ADMINISTRATIVE APPEAL PROCESS

WHEREAS the Lake Point City Council desires to establish a general process for the presentation, hearing, and resolution of claims and complaints regarding permits and licenses other than land use decisions and land use permits;

WHEREAS nothing in this Ordinance shall be construed as a waiver of any right, immunity, or protection that Lake Point may have as a governmental entity, including but not limited to the rights, immunities, and protections granted by the Utah Governmental Immunity Act, Title 63G, Chapter 7, of the Utah Code.

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

**Section 1. Scope.** This Ordinance governs appeals related to the issuance of permits, licenses, authorization, approvals, or other decisions by Lake Point that are not land use decisions nor are related to land use permits. Nothing herein grants any right to appeal or challenge any legislative decision, action, or enactment of the city council.

**Section 2. Definitions.** “Applicant”: A person who has applied for a license, permit, authorization, approval, or other formal decision from the city that is not a land use decision or land use permit, or who requests that the city issue an approval or decision that is not a land use decision or land use permit.

**Section 3. Right to Appeal.** Any applicant whose application or request has been denied may appeal such denial to the city council within fourteen (14) calendar days of the written notice of denial by filing a written appeal with the city recorder. Such appeal shall set forth the desired relief and the factual and legal basis therefor.

**Section 4. Hearing on Appeal.**

- a. An informal hearing on the appeal shall be heard by the city council within a reasonable time after the appeal is filed.
- b. Notice of the date, time, and place of the hearing shall be provided in writing to the applicant by mailing or hand delivering such notice at least fourteen (14) calendar days in advance of the hearing.
- c. The appeal shall be conducted by the city council without formal rules of procedure or evidence, and the city council may establish reasonable rules regarding the time, length, and subject matter of any presentation in accordance with due process. Subject to such rules, the applicant shall have the right to be represented by counsel, to call and question witnesses, and to present such other claims, evidence, information, and arguments related to the appeal as desired.
- d. At or within a reasonable time after the conclusion of the appeal, the city council shall issue a decision on the appeal. Such decision shall be memorialized in writing and provided to the applicant.

**Section 5.** Notwithstanding anything set forth herein, all claims subject to the Utah Governmental Immunity Act, Title 63G, Chapter 7, shall follow and be subject to the procedures set forth therein. Nothing herein shall excuse any failure to strictly comply with the terms and conditions of said Act.

**Section 6.** This Ordinance shall be effective upon its adoption and publication in accordance with law.

**PASSED, APPROVED, AND ADOPTED** on the 1st day of February, 2023

Lake Point

By   
Chair

ATTEST:

  
City Recorder

SEAL

**Voting:**

|                    |              |                |                   |
|--------------------|--------------|----------------|-------------------|
| Daniel Crawford    | Yea <u>/</u> | Nay <u>   </u> | Absent <u>   </u> |
| Doyle Garrard      | Yea <u>/</u> | Nay <u>   </u> | Absent <u>   </u> |
| Jonathan Garrard   | Yea <u>/</u> | Nay <u>   </u> | Absent <u>   </u> |
| Kathleen VonHatten | Yea <u>/</u> | Nay <u>   </u> | Absent <u>   </u> |
| Ryan Zumwalt       | Yea <u>/</u> | Nay <u>   </u> | Absent <u>   </u> |