

**SPANISH FORK CITY
ORDINANCE 12-21**

**AN ORDINANCE VARIOUS SECTIONS OF THE SPANISH FORK MUNICIPAL
CODE RELATED TO CIVIL CODE ENFORCEMENT PENALTIES**

NOW THEREFORE, be it ordained by the Council of the Spanish Fork City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “8.20.020 Abatement By City” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.20.020 Abatement By City

AFTER AMENDMENT

8.20.~~020~~030 Abatement By City

SECTION 2: **AMENDMENT** “8.20.030 Right To Hearing And Appeal” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.20.030 Right To Hearing And Appeal

AFTER AMENDMENT

8.20.~~030~~040 Right To Hearing And Appeal

SECTION 3: **AMENDMENT** “8.20.040 Inspector” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.20.040 Inspector

AFTER AMENDMENT

8.20.~~040~~050 Inspector

SECTION 4: AMENDMENT “8.20.050 Governmental Immunity” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.20.050 Governmental Immunity

AFTER AMENDMENT

8.20.~~050~~060 Governmental Immunity

SECTION 5: ADOPTION “5.04.080 Violations” of the Spanish Fork Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.04.080 Violations (Non-existent)

AFTER ADOPTION

5.04.080 Violations(*Added*)

5.04.160 Violations

Violations of this Chapter may be dealt with administratively with the service of a notice of administrative violation and subject to a fine or charged criminally as a Class C misdemeanor. Any violation of any section of Chapter may result in the owner of the property receiving a notice of administrative violation with fines being assessed as follows:

1. \$500.00 for the first offense which may be reduced to \$100.00 if the violation is cured to the City’s satisfaction within ten (10) days after the date of notice;
2. \$500.00 for the second offense which may be reduced to \$300.00 if the violation is cured to the City’s satisfaction within ten (10) days after the date of notice; and
3. \$500.00 for the third offense and every offense thereafter.

If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively, they shall receive a citation to court.

SECTION 6: **AMENDMENT** “5.04.080 Display” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.04.080 Display

- A. Every certificate of license issued under this section shall be posted by the licensee in a conspicuous place upon the wall of the building, room, or office of said place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of said business, then the licensee shall carry the license on his person ready to be displayed upon request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.
- B. A violation of any provision of this section is punishable as a Class C misdemeanor.

AFTER AMENDMENT

5.04.080 Display

- A. Every certificate of license issued under this section shall be posted by the licensee in a conspicuous place upon the wall of the building, room, or office of said place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of said business, then the licensee shall carry the license on his person ready to be displayed upon request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.
- ~~B. A violation of any provision of this section is punishable as a Class C misdemeanor.~~

SECTION 7: **AMENDMENT** “5.08.010 Defined - License Required” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.08.010 Defined - License Required

An auctioneer as contemplated in this chapter is a person who conducts a public competitive sale of property by outcry to the highest bona fide bidder. An auctioneer's license administrative fee shall be \$50.00 per day. It is an infraction for any person to engage in the business of an auctioneer within the City without first procuring a business license to do so as provided in Chapter 5.04 of this title. Such auctioneer shall execute a bond to the City, with corporate surety in the sum of \$1,000.00, conditional for the faithful observance of all laws and ordinances of the City and the honest performance of all duties required by ordinance, and the protection of all persons dealing with such auctioneer against all fraud, deception, and imposition, said bond to be approved by the City Council and filed with the Community Development Director, or designee.

(Ord. No. 18-09, Amended 11/03/2009)

AFTER AMENDMENT

5.08.010 Defined - License Required

An auctioneer as contemplated in this chapter is a person who conducts a public competitive sale of property by outcry to the highest bona fide bidder. An auctioneer's license administrative fee shall be \$50.00 per day. It is ~~an infraction~~ a violation for any person to engage in the business of an auctioneer within the City without first procuring a business license to do so as provided in Chapter 5.04 of this title. Such auctioneer shall execute a bond to the City, with corporate surety in the sum of \$1,000.00, conditional for the faithful observance of all laws and ordinances of the City and the honest performance of all duties required by ordinance, and the protection of all persons dealing with such auctioneer against all fraud, deception, and imposition, said bond to be approved by the City Council and filed with the Community Development Director, or designee.

(Ord. No. 18-09, Amended 11/03/2009)

SECTION 8: AMENDMENT “5.08.060 Violation” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.08.060 Violation

Every person who violates any provision of this chapter is guilty of an infraction.

AFTER AMENDMENT

5.08.060 Violation

~~Every person who violates any provision of this chapter is guilty of an infraction.~~

Violations of this Chapter may be dealt with administratively with the service of a notice of administrative violation and subject to a fine or charged criminally as an infraction. Any violation of any section of Chapter may result in the owner of the property receiving a notice of administrative violation with fines being assessed as follows:

1. \$500.00 for the first offense which may be reduced to \$100.00 if the violation is cured to the City's satisfaction within ten (10) days after the date of notice;
2. \$500.00 for the second offense which may be reduced to \$300.00 if the violation is cured to the City's satisfaction within ten (10) days after the date of notice; and
3. \$500.00 for the third offense and every offense thereafter.

If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively, they shall receive a citation to court.

SECTION 9: AMENDMENT “5.20.160 Violation” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.20.160 Violation

Any person violating any of the provisions of this Chapter is guilty of a Class B misdemeanor.

AFTER AMENDMENT

5.20.160 Violation

~~Any person violating any of the provisions of this Chapter is guilty of a Class B misdemeanor.~~

Violations of this Chapter may be dealt with administratively with the service of a notice of administrative violation and subject to a fine or charged criminally as a Class B misdemeanor. Any violation of any section of Chapter may result in the owner of the property receiving a notice of administrative violation with fines being assessed as follows:

1. \$500.00 for the first offense which may be reduced to \$100.00 if the violation is cured to the City's satisfaction within ten (10) days after the date of notice;
2. \$500.00 for the second offense which may be reduced to \$300.00 if the violation is cured to the City's satisfaction within ten (10) days after the date of notice; and

3. \$500.00 for the third offense and every offense thereafter.

If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively, they shall receive a citation to court.

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SECTION 10: AMENDMENT “5.36.100 Remedies And Violations” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.36.100 Remedies And Violations

- A. Signs placed on public property or in public rights-of-ways may be removed without notice.
- B. Violations of this Chapter are Class C Misdemeanors.
- C. If any provision of this Chapter on signs is held by a court of lawful jurisdiction to be illegal or unconstitutional, the remaining provisions shall remain in full force and effect. In the event that the entire Chapter is held to be illegal or unconstitutional, all signs are prohibited, except for government signs. In such event, existing signs shall be removed within 60 days.

(Ord. No. 06-05, Enacted 06/07/2005) (Ord. No. 07-06, Amended 07/18/2006) (Ord. No. 06-13, Amended 05/07/2013) (Ord. No. 17-14, Amended 11/18/2014) (Ord. No. 07-16, Chapter 36 repealed and re-enacted 05/17/2016)

AFTER AMENDMENT

5.36.100 Remedies And Violations

- A. Signs placed on public property or in public rights-of-ways may be removed without notice.
- ~~B.~~ Violations of this Chapter ~~are Class C Misdemeanors.~~ may be dealt with administratively with the service of a notice of administrative violation and subject to a fine or charged criminally as a are Class C Misdemeanor. s. Any violation of any section of Chapter may result in the owner of the property receiving a notice of administrative violation with fines being assessed as follows: 1. \$500.00 for the first offense which may be reduced to \$100.00 if the violation is cured to the City’s satisfaction within ten (10) days after the date of notice; 2. \$500.00 for the second offense which may be reduced to \$300.00 if the violation is cured to the City’s satisfaction within ten (10) days after the date of notice; and 3. \$500.00 for the third offense and every offense thereafter. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively, they shall

receive a citation to court.

C. If any provision of this Chapter on signs is held by a court of lawful jurisdiction to be illegal or unconstitutional, the remaining provisions shall remain in full force and effect. In the event that the entire Chapter is held to be illegal or unconstitutional, all signs are prohibited, except for government signs. In such event, existing signs shall be removed within 60 days.

(Ord. No. 06-05, Enacted 06/07/2005) (Ord. No. 07-06, Amended 07/18/2006) (Ord. No. 06-13, Amended 05/07/2013) (Ord. No. 17-14, Amended 11/18/2014) (Ord. No. 07-16, Chapter 36 repealed and re-enacted 05/17/2016)

SECTION 11: ADOPTION “8.20.020 Penalties” of the Spanish Fork Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

8.20.020 Penalties (Non-existent)

AFTER ADOPTION

8.20.020 Penalties (*Added*)

8.20.010 Penalties Violations of this Chapter may be dealt with administratively with the service of a notice of administrative violation and subject to a fine or charged criminally as an infraction. Any violation of any section of this Chapter may result in the owner of the property receiving a notice of administrative violation with fines being assessed as follows: A. \$500.00 for the first offense which may be reduced to \$100.00 if the weeds, garbage, refuse, unsightly and deleterious objects are abated to the City’s satisfaction within ten (10) days after the date of notice; B. \$500.00 for the second offense which may be reduced to \$300.00 if the weeds, garbage, refuse, unsightly and deleterious objects are abated to the City’s satisfaction within ten (10) days after the date of notice; and C. \$500.00 for the third offense and every offense thereafter. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively, they shall receive a citation to court.

SECTION 12: AMENDMENT “8.24.050 Notice And Violation” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.24.050 Notice And Violation

A person who violates any section of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

Prior to bringing any criminal action for violating any of the sections under this Chapter, the City shall first cause a notice to be sent to the person owning, occupying, or having charge of the premises directing the clean-up to be completed and allowing thirty (30) days for the same to be accomplished. An Administrative Notice of Violation causes the thirty (30) days to start to run. (Ord. No. 05-15, Amended 02/03/2015) (Ord No. 12-15, Renamed 06/16/2015) (Ord. No. 13-16, Amended 08/16/2016) (Ord. No. 12-16, Amended 08/16/2016)

AFTER AMENDMENT

8.24.050 Notice And Violation

~~A person who violates any section of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire.~~ Violations of this Chapter may be dealt with administratively with the service of a notice of administrative violation and subject to a fine or charged criminally as an infraction. Any violation of any section of this Chapter may result in the owner of the property receiving a notice of administrative violation with fines being assessed as follows: A. \$500.00 for the first offense which may be reduced to \$100.00 if the nuisance is abated to the City's satisfaction within ten (10) days after the date of notice; B. \$500.00 for the second offense which may be reduced to \$300.00 if the nuisance is abated to the City's satisfaction within ten (10) days after the date of notice; and C. \$500.00 for the third offense and every offense thereafter. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively, they shall receive a citation to court. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. ~~Violations referred to court are infractions.~~

Prior to bringing any criminal action for violating any of the sections under this Chapter, the City shall first cause a notice to be sent to the person owning, occupying, or having charge of the premises directing the clean-up to be completed and allowing thirty (30) days for the same to be accomplished. An Administrative Notice of Violation causes the thirty (30) days to start to run. (Ord. No. 05-15, Amended 02/03/2015) (Ord No. 12-15, Renamed 06/16/2015) (Ord. No. 13-16, Amended 08/16/2016) (Ord. No. 12-16, Amended 08/16/2016)

SECTION 13: AMENDMENT “14.04.040 Violation” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.04.040 Violation

- A. It shall be a Class C Misdemeanor to erect, construct, enlarge, alter, repair, move, demolish, occupy, or use any building or structure in the City in violation of or without complying with the provisions of the building code adopted under this title. It shall also be a Class C Misdemeanor for any person to remove a stop work order properly posted upon a project or a building within a project by the Building Official. It shall also be a Class C Misdemeanor for any person to ignore a stop work order and continue working on any project or any building within a project.
- B. The City Building Official is hereby granted authority to issue citations for any violation of the building code adopted under this title.

(Ord. No. 10-95, Amended/Renumbered (14.04.030), 06/21/1995) (Ord. No. 04-99, Amended 03/02/1999) (Ord. No. 06-04, Amended 04/20/2004)

AFTER AMENDMENT

14.04.040 Violation

- A. It shall be a ~~Class C Misdemeanor~~ violation to erect, construct, enlarge, alter, repair, move, demolish, occupy, or use any building or structure in the City in violation of or without complying with the provisions of the building code adopted under this title. It shall also be a violation~~Class C Misdemeanor~~ for any person to remove a stop work order properly posted upon a project or a building within a project by the Building Official. It shall also be a violation~~Class C Misdemeanor~~ for any person to ignore a stop work order and continue working on any project or any building within a project.
- B. The City Building Official is hereby granted authority to issue citations for any violation of the building code adopted under this title.
- C. Violations of any section of Title 14 may be dealt with administratively with the service of a notice of administrative violation and subject to a fine or charged criminally as a Class C misdemeanor. Any violation of any section of Title 14 may result in the owner of the property receiving a notice of administrative violation with fines being assessed as follows: 1. \$500.00 for the first offense which may be reduced to \$100.00 if the violation is abated to the City’s satisfaction within ten (10) days after the date of notice; 2. \$500.00 for the second offense which may be reduced to \$300.00 if the violation is abated to the City’s satisfaction within ten (10) days after the date of notice; and 3. \$500.00 for the third offense and every offense thereafter. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively, they shall receive a citation to court.

D.

(Ord. No. 10-95, Amended/Re-numbered (14.04.030), 06/21/1995) (Ord. No. 04-99, Amended 03/02/1999) (Ord. No. 06-04, Amended 04/20/2004)

SECTION 14: **AMENDMENT** “15.1.04.030 Compliance And Enforcement” of the Spanish Fork Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.1.04.030 Compliance And Enforcement

- A. **Designation.** The Community Development Director is hereby designated and authorized as the land use authority and the officer charged with the administration and enforcement of Parts 2 and 3 of this Title, unless specifically indicated otherwise. The City Engineer is hereby designated and authorized as the land use authority and the officer charged with the administration and enforcement of Part 4 of this Title, unless specifically indicated otherwise.
- B. **Permits.** The Building Official shall not grant a building permit or certificate of occupancy permit nor shall any City Officer grant or authorize the issuance of any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any land use law, rule, or regulation of the State of Utah or of this Title. Any license or permit issued in conflict with such provisions shall be null and void.
- C. **Violation.** A person, Firm, Partnership, Limited Liability Company, Corporation, or other legal entity violating any of the stipulations, conditions of approval, or any other provision of this Title shall be guilty of a Class C misdemeanor, punishable by a fine or imprisonment, or by both. Any such person, Firm, Partnership, Limited Liability Company, Corporation, or legal entity shall be deemed guilty of a separate offense for each and every day during which any violation occurs. In addition to, or independent of the criminal penalties provided above, the City may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of this ordinance, or to prevent, restrain, or abate any violation of the terms of this ordinance. Any violation of this ordinance is declared to be a public nuisance, and instead of, or in addition to, any criminal or civil enforcement measure authorized by this ordinance, may be enjoined or restrained by the City as other nuisances are abated under authority of the Spanish Fork Municipal Code.
- D. **Inspections.** The City Engineer or his or her designee shall inspect all required improvements at appropriate stages of construction as designated in the Construction Standards and the Design and Development section of this Title.

(Ord. No. 14-16, Amended 09/20/2016)

AFTER AMENDMENT

15.1.04.030 Compliance And Enforcement

- A. **Designation.** The Community Development Director is hereby designated and authorized as the land use authority and the officer charged with the administration and enforcement of Parts 2 and 3 of this Title, unless specifically indicated otherwise.

The City Engineer is hereby designated and authorized as the land use authority and the officer charged with the administration and enforcement of Part 4 of this Title, unless specifically indicated otherwise.

- B. **Permits.** The Building Official shall not grant a building permit or certificate of occupancy permit nor shall any City Officer grant or authorize the issuance of any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any land use law, rule, or regulation of the State of Utah or of this Title. Any license or permit issued in conflict with such provisions shall be null and void.
- C. **Violation.** Violations of this Chapter may be dealt with administratively with the service of a notice of administrative violation and subject to a fine or charged criminally as a Class C Misdemeanor. Any violation of any section of Chapter may result in the owner of the property receiving a notice of administrative violation with fines being assessed as follows: 1. \$500.00 for the first offense which may be reduced to \$100.00 if the violation is cured to the City's satisfaction within ten (10) days after the date of notice; 2. \$500.00 for the second offense which may be reduced to \$300.00 if the violation is cured to the City's satisfaction within ten (10) days after the date of notice; and 3. \$500.00 for the third offense and every offense thereafter. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively, they shall receive a citation to court.
- D. A person, Firm, Partnership, Limited Liability Company, Corporation, or other legal entity violating any of the stipulations, conditions of approval, or any other provision of this Title may receive a notice of administrative violation and be subject to a fine or may be charged criminally with a Class C misdemeanor, punishable by a fine or imprisonment, or by both. Any such person, Firm, Partnership, Limited Liability Company, Corporation, or legal entity shall be deemed guilty of a separate offense for each and every day during which any violation occurs. In addition to, or independent of the criminal penalties provided above, the City may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of this ordinance, or to prevent, restrain, or abate any violation of the terms of this ordinance. Any violation of this ordinance is declared to be a public nuisance, and instead of, or in addition to, any criminal or civil enforcement measure authorized by this ordinance, may be enjoined or restrained by the City as other nuisances are abated under authority of the Spanish Fork Municipal Code.
- E. **Inspections.** The City Engineer or his or her designee shall inspect all required improvements at appropriate stages of construction as designated in the Construction Standards and the Design and Development section of this Title.

(Ord. No. 14-16, Amended 09/20/2016)

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL JULY 13, 2021.

	AYE	NAY	ABSENT	ABSTAIN
COUNCILMAN MIKE MENDENHALL	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN BRANDON GORDON	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN SHANE MARSHALL	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN CHAD ARGYLE	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILWOMAN STACY BECK	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



STEVE LEIFSON, MAYOR, Spanish Fork City



Tara Silver, CITY RECORDER
Spanish Fork City

