



**PUBLIC HEARING AND CITY COUNCIL MEETING  
OF THE CITY OF CEDAR HILLS  
Community Recreation Center  
Tuesday, March 5, 2013 7:00 p.m.**

NOTICE is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a **Public Hearing in connection with their Regular City Council Meeting on Tuesday, March 5, 2013, beginning at 7:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

**COUNCIL MEETING**

1. Call to Order, Invocation and Pledge
2. Approval of Meeting's Agenda
3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

**PUBLIC HEARING**

4. Amendments to the Fiscal Year 2013 Budget (July 1, 2012 to June 30, 2013)

**CONSENT AGENDA**

5. Minutes from the February 5, 2013 City Council Meeting

**CITY REPORTS AND BUSINESS**

6. City Manager
7. Mayor and Council

**SCHEDULED ITEMS**

8. Review/Action on Amendments to the Fiscal Year 2013 Budget
9. Fiscal Year 2014 Budget Presentation
10. Review/Action on Amendments to the City Code, Title 2, Chapter 3, Youth City Council Advisory Committee
11. Review/Action on Amendments to the City Code Title 4, Chapter 2, Nuisances
12. Discussion on the Family Festival

**ADJOURNMENT**

13. Adjourn

Posted this 1st day of March, 2013

  
\_\_\_\_\_  
Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at [www.cedarhills.org](http://www.cedarhills.org).
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor Gygi and City Council
<b>FROM:</b>	David Bunker, City Manager
<b>DATE:</b>	3/5/2013

<b>SUBJECT:</b>	Review/Action on FY 2013 Budget Amendments
<b>APPLICANT PRESENTATION:</b>	
<b>STAFF PRESENTATION:</b>	Charl Louw, Finance Director

**BACKGROUND AND FINDINGS:**

The City is required to keep expenditures within budget. As the Council is aware, accurately forecasting all the expenditures and needs of the community is difficult; therefore, budget amendments may be necessary to comply with State requirements.

**PREVIOUS LEGISLATIVE ACTION:**

**FISCAL IMPACT:**

Less Class C Roads fund balance than expected after FY2012

10-62-415	Street Light Maintenance	\$10,000 decrease from \$30,000 to \$20,000
10-62-420	Signs	\$10,000 decrease from \$20,000 to \$10,000
10-62-440	Streets Supplies & Maintenance	\$65,000 decrease from \$250,000 to \$185,000
10-62-470	Sidewalk maintenance	\$30,000 decrease from \$50,000 to \$20,000
10-69-910	Transfer to Capital Projects Fund	\$25,000 decrease from \$195,850 to \$170,850
10-36-800	Beg Class C Road Fund Balance	\$140,000 decrease from \$140,000 to \$0

Tablet Stipend and Christmas Events adjustment

10-41-290	Communications & Telephone	\$900 increase from \$5,400 to \$6,300
10-40-350	Other Events	\$1,100 increase from \$3,000 to \$4,100
10-40-200	Materials & Supplies	\$2,000 decrease from \$12,000 to \$10,000

"State of the City" materials & postage

10-41-200	Planning Commission	\$4,000 decrease from \$4,200 to \$200
10-40-200	Materials & Supplies	\$4,000 increase from \$10,000 to \$14,000

GO Bond Refunding Impact

75-80-500	2005 GO Bond Interest	\$101,990 decrease from \$231,650 to \$129,660
75-80-499	2012 GO Bond Interest	\$15,616.44 increase from \$0 to \$15,616.44
75-80-501	2012 GO Amortized Issuance Costs	\$5,730 increase from \$0 to \$5,730
75-80-502	2012 GO Deferred Bond Costs	\$39,990 increase from \$0 to \$39,990
75-80-503	2012 GO Unamortized premium	\$9,304 decrease from \$0 to (\$9,304)

Branding

10-40-330	Professional & Technical	\$7,500 decrease from \$25,000 to \$17,500
10-40-335	Branding	\$7,500 increase from \$0 to \$7,500
75-70-600	Advertising	\$7,500 decrease from \$35,000 to \$27,500
75-70-335	Branding	\$7,500 increase from \$0 to \$7,500
51-39-150	Contribution from Fund Balance	\$3,000



# CITY OF CEDAR HILLS

**Branding (continued)**

51-72-335	Branding Storm Drain	\$1,000 increase from \$0 to \$1,000
51-73-335	Branding Water	\$2,000 increase from \$0 to \$2,000

**SUPPORTING DOCUMENTS:**

**RECOMMENDATION:**

To approve the resolution.

**MOTION:**

Adopt Resolution No. \_\_\_\_\_ A RESOLUTION ADOPTING THE AMENDED 2012-2013 FISCAL YEAR BUDGET FOR THE CITY OF CEDAR HILLS, UTAH.

## BUDGET AMENDMENTS - FY 2013

March 5, 2013

### General Fund

#### Class C Roads Restricted Fund Balance Expended in 2012:

10-36-800	Beg Class C Road Fund Balance	\$	140,000.00
10-62-415	Street Light Maintenance	\$	(10,000.00)
10-62-420	Signs	\$	(10,000.00)
10-62-440	Streets Supplies & Maintenance	\$	(65,000.00)
10-62-470	Sidewalk Maintenance	\$	(30,000.00)
10-69-910	Transfer to Capital Projects Fund	\$	(25,000.00)

#### Christmas Tree & Décor at Events Center

10-40-350	Other Events	\$	1,100.00
10-40-200	Materials & Supplies	\$	(1,100.00)

#### Council tablet stipend

10-41-290	Communications & Telephone	\$	900.00
10-40-200	Materials & Supplies	\$	(900.00)

#### Council "State of the City"

10-41-115	Planning Commission	\$	(4,000.00)
10-40-200	Materials & Supplies	\$	4,000.00

#### Branding Vendor Allocation

10-40-330	Move P/R from Professional & Technical	\$	(7,500.00)
10-40-335	Branding General Government	\$	7,500.00

### Water and Sewer Fund

#### Branding Vendor Allocation

51-72-335	Branding Storm drain	\$	1,000.00
51-73-335	Branding Water	\$	2,000.00
51-39-150	Contribution from Fund Balance	\$	(3,000.00)

### Community Recreation Fund

#### Refunding of G.O. Bond

75-80-500	2005 GO Bond Interest	\$	(101,990.00)
75-80-499	2012 GO Bond Interest	\$	15,616.44
75-80-501	2012 GO Amortized Issuance Costs	\$	5,730.00
75-80-502	2012 GO Deferred Bond Costs	\$	39,990.00
75-80-503	2012 GO Unamortized Premium	\$	(9,304.00)
	Overall reduced 2013 expenses	\$	49,957.56

#### Refunding Cash Flow Reconciliation

75-25250	2012 GO Bond Principal payment	\$	(65,000.00)
75-80-501	2012 GO Amortized Issuance Costs	\$	5,730.00
75-80-502	2012 GO Deferred Bond Costs	\$	39,990.00
75-80-503	2012 GO Unamortized Premium	\$	(9,304.00)
	Overall reduced 2013 cashflow	\$	(28,584.00)

Refunding activity's impact to 2013 budget \$ 21,373.56

#### Branding Vendor Allocation

75-70-600	Move Golf Advertising to Branding	\$	(7,500.00)
75-70-335	Branding Golf	\$	7,500.00

**RESOLUTION NO. 03-05-2013A**

**A RESOLUTION ADOPTING THE AMENDED 2012-2013 FISCAL YEAR BUDGET FOR THE CITY OF CEDAR HILLS, UTAH.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH:**

Pursuant to §10-6-118, Utah Code, the Amended 2012-2013 Fiscal Year Budget for the General Fund, Capital Projects Fund, Water/Sewer Fund, Motor Pool Fund and Golf Course Fund for the City of Cedar Hills, Utah, is hereby adopted. A copy of said budget amendments is attached hereto (Attachment A), and by this reference made part of this Resolution.

**PASSED THIS 5TH DAY OF MARCH, 2013**

APPROVED:

\_\_\_\_\_  
Gary R. Gygi, Mayor

ATTEST:

\_\_\_\_\_  
Colleen A. Mulvey, City Recorder

**(Attachment A)**

**BUDGET AMENDMENTS - FY 2013**

**General Fund**

Class C Roads Restricted Fund Balance Expended in 2012:

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10-62-415	Street Light Maintenance	\$	(10,000.00)
10-62-420	Signs	\$	(10,000.00)
10-62-440	Streets Supplies & Maintenance	\$	(65,000.00)
10-62-470	Sidewalk Maintenance	\$	(30,000.00)
10-69-910	Transfer to Capital Projects Fund	\$	(25,000.00)

Christmas Tree & Décor at Events Center

10-40-350	Other Events	\$	1,100.00
10-40-200	Materials & Supplies	\$	(1,100.00)

Council tablet stipend

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Council "State of the City"

10-41-115	Planning Commission	\$	(4,000.00)
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Branding Vendor Allocation

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**Water and Sewer Fund**

Branding Vendor Allocation

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51-73-335	Branding Water	\$	2,000.00
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**Community Recreation Fund**

Refunding of G.O. Bond

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	Overall reduced 2013 cash flow	\$	<u>(28,584.00)</u>
	Refunding activity's impact to 2013 budget	\$	21,373.5

Branding Vendor Allocation

75-70-600	Move Golf Advertising to Branding	\$	(7,500.00)
75-70-335	Branding Golf	\$	7,500.00



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor Gygi & City Council
<b>FROM:</b>	David Bunker, City Manager
<b>DATE:</b>	3/5/2013

## City Council Memorandum

<b>SUBJECT:</b>	FY 2014 Budget Presentation
<b>APPLICANT PRESENTATION:</b>	
<b>STAFF PRESENTATION:</b>	Chandler Goodwin, Assistant City Manager and Charl Louw, Finance Director
<b>BACKGROUND AND FINDINGS:</b>	Presentation of the 2014 Capital Improvements Plan, Capital Projects Fund Budget & General Fund Revenues Budget
<b>PREVIOUS LEGISLATIVE ACTION:</b>	
<b>FISCAL IMPACT:</b>	
<b>SUPPORTING DOCUMENTS:</b>	Preliminary 2014 Capital Improvement Plan, Capital Projects Fund Budget & General Fund Revenues Budget
<b>RECOMMENDATION:</b>	To review and comment on the 2014 Capital Improvements Plan, Capital Projects Fund Budget & General Fund Revenues Budget
<b>MOTION:</b>	

# 2014 Budget Presentation

General Fund Revenues  
Capital Projects Fund



# General Fund Revenue Highlights

- Overall actual inflows expected to be slightly higher than 2013
- Class C Roads and CARE tax restricted fund balances no longer available to drawdown
- 2014 budgeted revenues and fund balance drawdown approximately \$260,000 less than 2013 budget



## General Fund Revenue Budget Changes

- Class C Roads restricted fund balance (\$140,000)
- CARE tax restricted fund balance (\$60,000)
- Sales tax revenues \$50,000
- Delinquent property tax and penalties (\$43,500)
- Permits, Plan Check, Inspection fees (\$52,000)
- Telecom revenues (\$15,000)
- Other changes net impact(\$700)



# Capital Project Highlights

- Community Recreation Center basement
- Community Recreation fund moving forward
- List residential lots available on Cottonwood Drive
- Deerfield Park and Harvey widening
- Public Works Building Debt Service
- Flat impact fee revenues

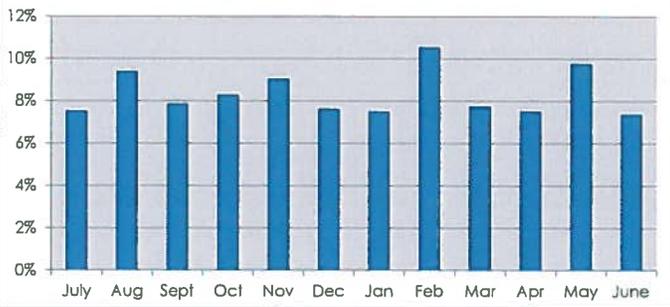
## Capital Projects Fund--Other Key Budget Line Items

- \$12,000 capital outlay for safety trench box
- Water and Sewer fund transfer in for \$12,000
- Sidewalk improvements

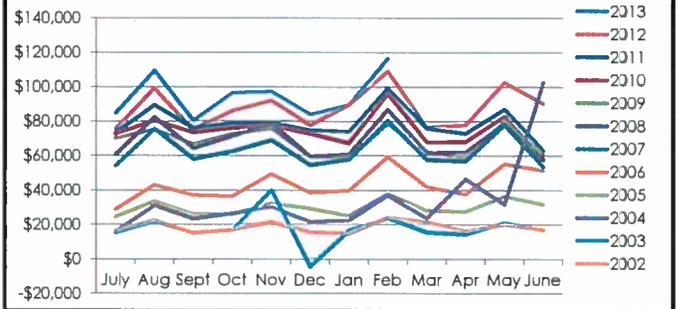
### Sales & Use Tax Monthly Trend

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total
2013	\$ 84,674	\$ 109,393	\$ 80,284	\$ 96,512	\$ 97,128	\$ 83,812	\$ 89,460	\$ 116,543					\$ 757,806
2012	\$ 75,366	\$ 99,159	\$ 74,868	\$ 85,785	\$ 91,860	\$ 77,392	\$ 89,604	\$ 108,976	\$ 76,316	\$ 77,991	\$ 102,587	\$ 90,385	\$ 1,050,291
2011	\$ 73,247	\$ 89,370	\$ 75,888	\$ 78,612	\$ 79,020	\$ 74,690	\$ 73,741	\$ 99,008	\$ 75,823	\$ 72,871	\$ 86,953	\$ 62,932	\$ 942,154
2010	\$ 72,440	\$ 80,370	\$ 73,461	\$ 75,964	\$ 77,386	\$ 72,796	\$ 67,265	\$ 96,112	\$ 67,876	\$ 68,168	\$ 82,874	\$ 58,002	\$ 892,716
2009	\$ 70,283	\$ 75,138	\$ 66,613	\$ 72,471	\$ 75,700	\$ 59,257	\$ 58,704	\$ 78,352	\$ 62,364	\$ 58,507	\$ 79,989	\$ 60,531	\$ 817,908
2008	\$ 60,647	\$ 82,355	\$ 64,033	\$ 71,149	\$ 78,907	\$ 59,536	\$ 60,600	\$ 86,822	\$ 61,476	\$ 61,976	\$ 78,431	\$ 57,541	\$ 823,472
2007	\$ 54,157	\$ 75,622	\$ 57,911	\$ 62,378	\$ 68,807	\$ 54,433	\$ 57,808	\$ 80,607	\$ 57,468	\$ 56,715	\$ 77,880	\$ 53,577	\$ 757,362
2006	\$ 28,729	\$ 43,098	\$ 37,079	\$ 36,274	\$ 49,463	\$ 38,689	\$ 39,725	\$ 59,318	\$ 41,897	\$ 37,717	\$ 55,180	\$ 51,542	\$ 518,711
2005	\$ 24,497	\$ 33,459	\$ 25,980	\$ 25,896	\$ 32,246	\$ 29,287	\$ 24,971	\$ 37,912	\$ 28,234	\$ 27,512	\$ 36,485	\$ 31,727	\$ 358,207
2004	\$ 15,828	\$ 31,080	\$ 23,217	\$ 26,317	\$ 30,056	\$ 21,596	\$ 22,355	\$ 37,007	\$ 23,602	\$ 46,447	\$ 31,780	\$ 102,541	\$ 411,826
2003	\$ 15,360	\$ 21,806	\$ 15,174	\$ 16,744	\$ 39,864	\$ (4,797)	\$ 16,288	\$ 23,585	\$ 15,114	\$ 14,229	\$ 20,943	\$ 16,869	\$ 211,179
2002	\$ 16,144	\$ 22,434	\$ 14,996	\$ 16,981	\$ 21,117	\$ 15,359	\$ 14,438	\$ 24,065	\$ 21,526	\$ 16,237	\$ 20,007	\$ 17,037	\$ 220,341
Total	\$ 384,000	\$ 479,413	\$ 400,964	\$ 422,743	\$ 461,529	\$ 388,687	\$ 382,815	\$ 538,130	\$ 395,138	\$ 383,465	\$ 497,792	\$ 375,853	\$ 5,110,531
Avg %	7.51%	9.38%	7.85%	8.27%	9.03%	7.61%	7.49%	10.53%	7.73%	7.50%	9.74%	7.35%	100.00%

#### Average % of Annual Revenue



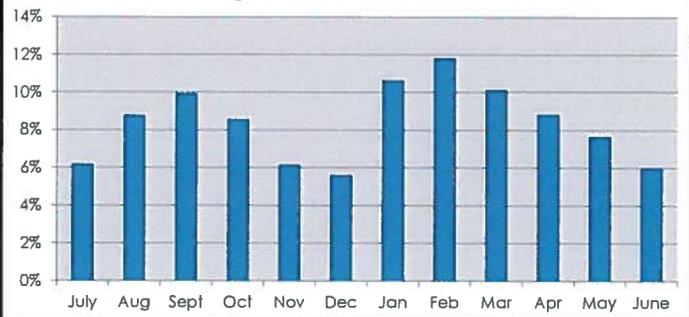
#### Monthly Revenue



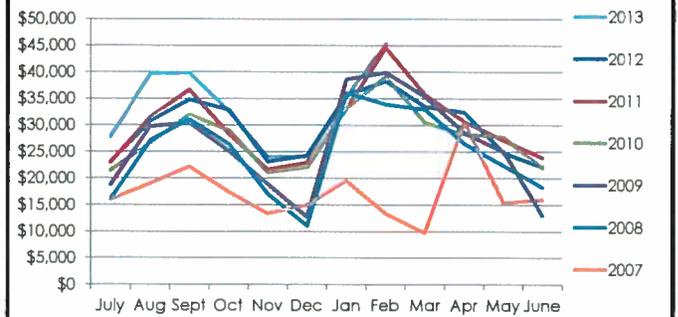
### Franchise Fee Revenue Monthly Trend

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total
2013	\$ 27,768	\$ 39,643	\$ 39,779	\$ 32,572	\$ 23,973	\$ 24,115	\$ 35,255	\$ 45,271					\$ 268,375
2012	\$ 23,067	\$ 30,727	\$ 34,746	\$ 32,904	\$ 23,139	\$ 24,264	\$ 35,636	\$ 38,273	\$ 33,473	\$ 32,407	\$ 24,757	\$ 22,172	\$ 355,563
2011	\$ 22,975	\$ 31,429	\$ 36,644	\$ 28,345	\$ 21,630	\$ 22,923	\$ 32,997	\$ 44,571	\$ 35,752	\$ 30,706	\$ 27,160	\$ 23,863	\$ 358,995
2010	\$ 21,503	\$ 26,608	\$ 31,926	\$ 29,016	\$ 21,128	\$ 22,058	\$ 33,186	\$ 39,079	\$ 30,439	\$ 28,305	\$ 27,695	\$ 21,940	\$ 332,883
2009	\$ 18,820	\$ 29,762	\$ 30,379	\$ 25,133	\$ 18,866	\$ 12,694	\$ 38,617	\$ 39,904	\$ 35,379	\$ 28,555	\$ 25,048	\$ 13,015	\$ 316,173
2008	\$ 16,135	\$ 27,099	\$ 31,100	\$ 26,390	\$ 17,042	\$ 11,023	\$ 36,006	\$ 33,905	\$ 32,916	\$ 26,498	\$ 22,368	\$ 18,319	\$ 298,802
2007	\$ 16,011	\$ 19,037	\$ 22,204	\$ 17,463	\$ 13,375	\$ 14,938	\$ 19,566	\$ 13,407	\$ 9,712	\$ 30,602	\$ 15,419	\$ 15,972	\$ 207,708
2006	\$ 12,272	\$ 26,745	\$ 19,735	\$ 14,416	\$ 11,345	\$ 12,191	\$ 23,122	\$ 28,673	\$ 24,344	\$ 20,730	\$ 19,071	\$ 13,005	\$ 225,649
2005	\$ 10,714	\$ 15,653	\$ 15,548	\$ 11,759	\$ 13,352	\$ 18,878	\$ 17,179	\$ 24,373	\$ 15,547	\$ 5,012	\$ 5,067	\$ 55,202	\$ 208,284
2004	\$ 10,828	\$ 12,902	\$ 12,135	\$ 1,866	\$ 17,179	\$ 10,219	\$ 14,118	\$ 18,419	\$ 1,924	\$ 29,434	\$ 1,625	\$ 25,529	\$ 156,178
2003	\$ 7,652	\$ 1,328	\$ 17,070	\$ 11,732	\$ 7,966	\$ 4,033	\$ 15,866	\$ 1,770	\$ 25,379	\$ 11,253	\$ 5,516	\$ 12,706	\$ 122,272
<b>Total</b>	<b>\$ 102,500</b>	<b>\$ 145,625</b>	<b>\$ 164,795</b>	<b>\$ 141,787</b>	<b>\$ 101,805</b>	<b>\$ 92,962</b>	<b>\$ 176,443</b>	<b>\$ 195,732</b>	<b>\$ 167,958</b>	<b>\$ 146,471</b>	<b>\$ 127,028</b>	<b>\$ 99,309</b>	<b>\$ 1,662,417</b>
<b>Avg %</b>	<b>6.17%</b>	<b>8.76%</b>	<b>9.91%</b>	<b>8.53%</b>	<b>6.12%</b>	<b>5.59%</b>	<b>10.61%</b>	<b>11.77%</b>	<b>10.10%</b>	<b>8.81%</b>	<b>7.64%</b>	<b>5.97%</b>	<b>100.00%</b>

#### Average % of Annual Revenue



#### Monthly Revenue



**CAPITAL PROJECTS FUND REVENUES**

	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 BUDGET	CHANGE
40-30-100 Impact Fees - Park Development	\$12,870	\$23,400	\$10,530	(\$12,870)
40-30-110 Impact Fees - Park Land	\$48,156	\$87,575	\$39,402	(\$48,173)
40-30-120 Impact Fees - Recreation	\$18,240	\$32,800	\$0	(\$32,800)
40-30-130 Impact Fees - Public Safety	\$6,940	\$11,725	\$5,817	(\$5,908)
40-30-140 Impact Fees - Streets	\$40,614	\$65,700	\$38,106	(\$27,594)
40-30-145 Commercial Street Improvement Fee	\$0	\$21,500	\$21,500	\$0
40-30-600 Interest Income	\$31,340	\$15,000	\$15,000	\$0
40-30-700 Grant Income	\$11,307	\$5,000	\$5,000	\$0
40-30-801 Transfers in from General Fund	\$345,172	\$195,850	\$114,732	(\$81,110)
40-30-802 Transfers in from W&S Fund	\$77,131	\$75,850	\$89,732	\$13,882
	<b>\$591,573</b>	<b>\$534,400</b>	<b>\$339,819</b>	<b>(\$194,581)</b>

NOTES
9 residential homes
9 residential homes
No longer charged
9 residential homes, 4 commercial ERUs
Repay cost to develop Cedar Hills Drive based 2 new acres
Decrease in recreation impact fees
Utah County TRCC allocation used for park and rec facilities based on population
1/2 of PWB debt service and trustee fees (\$77,731.25), CARE tax projects (\$37,000)
1/2 of PWB debt service and trustee fees (\$77,731.25), \$12,000 trench box

IMPACT FEES	
Park Development (Single-Family Residential)	\$1,170
Park Land (Single-Family Residential)	\$4,378
Public Safety (Residential)	\$537
Public Safety (Commercial)	\$246
Streets	\$1,314
2014 Residential Homes	9
2014 Commercial - Public Safety	4
2014 Commercial - Streets	20

**CAPITAL PROJECTS FUND EXPENDITURES**

STREET PROJECTS	FY 2013 ACTUAL	FY 2013 BUDGET	FY 2014 BUDGET	CHANGE
40-78-731 Sidewalk Projects	\$0	\$20,000	\$20,000	\$0
40-78-778 Speed Tables	\$0	\$0	\$0	\$0
40-78-779 Street Lights	\$4,755	\$5,000	\$0	(\$5,000)
40-78-781 Harvey Blvd Widening	\$0	\$500,000	\$500,000	\$0
40-78-783 Gill Streets	\$13,461	\$0	\$0	\$0
	<b>\$18,214</b>	<b>\$525,000</b>	<b>\$520,000</b>	<b>(\$58,000)</b>

Unrestricted fund balance, installation of new sidewalk at Cedar Hills Drive/4000 West  
Move to public works, since its less than \$10,000  
Street impact fees

PARK PROJECTS	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 BUDGET	CHANGE
40-80-802 Deerfield Park - Land Purchase	\$0	\$972,000	\$972,000	\$0
40-80-803 Deerfield Park - Development	\$0	\$1,500,000	\$1,500,000	\$0
40-80-816 Marquette Soccer Park Restroom/Storage	\$0	\$25,000	\$0	(\$25,000)
40-80-820 Heritage Park - Basketball Court	\$36,245	\$0	\$0	\$0
40-80-821 Splash Pad	\$15,117	\$0	\$0	\$0
	<b>\$51,342</b>	<b>\$2,497,000</b>	<b>\$2,472,000</b>	<b>(\$25,000)</b>

Will not start project during 2013 Land impact fees Approximately \$650,000 available as of February 2013  
Will not start project during 2013, impact fees deficit approximately (\$24,000)  
Park grant (\$5K), CARE tax funds (\$20K)

MISCELLANEOUS PROJECTS	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 BUDGET	CHANGE
40-95-102 Utah Valley Home Builders	\$175,000	\$0	\$0	\$0
40-95-XXX Trench Box	\$0	\$0	\$12,000	\$12,000
40-95-200 Community Recreation Center - Phase II	\$0	\$350,000	\$350,000	\$0
40-95-201 Community Recreation Center - Phase III	\$0	\$500,000	\$0	(\$500,000)
40-95-230 Hillside Remediation Project	\$74,969	\$0	\$0	\$0
40-77-720 Public Works Building Basement	\$47,201	\$0	\$0	\$0
40-95-220 Civic Center	\$7,950	\$0	\$0	\$0
	<b>\$305,120</b>	<b>\$850,000</b>	<b>\$307,000</b>	<b>(\$543,000)</b>

Transfer in from Water and Sewer Fund  
Approximately \$100,000 in CARE tax 2013, \$37,000 in CARE tax 2014, remaining unrestricted fund balance  
Aquatic Center canceled

DEBT SERVICE	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 BUDGET	CHANGE
40-98-100 1999 Lease Revenue Bond - PSB	\$400,000	\$0	\$0	\$0
40-98-105 Interest Expense	\$105,476	\$86,700	\$83,963	(\$2,736)
40-98-200 2006 Excise Revenue Bond - PWB	\$65,000	\$65,000	\$70,000	\$5,000
40-98-795 Trustee Fees	\$4,091	\$1,500	\$1,500	\$0
	<b>\$574,567</b>	<b>\$153,200</b>	<b>\$156,463</b>	<b>\$2,263</b>

Public Safety Building bond paid off during 2012  
50/50 split between General fund and Water & Sewer fund  
50/50 split between General fund and Water & Sewer fund  
PWB, \$1,500

OTHER USES	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 BUDGET	CHANGE
40-96-111 Transfer to the Community Recreation Fund	\$2,366,656	\$0	\$2,049,358	(\$3,067,358)
	<b>\$2,366,656</b>	<b>\$0</b>	<b>\$2,049,358</b>	<b>(\$3,067,358)</b>

Transfer of Cash to cover deficit as of 6/30/12

GRAND TOTALS	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 BUDGET	CHANGE
	<b>\$3,315,921</b>	<b>\$4,025,200</b>	<b>\$5,403,821</b>	<b>\$ 1,878,621</b>

**GENERAL FUND REVENUES**

<b>TAX REVENUE</b>	<b>FY 2010 ACTUAL</b>	<b>FY 2011 ACTUAL</b>	<b>FY2012 ACTUAL</b>	<b>FY 2013 BUDGET</b>	<b>FY 2014 BUDGET</b>	<b>CHANGE</b>
10-31-100 Property Tax	\$675,440	\$652,210	\$666,288	\$645,000	\$650,000	\$5,000
10-31-150 Motor Vehicle Tax	\$117,807	\$115,089	\$115,873	\$115,000	\$110,000	(\$5,000)
10-31-200 Delinquent Tax	\$75,289	\$62,289	\$38,043	\$70,000	\$30,000	(\$40,000)
10-31-250 Penalty & Interest	\$3,897	\$3,658	\$11,348	\$4,000	\$500	(\$3,500)
10-31-275 Fees in Lieu of Taxes	\$3,691	\$2,113	\$4,364	\$5,000	\$5,000	\$0
10-31-300 Sales & Use Tax	\$902,522	\$954,063	\$1,050,315	\$1,050,000	\$1,100,000	\$50,000
10-31-350 CARE Tax	\$30,527	\$33,308	\$35,949	\$35,000	\$37,000	\$2,000
10-31-400 Franchise Tax	\$334,355	\$358,995	\$354,167	\$365,000	\$365,000	\$0
10-31-500 Telecom Tax	\$112,395	\$112,640	\$108,204	\$120,000	\$105,000	(\$15,000)
	<b>\$2,255,922</b>	<b>\$2,294,365</b>	<b>\$2,384,551</b>	<b>\$2,409,000</b>	<b>\$2,402,500</b>	<b>(\$6,500)</b>

<b>LICENSES &amp; PERMITS</b>	<b>FY 2010 ACTUAL</b>	<b>FY 2011 ACTUAL</b>	<b>FY2012 ACTUAL</b>	<b>FY 2013 BUDGET</b>	<b>FY 2014 BUDGET</b>	<b>CHANGE</b>
10-32-190 Business License	\$21,060	\$21,840	\$21,660	\$22,000	\$22,000	\$0
10-32-200 Building Permits	\$59,633	\$29,330	\$31,432	\$80,000	\$40,000	(\$40,000)
10-32-210 Plan Check Fees	\$24,736	\$16,224	\$17,026	\$35,000	\$25,000	(\$10,000)
10-32-260 Miscellaneous Inspection Fees	\$3,141	\$2,852	\$3,129	\$5,000	\$5,200	\$200
	<b>\$108,570</b>	<b>\$70,245</b>	<b>\$73,247</b>	<b>\$142,000</b>	<b>\$92,200</b>	<b>(\$49,800)</b>

<b>INTERGOVERNMENTAL REVENUE</b>	<b>FY 2010 ACTUAL</b>	<b>FY 2011 ACTUAL</b>	<b>FY2012 ACTUAL</b>	<b>FY 2013 BUDGET</b>	<b>FY 2014 BUDGET</b>	<b>CHANGE</b>
10-33-400 LPPSD Rent	\$16,200	\$16,200	\$35,252	\$50,000	\$50,000	\$0
10-33-500 Class C Roads Fund	\$241,114	\$257,351	\$262,337	\$260,000	\$260,000	\$0
10-33-600 State Liquor Tax Allotment	\$5,568	\$5,733	\$5,262	\$5,000	\$5,000	\$0
	<b>\$262,882</b>	<b>\$279,284</b>	<b>\$302,852</b>	<b>\$315,000</b>	<b>\$315,000</b>	<b>\$0</b>

<b>CHARGES FOR SERVICES</b>	<b>FY 2010 ACTUAL</b>	<b>FY 2011 ACTUAL</b>	<b>FY2012 ACTUAL</b>	<b>FY 2013 BUDGET</b>	<b>FY 2014 BUDGET</b>	<b>CHANGE</b>
10-34-110 Garbage Fees	\$356,546	\$356,662	\$359,385	\$360,000	\$360,000	\$0
10-34-120 Recycling Fees	\$45,695	\$48,050	\$50,773	\$50,000	\$50,000	\$0
10-34-300 Application & Processing Fees	\$200	\$0	\$780	\$0	\$0	\$0
10-34-350 Zoning Violation Fees	\$4,955	\$5,174	\$991	\$0	\$0	\$0
10-34-360 Weed Abatement Fees	\$0	\$606	\$0	\$3,000	\$300	(\$2,700)
10-34-450 Paramedic Fees	\$0	\$57,456	\$177,624	\$180,000	\$180,000	\$0
	<b>\$407,395</b>	<b>\$467,949</b>	<b>\$589,552</b>	<b>\$593,000</b>	<b>\$590,300</b>	<b>(\$2,700)</b>

<b>RECREATION &amp; CULTURE REVENUE</b>	<b>FY 2010 ACTUAL</b>	<b>FY 2011 ACTUAL</b>	<b>FY2012 ACTUAL</b>	<b>FY 2013 BUDGET</b>	<b>FY 2014 BUDGET</b>	<b>CHANGE</b>
10-35-100 Festival Income	\$11,466	\$11,160	\$22,881	\$10,000	\$15,000	\$5,000
10-35-110 Recreation Programs	\$33,923	\$56,372	\$70,715	\$100,000	\$95,000	(\$5,000)
10-35-120 Other Recreation Revenue	\$50	\$851	\$0	\$0	\$0	\$0
	<b>\$45,439</b>	<b>\$68,383</b>	<b>\$93,596</b>	<b>\$110,000</b>	<b>\$110,000</b>	<b>\$0</b>

<b>MISCELLANEOUS REVENUE</b>	<b>FY 2010 ACTUAL</b>	<b>FY 2011 ACTUAL</b>	<b>FY2012 ACTUAL</b>	<b>FY 2013 BUDGET</b>	<b>FY 2014 BUDGET</b>	<b>CHANGE</b>
10-36-100 Interest Income	\$7,887	\$4,118	\$4,470	\$5,000	\$6,000	\$1,000
10-34-200 Penalty Fees	\$5,275	\$3,261	\$7,854	\$1,000	\$1,000	\$0
10-36-800 Use of Class C Roads Fund	\$0	\$0	\$122,909	\$140,000	\$0	(\$140,000)
10-36-801 Use of Care Tax Fund	\$0	\$0	\$24,938	\$60,000	\$0	(\$60,000)
10-36-802 Use of Fund Balance	\$0	\$0	\$0	\$0	\$0	\$0
10-36-900 Other Income	\$30,181	\$38,552	\$25,711	\$25,000	\$25,000	\$0
	<b>\$43,343</b>	<b>\$45,931</b>	<b>\$185,882</b>	<b>\$231,000</b>	<b>\$32,000</b>	<b>(\$199,000)</b>

<b>GRAND TOTALS</b>	<b>\$3,123,552</b>	<b>\$3,226,157</b>	<b>\$3,629,680</b>	<b>\$3,800,000</b>	<b>\$3,542,000</b>	<b>\$258,000</b>
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**BUDGET AMENDMENTS - FY 2013**

March 5, 2013

**General Fund**

## Class C Roads Restricted Fund Balance Expended In 2012:

10-36-800	Beg Class C Road Fund Balance	\$	140,000.00	No leftover class c roads fund balance from prior years
10-62-415	Street Light Maintenance	\$	(10,000.00)	Delay until next fiscal year
10-62-420	Signs	\$	(10,000.00)	Delay until next fiscal year
10-62-440	Streets Supplies & Maintenance	\$	(65,000.00)	Delay until next fiscal year
10-62-470	Sidewalk Maintenance	\$	(30,000.00)	Delay until next fiscal year
10-69-910	Transfer to Capital Projects Fund	\$	(25,000.00)	Class C Roads Project In Capital Projects Fund canceled

## Christmas Tree &amp; Décor at Events Center

10-40-350	Other Events	\$	1,100.00	Christmas décor
10-40-200	Materials & Supplies	\$	(1,100.00)	Reduction of office supplies

## Council tablet stipend

10-41-290	Communications & Telephone	\$	900.00	Cell phone & Tablet stipend account
10-40-200	Materials & Supplies	\$	(900.00)	Money saved from not printing and delivering pamphlets

## Council "State of the City"

10-41-115	Planning Commission	\$	(4,000.00)	No pay accepted for 2013 budget
10-40-200	Materials & Supplies	\$	4,000.00	Pamphlet & Postage

## Branding Vendor Allocation

10-40-330	Move P/R from Professional & Technical	\$	(7,500.00)	Some P/R was originally assigned to this account
10-40-335	Branding General Government	\$	7,500.00	New branding account

**Water and Sewer Fund**

## Branding Vendor Allocation

51-72-335	Branding Storm drain	\$	1,000.00	New branding account
51-73-335	Branding Water	\$	2,000.00	New branding account
51-39-150	Contribution from Fund Balance	\$	(3,000.00)	Will be absorbed by unrestricted net assets

**Community Recreation Fund**

## Refunding of G.O. Bond

75-80-500	2005 GO Bond Interest	\$	(101,990.00)	Updated due to refunding transaction
75-80-499	2012 GO Bond Interest	\$	15,616.44	Updated due to refunding transaction
75-80-501	2012 GO Amortized Issuance Costs	\$	5,730.00	Updated due to refunding transaction
75-80-502	2012 GO Deferred Bond Costs	\$	39,990.00	Updated due to refunding transaction
75-80-503	2012 GO Unamortized Premium	\$	(9,304.00)	Updated due to refunding transaction
	Overall reduced 2013 expenses	\$	49,957.56	

## Refunding Cash Flow Reconciliation

75-25250	2012 GO Bond Principal payment	\$	(65,000.00)	Subtract principal
75-80-501	2012 GO Amortized Issuance Costs	\$	5,730.00	Add noncash expenses
75-80-502	2012 GO Deferred Bond Costs	\$	39,990.00	Add noncash expenses
75-80-503	2012 GO Unamortized Premium	\$	(9,304.00)	Subtract noncash revenue
	Overall reduced 2013 cashflow	\$	(28,584.00)	

Refunding activity's impact to 2013 budget	\$	21,373.56
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## Branding Vendor Allocation

75-70-600	Move Golf Advertising to Branding	\$	(7,500.00)	Advertising moving to branding account
75-70-335	Branding Golf	\$	7,500.00	New branding account

**To Be Removed From CIP:**

Cedar Hills Civic Center

When City staff moved from the Public Safety Building to the Public Works Building the immediate need for a new Civic Center was alleviated. If additional space is made available at the Recreation Center, then the needs of the staff regarding space could be met for the short term future.

Community Recreation/Aquatics Center

With the expenditures of Recreation Impact fees on the Recreation Center, there is no longer a funding source for a major aquatics center on this scale. This project would need to be reevaluated, a new funding source found and then added back into the CIP.

Fiber Optics Infrastructure

The source of this funding, a \$6,000,000 Google grant is no longer available.

**To Be Added to the CIP:**

Golf course driving range fence

The conditions of the driving range nets and posts are deteriorating due to weather and time. In order to maintain a high level of service at the Golf Course, it is important that the facilities be kept up to date to industry standards and also that the City address any potential safety concerns. New posts would be 20' higher than the current posts, helping to keep driving range balls inside the course and protecting private property surrounding the range. This driving range fence is also warranted for 15 years. Estimated cost is about \$65K, netting alone, no new poles would be \$25K. Source of funding has not been identified yet.

## Hole 18/Event Center Water Feature

The finale to the Golf Course would also be an addition to the event center, making the building more inviting to events, and creating an exciting environment to finish off a round of golf. Estimated cost is about \$25K. Source of funding has not been identified yet.

## Radio Tower for Meter Reads

A new tower that would allow PW to read water meters instantly and accurately using a radio wave transmitter signaling coming from each water meter. The useful life of the current transmitters is estimated at about 10 years, but PW has found that they are routinely replacing the transmitters after 8 years. The useful life of the new transmitters would be approximately 25 years, and they would be integrated over time as existing transmitters expire. The Cost of the tower to read meters from the City building would be about \$80K dollars. The source of funding would be grants and perhaps attaching an internet service provider to generate revenue.

## **To Be Modified in the CIP:**

### Deerfield Park Land Purchase

Moved from FY 2013 to FY 2014

### Deerfield Park Land Development

Moved from FY 2013 to FY 2014

### Public Safety Building Renovation

Moved from FY 13 to FY 2015, and the cost decreased as the need has changed.

### Bonneville Shoreline Trail Section II

Moved from FY 16 to FY 18

### Bayhill Park

Source of funding changed to be Park Trail Grants

## GENERAL FUND REVENUES

TAX REVENUE		FY 2010 ACTUAL	FY 2011 ACTUAL	FY2012 ACTUAL	FY 2013 BUDGET	FY 2014 BUDGET	CHANGE
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10-35-120	Other Recreation Revenue	\$50	\$851	\$0	\$0	\$0	\$0
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<b>GRAND TOTALS</b>		<b>\$3,123,552</b>	<b>\$3,226,157</b>	<b>\$3,629,680</b>	<b>\$3,800,000</b>	<b>\$3,542,000</b>	<b>\$258,000</b>



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	Chandler Goodwin, Assistant City Manager
<b>DATE:</b>	3/5/2013

## City Council Agenda Item

<b>SUBJECT:</b>	Review/Action on Amendments to the City Code, Title 2, Chapter 3, Youth City Council Advisory Committee
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	Chandler Goodwin, Assistant City Manger
<b>BACKGROUND AND FINDINGS:</b> The Youth City Council (YCC) and Staff Representative recently reviewed the bylaws for the YCC, and are recommending the attached proposed changes be made to be more prevalent with their current situation.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> Ordinance 6-7-2011A	
<b>FISCAL IMPACT:</b> N/A	
<b>SUPPORTING DOCUMENTS:</b> The attached copy of Ordinance 6-7-2011A showing the proposed changes in Section 2 and Section 5.	
<b>RECOMMENDATION:</b> Review the recommended changes.	
<b>MOTION:</b> To approve/not approve Ordinance No. _____, an ordinance amending Title 2, Chapter 3, of the City of Cedar Hills, Utah, amending the Charter and Bylaws for the Youth City Council Advisory Committee.	

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 3, OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, AMENDING THE CHARTER AND BYLAWS FOR THE YOUTH CITY COUNCIL ADVISORY COMMITTEE.**

WHEREAS, the City Council has created a Youth City Council to assist in the areas related to the youth of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:**

**PART I  
AMENDMENTS**

**SECTION 1.** Title 2, Chapter 3, Section 1, of the City Code entitled Established; Membership is hereby amended to read as follows:

The Youth City Council (YCC) of the City of Cedar Hills is hereby established on October 14, 2003. The YCC shall consist of one (1) or two (2) YCC mayors, YCC members, and other appointed officers.

**SECTION 2.** Title 2, Chapter 3, Section 2, of the City Code entitled Appointments is hereby amended to read as follows:

YCC appointments shall be made as follows:

- A. Minimum Requirements: YCC members must be ~~high school students~~ **14 to 18 years old**, residents of the City, and be in good academic standing.
- B. Presentation: Those candidates interested in the position of YCC mayor, or YCC city council shall present themselves to their group of peers after returning a completed application. **YCC members can run for mayor if they have served at least one full term as a YCC member**. This presentation will also be heard by a YCC adult advisory committee, compiled of community volunteers organized by the YCC advisor. The results of the peer and YCC adult advisory committee will influence the YCC advisor's recommendation to the mayor.
- C. Names Submitted to Mayor: The YCC advisor, with the recommendation of the YCC and YCC adult advisory committee, shall submit names for YCC appointments to the Mayor.
- D. Appointment: YCC mayor(s) shall be appointed by the Mayor.

**SECTION 3.** Title 2, Chapter 3, Section 3, of the City Code entitled Term of Office is hereby amended to read as follows:

The term of office for YCC members shall be one (1) year beginning the first week of July and ending the last week of June the following year, with the option of applying for subsequent terms, except in the case of the member's resignation, removal, or disqualification from holding office.

**SECTION 4.** Title 2, Chapter 3, Section 4, of the City Code entitled Duties and Responsibilities is hereby amended to read as follows:

The YCC shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

- A. To advise the City Council on issues that affect the youth in the City.
- B. To act as liaisons between the youth community and the City Council.
- C. To identify and advocate for the needs of youth in the City.
- D. To identify and carry out service projects, events, and activities that are important to the youth of the City.
- E. To represent the City and the youth of this City when visiting other agencies or programs.
- F. To train as future leaders and attend workshops, conferences, forums, seminars and meetings that further leadership skills.

**SECTION 5.** Title 2, Chapter 3, Section 5, of the City Code entitled Attendance Requirements and Dismissals, Paragraphs A and D is hereby amended to read as follows:

- A. Notice of Nonattendance: If members are unable to attend a scheduled meeting, they must contact the YCC staff advisor prior to the meeting, or if in the case of an emergency, up to three (3) days following the meeting, to excuse their absence.
- D. Exceptions For Special Circumstances: In special circumstances, exceptions can be made to this rule as determined by the YCC advisor or a leave of absence may be given to facilitate absences that will be of significant duration.

**SECTION 6.** Title 2, Chapter 3, Section 6, of the City Code entitled Officers and Duties, Paragraph B, is hereby amended to read as follows:

- B. YCC Mayor Pro Tempore: When the need arises, a mayor pro tempore shall be appointed by the YCC advisor. The YCC mayor pro tempore shall assume the responsibilities and duties of the YCC mayors when the YCC mayors are absent, resign or are incapable. The YCC mayor pro tempore shall work closely with the YCC mayors and YCC advisor to oversee all other elected officers.

**SECTION 7.** Title 2, Chapter 3, Section 8, of the City Code entitled Meetings is hereby amended to read as follows:

- A. **Schedule:** The YCC will hold meetings each month, at a designated place and time set by the YCC and publicized to its members at least twenty four (24) hours prior to the meeting. The YCC annual meeting schedule will be approved in July at the beginning of the YCC term.
- B. **Agenda:** The YCC shall work from an agenda prepared in advance by the YCC recorder with the advice of the YCC Mayor(s) and YCC advisor.
- C. **Conduct:** The YCC will conduct meetings in similar fashion to the city council, following "Robert's Rules of Order".
- D. **Special Meetings:** Special meetings may be called on the request of any three (3) YCC members and consent of the YCC advisor; provided, that all YCC members receive not less than twenty-four (24) hours' notice of such special meeting.
- E. **Changes:** The YCC may at any time, by majority vote of a quorum, change the regular meeting days and time to better accommodate the needs of the membership, as long as the facilities are available.

**PART II  
PENALTY AND ADOPTION**

**A. CONFLICTING PROVISIONS**

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

**B. PROVISIONS SEVERABLE**

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

**C. AMENDMENT TO BE ADDED TO CITY CODE**

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 3.

**D. PENALTY**

Hereafter these amendments shall be construed as part of the Boards, Commissions, and Committees Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

**E. EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH,  
THIS 5TH DAY OF MARCH, 2013.**

\_\_\_\_\_  
Gary R. Gygi, Mayor

ATTEST:

\_\_\_\_\_  
Colleen A. Mulvey, City Recorder

**ORDINANCE NO. 03-05-2013A**

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 3, OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, AMENDING THE CHARTER AND BYLAWS FOR THE YOUTH CITY COUNCIL ADVISORY COMMITTEE.**

WHEREAS, the City Council has created a Youth City Council to assist in the areas related to the youth of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:**

**PART I  
AMENDMENTS**

**SECTION 1.** Title 2, Chapter 3, Section 1, of the City Code entitled Established; Membership is hereby amended to read as follows:

The Youth City Council (YCC) of the City of Cedar Hills is hereby established on October 14, 2003. The YCC shall consist of one (1) or two (2) YCC mayors, YCC members, and other appointed officers.

**SECTION 2.** Title 2, Chapter 3, Section 2, of the City Code entitled Appointments is hereby amended to read as follows:

YCC appointments shall be made as follows:

- A. Minimum Requirements: YCC members must be 14 to 18 years old, residents of the City, and be in good academic standing.
- B. Presentation: Those candidates interested in the position of YCC mayor, or YCC city council shall present themselves to their group of peers after returning a completed application. YCC members can run for mayor if they have served at least one full term as a YCC member. This presentation will also be heard by a YCC adult advisory committee, compiled of community volunteers organized by the YCC advisor. The results of the peer and YCC adult advisory committee will influence the YCC advisor's recommendation to the mayor.
- C. Names Submitted to Mayor: The YCC advisor, with the recommendation of the YCC and YCC adult advisory committee, shall submit names for YCC appointments to the Mayor.
- D. Appointment: YCC mayor(s) shall be appointed by the Mayor.

**SECTION 3.** Title 2, Chapter 3, Section 3, of the City Code entitled Term of Office is hereby amended to read as follows:

The term of office for YCC members shall be one (1) year beginning the first week of July and ending the last week of June the following year, with the option of applying for subsequent terms, except in the case of the member's resignation, removal, or disqualification from holding office.

**SECTION 4.** Title 2, Chapter 3, Section 4, of the City Code entitled Duties and Responsibilities is hereby amended to read as follows:

The YCC shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities:

- A. To advise the City Council on issues that affect the youth in the City.
- B. To act as liaisons between the youth community and the City Council.
- C. To identify and advocate for the needs of youth in the City.
- D. To identify and carry out service projects, events, and activities that are important to the youth of the City.
- E. To represent the City and the youth of this City when visiting other agencies or programs.
- F. To train as future leaders and attend workshops, conferences, forums, seminars and meetings that further leadership skills.

**SECTION 5.** Title 2, Chapter 3, Section 5, of the City Code entitled Attendance Requirements and Dismissals, Paragraphs A and D is hereby amended to read as follows:

- A. Notice of Nonattendance: If members are unable to attend a scheduled meeting, they must contact the YCC staff advisor prior to the meeting, or if in the case of an emergency, up to three (3) days following the meeting, to excuse their absence.
- D. Exceptions For Special Circumstances: In special circumstances, exceptions can be made to this rule as determined by the YCC advisor or a leave of absence may be given to facilitate absences that will be of significant duration.

**SECTION 6.** Title 2, Chapter 3, Section 6, of the City Code entitled Officers and Duties, Paragraph B, is hereby amended to read as follows:

- B. YCC Mayor Pro Tempore: When the need arises, a mayor pro tempore shall be appointed by the YCC advisor. The YCC mayor pro tempore shall assume the responsibilities and duties of the YCC mayors when the YCC mayors are absent, resign or are incapable. The YCC mayor pro tempore shall work closely with the YCC mayors and YCC advisor to oversee all other elected officers.

**SECTION 7.** Title 2, Chapter 3, Section 8, of the City Code entitled Meetings is hereby amended to read as follows:

- A. **Schedule:** The YCC will hold meetings each month, at a designated place and time set by the YCC and publicized to its members at least twenty four (24) hours prior to the meeting. The YCC annual meeting schedule will be approved in July at the beginning of the YCC term.
- B. **Agenda:** The YCC shall work from an agenda prepared in advance by the YCC recorder with the advice of the YCC Mayor(s) and YCC advisor.
- C. **Conduct:** The YCC will conduct meetings in similar fashion to the city council, following "Robert's Rules of Order".
- D. **Special Meetings:** Special meetings may be called on the request of any three (3) YCC members and consent of the YCC advisor; provided, that all YCC members receive not less than twenty-four (24) hours' notice of such special meeting.
- E. **Changes:** The YCC may at any time, by majority vote of a quorum, change the regular meeting days and time to better accommodate the needs of the membership, as long as the facilities are available.

**PART II  
PENALTY AND ADOPTION**

**A. CONFLICTING PROVISIONS**

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

**B. PROVISIONS SEVERABLE**

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

**C. AMENDMENT TO BE ADDED TO CITY CODE**

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 3.

**D. PENALTY**

Hereafter these amendments shall be construed as part of the Boards, Commissions, and Committees Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

**E. EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH,  
THIS 5TH DAY OF MARCH, 2013.**

\_\_\_\_\_  
Gary R. Gygi, Mayor

ATTEST:

\_\_\_\_\_  
Colleen A. Mulvey, City Recorder



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	Chandler Goodwin, Assistant City Manager
<b>DATE:</b>	3/5/2013

## City Council Agenda Item

<b>SUBJECT:</b>	Amendments to City Code Title 4, Chapter 2, Nuisances
<b>APPLICANT PRESENTATION:</b>	n/a
<b>STAFF PRESENTATION:</b>	Scott McMahon, City Code Enforcement Officer
<b>BACKGROUND AND FINDINGS:</b>	
<ol style="list-style-type: none"> <li>1. Addition of maximum weed height of 6".</li> <li>2. Addition of a definition of a weed.</li> <li>3. The city currently has no code covering landscaping overhanging the street.</li> <li>4. Recommend standard nuisance fine schedule for violations of code</li> </ol>	
<b>PREVIOUS LEGISLATIVE ACTION:</b>	
Ordinance No. 6-17-2003A	
<b>FISCAL IMPACT:</b>	
n/a	
<b>SUPPORTING DOCUMENTS:</b>	
Proposed amendments to code/ordinance.	
<b>RECOMMENDATION:</b>	
Staff recommends the city council approve the proposed ordinance as prepared.	
<b>MOTION:</b>	
To approve/not approve Ordinance No. _____, an ordinance amending City Code Title 4, Chapter 2, Nuisances, amending the requirements relating to Purpose, Definitions, and Nuisance Defined and Enumerated.	

## Chapter 2 NUISANCES

### 4-2-1: PURPOSE:

### 4-2-2: DEFINITIONS:

### 4-2-3: NUISANCE DEFINED AND ENUMERATED:

### 4-2-4: EXCEPTIONS:

### 4-2-5: RESPONSIBILITY OF NUISANCES:

### 4-2-6: ABATEMENT; ADMINISTRATION:

### 4-2-7: FINDING OF NUISANCE:

### 4-2-8: VOLUNTARY CORRECTION:

### 4-2-9: ADMINISTRATIVE CITATION:

### 4-2-10: OTHER REMEDIES:

### 4-2-11: APPEALS:

### 4-2-1: PURPOSE:

The purpose of this chapter is to provide a means for the city and individuals to identify nuisances within the city and to provide a means for correcting or abating the nuisances. The city needs the ability to abate nuisances in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the city and its citizens, businesses and visitors. **The provisions of this code shall be liberally construed in order to carry out the abatement of the growth and spread of injurious and noxious weeds, garbage and refuse, public nuisances, and illegal objects and structures.** This chapter provides for progressive enforcement measures to abate nuisances; the most aggressive forms of enforcement are generally preserved for the most recalcitrant violators of this chapter. (Ord. 6-17-2003A, 6-17-2003)

### 4-2-2: DEFINITIONS:

The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

**ABATE:** To repair, replace, remove, destroy, correct or otherwise remedy a condition that constitutes a nuisance by such means, in such a manner and to such an extent as the zoning administrator, or his designee, determines is necessary in the interest of the general health, safety and welfare of the community.

**COMPLETION DATE:** The date by which the responsible person must abate a nuisance. The completion date is originally set by the zoning administrator in the voluntary correction notice/agreement or in the administrative citation. The completion date may be modified by the hearing officer.

**EMERGENCY:** A situation that, in the opinion of the zoning administrator, requires immediate action to prevent or eliminate an immediate threat to the health or safety of a person or property.

**HEARING OFFICER:** The persons designated to hear appeals pursuant to this chapter. The hearing

officer shall be the City of Cedar Hills city manager, or his or her designee. The designee need not be a city employee. The city manager may also appoint a committee to function as the hearing officer.

**OWNER:** Any property owner, lessee, occupant or other person who, alone or with others, has title or interest in any building or premises, with or without accompanying actual possession thereof. For the purpose of giving notice, the term "owner" also includes any person in charge or physical possession of the premises and/or property involved.

**PREMISES:** A plot of ground, whether occupied or not.

**PROPERTY:** Any real or personal property, or any combination thereof, including, but not limited to, land, buildings, fixtures and vehicles.

**PUBLIC PLACE:** An area generally visible to public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets and buildings open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

**RESPONSIBLE PERSON:** The person responsible for correcting or abating a nuisance pursuant to this chapter. The responsible person includes the property owner who commits, creates, aids in creating, or contributes to a nuisance, or who supports, continues, maintains, retains, or otherwise causes or permits a nuisance to occur or remain upon property in the city, and includes, but is not limited to, the owner, lessor, lessee, agent, occupant or other person entitled to control, use and/or occupy property where a nuisance occurs. In cases where there are more than one responsible persons, the city may proceed against one, some or all of them.

**WEED:** A weed is a plant out of place, not intentionally sown, whose undesirable qualities outweigh its good points. County noxious weed is any plant which is not on the state noxious weed list, is especially troublesome in a particular county, and is declared by the county legislative body to be noxious weed within its county. Noxious weed is any plant the Utah State Commissioner of Agriculture and Food determines to be especially injurious to public health, crops, livestock, land, or other property.

**ZONING ADMINISTRATOR:** Enforcement personnel hired or assigned by the city to enforce this chapter. (Ord. 6-17-2003A, 6-17-2003)

#### **4-2-3: NUISANCE DEFINED AND ENUMERATED:**

A. Scope: This section defines "nuisance" by providing five (5) general definitions of what constitutes a nuisance, and then providing specific examples of situations, conduct or activities that constitute nuisances. Every situation, conduct or activity listed herein constitutes a nuisance and shall be subject to abatement pursuant to this chapter.

B. Purpose: The purpose of the general definitions is to allow the city to classify an offending situation, conduct or activity as a nuisance, even though the situation, conduct or activity may not be listed as a nuisance in the specific examples. The first three (3) general definitions are taken directly from Utah state law. The purpose of listing the specific examples is to identify some of the specific situations, conduct and activities that the city intends to abate as nuisances.

C. General Definitions Of Nuisance: Any activity that meets any one or more of the five (5) definitions set forth below shall constitute a "nuisance" if it occurs within the city:

1. Nuisance As Defined In Utah Code Annotated Section 78-38-1(1): Anything that is injurious to health, indecent, offensive to the senses, or an obstruction of the free use of property, so as to interfere with the comfortable enjoyment of life or property.
2. Nuisance As Defined In Utah Code Annotated Section 76-10-801(1): Any item, thing, manner or condition whatsoever that is dangerous to human life or health, or renders soil, air, water or food impure or unwholesome.
3. Nuisance As Defined In Utah Code Annotated Section 76-14-803: Unlawfully doing any act or omitting to perform any duty, which act or omission:
  - a. Annoys, injures or endangers the comfort, repose, health or safety of three (3) or more persons;
  - b. Offends public decency;
  - c. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, stream, canal or basin, or any public park, square, street or highway;
  - d. In any way renders three (3) or more persons insecure in life or the use of property; or
  - e. An act that affects three (3) or more persons in any of the ways specified in this subsection is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.
4. Nuisance: A condition that:
  - a. Wrongfully annoys, injures or endangers the comfort, repose, health or safety of others; or
  - b. Unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, street or highway, or any other public place or right of way; or
  - c. In any way renders other persons insecure in life, or in the use of property, and that affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.
5. Specific Nuisances Enumerated: The examples enumerated below are not exhaustive. A situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six (6) listed nuisances are also listed as nuisances pursuant to Utah Code Annotated section 78-38-9:
  - a. Drug Houses: Every building or premises where the unlawful sale, manufacture, service, storage, distribution, dispensing or acquisition of any controlled substance, precursor or analog specified in Utah Code Annotated title 58, chapter 37 (Utah controlled substance act) occurs.
  - b. Gambling: Every building or premises where gambling is permitted to be played, conducted or dealt upon as prohibited in Utah Code Annotated title 76, chapter 10, part 11 (gambling) that creates the conditions of a "nuisance", as defined in subsection C1 of this section.

- c. Gangs: Every building or premises wherein criminal activity is committed in concert with two (2) or more persons as provided in Utah Code Annotated section 76-3-203.1.
- d. Party Houses: Every building or premises where parties occur frequently that create the conditions of a "nuisance", as defined in subsection C1 of this section.
- e. Prostitution: Every building or premises where prostitution or the promotion of prostitution is regularly carried on by one or more persons as provided in Utah Code Annotated title 76, chapter 10, part 13 (prostitution).
- f. Weapons: Every building or premises where a violation of Utah Code Annotated title 76, chapter 10, part 5 (weapons) occurs on the premises.
- g. Unsafe Condition: A condition that unreasonably or unlawfully affects the health or safety of one or more persons.
- h. Fire Hazard: A fire hazard.
- i. Noxious Emanations: Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
- j. ~~Noxious Weeds:~~ Weeds shall not be maintained at a height of not more than six inches (6") at anytime, and shall be cleared from real property in the city. Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location that constitute a fire hazard.
- k. Refuse: Keeping or storing of any refuse or waste matter that interferes with the reasonable enjoyment of nearby property.
- l. Stagnant Water: Polluted or stagnant water that constitutes an unhealthy or unsafe condition.
- m. Improper Accumulations: Accumulation of soil, litter, debris, plant trimmings or trash, visible from the street or an adjoining property.
- n. Accumulation Of Junk: Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal noncommercial use on the premises.
- o. Attractive Nuisances: Any attractive nuisance dangerous to children and other persons, including, but not limited to, abandoned, broken or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pools.
- p. Vegetation: Dead, decayed, diseased or hazardous trees, weeds, hedges and overgrown or uncultivated vegetation that is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or that is likely to harbor rats, vermin or other pests. Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of thirteen and one-half feet (13½) above the street pavement

- q. Dust: Any premises that causes excessive dust due to lack of landscaping, nonmaintenance or other cause.
- r. Improper Storage: The keeping, storing, depositing or accumulating on the premises or in the public right of way for an unreasonable period of time of dirt, sand, gravel, concrete or other similar materials, or maintenance of such material on public right of ways. Material stored as part of an active construction project shall not be considered a nuisance.
- s. Garbage Can: The presence of any outdoor garbage can or refuse container without a lid or with a lid that is not closed, or the leaving of any garbage can or refuse container in the street, other than on collection day, for more than twenty four (24) hours after the collection day<sup>1</sup>.
- t. Construction Equipment: Construction equipment or machinery of any type or description parked or stored on property when it is readily visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property, or where the property is zoned for the storage of construction equipment and/or machinery.
- u. Improper Sign: Improper maintenance of a sign or signs that advertise a business that is no longer extant on the property. (Ord. 6-17-2003A, 6-17-2003)
- v. Improper Parking Or Storage:
  - (1) Parking or storage of inoperative, unregistered, abandoned, wrecked or dismantled vehicles, boats, trailers or vehicle parts, including recreational vehicles, on a premises that can be seen from the street or in the public right of way. Storage or parking that is specifically allowed by the city zoning ordinance shall not be considered a nuisance.
  - (2) Parking or storage of registered vehicles, trailers and/or boats in violation of city ordinance.
  - (3) The parking or storage of any recreational vehicle on any premises or property shall be considered a nuisance unless the recreational vehicle, and/or boat or trailer is parked or stored upon a hard surface that extends to the edges of the recreational vehicle. (Ord. 10-20-2009A, 10-20-2009)
- w. Hazardous Conditions: Any wall, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property. (Ord. 8-16-2011A, 8-16-2011)
- x. Graffiti: Graffiti that remains on the exterior of any building, fence, sign or other structure and is visible from a public street.
- y. Improper Maintenance: Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair, including, but not limited to:
  - (1) Any building or structure that is unfit for human habitation, or that is an unreasonable hazard to the health of people residing in the vicinity thereof, or that presents an unreasonable fire hazard in the vicinity where it is located; or
  - (2) Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of city ordinances, or any use of land, buildings or premises in violation of city ordinances; or

(3) Buildings that are abandoned, partially destroyed or left in an unreasonable state of partial construction for a period of six (6) months or longer. An "unreasonable state of partial construction" is defined as any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable city ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction; or

(4) Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling or chalking, as to render the building unsightly and/or in a state of disrepair; or

(5) Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type that normally contains glass; or (Ord. 6-17-2003A, 6-17-2003)

(6) Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or (Ord. 8-16-2011A, 8-16-2011)

(7) Buildings or conditions that violate any building, electrical, plumbing, fire, housing or other code adopted by the city or the state. (Ord. 6-17-2003A, 6-17-2003; amd. 2004 Code)

z. City Code Nuisances: Any violation of a city ordinance that expressly declares a specific situation, conduct or activity to be a nuisance.

aa. Alcohol: Every property or premises not licensed under applicable state law or city ordinance where any intoxicating liquors or alcohol are kept for unlawful use, sale or distribution.

bb. Inappropriate Conduct: Every property or premises where there exists an environment that causes, encourages or allows individuals or groups of individuals to commit one or more of the following acts on the property, premises or adjacent public place, including, but not limited to:

(1) Illegally consuming intoxicating liquor or alcohol;

(2) Publicly urinating or defecating;

(3) By physical action, intentionally causing or attempting to cause another person to reasonably fear imminent bodily injury or the commission of a criminal act upon their person or upon property in their immediate possession;

(4) Engaging in acts of violence, including fighting amongst themselves;

(5) Discharging a firearm or explosive in violation of city ordinance<sup>2</sup> or state law;

(6) Creating unreasonable noise that disturbs others;

(7) Intentionally obstructing pedestrian or vehicular traffic; or

(8) Soliciting acts of prostitution.

cc. Dangerous Conditions: Any fence, wall, shed, deck, house, garage, building, structure or any part of the aforesaid; or any tree pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock or loading dock; or any lot, land, yard, premises or location that in its entirety, or in

any part thereof, by reason of the condition in that the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the city, in any one or more of the following particulars:

- (1) By reason of being a menace, threat and/or hazard to the general health and safety of the community.
- (2) By reason of being a fire hazard.
- (3) By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.
- (4) By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

dd. Illegal Accessory Apartments: Any violation of the city zoning ordinance.

ee. Family: Keeping or allowing people at a premises in violation of the city single-family residence requirements.

ff. Parking On Landscaping: Parking in an area required to be landscaped by city ordinance.

gg. Banner Signs: Keeping or allowing banner signs in violation of city ordinance.

hh. Required Landscaping: Failure to install or maintain landscaping required by city ordinance.

ii. Miscellaneous Sanitary Regulations: It shall be unlawful and a nuisance to do any of the following:

- (1) To place, conduct or discharge into or on any street, alley, sidewalk, gutter, water ditch or canal, or any vacant lot, any rancid fat or grease waste material, any filthy or offensive water, liquid, waste refuse or discharge of any kind that is offensive or likely to become so, or any putrid or unsound meat, fish, hides or skin or any kind, or filth, offal, dead animals, vegetables or any unsound offensive matter whatsoever; provided, however, that this subsection shall not apply to the spreading of manure upon land for the purpose of fertilizing the soil.
- (2) To process dead animals for the purpose of fertilizing material or other products, or any boiling of offal, fat or grease that shall be done or carried on in an offensive, unclean or defective manner.
- (3) To fail to abate any collection of waste, rags, damaged merchandise, wet, broken or leaking barrels, casks or boxes, or any materials that are offensive or tend to decay, to become putrid, or to pollute the air.
- (4) For the owner or occupant of real property, or any other responsible person, to cause or permit upon said property any of the following unsanitary, fly producing, disease causing condition:
  - (A) Manure that is not securely protected from flies.
  - (B) Any privy vault, cesspool, sink, pit or like place that is not securely protected from flies.

(C) Garbage that is not securely protected from flies.

(D) Vegetable or animal waste, trash, litter, rags or refuse of any kind, nature or description in which flies may breed or multiply. (Ord. 6-17-2003A, 6-17-2003)

jj. It is unlawful for any owner or occupant of real property in the city to let the height of weeds on such property to grow beyond the maximum permitted, or to fail to remove from such property any injurious and noxious weeds, garbage and refuse, unsightly or deleterious objects or structures, after having been given notice pursuant to Utah Code Annotated section 10-11-2.

#### **4-2-4: EXCEPTIONS:**

No act that is done or maintained under the express authority of an authoritative statute, ordinance or court ruling shall be declared a nuisance. (Ord. 6-17-2003A, 6-17-2003)

#### **4-2-5: RESPONSIBILITY OF NUISANCES:**

The responsible person is responsible for abating nuisances pursuant to this chapter. Any person, whether as owner, agent or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues or retains a nuisance, is responsible for the nuisance and is therefore a responsible person pursuant to this chapter. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefor in the same manner as the one who first created it. (Ord. 6-17-2003A, 6-17-2003)

#### **4-2-6: ABATEMENT; ADMINISTRATION:**

This chapter shall be administered and enforced by the building and zoning department. (Ord. 6-17-2003A, 6-17-2003)

#### **4-2-7: FINDING OF NUISANCE:**

If the zoning administrator finds that a nuisance exists, the zoning administrator shall attempt to have the responsible person abate the nuisance. Although the zoning administrator's first step in correcting or abating the nuisance will always be to obtain voluntary compliance, the zoning administrator may pursue any remedy or combination of remedies available pursuant to this chapter, state law or common law in order to abate the nuisance. Nothing in this section shall be interpreted to prohibit the city from engaging in its standard prosecution practices. Therefore, the city may prosecute violators of city ordinances or state laws without first having to comply with the provisions of this chapter, even though the activity or conduct prosecuted may also constitute a nuisance under this chapter. Nothing in this chapter shall be interpreted to prevent the city from enforcing applicable city ordinances or building codes without first treating the offending conduct, situation or activity as a nuisance pursuant to this chapter. (Ord. 6-17-2003A, 6-17-2003)

#### **4-2-8: VOLUNTARY CORRECTION:**

A. **Applicability:** This section applies whenever the zoning administrator determines that a nuisance exists.

B. **Contact:** Before taking other steps to abate the nuisance, the zoning administrator shall make a reasonable attempt to secure voluntary correction or abatement of the nuisance by:

1. Contacting the responsible person, where possible;
2. Explaining the nuisance;
3. Requesting the responsible person to abate the nuisance; and
4. Agreeing to terms with the responsible person to abate the nuisance.

C. **No Agreement:** If the zoning administrator and the responsible person cannot agree to terms for correcting or abating the nuisance, the zoning administrator may still abate the nuisance using one or more of the procedures set forth in this chapter, state law or common law.

D. **Voluntary Correction Notice/Agreement:** If the zoning administrator and the responsible person agree to terms for abating the nuisance, they shall enter into and sign a voluntary correction notice/agreement. The voluntary correction notice/agreement is a contract between the city and the responsible person in which the responsible person agrees to abate the nuisance within a specified time and according to specified conditions. The voluntary correction notice/agreement shall include the following terms:

1. The name and current address of the responsible person;
2. The street address of the nuisance, or a description sufficient to identify the building, structure, premises or land upon or within which the nuisance is occurring;
3. A description of the nuisance;
4. The necessary corrective action to be taken, and a date or time by which correction must be completed;
5. An agreement by the responsible person that the city may inspect the premises as may be necessary to determine compliance with the voluntary correction notice/agreement;
6. An agreement by the responsible person that the city may abate the nuisance and recover its costs and expenses to abate the nuisance, as well as a monetary fine pursuant to this chapter from the responsible person, if the terms of the voluntary correction notice/agreement are not met;
7. An agreement by the responsible person acknowledging that he/she waives the right to appeal the zoning administrator's finding that a nuisance exists and waiving the right to appeal the specific corrective action required in the voluntary correction notice/agreement; and

8. An agreement by the responsible person that failure to comply with the voluntary correction notice/agreement may be grounds for criminal prosecution.

E. Extensions: The zoning administrator may grant an extension of the time limit for correcting or abating the nuisance if the responsible person has shown due diligence and/or substantial progress in correcting or abating the nuisance, but unforeseen circumstances render abatement under the original conditions unattainable. If the responsible person complies with the terms of the voluntary correction notice/agreement, the city shall take no further action against the responsible person related to the nuisance described in the voluntary correction notice/agreement unless the nuisance recurs. (Ord. 6-17-2003A, 6-17-2003)

#### **4-2-9: ADMINISTRATIVE CITATION:**

A. Administrative Citation: When the zoning administrator determines that a nuisance exists, and is unable to secure voluntary correction pursuant to this chapter, the zoning administrator may issue an administrative citation to the responsible person. The zoning administrator may issue an administrative citation without having attempted to secure voluntary correction as provided in this chapter under the following circumstances:

1. When an emergency exists; or
2. When the zoning administrator is unable to locate or determine the identity of the responsible person.

B. Content Of Administrative Citation: The administrative citation shall include the following:

1. The name and last known address of the responsible person; and
2. The street address of the nuisance or a description sufficient for identifying the building, structure, premises or land upon or within which the nuisance is occurring; and
3. A description of the nuisance; and
4. The required corrective action and date for completion thereof; and
5. A notice that the city may abate the nuisance and charge the responsible person for all abatement costs and expenses if the responsible person does not correct the nuisance before the completion date; and
6. The time for appealing the administrative citation to the hearing officer and the procedure for filing an appeal; and
7. A statement indicating that no monetary fine will be assessed if the zoning administrator approves the completed, required corrective action prior to the completion date; and

8. A statement that the city may assess a monetary fine against the responsible person if the correction is not completed by the responsible person and approved by the zoning administrator before the completion date.

C. Service Of Administrative Citation: The zoning administrator shall serve the administrative citation upon the responsible person, either personally or by mailing, certified, return receipt requested, a copy of the administrative citation to the responsible person at his/her last known address. If the responsible person cannot, after due diligence, be personally served and if an address for mailed service cannot, after due diligence, be ascertained, notice shall be served by posting a copy of the administrative citation conspicuously on the affected property. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting, the facts showing that due diligence was used in attempting to serve the person personally or by mail.

D. No Extension: No extension of the time specified in the administrative citation for correction of the nuisance may be granted, except by order of the hearing officer. (Ord. 6-17-2003A, 6-17-2003)

#### **4-2-10: OTHER REMEDIES:**

The city may take one or more of the following actions against any responsible person who fails to comply with the terms of a voluntary correction notice/agreement, an administrative citation, or an order of the hearing officer:

##### **A. Abatement By City:**

1. The city may abate a nuisance when:

- a. The terms of a voluntary correction notice/agreement have not been met; or
  - b. The requirements of an administrative citation have not been complied with, or, if the administrative citation is appealed to the hearing officer and the terms of the administrative citation are amended by the hearing officer, the terms of the hearing officer's order have not been complied with; or
  - c. The condition is subject to summary abatement as provided for in subsection A2 of this section.
2. Whenever a nuisance is occurring that constitutes an immediate and emergent threat to the public health, safety or welfare, or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the responsible person as soon as reasonably possible after the abatement.

3. Using any lawful means, the city may enter upon the subject property and may remove or correct the condition that is subject to abatement. The city may seek, but is not required to seek, such judicial process as it deems necessary to effect the removal or correction of such condition.

4. The costs, including incidental expenses, of correcting or abating the violation shall be billed to the responsible person and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the city within ten (10) days of actual receipt of the bill (within 15 days of the mailing date if the bill is mailed). The term "incidental expenses" includes, but is not limited to:

- a. Personnel costs, both direct and indirect, including attorney fees and costs;
- b. Costs incurred in documenting the violation;
- c. Hauling, storage and disposal expenses;
- d. Actual expenses and costs for the city in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
- e. The costs of any required printing and mailing.

**B. Monetary Fine:**

1. The responsible person shall pay the city a monetary fine for each day the nuisance continues after the completion date. The nuisance shall be considered to continue until the zoning administrator approves the responsible person's actions to correct or abate the nuisance. The amount of the monetary fine shall be as follows:

- a. One hundred dollars (\$100.00) per day for each day during the first week that the nuisance remains uncorrected or unabated after the completion date;
- b. Two hundred dollars (\$200.00) per day for each day thereafter until the nuisance is corrected or abated according to the terms set forth in the administrative citation.

2. The monetary fine shall be cumulative and may not be waived by the zoning administrator. Payment of a monetary fine pursuant to this chapter does not relieve the responsible person from the duty to abate the nuisance as required by the voluntary correction notice/agreement or the administrative citation. The monetary fine constitutes a personal obligation of the responsible person. Any monetary fine assessed must be paid to the city within ten (10) calendar days from the date of mailing of the hearing officer's decision and order or a notice from the city that the fine is due. The city attorney, or his/her designee, is authorized to take appropriate action to collect the monetary fine, plus reasonable attorney fees, interest and costs incurred in collecting said monetary fine.

**C. Civil Actions:** Either the city or any private person directly affected by a nuisance may bring a civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property). The civil action may be brought pursuant to this chapter or pursuant to state law. Any action brought by the city may include claims for costs and expenses associated with abatement of the nuisance, plus reasonable attorney fees, interest and costs incurred in collecting any judgment thereon.

D. Criminal Actions: Criminal actions may be initiated by criminal citation from the zoning administrator or by long form information: (Ord. 6-17-2003A, 6-17-2003)

1. Any person who maintains or assists in maintaining a nuisance is guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. No person shall be prosecuted under this chapter unless the zoning administrator first attempted to obtain voluntary correction as provided in this chapter.
2. If the alleged nuisance is also a violation of a provision of a city ordinance (other than this nuisance ordinance) or state law, the responsible person may be charged under the specific provision of the city ordinance or state law, even if the zoning administrator did not first attempt to obtain voluntary correction as provided in this chapter.
3. Any person who knowingly obstructs, impedes or interferes with the city or its agents, or with the responsible person, in the performance of duties imposed by this chapter, or a decision and order issued by the hearing officer, or a voluntary correction notice/agreement, is guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 6-17-2003A, 6-17-2003; amd. 2004 Code)

E. Abatement By Eviction: Whenever there is reason to believe that a nuisance is kept, maintained or exists in the city, the city attorney or any citizen residing in the city, or any person or entity doing business in the city, in his or their own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant of the property harboring the nuisance. The eviction shall take place as specified in state law.

F. Other Remedies: In the event that the property owner fails to pay any fines or costs related to nuisance abatement when due and cannot be adequately served within the county, or in the event that he resides outside the county, the city may refer the matter to the county treasurer for inclusion in the tax notice of the property owner, including all costs associated both with the abatement of the nuisance in the manner anticipated by this chapter, together with administrative expenses in the manner described herein.

G. Nonexclusive Remedies: The city may take any or all of the above mentioned remedies (administrative, civil or criminal) to abate a nuisance and/or to punish any person or entity who creates, causes or allows a nuisance to exist. The abatement of a nuisance does not prejudice the right of the city or any person to recover damages or penalties for its past existence. (Ord. 6-17-2003A, 6-17-2003)

#### **4-2-11: APPEALS:**

A. Grounds: Any person receiving an administrative citation may appeal the administrative citation to the hearing officer. Only the following issues may be appealed to the hearing officer:

1. The person charged in the administrative citation as the responsible person is not the "responsible person", as defined by this chapter.
2. The condition described as a nuisance in the administrative citation is not a "nuisance", as defined by this chapter.
3. The method required by the administrative citation to abate the nuisance is inappropriate or is not the most cost effective method of effectively correcting or abating the nuisance.
4. The time period given to abate the nuisance in the administrative citation is unreasonable.
5. The monetary fine set forth in the administrative citation is not consistent with the provisions of subsection 4-2-10B of this chapter.
6. The zoning administrator refused to approve a corrective action that met the requirements of the administrative citation.
7. The responsible person claims that the requirements of the administrative citation violates his/her constitutional rights.

B. Filing: The person desiring to appeal must file a notice with the city manager within ten (10) days of receipt of the administrative citation (within 15 days of the mailing date if the administrative citation is mailed). Failure to request an appeal hearing as provided shall constitute a waiver to such hearing and a waiver of the right to appeal.

C. Hearing: The hearing before the hearing officer shall be informal according to rules and procedures established by the hearing officer. The appellant may, but is not required to, bring an attorney or other representative to assist him or her. The appellant and the zoning administrator may each call witnesses at the hearing. The hearing officer may, with or without the parties present, visit the site of the alleged nuisance. If the hearing officer allows the parties at the site visit, both parties must be given the opportunity to be present. The hearing shall be scheduled by the hearing officer within thirty (30) days from the date the notice of appeal is filed with the city.

D. Burden Of Proof: The appellant shall have the burden of proof to demonstrate by a preponderance of the evidence that he/she had legitimate grounds for an appeal. The determination of the zoning administrator as to the need for the required corrective action shall be accorded substantial weight by the hearing officer in determining the reasonableness of the corrective action.

E. Authority Of Hearing Officer:

1. The hearing officer shall have authority to affirm or vacate the administrative citation, or to modify or waive specific provisions of the administrative citation. If the appellant fails to attend the hearing, the

hearing officer shall affirm the administrative citation. The hearing officer shall not vacate the administrative citation unless he/she finds that no nuisance exists. The hearing officer shall modify the administrative citation if he/she finds that a nuisance exists, but that one or more of the requirements of the administrative citation is improper or inappropriate. A requirement is improper if it is contrary to this chapter. A requirement is inappropriate if the hearing officer finds that there is a better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement of the administrative citation, the hearing officer may also consider:

- a. Whether the appellant responded to the zoning administrator's attempts to contact the appellant and cooperated with efforts to correct the nuisance;
  - b. Whether the appellant has shown due diligence and/or substantial progress in correcting the nuisance;
  - c. The financial ability of the appellant and the amount, if any, that the appellant has benefitted financially by maintaining the nuisance;
  - d. Any other relevant factors.
2. If the appellant appeals the zoning administrator's refusal to approve appellant's corrective action, the hearing officer shall visit the site and determine if the appellant complied with the requirements of the administrative citation.

F. Order: The hearing officer shall issue a written order to the appellant and the city notifying them of his/her decision. The order shall include the hearing officer's findings of fact and ultimate decision. If the hearing officer modifies or waives provisions of the administrative citation, the order shall specify which portions are modified and how they are modified. The hearing officer shall mail a copy of the order to the appellant and the city within five (5) working days of the close of the hearing.

G. Appeal To District Court: Either the city or the appellant may appeal the hearing officer's order by filing a petition for review of the order. The petition must be filed in the fourth district court within thirty (30) calendar days from the date the hearing officer's order was mailed to the appellant. In the petition, the plaintiff may only allege that the hearing officer's order was arbitrary, capricious or illegal. The hearing officer shall transmit to the reviewing court the record of its proceedings, including any minutes, findings, orders and, if available, a true and correct transcript of its proceedings. If, in the opinion of the district court, there is a sufficient record to review the hearing officer's order, the court's review is limited to the record provided by the hearing officer. The district court may not accept or consider any evidence outside of the hearing officer's record unless the evidence was offered to the hearing officer and the court determines that it was improperly excluded by the hearing officer. If, in the opinion of the district court, there is not a sufficient record to review the hearing officer's order, the court may call witnesses and take evidence. No petition or appeal may be filed in district court unless the responsible person first appeals to the hearing officer pursuant to the terms set forth in this chapter. (Ord. 6-17-2003A, 6-17-2003)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1](#): See also subsection [4-1-5D](#) of this title.

[Footnote 2](#): See also section [5-2-3](#) of this code.

ORDINANCE NO: \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 2, NUISANCES, OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, AMENDING THE REQUIREMENTS RELATING TO PURPOSE, DEFINITIONS, AND NUISANCE DEFINED AND ENUMERATED.**

**WHEREAS**, the City of Cedar Hills ordinance dealing with zoning violations and nuisances has been reviewed and found to be in need of revision; and

**WHEREAS**, the purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the City of Cedar Hills, and

**WHEREAS**, the City Council desires to encourage a well-maintained city, free of nuisance conditions that negatively affect surrounding property owners by reducing their ability to exercise the quiet enjoyment of their property; and

**WHEREAS**, after consideration of all the relevant factors, the City Council of the City of Cedar Hills finds and determines that it is in the best interest of the health, safety and general welfare of its current and future residents to adopt this ordinance in order to provide for the regulation of nuisances within the City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH:**

**AMENDMENTS  
PART I  
PURPOSE**

The purpose of this Ordinance is to provide a means for the City and individuals to identify nuisances within the City and to provide a means for correcting or abating the nuisances. The City needs the ability to abate nuisances in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the City and its citizens, businesses, and visitors. **The provisions of this code shall be liberally construed in order to carry out the abatement of the growth and spread of injurious and noxious weeds, garbage and refuse, public nuisances, and illegal objects and structures.** This Ordinance provides for progressive enforcement measures to abate nuisances; the most aggressive forms of enforcement are generally preserved for the most recalcitrant violators of the ordinance.

**PART II  
DEFINITIONS**

“Abate” means to repair, replace, remove, destroy, correct or otherwise remedy a condition that constitutes a nuisance by such means, in such a manner and to such an extent as the Zoning

Administrator, or his designee, determines is necessary in the interest of the general health, safety and welfare of the community.

“Completion Date” means the date by which the Responsible Person must abate a nuisance. The Completion Date is originally set by the Zoning Administrator in the Voluntary Correction Notice/Agreement or in the administrative citation. The Completion Date may be modified by the Hearing Officer.

“Emergency” means a situation that, in the opinion of the Zoning Official, requires immediate action to prevent or eliminate an immediate threat to the health or safety of a person or property.

“Zoning Administrator” means enforcement personnel hired or assigned by the City to enforce this ordinance.

“Hearing Officer” means the person(s) designated to hear appeals pursuant to this ordinance. The Hearing Officer shall be the City of Cedar Hills City Manager or his or her designee. The designee need not be a City employee. The City Manager may also appoint a committee to function as the Hearing Officer.

“Owner” means any property owner, lessee, occupant or other person who, alone or with others, has title or interest in any building or premises, with or without accompanying actual possession thereof. For the purpose of giving notice, the term “owner” also includes any person in charge or physical possession of the premises and/or property involved.

“Premises” means a plot of ground, whether occupied or not.

“Property” means any real or personal property, or any combination thereof, including but not limited to land, buildings, fixtures and vehicles.

“Public Place” means an area generally visible to public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets, and buildings open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

“Responsible Person” means the person(s) responsible for correcting or abating a nuisance pursuant to this Ordinance. The Responsible Person includes the property owner who commits, creates, aids in creating, or contributes to a nuisance, or who supports, continues, maintains, retains, or otherwise causes or permits a nuisance to occur or remain upon property in the City, and includes but is not limited to the owner(s), lessor(s), lessee(s), agent(s), occupant(s), or other person(s) entitled to control, use and/or occupy property where a nuisance occurs. In cases where there are more than one Responsible Persons, the City may proceed against one, some, or all of them.

“Weed” A weed is a plant out of place, not intentionally sown, whose undesirable qualities outweigh its good points. County noxious weed is any plant which is not on the state noxious weed list, is especially troublesome in a particular county, and is declared by the county legislative body to be noxious weed within its county. Noxious weed is any plant the Utah State

Commissioner of Agriculture and Food determines to be especially injurious to public health, crops, livestock, land, or other property.

### PART III NUISANCE - DEFINITION

This section defines “nuisance” by providing five general definitions of what constitutes a nuisance, and then providing specific examples of situations, conduct or activities that constitute nuisances. Every situation, conduct or activity listed herein constitutes a nuisance and shall be subject to abatement pursuant to this Ordinance.

The purpose of the general definitions is to allow the City to classify an offending situation, conduct or activity as a nuisance, even though the situation, conduct or activity may not be listed as a nuisance in the specific examples. The first three general definitions are taken directly from Utah State law. The purpose of listing the specific examples is to identify some of the specific situations, conduct and activities that the City intends to abate as nuisances.

1. **General Definitions of Nuisance.** Any activity that meets any one or more of the five definitions set forth below shall constitute a “nuisance” if it occurs within the City of Cedar Hills:
  - A. **Nuisance as Defined in U.C.A. Sec. 78-38-1(1).** Anything that is injurious to health, indecent, offensive to the senses, or an obstruction of the free use of property, so as to interfere with the comfortable enjoyment of life or property.
  - B. **Nuisance as Defined in U.C.A. Sec. 76-10-801(1).** Any item, thing, manner, or condition whatsoever that is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.
  - C. **Nuisance as Defined in U.C.A. Sec. 76-10-803.** Unlawfully doing any act or omitting to perform any duty, which act or omission:
    - (1) annoys, injures, or endangers the comfort, repose, health or safety of three or more persons;
    - (2) offends public decency;
    - (3) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway, or
    - (4) in any way renders three or more persons insecure in life or the use of property.
    - (5) An act that affects three or more persons in any of the ways specified in this subsection is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.
  - D. **Nuisance.** A condition that:
    - (1) wrongfully annoys, injures, or endangers the comfort, repose, health or safety of others; or

- (2) unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, street, or highway, or any other public place or right-of-way; or
- (3) in any way renders other persons insecure in life, or in the use of property, and that affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.

E. **Specific Nuisances Enumerated.** The examples enumerated below are not exhaustive. A situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six listed nuisances are also listed as nuisances pursuant to U.C.A. Sec. 78-38-9:

- (1) **Drug Houses.** Every building or premises where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor, or analog specified in Title 58, Chapter 37 of the Utah Code (Utah Controlled Substance Act) occurs.
- (2) **Gambling.** Every building or premises where gambling is permitted to be played, conducted, or dealt upon as prohibited in Title 76, Chapter 10, Part 11 of the Utah Code (Gambling) that creates the conditions of a nuisance as defined in Part III (1) (A) of this Ordinance.
- (3) **Gangs.** Every building or premises wherein criminal activity is committed in concert with two or more persons as provided in Section 76-3-203.1 of the Utah Code.
- (4) **Party Houses.** Every building or premises where parties occur frequently that create the conditions of a nuisance as defined in Part III (1) (A) of this Ordinance.
- (5) **Prostitution.** Every building or premises where prostitution or the promotion of prostitution is regularly carried on by one or more persons as provided in Title 76, Chapter 10, Part 13 (Prostitution) of the Utah Code.
- (6) **Weapons.** Every building or premises where a violation of Title 76, Chapter 10, Part 5 (Weapons) of the Utah Code occurs on the premises.
- (7) **Unsafe Condition.** A condition that unreasonably or unlawfully affects the health or safety of one or more persons.
- (8) **Fire Hazard.** A fire hazard.
- (9) **Noxious Emanations.** Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
- (10) **Weeds.** Weeds shall not be maintained at a height of not more than six inches (6") at any time, and shall be cleared from real property in the city. Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location that constitute a fire hazard.
- (11) **Refuse.** Keeping or storing of any refuse or waste matter that interferes with the reasonable enjoyment of nearby property.
- (12) **Stagnant Water.** Polluted or stagnant water that constitutes an unhealthy or unsafe condition.

- (13) **Improper Accumulations.** Accumulation of soil, litter, debris, plant trimmings, or trash, visible from the street or an adjoining property.
- (14) **Accumulation of Junk.** Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premises.
- (15) **Attractive Nuisances.** Any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pools.
- (16) **Vegetation.** Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation that is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or that is likely to harbor rats, vermin, or other pests. **Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of thirteen and one-half feet (13½) above the street pavement.**
- (17) **Dust.** Any premises that causes excessive dust due to lack of landscaping, non-maintenance or other cause.
- (18) **Improper Storage.** The keeping, storing, depositing or accumulating on the premises or in the public right-of-way for an unreasonable period of time of dirt, sand, gravel, concrete, or other similar materials, or maintenance of such material on public rights-of-way. Material stored as part of an active construction project shall not be considered a nuisance.
- (19) **Garbage Can.** The presence of any outdoor garbage can or refuse container without a lid or with a lid that is not closed, or the leaving of any garbage can or refuse container in the street, other than on collection day, for more than 24 hours after the collection day.
- (20) **Construction Equipment.** Construction equipment or machinery of any type or description parked or stored on property when it is readily visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property, or where the property is zoned for the storage of construction equipment and/or machinery.
- (21) **Improper Sign.** Improper maintenance of a sign, or signs that advertise a business that is no longer extant on the property.
- (22) **Improper Parking or Storage.**
- (a) Parking or storage of inoperative, unregistered, abandoned, wrecked or dismantled vehicles, boats, trailers or vehicle parts, including recreational vehicles, on a premises or in the public right-of-way. Storage or parking that is specifically allowed by the City's zoning ordinance shall not be considered a nuisance.

- (b) Parking or storage of registered vehicles, trailers or boats in violation of City ordinance.
  - (c) The parking or storage of any recreational vehicle on any premises or property shall be considered a nuisance unless the recreational vehicle is parked or stored upon a hard concrete pad surface that extends to the edges of the recreational vehicle.
- (23) **Hazardous Conditions.** Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property.
- (24) **Graffiti.** Graffiti that remains on the exterior of any building, fence, sign, or other structure and is visible from a public street.
- (25) **Improper Maintenance.** Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair, including, but not limited to:
- (a) Any building or structure that is unfit for human habitation, or that is an unreasonable hazard to the health of people residing in the vicinity thereof, or that presents an unreasonable fire hazard in the vicinity where it is located; or
  - (b) Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of City ordinances, or any use of land, buildings or premises in violation of City ordinances; or
  - (c) Buildings that are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. An “unreasonable state of partial construction” is defined as any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable City ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction; or
  - (d) Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair; or
  - (e) Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type that normally contains glass; or
  - (f) Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or
  - (g) Buildings or conditions that violate any building, electrical, plumbing, fire, housing, or other code adopted by the City.
- (26) **City Code Nuisances.** Any violation of a City of Cedar Hills ordinance that expressly declares a specific situation, conduct or activity to be a nuisance.

- (27) **Alcohol.** Every property or premises not licensed under applicable State law or City ordinance where any intoxicating liquors or alcohol are kept for unlawful use, sale or distribution.
- (28) **Inappropriate Conduct.** Every property or premises where there exists an environment that causes, encourages or allows individuals or groups of individuals to commit one or more of the following acts on the property, premises or adjacent public place, including but not limited to:
  - (a) Illegally consuming intoxicating liquor or alcohol;
  - (b) Publicly urinating or defecating;
  - (c) By physical action, intentionally causing or attempting to cause another person to reasonably fear imminent bodily injury or the commission of a criminal act upon their person or upon property in their immediate possession;
  - (d) Engaging in acts of violence, including fighting amongst themselves;
  - (e) Discharging a firearm or explosive in violation of City ordinance or State law;
  - (f) Creating unreasonable noise that disturbs others;
  - (g) Intentionally obstructing pedestrian or vehicular traffic; or
  - (h) Soliciting acts of prostitution.
- (29) **Dangerous Conditions.** Any fence, wall, shed, deck, house, garage, building, structure or any part of the aforesaid; or any tree pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, or loading dock; or any lot, land, yard, premises or location that in its entirety, or in any part thereof, by reason of the condition in that the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the City, in any one or more of the following particulars:
  - (a) By reason of being a menace, threat and/or hazard to the general health and safety of the community.
  - (b) By reason of being a fire hazard.
  - (c) By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.
  - (d) By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.
- (30) **Illegal Accessory Apartments.** Any violation of the City's zoning ordinance.
- (31) **Family.** Keeping or allowing people at a premises in violation of the City's single family residence requirements.
- (32) **Parking on Landscaping.** Parking in an area required to be landscaped by City ordinance.

- (33) **Banner Signs.** Keeping or allowing banner signs in violation of City ordinance.
- (34) **Required Landscaping.** Failure to install or maintain landscaping required by City ordinance.
- (35) **Miscellaneous Sanitary Regulations.** It shall be unlawful and a nuisance to do any of the following:
- (a) To place, conduct or discharge into or on any street, alley, sidewalk, gutter, water ditch or canal, or any vacant lot, any rancid fat or grease waste material, any filthy or offensive water, liquid, waste refuse or discharge of any kind that is offensive or likely to become so, or any putrid or unsound meat, fish, hides or skin or any kind, or filth, offal, dead animals, vegetables or any unsound offensive matter whatsoever. Provided, however, that this section shall not apply to the spreading of manure upon land for the purpose of fertilizing of the soil.
  - (b) To process dead animals for the purpose of fertilizing material or other products, or any boiling of offal, fat or grease that shall be done or carried on in an offensive, unclean or defective manner.
  - (c) To fail to abate any collection of waste, rags, damaged merchandise, wet, broken or leaking barrels, casks or boxes, or any materials that are offensive or tend to decay, to become putrid, or to pollute the air.
  - (d) For the owner or occupant of real property, or any other Responsible Person, to cause or permit upon said property any of the following unsanitary, fly producing, disease causing condition:
    - i. Manure that is not securely protected from flies.
    - ii. Any privy, vault, cesspool, sink, pit or like place that is not securely protected from flies.
    - iii. Garbage that is not securely protected from flies.
    - iv. Vegetable or animal waste, trash, litter, rags, or refuse of any kind, nature or description in which flies may breed or multiply.
- (36) It is unlawful for any owner or occupant of real property in the city to let the height of weeds on such property to grow beyond the maximum permitted, or to fail to remove from such property any injurious and noxious weeds, garbage and refuse, unsightly or deleterious objects or structures, after having been given notice pursuant to Utah Code Annotated section 10-11-2.

**PART IV  
EXCEPTIONS**

No act that is done or maintained under the express authority of an authoritative statute, ordinance or court ruling shall be declared a nuisance.

**PART V  
RESPONSIBILITY OF NUISANCES**

The Responsible Person(s) is responsible for abating nuisances pursuant to this Ordinance. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is responsible for the nuisance and is therefore a Responsible Person pursuant to this Ordinance. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

**PART VI  
NUISANCE ABATEMENT - ADMINISTRATION**

This Ordinance shall be administered and enforced by the Building and Zoning Department.

**PART VII  
FINDING OF NUISANCE**

If the Zoning Administrator finds that a nuisance exists, the Zoning Administrator shall attempt to have the Responsible Person abate the nuisance. Although the Zoning Administrator's first step in correcting or abating the nuisance will always be to obtain voluntary compliance, the Zoning Administrator may pursue any remedy or combination of remedies available pursuant to this Ordinance, State law or common law in order to abate the nuisance. Nothing in this section shall be interpreted to prohibit the City from engaging in its standard prosecution practices. Therefore, the City may prosecute violators of City ordinances or State laws without first having to comply with the provisions of this Ordinance, even though the activity or conduct prosecuted may also constitute a nuisance under this Ordinance. Nothing in this Ordinance shall be interpreted to prevent the City from enforcing applicable City ordinances or building codes without first treating the offending conduct, situation or activity as a nuisance pursuant to this Ordinance.

**PART VIII  
VOLUNTARY CORRECTION**

This section applies whenever the Zoning Administrator determines that a nuisance exists.

1. **Contact.** Before taking other steps to abate the nuisance, the Zoning Administrator shall make a reasonable attempt to secure voluntary correction or abatement of the nuisance by:

- A. Contacting the Responsible Person, where possible;
  - B. Explaining the nuisance;
  - C. Requesting the Responsible Person to abate the nuisance; and
  - D. Agreeing to terms with the Responsible Person to abate the nuisance.
2. **No Agreement.** If the Zoning Administrator and the Responsible Person cannot agree to terms for correcting or abating the nuisance, the Zoning Administrator may still abate the nuisance using one or more of the procedures set forth in this Ordinance, State law, or common law.
3. **Voluntary Correction Notice/Agreement.** If the Zoning Administrator and the Responsible Person agree to terms for abating the nuisance, they shall enter into and sign a Voluntary Correction Notice/Agreement. The Voluntary Correction Notice/Agreement is a contract between the City and the Responsible Person in which the Responsible Person agrees to abate the nuisance within a specified time and according to specified conditions. The Voluntary Correction Notice/Agreement shall include the following terms:
- A. The name and current address of the Responsible Person;
  - B. The street address of the nuisance, or a description sufficient to identify the building, structure, premises, or land upon or within which the nuisance is occurring;
  - C. A description of the nuisance;
  - D. The necessary corrective action to be taken, and a date or time by which correction must be completed;
  - E. An agreement by the Responsible Person that the City may inspect the premises as may be necessary to determine compliance with the Voluntary Correction Notice/Agreement;
  - F. An agreement by the Responsible Person that the City may abate the nuisance and recover its costs and expenses to abate the nuisance, as well as a monetary fine pursuant to this Ordinance from the Responsible Person, if the terms of the Voluntary Correction Notice/Agreement are not met;
  - G. An agreement by the Responsible Person acknowledging that he/she waives the right to appeal the Zoning Administrator's finding that a nuisance exists and waiving the right to appeal the specific corrective action required in the Voluntary Correction Notice/Agreement; and
  - H. An agreement by the Responsible Person that failure to comply with the Voluntary Correction Notice/Agreement may be grounds for criminal prosecution.

The Zoning Administrator may grant an extension of the time limit for correcting or abating the nuisance if the Responsible Person has shown due diligence and/or substantial progress in correcting or abating the nuisance but unforeseen circumstances render abatement under the original conditions unattainable. If the Responsible Person complies with the terms of the Voluntary Correction Notice/Agreement, the City shall take no further action against the

Responsible Person related to the nuisance described in the Voluntary Correction Notice/Agreement unless the nuisance recurs.

**PART IX  
ADMINISTRATIVE CITATION**

1. **Administrative Citation.** When the Zoning Administrator determines that a nuisance exists, and is unable to secure voluntary correction pursuant to this Ordinance, the Zoning Administrator may issue an administrative citation to the Responsible Person. The Zoning Administrator may issue an administrative citation without having attempted to secure voluntary correction as provided in this Ordinance under the following circumstances:
  - A. When an emergency exists; or
  - B. When the Zoning Administrator is unable to locate or determine the identity of the Responsible Person.
  
2. **Content of Administrative Citation.** The administrative citation shall include the following:
  - A. The name and last known address of the Responsible Person; and
  - B. The street address of the nuisance or a description sufficient for identifying the building, structure, premises, or land upon or within which the nuisance is occurring; and
  - C. A description of the nuisance; and
  - D. The required corrective action and date for completion thereof; and
  - E. A notice that the City may abate the nuisance and charge the Responsible Person for all abatement costs and expenses if the Responsible Person does not correct the nuisance before the Completion Date; and
  - F. The time for appealing the administrative citation to the Hearing Officer and the procedure for filing an appeal.
  - G. A statement indicating that no monetary fine will be assessed if the Zoning Administrator approves the completed, required corrective action prior to the Completion Date; and
  - H. A statement that the City may assess a monetary fine against the Responsible Person if the correction is not completed by the Responsible Person and approved by the Zoning Administrator before the Completion Date.
  
3. **Service of Administrative Citation.** The Zoning Administrator shall serve the administrative citation upon the Responsible Person, either personally or by mailing, certified, return receipt requested, a copy of the administrative citation to the Responsible Person at his/her last known address. If the Responsible Person cannot after due diligence be personally served and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the administrative citation conspicuously on the affected property. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if

by posting, the facts showing that due diligence was used in attempting to serve the person personally or by mail.

4. **No Extension.** No extension of the time specified in the administrative citation for correction of the nuisance may be granted, except by order of the Hearing Officer.

## **PART X OTHER REMEDIES**

The City may take one or more of the following actions against any Responsible Person who fails to comply with the terms of a Voluntary Correction Notice/Agreement, an administrative citation, or an order of the Hearing Officer:

1. **Abatement by the City.**

- A. The City may abate a nuisance when:
  - (1) The terms of a Voluntary Correction Notice/Agreement have not been met; or
  - (2) The requirements of an administrative citation have not been complied with, or, if the administrative citation is appealed to a Hearing Officer and the terms of the administrative citation are amended by the Hearing Officer, the terms of the Hearing Officer's Order have not been complied with; or
  - (3) The condition is subject to summary abatement as provided for in subsection B, below.
- B. Whenever a nuisance is occurring that constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the Responsible Person as soon as reasonably possible after the abatement.
- C. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition that is subject to abatement. The City may seek, but is not required to seek, such judicial process as it deems necessary to effect the removal or correction of such condition.
- D. The costs, including incidental expenses, of correcting or abating the violation shall be billed to the Responsible Person and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the City within ten (10) days of actual receipt of the bill (within fifteen days of the mailing date if the bill is mailed). The term "incidental expenses" includes but is not limited to:
  - (1) Personnel costs, both direct and indirect, including attorney's fees and costs;
  - (2) Costs incurred in documenting the violation;
  - (3) Hauling, storage and disposal expenses;
  - (4) Actual expenses and costs for the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
  - (5) The costs of any required printing and mailing.

2. **Monetary Fine.** The Responsible Person shall pay the City a monetary fine for each day the nuisance continues after the Completion Date. The nuisance shall be considered to continue until the Zoning Administrator approves the Responsible Person's actions to correct or abate the nuisance. The amount of the monetary fine shall be as follows:
  - A. One Hundred Dollars (\$100.00) per day for each day during the first week that the nuisance remains uncorrected or unabated after the Completion Date;
  - B. Two Hundred Dollars (\$200.00) per day for each day thereafter until the nuisance is corrected or abated according to the terms set forth in the administrative citation.

The monetary fine shall be cumulative and may not be waived by the Zoning Administrator. Payment of a monetary fine pursuant to this Ordinance does not relieve the Responsible Person from the duty to abate the nuisance as required by the Voluntary Correction Notice/Agreement or the administrative citation. The monetary fine constitutes a personal obligation of the Responsible Person. Any monetary fine assessed must be paid to the City within ten (10) calendar days from the date of mailing of the Hearing Officer's decision and order or a notice from the City that the fine is due. The City Attorney or his/her designee is authorized to take appropriate action to collect the monetary fine, plus reasonable attorney's fees, interest, and costs incurred in collecting said monetary fine.

3. **Civil Actions.** Either the City or any private person directly affected by a nuisance may bring a civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property). The civil action may be brought pursuant to this Ordinance or pursuant to State law. Any action brought by the City may include claims for costs and expenses associated with abatement of the nuisance, plus reasonable attorney's fees, interest, and costs incurred in collecting any judgment thereon.
4. **Criminal Actions.** Criminal actions may be initiated by criminal citation from the Zoning Administrator or by long form Information.
  - A. Any person who maintains or assists in maintaining a nuisance is guilty of a Class C misdemeanor. No person shall be prosecuted under this Ordinance unless the Zoning Administrator first attempted to obtain voluntary correction as provided in this Ordinance.
  - B. If the alleged nuisance is also a violation of a provision of a City ordinance (other than this nuisance ordinance) or State law, the Responsible Person may be charged under the specific provision of the City ordinance or State law, even if the Zoning Administrator did not first attempt to obtain voluntary correction as provided in this ordinance.
  - C. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the Responsible Person, in the performance of duties imposed by this Ordinance, or a decision and Order issued by the Hearing Officer, or a Voluntary Correction Notice/Agreement, is guilty of a Class B misdemeanor.

5. **Abatement by Eviction.** Whenever there is reason to believe that a nuisance is kept, maintained, or exists in the City, the City Attorney or any citizen(s) residing in the City, or any person or entity doing business in the City, in his or their own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant of the property harboring the nuisance. The eviction shall take place as specified in Utah law.
6. **Other Remedies.** In the event that the property owner fails to pay any fines or costs related to nuisance abatement when due and cannot be adequately served within Utah County, or in the event that he resides outside Utah County, the City may refer the matter to the county treasurer for inclusion in the tax notice of the property owner, including all costs associated both with the abatement of the nuisance in the manner anticipated by this Ordinance together with administrative expenses in the manner described herein.
7. **Non-exclusive Remedies.** The City may take any or all of the above-mentioned remedies (administrative, civil or criminal) to abate a nuisance and/or to punish any person or entity who creates, causes or allows a nuisance to exist. The abatement of a nuisance does not prejudice the right of the City or any person to recover damages or penalties for its past existence.

## PART XI APPEALS

1. **Grounds.** Any person receiving an administrative citation may appeal the administrative citation to the Hearing Officer. Only the following issues may be appealed to the Hearing Officer:
  - A. The person charged in the administrative citation as the Responsible Person is not the Responsible Person as defined by this Ordinance.
  - B. The condition described as a nuisance in the administrative citation is not a nuisance as defined by this Ordinance.
  - C. The method required by the administrative citation to abate the nuisance is inappropriate or is not the most cost effective method of effectively correcting or abating the nuisance.
  - D. The time period given to abate the nuisance in the administrative citation is unreasonable.
  - E. The monetary fine set forth in the administrative citation is not consistent with the provisions of Part X (2) of this Ordinance.
  - F. The Zoning Administrator refused to approve a corrective action that met the requirements of the administrative citation.
  - G. The Responsible Person claims that the requirement(s) of the administrative citation violates his/her constitutional rights.

2. **Filing.** The person desiring to appeal must file a notice with the City Manager within ten (10) days of receipt of the administrative citation (within fifteen days of the mailing date if the administrative citation is mailed). Failure to request an appeal hearing as provided shall constitute a waiver to such hearing and a waiver of the right to appeal.
3. **Hearing.** The hearing before the Hearing Officer shall be informal according to rules and procedures established by the Hearing Officer. The appellant may, but is not required to, bring an attorney or other representative to assist him or her. The appellant and the Zoning Administrator may each call witnesses at the hearing. The Hearing Officer may, with or without the parties present, visit the site of the alleged nuisance. If the Hearing Officer allows the parties at the site visit, both parties must be given the opportunity to be present. The hearing shall be scheduled by the Hearing Officer within thirty (30) days from the date the notice of appeal is filed with the City.
4. **Burden of Proof.** The appellant shall have the burden of proof to demonstrate by a preponderance of the evidence that he/she had legitimate grounds for an appeal. The determination of the Zoning Administrator as to the need for the required corrective action shall be accorded substantial weight by the Hearing Officer in determining the reasonableness of the corrective action.
5. **Authority of Hearing Officer.** The Hearing Officer shall have authority to affirm or vacate the administrative citation, or to modify or waive specific provisions of the administrative citation. If the appellant fails to attend the hearing, the Hearing Officer shall affirm the administrative citation. The Hearing Officer shall not vacate the administrative citation unless he/she finds that no nuisance exists. The Hearing Officer shall modify the administrative citation if he/she finds that a nuisance exists, but that one or more of the requirements of the administrative citation is improper or inappropriate. A requirement is improper if it is contrary to this Ordinance. A requirement is inappropriate if the Hearing Officer finds that there is a better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement of the administrative citation, the Hearing Officer may also consider:
  - A. Whether the appellant responded to the Zoning Administrator's attempts to contact the appellant and cooperated with efforts to correct the nuisance;
  - B. Whether the appellant has shown due diligence and/or substantial progress in correcting the nuisance;
  - C. The financial ability of the appellant and the amount, if any, that the appellant has benefitted financially by maintaining the nuisance.
  - D. Any other relevant factors.

If the appellant appeals the Zoning Administrator's refusal to approve appellant's corrective action, the Hearing Officer shall visit the site and determine if the appellant complied with the requirements of the administrative citation.

6. **Order.** The Hearing Officer shall issue a written Order to the appellant and the City notifying them of his/her decision. The Order shall include the Hearing Officer's findings of fact and ultimate decision. If the Hearing Officer modifies or waives

provisions of the administrative citation, the Order shall specify which portions are modified and how they are modified. The Hearing Officer shall mail a copy of the Order to the appellant and the City within five (5) working days of the close of the hearing.

- 7. Appeal to District Court.** Either the City or the appellant may appeal the Hearing Officer's Order by filing a petition for review of the Order. The petition must be filed in the Fourth District Court within thirty (30) calendar days from the date the Hearing Officer's Order was mailed to the appellant. In the petition, the plaintiff may only allege that the Hearing Officer's order was arbitrary, capricious, or illegal. The Hearing Officer shall transmit to the reviewing court the record of its proceedings, including any minutes, findings, orders and, if available, a true and correct transcript of its proceedings. If, in the opinion of the District Court, there is a sufficient record to review the Hearing Officer's Order, the Court's review is limited to the record provided by the Hearing Officer. The District Court may not accept or consider any evidence outside of the Hearing Officer's record unless the evidence was offered to the Hearing Officer and the court determines that it was improperly excluded by the Hearing Officer. If, in the opinion of the District Court, there is not a sufficient record to review the Hearing Officer's Order, the Court may call witnesses and take evidence. No petition or appeal may be filed in District Court unless the Responsible Person first appeals to the Hearing Officer pursuant to the terms set forth in this Ordinance.

**SEVERABILITY.** The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 5TH DAY OF MARCH, 2013.

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Gary R. Gygi, Mayor

ATTEST:

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Colleen A. Mulvey, City Recorder



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	David Bunker, City Manager
<b>DATE:</b>	3/5/2013

City Council  
**Agenda Item**

<b>SUBJECT:</b>	Discussion on Family Festival 2013
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	Greg Gordon
<b>BACKGROUND AND FINDINGS:</b> A presentation of the dates, activities, and programs for the City of Cedar Hills Family Festival 2013 will be given. A review of the current Festival budget and sponsorship packages will be discussed.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> N/A	
<b>FISCAL IMPACT:</b> Family Festival Budget is \$40,000 for FY 2013.	
<b>SUPPORTING DOCUMENTS:</b> N/A	
<b>RECOMMENDATION:</b> Council should discuss the information presented regarding Family Festival 2013 and suggest considerations for this year's family festival.	
<b>MOTION:</b> This item is a discussion item only. No motion is necessary at this time.	