

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, March 8, 2023

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, March 8, 2023, at 7:00 pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

Regular Meeting 7:00pm

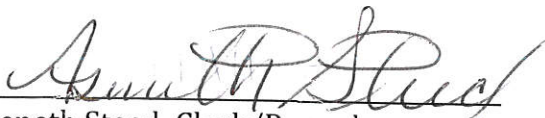
1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes of February 22, 2023
 - c. Joint Session Minutes of February 22, 2023
6. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
7. Announcements:
 - a. Easter egg Hunt, Saturday, April 8th 9:00am at the Town Park
 - b. Nominate an outstanding resident to receive the Annual Civic Service Award to be presented at the Easter Community Event.
8. Public Hearings: None
9. Action Items:
 - a. Discussion possible action regarding conceptual plan for a booster pump station facility presented by Water Conservancy District consultants Aaron Anderson, and Randy Johnson
 - b. Action regarding Administrative Code Enforcement
 - c. Action regarding Town of Leeds Consolidated Fee Schedule
10. Discussion Items:
 - a. Red Cliffs Area Sewer Project Overview / PID Discussion applicant being Eugene Gordan, Inc.
11. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
12. Staff Reports:
13. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
14. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting;

The undersigned Clerk/Recorder does hereby certify that the above notice was posted March 6, 2023 at these public places being at **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** <http://pmn.utah.gov>, and the **Town of Leeds website** www.leadstown.org.



Aseneth Steed, Clerk/Recorder

TOWN OF LEEDS

ORDINANCE 2023-02, ADMINISTRATIVE CODE ENFORCEMENT

WHEREAS the Council of Town of Leeds recognizes the need for an efficient and effective code enforcement program to ensure public health, safety, and welfare in the community, and

WHEREAS, the Council of Town of Leeds believes that an administrative code enforcement program will provide a more streamlined and effective approach to code enforcement, and

WHEREAS the Council of Town of Leeds finds that the adoption of an administrative code enforcement program will promote compliance with the Town's codes and regulations.

WHEREAS the Town Council and the Planning Commission of the Town of Leeds met with Legal Counsel in a work session on October 26, 2022, to discuss terms and conditions of proposed Administrative Code Enforcement and

WHEREAS the Council of the Town of Leeds has discussed the proposed administrative program in subsequent meetings

NOW THEREFORE, be it ordained the Council of the Town of Leeds adopts Title 9.01 of the Ordinances of the Town substantially in the form of Exhibit "A" attached hereto establishing an Administrative Code Enforcement program as provided by the ordinance.

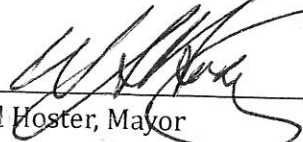
If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance shall not be affected hereby.

PASSED AND ADOPTED this Eighth day of March 2023.

ORDINANCE 2023-02, ADMINISTRATIVE CODE ENFORCEMENT WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, WASHINGTON COUNTY, STATE OF UTAH, ON THE EIGHTH DAY OF MARCH 2023.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: BILL HOSTER	X			
COUNCILMEMBER: DANIELLE STIRLING	X			
COUNCILMEMBER: RON CUNDICK	X			
COUNCILMEMBER: STEPHEN WILSON	X			
COUNCILMEMBER: KOHL FURLEY	X			

Signed: 
Bill Hoster, Mayor

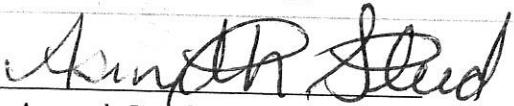
Attest: 
Aseneth Steed, Clerk/Recorder

EXHIBIT A

9.01.010 Short Title

This Title shall be known as the “Administrative Code Enforcement” or “ACE” program. This Title shall also be known as Title 9.01 of the Leeds Municipal Code. It may be cited and pleaded under either designation.

9.01.020 Purpose And Introduction

The Town Council finds that the enforcement of the Leeds Municipal Code and applicable state codes is an important public activity. Code enforcement is vital to the protection of the public’s health, safety, welfare, and quality of life. The Town Council recognizes that code enforcement is effective only when done fairly and consistently. The Town Council further finds that an enforcement system that allows a combination of judicial and administrative and judicial remedies is effective in correcting a Violation, as hereinafter defined.

The Town may enforce a Violation as allowed by law, including, but not limited to, enforcement via two primary methods: (1) administrative actions, and (2) judicial actions in the form of civil or criminal procedures.

Administrative code enforcement attempts to resolve a Violation without the use of litigation in a judicial court system. Administrative code enforcement is generally a “first-resort” enforcement tool, mostly an informal process and typically faster and less costly than judicial remedies. Failure to comply with an administrative code enforcement action may require the Town Attorney to file a judicial action to gain compliance.

Civil and criminal judicial remedies for code enforcement are characterized by, for example, a judge, attorneys, an official courtroom and other formal procedures related thereto.

A civil judicial case involves the determination of whether a party was injured/harmed and how much the party should be compensated for the same. General consequences of a civil case are monetary punishments in the form of fines and/or an order to do or cease to do something.

A criminal judicial case involves a government entity or other entity endowed with law enforcement powers arresting and trying

someone in a court of law for a crime that was committed. Typical consequences of a criminal case are jail time, monetary punishments in the form of fines and a misdemeanor or felony charge being placed on the guilty party’s permanent record.

9.01.030 Scope

The provisions of this Title may be applied to all – Violations that occur within Leeds Town limits and such territory outside Leeds Town limits over which the Town has jurisdiction or control by virtue of any constitutional provision or law. This Title establishes an additional remedy – administrative code enforcement – that may be used by the Town to achieve compliance with applicable codes. No remedy provided herein is intended to be exclusive and shall be in addition to any other remedy given to the Town here under or now or hereafter existing at law.

While the Town’s population remains relatively small and its administrative staffing resources are limited, it anticipates that most, if not all, of this administrative code enforcement program will be reactive in operation – responding to inquiries, complaints, etc. submitted to the Town by citizens and others. As the Town’s population grows and its administrative staffing levels expand, it projects that the operation of this administrative code enforcement program may become more proactive in nature – Enforcement Officials (as hereinafter defined) or others patrolling the Town actively identifying Violations and pursuing their correction. The preceding sentences in this paragraph shall not limit the Town’s operation of this administrative code enforcement program; it, at its sole discretion, may carry out this administrative code enforcement program reactively, proactively or in any and all other manners pursuant to this Title at any and all times. For example, the Town’s operation of this administrative code enforcement program primarily in a reactive manner shall not limit or prohibit the Town from proactive administrative code enforcement efforts and vice versa.

9.01.040 Existing Law Continued

The provisions of this Title shall not invalidate any other title, chapter, or ordinance of the Leeds Municipal Code, but shall be read in

9.01.100 Definitions Applicable To Title

Generally

In the construction of this Title, the following words and phrases shall be as defined as set forth in this section unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply:

“Administrative Notice” means a citation issued to a Responsible Person that gives reasonable Notice of a Violation and the civil-penalty for such Violation.

“Administrative Enforcement Order” means an order issued by a Hearing Officer. The order may include an order to abate the Violation, pay civil penalty and administrative costs; or any other action as authorized or required by this Title and applicable state codes.

“Administrative Enforcement Hearing” means a hearing held pursuant to the procedures established by this Title and at the request of a Responsible Person charged with a Violation.

“Town” means the Town of Leeds, Utah, including the Mayor, Town Administrator, and all other employees of the Town.

“Town Council” means the Town Council of Leeds Town.

“Day” refers to calendar days.

“Director” means an individual(s) as designated by the Mayor’s Office.

“Enforcement Official” means any person authorized by the Town to determine and enforce a Violations of the Leeds Municipal Code or applicable state codes including, but not limited to the Director, zoning officials, police officers, building inspection officials, code enforcement officers, fire marshal, fire officers, and animal control officers.

“Hearing Officer” means a natural person appointed by the Mayor or his/her designee to preside over Administrative Enforcement Hearings.

“Imminent Life Safety Hazard” means any condition that creates a serious and immediate danger or damage to life, property, health, or public safety.

“Mayor” means the mayor of Leeds Town.

“Notice of Compliance” means a document or form issued and approved by the Director that indicates that a Violation has been corrected.

“Notice of Emergency Abatement” means a Written notice that informs a Responsible Person of emergency abatement actions taken by the Town, and the costs of those actions, and orders payment for those costs.

“Notice of Itemized Bill for Costs” means a Written notice, itemizing the Town’s costs and ordering payment of those costs.

“Notice of Violation” means a Written notice that informs a Responsible Person of a Violation and orders certain remedial steps to correct said Violations.

“Person” means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity, including public bodies, that is recognized by law as the subject of rights or duties.

“Personal Service” means the method of service for any notice or document that is performed by, in-person meeting or any other form of in-person or person-to-person communication, including those promulgated by Utah Rules of Civil Procedure Rule 4.

“Property Owner” means the record owner of real property as shown on the records of the Washington County assessor/recorder.

“Responsible Person” means the Person(s) determined by the Town who is responsible for causing or maintaining a Violation. The term Responsible person shall include, but is not limited to, a property owner, agent, tenant, lessee, occupant, architect, builder, contractor, or other Person who individually or together with another Person is responsible for a Violation.

“Title” means this title of the Leeds Municipal Code, the “administrative code enforcement” program, or the “ACE” program.

scope of hearings, subpoena powers, and other matters relating to the Administrative Code Enforcement program.

9.01.150 Authority To Inspect

Enforcement Officials are hereby authorized, in accordance with applicable law and with cause, to enter upon any property or premises to ascertain whether the provisions of the Leeds Municipal Code or applicable state codes are being obeyed and to make any reasonable, lawful examination or survey necessary in the performance of enforcement duties, including, but not limited to, determining compliance with the Leeds Municipal Code or applicable state codes. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If a Property Owner or Responsible Person refuses to allow an Enforcement Official to enter property, the Town shall obtain a search warrant before entering the property.

9.01.160 False Information Or Refusal Prohibited

It shall be unlawful for any Person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with an Enforcement Official when in the performance of official duties under the provisions of this Title. A violation of this section is a Class B misdemeanor.

9.01.170 Failure To Obey A Subpoena

It shall be unlawful for any Person to willfully refuse or fail to obey a subpoena issued for an Administrative Enforcement Hearing. Failure to obey a subpoena may constitute contempt and may be prosecuted as a class B misdemeanor.

9.01.180 Power To Arrest

The Director or any designated Enforcement Official is authorized to arrest, without a warrant, any Person whenever there is reasonable cause to believe that the Person has committed a Violation in the Enforcement Official's presence. The Director or Enforcement Official can arrest a person only by issuing a misdemeanor citation or Administrative Notice.

9.01.190 Records Retention

Unless otherwise stipulated by a Town-wide records retention policy, the Town will keep all records it creates or receives regarding proceedings under this Title as follows:

1. Written communications and interoffice records for three (3) years and
2. All other records for a minimum of three (3) years.

9.02 Administrative Code Enforcement Procedures

[9.02.010 Administrative Notice](#)

[9.02.020 Notice Of Violation](#)

[9.02.030 Emergency Abatement](#)

[9.02.040 Administrative Code Enforcement Hearing](#)

9.02.010 Administrative Notice

[9.02.010.1 Purpose And Authority](#)

[9.02.010.2 Procedures For Administrative Notices](#)

[9.02.010.3 Contents Of Administrative Notice](#)

[9.02.010.4 Civil Penalties Assessed](#)

[9.02.010.5 Inspections And Compliance](#)

9.02.010.1 Purpose And Authority

The Town Council finds that there is a need for a method of enforcement for Violations that are minor in nature and not initially or generally desirable to be abated by the Town (if such abatement action is or becomes necessary). The Town Council further finds that an appropriate alternative method of enforcement for Violations of this nature is by Administrative Notice. Violations not of this nature may generally be enforced by procedures associated with a Notice of Violation, which are described in Section 17.02.020 herein. The procedures established in this subsection shall be an alternative and in addition to other administrative enforcement, including, but not limited to, a Notice of Violation; criminal; civil; or any other legal remedy established by law that may be pursued to address Violations. The utilization of an Administrative Notice is at the sole discretion of the Town.

6. Civil penalties shall be paid to the Leeds Town Treasurer.

9.02.010.5 Inspections And Compliance

It shall be the duty of the Responsible Person to request an inspection to be performed by the Town when a Violation cited by Administrative Notice has been corrected. If no inspection is requested, then it shall be deemed prima facie evidence that the Violation remains uncorrected. If more than one inspection is necessary, an inspection fee shall be assessed for each subsequent inspection.

A Violation is recognized as corrected and resolved only upon the issuance by the Town of a Notice of Compliance.

9.02.020 Notice Of Violation

9.02.020.1 Authority

9.02.020.2 Procedures For Notices Of Violation

9.02.020.3 Inspections And Compliance

9.02.020.4 Failure To Correct

9.02.020.1 Authority

Any Violation may be abated by the Town pursuant to the procedures set forth in this chapter. However, the method of enforcement described in this chapter is typically for, but not limited to, Violations that are major in nature, found to exist on real property, and generally desirable to be abated by the Town (if such abatement action is or becomes necessary). Violations less in nature than this may generally be enforced by procedures associated with an Administrative Notice, which are described in Section 17.02.010 herein. The procedures established in this chapter shall be an alternative and in addition to other administrative enforcement, including, but not limited to, an Administrative Notice; criminal; civil; or any other legal remedy established by law that may be pursued to address Violations. The utilization of a Notice of Violation is at the sole discretion of the Town.

9.02.020.2 Procedures For Notices Of Violation

Whenever an Enforcement Official determines that a Violation that is major in nature and generally desirable to be abated by the Town (if

such abatement action is or becomes necessary) has occurred or continues to exist, the Town may issue a Notice of Violation to the Responsible Person.

1. An Enforcement Official may serve a Warning Notice of such Violation on the Responsible Person. The Warning Notice should contain the information required in a Notice of Violation and provide ten (10) Days to correct the Violation.
 0. An Enforcement Official shall attempt to serve a Notice of Violation on the Responsible Person via Personal Service. When Personal Service is successful, an Enforcement Official should document the service of such notice.
 1. If Personal Service is unsuccessful, then an Enforcement Official shall serve the Notice of Violation on the Responsible Person via any of the other methods provided for in this Title.
 2. If the Violation continues on the eleventh Day after the Warning Notice, then an Enforcement Official shall serve a Notice of Violation on the Responsible Person. The Notice of Violation shall include the following information:
 0. Name of the Responsible Person.
 1. Street address or other generally accepted description of the location of Violation.
 2. Date Violation observed.
 3. Citation of all specific code sections applicable to the Violation and a description of the Violation
 4. All remedial action required to permanently correct any Violation, which may include corrections, repairs, demolition, removal, or other appropriate action.
 5. Specific date to correct the Violation.

accordance with the International Building Code, International Residential Code, the International Fire Code, and/or the Utah Health Code that requires immediate correction or elimination, the Director may exercise any or all of the following powers without prior notice to the Responsible Person:

0. Order the immediate vacation of any tenants, and prohibit occupancy until all repairs and any other necessary remedial actions are completed;
 1. Post the premises as unsafe, substandard, or dangerous;
 2. Board, fence, or secure the building or site;
 3. Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;
 4. Make any minimal emergency repairs as necessary to eliminate any Imminent Life Safety Hazard; or
 5. Take any other action appropriate to eliminate the Imminent Life Safety Hazard.
2. The Director may, based on probable cause, enter or otherwise gain necessary access to property without a search warrant or court order to accomplish the above-listed acts to abate the Imminent Life Safety Hazard.
 3. The Responsible Person shall be liable for all costs associated with the abatement of the Imminent Life Safety Hazard. Costs may be recovered pursuant to this Title.

9.02.030.2 Procedures

1. The Director shall pursue only the minimum level of correction or abatement necessary to eliminate the immediacy of a hazard. Costs incurred by the Town during the Imminent Life Safety Hazard abatement process shall be assessed and recovered against the Responsible Person, including property (real, personal, intangible or otherwise)

that is associated with the subject Imminent Life Safety Hazard.

2. The Director may also pursue any other administrative or judicial remedy to abate any remaining Violations (i.e. those that are deemed to not be Imminent Life Safety Hazards).
3. Within ten (10) Days of completion of an abatement of an Imminent Life Safety Hazard, the Town shall serve the Property Owner or Responsible Person with a Notice of Emergency Abatement.
 0. A Responsible Person has the right to an Administrative Enforcement Hearing concerning the Notice of Emergency Abatement.

9.02.040 Administrative Code Enforcement Hearing

9.02.040.1 Purpose

9.02.040.2 Request For Administrative Enforcement Hearing

9.02.040.3 Notification Of Administrative Enforcement Hearing

9.02.040.4 Appointment And Qualifications Of Hearing Officer

9.02.040.5 Powers Of Hearing Officer

9.02.040.6 Procedures At Administrative Enforcement Hearing

9.02.040.7 Failure To Attend Administrative Enforcement Hearing

9.02.040.8 Administrative Enforcement Order

9.02.040.9 Failure To Comply With Administrative Enforcement Order

9.02.040.10 Appeal

9.02.040.1 Purpose

It is the purpose and intent of the Town Council that any Responsible Person shall be afforded due process of law during the code enforcement process. Due process of law shall require adequate notice, an opportunity to request and to fully participate in any hearing, and an adequate explanation of the reasons justifying any resulting action. The following procedures are intended to establish a forum to determine if the cited Violation is valid, and if so to resolve and correct Violations fairly, in a timely manner, and efficiently while providing due process.

3. At the Written request of any party to an Administrative Enforcement Hearing, a Hearing Officer may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed helpful or necessary by the Hearing Officer to decide issues at the Administrative Enforcement Hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.
4. The Hearing Officer has jurisdiction over the subject matter of an Administrative Enforcement Hearing for the purposes of granting a continuance, ordering compliance by issuing an Administrative Enforcement Order, ensuring compliance of that order, which includes authorizing the Town to enter and abate a Violation, modifying an Administrative Enforcement Order, or, where extraordinary circumstances exist, granting a new Administrative Enforcement Hearing.
5. The Hearing Officer has jurisdiction over the subject matter of an Administrative Enforcement Hearing for the purposes of granting a continuance, ordering compliance by issuing an Administrative Enforcement Order, ensuring compliance of that order, which includes authorizing the Town to enter and abate a Violation, modifying an Administrative Enforcement Order, or, where extraordinary circumstances exist, granting a new Administrative Enforcement Hearing.

A Hearing Officer shall not make determinations as to the existence of nonconforming rights. If a Responsible Person claims a nonconforming right as a defense, the Hearing Officer shall continue the Administrative Enforcement Hearing and shall refer the matter to the appropriate Leeds Town Land Use Authority for a determination as to the existence of the nonconforming right. The Land Use Authority's decision shall be binding. The Responsible

Person shall bear the costs of the appeal petitions.

9.02.040.6 Procedures At Administrative Enforcement Hearing

1. Administrative Enforcement Hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; however, an informal exchange of discovery may be requested. Any such request shall be written. Failure to request discovery shall not be a basis for a continuance. Complainant information shall not be disclosed or released unless the complainant is a witness at the hearing. The procedure and format of the Administrative Enforcement Hearing shall follow duly adopted policies and procedures.
2. The Town bears the burden of proof to establish the existence of a Violation.
3. Such proof shall be established by a preponderance of the evidence.
4. Each party shall have the opportunity to call and cross-examine witnesses and present evidence in support of his or her case. A Written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance.
5. All Administrative Enforcement Hearings are open to the public and shall be recorded by the Town on a Town owned voice-recording device. At the discretion of the Hearing Officer, Administrative Enforcement Hearings may be held at the location of the Violation.
6. The Responsible Person shall have the right to be represented at their own expense by an attorney. If an attorney will be representing a Responsible Person at a hearing, notice of the attorney's name, address, and telephone number shall be given to the Town a least two Days prior to the hearing. If such notice is not given, the hearing may be continued at the Town's request, and all costs of the continuance shall be assessed to the Responsible Person.

9.02.040.9 Failure To Comply With Administrative Enforcement Order

It shall be unlawful for any Responsible Person to fail to comply with the terms and deadlines set forth in an Administrative Enforcement Order. A violation of this section shall be a Class B misdemeanor. The Town may use all appropriate legal means to recover the civil penalties and administrative costs incurred to obtain compliance.

9.02.040.10 Appeal

1. Any Responsible Person or the Town adversely affected by an Administrative Enforcement Order made in the exercise of the provisions of this Title may, at his or her own expense, file a petition for review in the District Court of Washington County, Utah ("the Court")
2. The petition shall be barred unless it is filed within thirty (30) Days after the Administrative Enforcement Order is final.
3. In the petition, the appellant may only allege that the Administrative Enforcement Order was arbitrary, or capricious, or illegal.
4. Within one hundred-twenty (120) Days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings that is the subject of appeal, including transcripts of hearings when necessary. A transcript of the recording shall be deemed a true and correct transcript for purposes of this subsection. The Town shall not submit copies of files or transcripts to the Court until the party petitioning for appeal has paid all required costs. The petitioning party's failure to properly arrange for copies of the record or to pay the full costs for the record, within one hundred-eighty (180) Days after the petition for review was filed shall be grounds for dismissal of the petition.

0. If a transcript of a hearing cannot be prepared because a tape recording is incomplete or

unintelligible, the Court may, in its discretion, remand the matter to the Hearing Officer for a supplemental proceeding to complete the record. The Court may limit the scope of the supplemental proceeding to issues that, in the Court's opinion, need to be clarified.

5. Court review shall be limited to the record of the proceeding. The Court may not accept or consider any evidence outside such record unless that evidence was offered to the Hearing Officer and the Court determines that it was improperly excluded by the Hearing Officer.
6. The Court shall:
 0. Presume that the Administrative Enforcement Order is valid;
 1. Review the record to determine whether the Administrative Enforcement Order was arbitrary, capricious, or illegal; and
 2. Affirm the Administrative Enforcement Order if it is supported by substantial evidence.

The filing of a petition for review to the Court does not stay execution of an Administrative Enforcement Order. Before filing a petition for review, a Responsible Person may request the Hearing Officer for a stay of the Administrative Enforcement Order. Upon receipt of a request to stay, the Hearing Officer may order the Administrative Enforcement Order to be stayed pending Court review if the Hearing Officer finds such stay to be in the best interest of the Town.

0.03 Administrative And Judicial Remedies

9.03.010 Recordation Of Notices Of Violation;

Notices Of Compliance

9.03.020 Administrative Civil Penalties

9.03.030 Administrative Abatement

9.03.040 Costs And Fees

9.03.010 Recordation Of Notices Of Violation;
Notices Of Compliance

2. All assessed civil penalties have been paid; and
3. All assessed costs and administrative fees have been paid.
3. The Town shall record the Notice of Compliance with the Washington County Recorder's Office, if the related Notice of Violation was recorded. Recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.
4. If after inspection, the Director determines that the property fails to meet the requirements for a Notice of Compliance, the Director shall, upon Written request from the Responsible Person or the Property Owner, provide a Written explanation setting forth the reasons for failure to qualify for a Notice of Compliance. The Written explanation shall be served by any of the methods of service listed in this Title.
5. No delay or omission on the part of the Town to exercise any right or power accruing upon any Violation shall impair any such right or power or shall be construed to be a waiver of any such Violation or acquiescence therein and such right and power may be exercised as often as may be deemed expedient. The Town's issuing of a Notice of Compliance in any instance shall not constitute continuing consent to subsequent instances and in all cases a Notice of Compliance may be granted or withheld at the sole discretion of the Town. No prior Notice of Compliance shall affect any subsequent Violation or shall impair any of the Town's rights or remedies on said subsequent Violation. Every substantive right and every remedy conferred upon the Town may be enforced and exercised as often as may be deemed expedient.

9.03.010.7 Prohibition Against Issuance Of Municipal Permits

The Town may withhold or suspend business licenses; permits for kennels; or permits for any alteration, repair, or construction pertaining to

any existing or new structures or signs on a property on which a Violation exists, or any permits pertaining to the use and development of the real property or the structure where a Violation is located. The Town may withhold such permits until the Director has issued a Notice of Compliance. The Town may not withhold permits necessary to obtain a Notice of Compliance or to correct serious health and safety Violations.

9.03.020 Administrative Civil Penalties

9.03.020.1 Authority

9.03.020.2 Procedures For Assessing Civil Penalties

9.03.020.3 Determination Of Civil Penalties

9.03.020.4 Modification Of Civil Penalties

9.03.020.5 Failure To Pay Penalties

9.03.020.1 Authority

1. Any Person may be subject to the assessment of civil penalties for each Violation.
2. Each and every Day a Violation exists is a separate Violation subject to the assessment of civil penalties.
3. Civil penalties cannot be assessed when a criminal case has been filed for the same date and Violation, because fines will be assessed with the criminal case.
4. Civil penalties for Violations shall be assessed pursuant to the Town's fee schedule.
5. Interest shall be assessed per Town policy on all outstanding civil penalties balances until the case has been paid in full.

9.03.020.2 Procedures For Assessing Civil Penalties

1. If a Responsible Person fails to bring a Violation into compliance within ten Days of service of a Notice of Violation, civil penalties shall be owed to the Town for each and every subsequent Day of violation.

9.03.040 Costs And Fees

9.03.040.1 Purpose And Introduction

9.03.040.2 Authority

9.03.040.3 Failure To Timely Pay Costs

9.03.040.4 Administrative Fees

9.03.040.5 Injunctions

9.03.040.6 Performance Bonds

9.03.040.7 Recovery Of Administrative Code Enforcement Penalties And Costs

9.03.040.1 Purpose And Introduction

There are three primary categories of costs and fees associated with this Title, as follows:

1. Costs: These are direct costs the Town incurs in carrying out the abatement of Violations, inspection and re-inspection fees, filing fees, attorney fees, Hearing Officer fees, title search, and any additional actual costs incurred by the Town for each individual case.
 0. The Town Council finds that costs incurred by Enforcement Officials and the Town to correct Violations should be recovered from the Responsible Person.
 1. The Town Council further finds that the assessment of costs is an appropriate method to recover costs.
 2. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil fees, penalties or fines for Violations.
2. Administrative fees: These are expenses incurred in the administration of this Administrative Code Enforcement program, such as, but not limited to, investigation of Violations, preparation for hearings, hearings and the collection process.
3. Administrative civil penalties: These are penalties or fines assessed for a Violation, separate from costs and administrative fees associated with the same.

9.03.040.2 Authority

1. Whenever the Town incurs costs to enforce the Town Code and applicable state codes, the Town may assess such costs against the Responsible Person, including property (real, personal, intangible, or otherwise) that is associated with a Violation.
2. If more than one inspection is necessary with respect to a Violation, then an inspection fee may be assessed for each subsequent inspection.
 0. Notification of re-inspection fees shall be provided in the Notice of Violation served to the Responsible Person.
 1. Re-inspection fees assessed or collected pursuant to this subsection should not be included in any other costs assessed, but should be itemized separately.
 2. The failure of any Responsible Person to receive notice of the re-inspection fees shall not affect the validity of any other fees imposed under this subsection.

9.03.040.3 Failure To Timely Pay Costs

The failure of any Person to pay assessed costs by the deadline specified in a Notice of Itemized Bill for Costs shall result in a daily late fee calculated on a simple basis (non-compounding) at the rate of one and one-half percent per month on the unpaid balances.

9.03.040.4 Administrative Fees

The Director or Hearing Officer is authorized to assess administrative fees for costs incurred in the administration of this Administrative Code Enforcement program, such as investigation of Violations, preparation for hearings, hearings and the collection process. The fees assessed shall be the amount set in the Town fee schedule.

9.03.040.5 Injunctions

As a civil judicial remedy available to the Town in addition to any other remedy provided under the Town Code or state codes, including administrative remedies or criminal prosecution, any provision of the Town Code may be

enforcement tax lien as permitted by law, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Director shall record a Notice of Compliance. The Notice of Compliance shall include the same information as provided for in the original code enforcement tax lien and shall cancel the code enforcement tax lien.

2. **Writ Of Execution.** After obtaining a judgment, the Town may collect the associated obligation by use of all appropriate legal means. This may include the execution on personal property owned by the Responsible Person by filing a writ with the applicable court.
3. **Writ Of Garnishment.** After obtaining a judgment, the Town may collect the associated obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.
4. **Allocation Of Civil Penalties.** Collected civil penalties shall be deposited in the General Fund of the Town. Civil penalties deposited in this fund may be allocated pursuant to the Town's budget process and as authorized by applicable law. The Town shall establish accounting procedures to ensure proper account identification, credit, and collection.

TOWN OF LEEDS

CONSOLIDATED FEE SCHEDULE

Revised by Ordinance 2016-08

Effective Date: December 15, 2016

If review of an application or permit by outside professional service providers is required (in the Town's sole discretion) the Town will provide an estimate of such costs to the applicant. Upon the applicant's payment of the estimated cost, the professional services will be provided. Final issuance of the approval or permit requested will not be given until payment in full of the actual cost of professional services is received by the Town.

1. ADMINISTRATION

a. Certified Mail	\$5.00
b. Certified Mail regarding delinquent account	\$10.00
c. Copies — Customer Provided	
1) 8.5" x 11"	\$.10 per page
2) 8.5" x 14"	\$.15 per page
3) 11" x 17"	\$.20 per page
d. Copies — Legal / Official Documents	
1) 8.5"x 11"	\$.20 per page
2) 8.5" x 14"	\$.30 per page
3) 11" x 17"	\$.40 per page
4) Electronic Copy of Public Meeting	\$30.00 each
e. Copies — Maps	
1) 8.5" x 11" Black and White	\$5.00
2) 8.5" x 11" Color	\$7.00
3) 11" x 17" Black and White	\$8.50
4) 11" x 17" Color	\$10.00
5) 17" x 22" Black and White	\$12.00
6) 17" x 22" Black and White	\$15.00
f. Fax Transmissions	
1) 1 st page sending or receiving	\$2.00
2) Each additional page	\$1.00 each
g. GRAMA Requests	
1) Request must be in writing, using GRAMA Request Form	
2) Once request is received, the Town Office has ten (10) days to fill the request	
3) First 15 minutes of research time	No Charge
4) After initial 15 minutes	\$20.00 per hour
5) Applicant will pay for all additional expenses associated with the government records request, including research, supplies to grant the request, travel expenses, professional fees etc.	
h. Notary Service	
1) Resident of Leeds	No Charge
2) Non-Resident	\$5.00 per signature
i. Return Check Fee	
1) Any returned check	\$25.00 per item
2) Certified Mail to notify of delinquent account	\$10.00
j. Staff /Administration Time	\$30.00 per hour

2. PROFESSIONAL FEES (Attorney, Engineer, other) Actual Cost to Town

TOWN OF LEEDS

CONSOLIDATED FEE SCHEDULE

Revised by Ordinance 2016-08

Effective Date: December 15, 2016

7. PARKS AND BUILDING USE

- a. Peach Pit Pavilion
 - 1) Cleaning Deposit (Refundable, within 7 days) \$50.00
 - 2) Rental to Town of Leeds Residents (Non-Refundable)
 - 4 hours or less, each day \$25.00
 - Over 4 hours, each day \$50.00
 - 3) Rental to Non-Residents (Non-Refundable)
 - 4 hours or less, each day \$50.00
 - Over 4 hours, each day \$100.00
 - 4) Rental to Non-Profit Organizations No Charge
- b. Building Rental as allowed by Town Resolutions
- c. Festival Booth Fees \$35.00 for 10X10 non-electric, \$55.00 with power

8. PERMITS

- a. Encroachment Permit (Ordinance 2007-08)
 - 1) Application Fee \$125.00
 - 2) Completion Guarantee Deposit
 - Pavement Surface (including chip/seal) \$3,000.00 up to 70 sq. ft.
 - Pavement Surface (including chip/seal) \$45.00 per sq. ft. over 70 sq. ft.
 - Gravel Surface \$6.00 per sq. ft.
 - Unimproved Surface \$3.00 per sq. ft.
- b. Handbill Permits
 - 1) Permit \$30.00
 - 2) Cleanup Bond (Refundable within 7 days) \$200.00
 - 3) Non-Profit Organizations \$1.00
 - 4) Open Air Display Permit \$125.00
- c. Peddler, Solicitor, or Itinerant Permit
 - 1) Per Week \$100.00
 - 2) Per Year \$400.00
- d. Sign Permits
 - 1) Permanent, Each \$50.00
 - 2) Temporary, Each \$25.00
 - 3) Special Event Permit \$100.00

9. PLANNING / DEVELOPMENT FEES (Non-Refundable)

- a. Annexation Application \$800.00
- b. Development and/or Annexation Agreement \$500.00
- c. Appeal Application \$550.00
- d. Conditional Use Permit (Ordinance 2008-04; 7.5.)
 - 1) Category 1 \$100.00
 - 2) Category 2 \$350.00
 - 3) Category 3 \$650.00
 - 4) Category 4 \$1,000.00
- e. General Plan Amendment Application \$1,000.00
- f. Hillside Permit Review \$200.00
- g. Lot Line Adjustment \$200.00
- h. Ordinance Amendment Application \$1,000.00
- i. Sign Review Board \$100.00



Toquerville City Consolidated Uniform Fee Schedule

Please refer to Toquerville City Resolution 2023.02 for more information.

Administration	Fee
Request and Research	\$ 1.00 Per Page + Employee wage per state code
Photocopies	\$.10 Per Page
Standards and Specifications	\$ 30.00
General Plan	\$ 40.00
Returned Check Fee	\$ 20.00

Building Department	Fee
Building Permit Fees (Includes inspections & first re-inspections)	
Residential	Based on current Building Valuation Data (BVD) issued by the ICC – multiplied by .85
Commercial / Industrial	Based on current Building Valuation Data (BVD) issued by the ICC – multiplied by .85
Accessory Building	Based on current Building Valuation Date (BVD) issued by the ICC – multiplied by .85
Solar	\$ 300.00 flat rate
Swimming Pool	\$ 300.00 flat rate
Plan Review Fees	
Residential (single family detached only)	\$ 250.00 flat rate
Commercial / Industrial (including multi-family residential)	Actual fee charged by 3 rd party plan review company (fee quoted prior to commencement)
Accessory Building	\$ 150.00 flat rate
Solar	\$ 100.00 flat rate
Swimming Pool	\$ 100.00 flat rate
Clean-up Deposit	\$ 1,000.00
Water Meter Installation	\$ 150.00
Additional Re-Inspection Fee (beyond first re-inspection)	\$ 125.00 per each re-inspection
Washington County HCP (endangered species) Fee	\$ 250.00 per acre @ Final Plat; and Plus \$ 25.00 Administrative Cost of Collection and 0.2% Total Value of Construction for Reporting Fee, payable to Toquerville City, Residential, Commercial & Industrial. Building Permit Requests Paid at Application
Floodplain Compliance Review	\$ 350.00 flat rate

Business License	Fee
Business License	\$ 50.00 Calendar Year (to Dec. 31 st)
	\$ 25.00 Partial Year Fee
Late Fee (assessed after Dec. 31 & before March 1)	\$ 20.00
Business Sign Application Fee	\$ 35.00
Special Event Permit	\$ 100.00* for 100 or less attendees
	\$ 200.00* for 200 attendees
	\$ 300.00* for 300+ attendees
	*Plus additional deposit fees assessed by Staff

Spayed or neutered dog	\$ 10.00 first 2 dogs (each)
Third dog	\$ 25.00
Fourth dog	\$ 30.00
Late fee (in addition to above)	\$ 20.00
Replacement of lost tags	\$ 5.00
Kennel License for over four dogs or cats	\$ 150.00 (does not require a business license)
Kennel License for breeding with two dogs or cats	\$ 150.00 (This requires a business license)
Impound fees will be set by the entity of Contract or Agreement	

Land Use Fees:

Master / General Plan Amendment Application	\$ 1,000.00
Zone Amendment Application	\$ 1,200.00 + Master Plan Change Fee (when applicable)
Special Meeting Request – by Applicant	\$ 500.00 (No charge for City error)
Appeal Authority – Variance Application	\$ 550.00 Plus additional fees assessed*
Appeal Authority – Notice of Appeal	\$ 800.00 Plus additional fees assessed*
Annexation Application	\$ 1,200.00 Plus additional fees assessed*
Nightly Rental Application	\$ 400.00 Plus additional fees assessed*
Conditional Use Permit Application	\$ 400.00 Plus additional fees assessed*
Conditional Use – Animal / Livestock Permit (Must comply with current animal ordinance)	\$ 25.00 Plus additional fees assessed*
Home Occupation Permit	\$ 125.00 Plus additional fees assessed*
Extraction Permit Application	1,500.00 Plus additional fees assessed*
Residential Care Facility Permit Application	\$ 500.00 Plus additional fees assessed*
Grading Permit Application	\$ 300.00 Plus additional fees based on UBC 1997 Calculation. Table A-33-A Grading Plan Review Fees & A-33-B Grading Permit Fees*
Land Use Inspection Requests – Additional (Not Included in Permits)	\$ 45.00
Lot Line Adjustment Application	\$ 500.00 / \$ 200.00 Plus additional fees assessed*
Floodplain Development Review	\$ 600.00 minimum (hourly thereafter)
Street Identification Change	\$ 500.00 minimum Plus additional fees assessed*
Public Improvement Inspection Fee	Fee assessed on a per project basis

Park Pavilion and Ball Field Fees – No rentals shall be made for holidays per Resolution 2016.12

Deposit per Ball Field or Pavilion	\$ 75.00		
Deposit for reserving both Ball Field and Pavilion	\$ 150.00		
	BALL FIELD	PAVILION	BOTH
Local – 4 hours	\$ 50.00	\$ 35.00	\$ 85.00
Local – 8 hours	\$ 75.00	\$ 75.00	\$ 125.00
Non-Local – 4 hours	\$ 90.00	\$ 60.00	\$ 150.00
Non-local – 8 hours	\$ 150.00	\$ 80.00	\$ 200.00
Local league – 4 hours	\$ 30.00		
Local league – 8 hours	\$ 60.00		
Local league – Each season	\$ 18.00 per team / per game – payable prior to season		
Non-local league – 4 hours	\$ 180.00		
Non-local league – All day tournament (per day)	\$ 375.00		
Non-local league – 12 games	\$ 400.00 per team		
Additional field prep, 1 each	\$ 150.00 (maximum of 2)		
Ball Field Lights – per hour	\$ 15.00		
Renting propane portable griddle (for use at Pavilion only)	\$ 50.00 with \$300.00 refundable deposit		
Churches, Boy & Girl Scouts, Neighborhood Watch, Government or Quazi-Government organizations, and other organizations specifically sponsored by the City of Toquerville are exempt from rental fees, but deposit fees may apply. The exemption will apply for 3 days per year. If further use is required, the normal rental fees will apply. City sponsored entities may be exempt from the 3-day limitation.			

	\$15.00 per 1,000 gallons from 20,001 and higher. *Rate determined by Ash Creek SSD
Sewer	
Garbage / Blucan	*Rate determined by Wash Co. Solid Waste District
WCWCD Surcharge	*Rate determined by Wash Co. Water District
Billing Late Fees (on Monthly Past Due Balance, After 20 th Day)	5%
Plus – Fee for “SHUT-OFF” Notice is Applicable.	\$ 10.00
Water Reconnect Fee (Locked out meter)	\$ 100.00
Water/Utility Service Termination or New Application	No Fee (Simultaneous moving in or out)
New Service Application Deposit	\$300.00 Refundable Deposit
Culinary Water Standby Fee for Non-User (No Meter to Property) Application Required	\$ 5.00 Monthly
Culinary Water Meter Request, Existing Connection (Building Permit)	\$ 500.00

***General Notes**

Professional Fees: The City engages professionals, such as attorneys and engineers, to conduct reviews of applications, permits, plat maps and other matters or documents not specifically listed herein. The costs of these professional services vary, depending on the specific application, permit, plat map or document / matter reviewed. The City shall estimate fees in addition to those listed above to cover the costs of these professional services, payment for services / reviews required at the time of application.

Publication & Associated Expense Fees: The actual cost of any required publication of notice and / or mailing of notice as required under any Title of the Toquerville City Code or the Utah Municipal Land Use, Development and Management Act must be paid by the applicant as a condition precedent to any corresponding land use application / permit approval. The applicant is also responsible for any associated costs and expenses the City may incur in relation to processing land use application or permit, including but not limited to: updating of the City’s zoning map and GIS data, General Plan amendments, special meeting noticing and additional staff fees and research fees. Applicant will be sent an invoice for all said charges from the City, due and payable upon receipt.

Timing of Payment of Application Fees: All application fees set forth above must be paid at the time of submission of the application. No initial review of any application will occur until payment of the application fee has been rendered.

Non-Refundability of Fees: All fees set forth above are non-refundable, except at the discretion of the City Council.



CITY OF HURRICANE

FEE SCHEDULE

Administrative Fees

Copies of tapes or CDs:	\$10.00
Government Records Access Management Act (GRAMA) Request: To be determined on an individual basis per UCA 63-2-203	
Park rental:	No fee required at this time – Please call City office to reserve
Photocopies:	\$0.25 for 8 ½ x 11 single sided \$0.30 for 8 ½ x 14 single sided \$0.50 for 11 x 17 single sided
Returned check fee:	\$20.00

Business Licenses

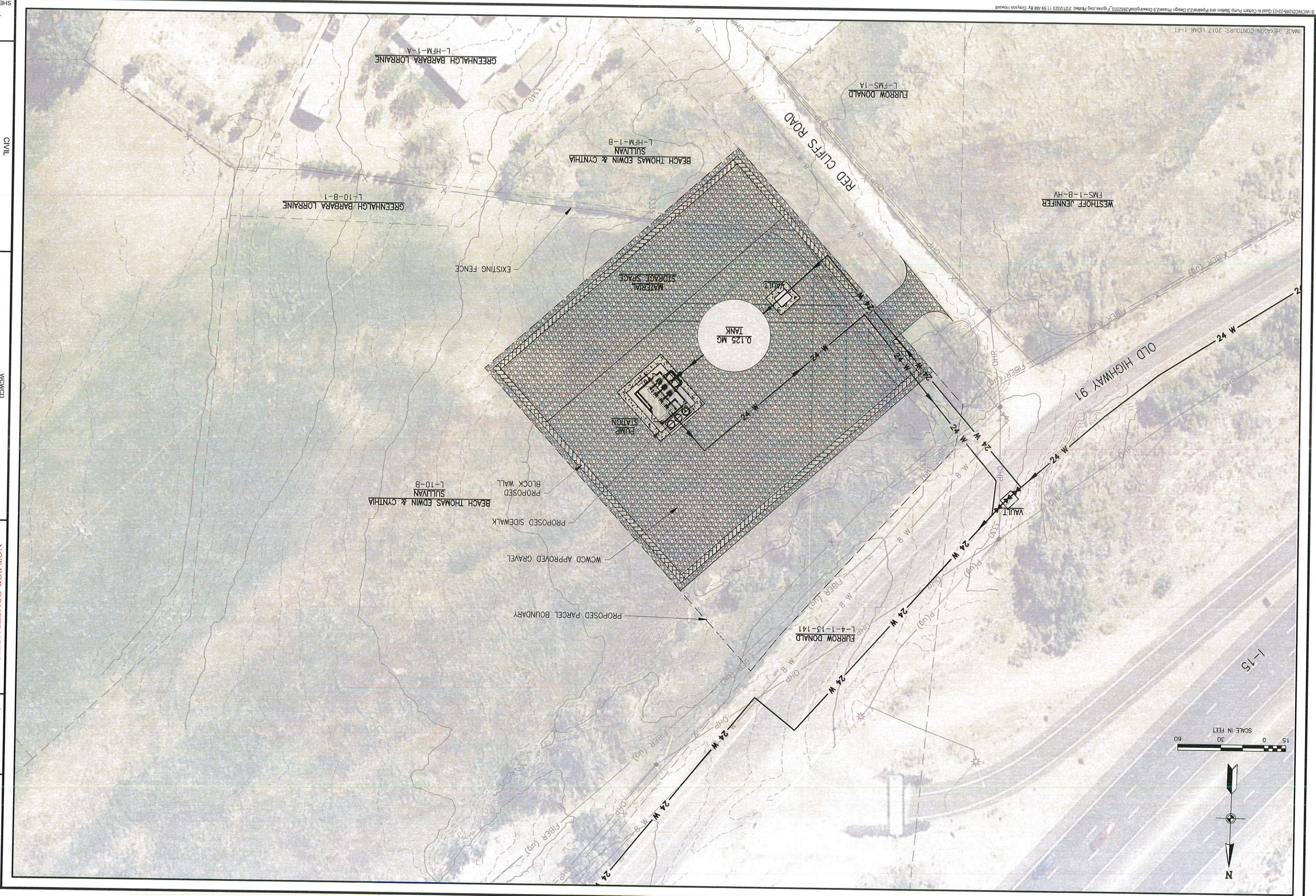
Beer License:	\$300.00
Application:	\$50.00
Business License:	\$300.00
Business License:	\$100.00
Application:	\$25.00
Business License Late Fee:	\$20.00 every 30 days
Solicitor with City License:	\$15.00
With no City License:	\$180.00
BCI (background check):	\$30.00
Transient Merchant License:	\$50.00/day or \$150.00 for 8 consecutive days

Cemetery Rates

Open/Close:	\$200.00 Weekdays \$300.00 Saturdays and Holidays
Cremaains / Infant:	\$100.00 Weekdays \$150.00 Saturdays and Holidays
Resident Lots:	\$350.00 (includes \$200.00 lot + \$150.00 perpetual care)
Non-Resident Lots:	\$550.00 (includes \$400.00 lot + \$150.00 perpetual care)
Resident Cremaains or Infant Lots:	\$175.00
Non-Resident Cremaains or Infant Lots: (If full-sized vault not required)	\$275.00
Exhumation:	\$1,000.00 Weekdays only. County Coroner may have separate fees.

Dog Licenses & Impound Fees

Owner Release Fee:	Dog:	\$25.00
	Cat:	\$15.00
Euthanasia Fee:	30 lbs or less:	\$30.00
	30-50 lbs:	\$50.00
	50 lbs or more:	\$60.00
	Additional \$10.00 for home visit, special handling or out of area emergency	
Adoption Fee:	Dog:	\$30.00
	Cat:	\$20.00



MAPS: HEALON, CONTOURS: 2017 LDMR: 1-FT

S:\WC\025-22-03\Qual to Cottam Pump Station and Pipeline\2 Design Phase\2 Design Phase.dwg 2/27/2023 11:59 AM BY: Clayton Howard

CIVIL

LEEDS PUMPSTATION

DATE: FEBRUARY 2023
 PROJECT NUMBER: 295-22-03

SHEET 01 OF 01
 DRAWING NO. 1-1

QUAL TO COTTAM PUMP STATION AND PIPELINE PROJECT

DESIGN: A. ANDERSON
 DRAWN: G. HOWARD

REVIEW: A. ANDERSON
 APPROVED: A. ANDERSON

NOT FOR CONSTRUCTION FOR REVIEW ONLY

VERIFICATION SCALE: BAR IS ONE INCH ON ORIGINAL DRAWING

NO.	DATE	REV. BY	DESCRIPTION

