Ordinance 11-2026

AN ORDINANCE TO ADOPT CHANGES TO THE CITY CODE OF RIVER HEIGHTS, UTAH

The River Heights City Council held a duly noticed public hearing on Tuesday, December 1, 2026, after which, the following additions were adopted to the River Heights City Code.

1-4-3: CODE ENFORCEMENT

A. Administrative Citation. The City may issue an administrative citation for civil enforcement for any violation of the City Code. The City's designee shall issue the citation containing all requirements described by this Section. Abatement of the violation shall not void or satisfy the fee or penalty assessed for the violation. Nothing in this section or issuance of an administrative citation described in this section shall limit or preclude the City from filing charges in the Justice Court for any violation of the City Code. No administrative citation may be issued for code violations designated as a class B misdemeanor or above. Any Administrative Citation shall carry the penalty as indicated in NCC § 1.08.

B. Requirements of the Administrative Citation
   1. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists, if applicable.
   2. Cite the specific code section for which the person or business is in violation.
   3. Describe the penalty for the cited violation.
   4. Inform the person or business that in the event he/she disagrees with the determination of the City's designee, and that they object to the factual or legal basis for the notice, they may request, in writing, an informal hearing before the administrative appeal officer within 10 days of receiving the notice, together with the required fee set by City Council. A written application for a hearing, including associated fees, shall stay the time within which the person must conform to the provisions of the notice.
   5. Inform the person or business that in the event they fail or neglect to correct the objectionable condition, the city will correct the violation—if applicable—and will collect the costs of so correcting the violation by either a court action, in which case they will be assessed such costs, together with reasonable attorney fees and court costs, or will charge the cost of correcting the violation employing all necessary assistance to cause such abated at the expense of the city.
   6. Serve the administrative citation in writing upon the person or business, either personally or by mailing notice prepaid, addressed to the person or business at their last known post office addresses as disclosed by the records of the county assessor, or as otherwise ascertained.

C. Procedure for Issuing Administrative Citations. Upon issuance of the administrative citation, the responding party may:
   1. Pay the fee assessed and noted on the administrative citation and bring the violation into compliance; or
   2. Appeal the administrative citation to the City's appeal authority. Any person believing there is a code violation warranting an administrative citation may

petition the city to issue an administrative citation. Such petition shall include sufficient relevant information for the City to substantiate the alleged violation.

D. Hearing. Upon receipt of an appeal of an administrative citation, the Administrative Hearing Officer shall conduct a hearing to determine whether there is sufficient evidence to support the City's administrative citation. The hearing shall be recorded and shall be informal, provided that the Administrative Hearing Officer shall respect the due process rights of the parties involved.

1. Date of Hearing: The hearing shall be held within twenty-one (21) days after an appeal is filed. The parties may agree to a later date.
2. Notice of Hearing: The person filing the appeal shall be given not less than seventy-two (72) hours' Written notice of the time and place of the hearing.
3. Evidence and Argument: The City shall produce sufficient evidence, including presenting evidence, calling witnesses, and making arguments, to support the allegations in the administrative citation by preponderance of the evidence. The party receiving the citation may present evidence, call witnesses, and submit arguments to the Administrative Hearing Officer as to whether the administrative citation is supported. The Administrative Hearing Officer shall apply the Utah Rules of Civil Procedure and in all respects observe the offending party's Constitutional rights.
4. Waiver: If the recipient of the administrative citation fails to appear or attend a hearing after being given notice, he or she shall be deemed to have waived all defenses and rights and to have consented to the order of the administrative appeal officer.
5. Notice of Decision; Abatement by Owner: In the event the decision of the administrative appeal officer upholds the determination of the City's designee, the notice originally given by the code enforcement officer or the city's law enforcement agency as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, if applicable, and they shall have up to ten (10) days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty (30) days, is authorized by the code enforcement officer or the city's law enforcement agency.
6. Time Period for Compliance: In the event that the decision of the administrative appeal officer either overrules or modifies the determination of the City's designee, the written decision of the administrative appeal officer shall apprise the owner of that fact and set forth the details and extent to which the owner must make removal or other abatement of the objectionable objects or conditions, if any. The owner shall be required to conform to the decision within ten (10) days after service or mailing a copy of the decision.
7. Filing of Amended Notice: The City's designee, shall file an amended notice, if applicable.

E. Failure to Comply; Abatement by City. If any person or business described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the violation of City Code, the City's designee may employ all necessary assistance to cause such abated at the expense of the city. The City's designee shall prepare an itemized statement of all expenses incurred in the abatement of code violations, including administrative, personnel, and legal costs, and shall mail a copy

thereof to the person or business or both or to persons having an interest in any such property, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail to the address of record the City. In the event the person or business fails to make payment of the amount set forth in the statement to the city recorder within the twenty (20) days, the City's designee may either cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this chapter.

F. Failure to Make Payment: In the event the owner fails to make payment of the amount set forth in the statement to the city recorder within the twenty (20) days, the code enforcement officer or the city's law enforcement agency may either cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this chapter.

G. Collection:

1. Lawsuit: In the event collection of expenses of destruction and removal are pursued through the courts, the city shall sue and receive judgment for all of said expenses of destruction and removal, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law. The City may also assign its right to enforce and collect such expenses to a collection agency or other entity for collection, which entity shall have the same right to collect as if they were the city.
2. Taxes: In the event that the building inspector or the city's law enforcement agency elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver three (3) copies of the statement to the county treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the costs of the work shall be pursued by the county treasurer in accordance with the provisions of Utah Code § 10-11-4, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

H. Appeal. Any party to the proceedings before the Administrative Hearing Officer may appeal the officer's decision to Utah District Court by filing such appeal with the court within twenty-eight (28) days after a determination by the Administrative Hearing Officer. The district court shall conduct such proceedings as an appeal of an administrative decision and shall uphold the decision of the Administrative Hearing Officer unless the decision is arbitrary and capricious, not supported by substantial evidence, or plainly illegal.

I. Administrative Hearing Officer. The position of Administrative Hearing Officer shall be designated by the mayor. Any City employee, the mayor, or member of the city council, other than the individual who issued the administrative citation, may act as the Administrative Hearing Officer.

J. Code Enforcement Officer. There is hereby established the position of code enforcement officer, whose duty shall be to enforce the provisions of the City Code. Until a code enforcement officer is designated, the city's designee, or

the city's law enforcement agency shall enforce the provisions of the City Code.

K. Criminal Proceedings: The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to City Code.

Adopted and effective this 1st day of December 2026.

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Blake Wright, Mayor

Attest:

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Sheila Lind, Recorder