

4-2-7: NOTICE OF VIOLATION, ENFORCEMENT, APPEAL, PENALTY:

- A. City To Notify Owners: If the mayor or representative has inspected any property and has found and determined that the property is in violation of this chapter or has reasonable grounds to believe that there has been a violation of any part of this chapter, the mayor or representative shall give notice of the violations to the owner or other responsible person thereof.
- B. City To Issue Written Notice Of Violations: Prior to initiating a court complaint for the violation of this chapter, the mayor or representative shall issue a notice pursuant to subsection A of this section and shall:
1. Describe the property;
 2. Give a statement of the cause for its issuance;
 3. Set forth an outline of the remedial action that complies with the provisions of this chapter; and
 4. Set a reasonable time for the performance of any required remedial act.
- C. City To Service Notice: The mayor or representative shall serve notice upon the owner of the property or other responsible person pursuant to subsections A and B of this section. Service shall be deemed complete if the notice is served in one of the following ways:
1. Served in person;
 2. Sent by certified mail to the last known address of the owner or other responsible person; or
 3. Published in a newspaper of general circulation.
- D. City To Endure Compliance: It shall be the duty of the mayor or representative upon the presentation of proper credentials, to make inspections of any property where solid waste is accumulated, stored, or where a facility or site is located or will be located as is necessary to ensure compliance with this chapter.
- E. Inspections Made: Inspections may be made with the consent of the owner of property or any lawful occupant over the age of sixteen (16). If consent is not granted, search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction.

- F. Report Of Inspections: Owners may request a factual report of inspections. Upon request, the owner or other responsible person of any property shall receive a report setting forth all facts found that relate to the owner's compliance status.
- G. Right To Appeal: Within ten (10) calendar days after the city has given a notice of violations, any person aggrieved by the notice may request in writing a hearing before the city. The hearing shall take place at a regularly scheduled council meeting after the city council notice is received. A written notice of the city council's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The city council may sustain, modify or reverse the action or order. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)
- H. Penalty: Any person who is found guilty of violating any of the provisions of this chapter, either by failing to do those acts required herein, or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Utah Code Annotated, and subject to penalty as provided in section 1-4-1 of this code. If a person is found guilty of a subsequent similar violation within two (2) years, he is guilty of a class A misdemeanor pursuant to Utah Code Annotated. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002; amd. 2003 Code)
- I. Each Day Separate Offense: Each day such violation is committed or permitted to continue shall constitute a separate violation.
- J. Mayor May Request Legal Action: The city attorney or, if appropriate, the county attorney, may initiate legal action, civil or criminal, requested by the mayor, to abate any condition that exists in violation of this chapter.
- K. Guilty Persons Liable For Expenses: In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating this chapter shall be liable for all expense incurred by the city in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation. (Ord. 8-13-02, 8-13-2002, eff. 8-13-2002)

