



ORDINANCE 118-2014

AN ORDINANCE AMENDING TITLE 10 OF THE SALINA CITY ORDINANCES AND SPECIFICALLY SECTION 10.3.3

WHEREAS, the governing body of Salina City has determined that to promote the health and welfare of its citizens it is appropriate to amend section 10.3.3 of its ordinances governing the provisions for prohibiting heavy vehicles from Salina's Streets.

**BE IT ORDAINED BY THE CITY COUNCIL OF SALINA CITY, SEVIER COUNTY,
STATE OF UTAH, AS FOLLOWS:**

SECTION 1. Preamble: The recitals in the Preamble are enacted to be deemed a part of this Ordinance and are hereby declared to express the intent hereof.

SECTION 2. Section 17.105.2 is amended or replaced with the following:

Notice of Violation and Right to a Hearing. Any person violating any provision of this Ordinance shall be given written notice specifying the violation and **requesting** that the violation **be rectified or that a notice be filed with the City Recorder detailing a plan of action to rectify the violation**, within twenty-eight (28) days from the date of said notice.

The written notice shall state what action the Code Enforcement Officer intends to take if the violation is not corrected. The written notice shall include information regarding the warning period and shall serve to start the warning period.

In cases when delay and enforcement will seriously threaten the effective enforcement of this Ordinance, or pose a danger to the public health, safety or welfare, the Code Enforcement Officer may seek enforcement without prior written notice by invoking any of the penalties authorized in this Ordinance.

If the violation remains uncured within five (5) days of the expiration of the warning period, a second notice of violation shall be delivered in the same manner as the first notice **demanding that the violation be rectified within twenty-eight (28) days from the date of said notice**. The second notice shall serve to start civil penalties provided herein.

Following the issuance of notice described above, a person so notified shall have the right to request a hearing before a hearing officer for a re-evaluation of the alleged violation. Such request for re-evaluation shall be made in writing and delivered to the City Recorder within twenty-eight (28) days from the date of first notice.

The decision of a hearing officer may be appealed to the Board of Adjustments. Notice of appeal must be filed with the City Recorder within ten (10) days from the date of the decision of the hearing officer.

All notices and citations required herein shall be deemed sufficient if delivered or mailed by regular mail, postage prepaid, and in the case of an absentee owner addressed to such owner at his last known address as disclosed by the records of the County Assessor.

Section 17.105.3 is amended or replaced with the following:

Penalty. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall be punishable as ~~an infraction~~ **Class C Misdemeanor**.

This Ordinance may also be enforced by injunction, mandamus, abatement, civil penalties or any other appropriate action in law or equity.

Each day that any violation continues after notification by the Code Enforcement Officer that such violation exists shall be considered a separate offense for purposes of the penalties and remedies available.

Accumulation of penalties for violations, but not the obligation for payment of penalties already accrued, shall stop at the time of the correction of the violation.

Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance and the use of one remedy shall not preclude the City from the use of other remedies as to the same condition or property owner.

SECTION 3. No other sections or provisions of the Code shall be affected.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon adoption, posting and publication of a Summary in the Salina Sun as provided in § 10-3-711, Utah Code Annotated 1953, as amended.

PASSED AND APPROVED this 24th day of September, 2014

CITY OF SALINA

By _____
Dustin Deaton, Mayor

Council Voting "AYE"

ATTEST:

Council Voting "NAY"

Sherri Westbrook, City Recorder

(SEAL)