

MILLCREEK, UTAH
ORDINANCE NO. 20-27

**AN ORDINANCE AMENDING TITLE 1 OF THE MILLCREEK CODE OF
ORDINANCES REGARDING ADMINISTRATIVE CITATIONS AND DEFAULT
HEARINGS**

WHEREAS, the Millcreek Council (“Council”) met in regular session on June 22, 2020, to consider among other things, amending Title 1 of the Millcreek Code of Ordinances regarding administrative citations and default hearings; and

WHEREAS, staff has requested that the Council amend Title 1 of the Millcreek Code of Ordinances with respect to administrative citations and default hearings; and

WHEREAS, based on staff request and after careful consideration the Council has determined that it is in the best interest of the health, safety and welfare of the residents of the City to amend Title 1 of the Millcreek Code of Ordinances regarding administrative citations and default hearings.

NOW THEREFORE, BE IT ORDAINED by the Council that Title 1 of the Millcreek Code of Ordinances be amended as follows (designated by interlineating the words to be deleted and underlining the words to be added).

1.18.205 **Administrative Citation Penalties Assessed**

- A. Administrative citation penalties shall be assessed immediately following the deadline for each violation listed on the administrative citation. The penalties are as follows:
1. If the violation is corrected within ten (10) days after the ~~deadline~~ date the violation was observed as set forth in the administrative citations, there is no fine.
 2. If the violation is corrected eleven (11) to twenty (30) days after the ~~date the violation was observed as set forth in the administrative citations deadline~~, the daily fine shall be as set forth in the consolidated fee schedule ~~is fifty dollars (\$50) per day~~.
 3. After thirty (30) days, the daily fine shall be as set forth in the consolidated fee schedule ~~double to a maximum fine of two thousand five hundred dollars (\$2,500)~~.
- B. Each violation listed on an administrative citation is considered a separate offense and penalties are assessed per violation.
- C. Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the city.

1.18.287 **Default Hearings, Orders, And Relief From Orders**

- A. If a person served with one of the documents in MKC 1.18.285 fails to request a hearing within ten (10) days of the date of service, the case shall be set for a default hearing. The hearing officer shall schedule a default hearing. The person served with one of the

documents in MKC 1.18.285 shall be notified of the date, time, and place of the hearing by one of the methods listed in MKC 1.18.050.

- B. A default hearing shall be held for all cases that have outstanding or unpaid civil penalties, fines, fees and/or costs due to the city before collection, if a hearing on that case has not already been held.
- C. On motion and upon such terms as are just the hearing officer may set aside an order obtained pursuant to this chapter for the following reasons:
 - 1. Mistake, inadvertence, surprise, or excusable neglect;
 - 2. Newly discovered evidence which by due diligence could not have been discovered in time for a new hearing;
 - 3. Fraud, misrepresentation, or other misconduct of an adverse party;
 - 4. The order is void;
 - 5. The order has been satisfied, released, or discharged, or a prior order upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the order should have prospective application;
 - 6. Any other reason justifying relief from the operation of order.
- D. If the evidence shows that the violations exist or existed after the ~~deadline date the violation was observed as set forth~~ -on any notice, the hearing officer shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall run until the city issues a notice of compliance stating when the violations were actually abated.

This Ordinance assigned no. 20-27, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s recorder.

PASSED AND APPROVED this 22nd day of June 2020.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

| | | |
|-----------------|-----|----|
| Roll Call Vote: | | |
| Silvestrini | Yes | No |
| Marchant | Yes | No |
| Jackson | Yes | No |
| Catten | Yes | No |
| Uipi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 20-27: AN ORDINANCE AMENDING TITLE 1 OF THE MILLCREEK CODE OF ORDINANCES REGARDING ADMINISTRATIVE CITATIONS AND DEFAULT HEARINGS was passed and adopted the 22nd day of June, 2020 and certifies that a summary was published in the Deseret News and Salt Lake Tribune the __ day of _____, 2020.

Elyse Sullivan, City Recorder