

Ordinance No. 2025-14, An Ordinance Enacting Chapter 1.15 Of The Town Code Related To Code Enforcement And Repealing Certain Sections In Conflict Therewith.

Dated July 16, 2025

Whereas, the Town Council finds that the health, safety, and welfare of the residents of the Town are promoted by the consistent and fair enforcement of ordinances, resolutions, policies, and regulations.

Whereas, Utah law authorizes municipalities to enforce their ordinances and take necessary steps to ensure compliance with applicable laws.

Whereas, the Town Council desires to establish a clear, uniform process for identifying, investigating, and addressing violations of Town laws, including procedures for issuing warnings, initiating formal enforcement actions, and holding administrative hearings.

Whereas, the Town Council has reviewed existing provisions of the Town Code and finds that Sections 5.1.140 through 5.1.160 and Section 1.1.70 are duplicative of the new provisions in Chapter 1.15 and may create confusion if retained.

Whereas, the Town Council therefore desires to repeal those duplicative sections to ensure consistency and clarity in the Town Code.

Now, Therefore, Be It Ordained By The Town Council Of The Town Of Fairfield, Utah:

Section 1. Enactment. Chapter 1.15 of the Town Code, titled “Code Enforcement,” is hereby enacted to read in full as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2. Repeal of Conflicting Provisions. Sections 5.1.140 through 5.1.160 and Section 1.1.70 of the Town Code are hereby repealed in their entirety. All other provisions of the Town Code not in conflict with Chapter 1.15 shall remain in full force and effect.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall become effective immediately upon passage or posting as required by law.

Approved By The Town Council Of The Town Of Fairfield, Utah, On This **16th Day of July, 2025**, By The Following Vote:

Mayor: Hollie McKinney
Hollie McKinney

RL Panek	yes <u>RL</u>	no _____	abstain _____	absent _____
Tyler Thomas	yes <u>TT</u>	no _____	abstain _____	absent _____
Michael Weber	yes _____	no _____	abstain _____	absent <u>X</u>
Richard Cameron	yes _____	no _____	abstain _____	absent <u>X</u>

ATTEST: Stephanie Shelley
Stephanie Shelley, Town Recorder/Clerk

(Seal)



EXHIBIT A

Chapter 1.15 CODE ENFORCEMENT

Sections:

- 1.15.010 Applicability
- 1.15.020 Enforcement responsibilities.
- 1.15.030 Initiating enforcement action.
- 1.15.040 Acting on alleged violations.
- 1.15.050 Formal proceedings.

1.15.010 Applicability.

This Chapter applies to all violations of the Town Code, including ordinances, resolutions, policies, and regulations adopted by the Town, unless a more specific enforcement procedure is provided elsewhere in Town Code. In the event of a conflict between this Chapter and a more specific enforcement provision, the more specific provision shall govern. This Chapter is intended to provide a uniform process for identifying, investigating, and remedying code violations and may be used in conjunction with civil, criminal, or administrative remedies as authorized by law.

1.15.020 Enforcement responsibilities.

1. Mayor. As provided by Utah Code § 10-3b-104, the Mayor may be responsible to enforce the laws of the Town and ensure that all applicable statutes and ordinances are faithfully observed.
2. Code Enforcement Officer. The Town shall designate a code enforcement officer and, under the supervision of the Mayor, shall determine when violations exist and when enforcement action should be taken.

1.15.030 Initiating enforcement action.

1. Complaints.
 - a. Complaints alleging code violations may be made by any resident or nonresident of the Town.
 - b. Complaints shall be made to the Town offices and directed to the code enforcement officer.
 - c. Complaints must be submitted in writing.
 - d. The complainant shall identify himself or herself by name and contact information.

- e. The identity of a complainant may be kept confidential if, in the opinion of the code enforcement officer, such confidentiality will best serve the public interest. This section may not prohibit disclosure of the identity of a complainant through the procedures of the Utah Government Records Access and Management Act (GRAMA) or by court order.
2. Town Officials or Staff. An allegation of a code violation may be made to the code enforcement officer by Town officials or Town employees.
3. Code Enforcement Officer Initiation. The code enforcement officer may, on his or her own initiative, begin enforcement proceedings if there is reason to believe that a code violation is occurring.

1.15.040 Acting on alleged violations.

1. Preliminary Inquiry. Upon receiving information of an alleged code violation, the code enforcement officer shall first make a preliminary inquiry to determine if there is a reasonable basis for believing that the violation exists. The code enforcement officer shall determine the most appropriate manner for conducting the preliminary inquiry by carefully balancing the rights of individual citizens with the public's need for code enforcement.
2. Explanation of Code Provisions. The code enforcement officer shall provide to the alleged violator a written copy of the statute, code, policy, or ordinance that is allegedly being violated. The code enforcement officer shall also make himself or herself available to discuss or meet with the alleged violator to answer questions and provide information regarding the matter.
3. Initial Contact with Alleged Violator. If the code enforcement officer determines that there is a reasonable basis for believing that the alleged code violation is occurring, he or she shall contact the alleged violator and/or the owner of the property on which the violation is alleged to be occurring. This initial contact may be by telephone, in writing, in person, or by any other means deemed appropriate for the circumstance by the code enforcement officer. In this contact, the code enforcement officer shall make clear the nature of the alleged code violation, attempt to ascertain from the alleged violator whether the violation is actually occurring, and request that the person remedy or cease any violation that is actually occurring.
4. Warning Letter. If the violation has not been remedied or ceased after a reasonable length of time from the code enforcement officer's initial contact with the violator, the code enforcement officer shall write a warning letter to the violator and/or the property owner. The warning letter shall state that it is the final warning to the violator before a formal notice of violation may be issued.

1.15.050 Formal proceedings.

1. Notice of Violation. If the code violation is not remedied or ceased within a reasonable length of time after the sending of the warning letter, the Town may issue to the violator a notice of violation. The notice of violation shall be dated and shall state the name of the

alleged violator, the address of the violation, the date(s) of the violation, the Town laws or ordinances believed to have been violated, the steps the violator must take to cure the violation, the steps the Town may take to enforce the law or ordinance allegedly violated, the penalties and fees that may be imposed if the violation is not corrected, a date by which the violation must be corrected to avoid imposition of penalties and enforcement action, and procedures by which the alleged violator may request an administrative hearing as described below.

2. Service of Notice. The notice of violation shall be hand-delivered to the alleged violator or posted in a conspicuous place on the affected property or mailed by U.S. mail with delivery tracking. If these methods are unsuccessful in reaching the person, notice may be published in a newspaper of general circulation in the Town.
3. Response to Notice of Violation and Request for Hearing. A person who receives a notice of violation has a right to an administrative hearing. To receive a hearing, the alleged violator must request a hearing in writing to the Town Clerk. The request for hearing must be received by the Town before the end of the tenth business day after the person's receipt of, or posting or publication of, the notice of violation. If no written request for hearing is received by the Town within this time, the allegation in the notice of violation will be deemed by the Town to be true and to be the final administrative order of the Town on the matter, the right to administrative appeal will be waived, and penalties and enforcement measures will be imposed.
4. Administrative Hearing. Within 45 days of receiving a written request for hearing, the Town shall hold an administrative hearing. The hearing shall be conducted by an administrative law judge appointed by the Mayor with the advice and consent of the Town Council. The administrative law judge may not be an employee of the Town.
 - a. Notice of the hearing shall be given at least 14 days prior to the hearing. An alleged violator who fails to appear at an administrative hearing after proper notice shall waive the right to an administrative hearing as if no hearing had been requested.
 - b. The hearing shall be a public meeting. The hearing shall be recorded or otherwise documented so that a true and correct transcript may be made of its proceedings.
 - c. Both the Town and the alleged violator shall have the opportunity to speak and to call witnesses at the hearing. The administrative law judge may allow competent evidence and documents to be introduced at the hearing without observance of formal rules of evidence or procedure. Each side shall be allowed to question and cross-examine witnesses. Each side may be represented by an attorney, but if the alleged violator is to be represented by an attorney, that attorney shall contact the Town Attorney at least two business days prior to the hearing.
 - d. The Town shall bear the burden of proof to establish the existence of a violation. Such proof shall be established by a preponderance of the evidence.

- e. At the conclusion of the hearing, or within five business days thereafter, the administrative law judge shall issue a written order. The order shall find that the violation has or has not occurred. If the order finds that the violation has not occurred, the proceeding shall be dismissed. If the order finds that the violation has occurred, the order may impose penalties as provided in this or other Town ordinances. The order may also direct the violator to cease and desist from the violation, and may direct the Town to abate the violation on its own as necessary. The order may give interim or temporary directives as necessary, and may also embody agreements the two sides may make before, during or after the hearing.
5. Penalties and Fees. If the order issued after the administrative hearing finds that a violation has occurred, or if no hearing was requested, the Town may impose penalties as specified in the law or ordinance found violated. In the absence of another applicable penalty provision, the Town may impose a penalty not to exceed the maximum fine for a class B misdemeanor under Utah law per day of violation. In addition, the violator shall be assessed and required to pay all costs actually incurred by the Town in abating and enforcing the law or ordinance in the case, and in holding the administrative hearing, if one was held, including but not limited to inspection costs, filing fees, title searches, equipment costs, attorney fees and administrative law judge fees.
6. Abatement. If the order issued after the administrative hearing finds that a violation has occurred, or if no hearing was requested, the Town shall have authority to take reasonable measures to abate the violation as specified in the order or notice of violation, including entering onto the property at the site of the violation and physically abating the violation.
7. Emergency Abatement. Nothing in this chapter shall be construed to prohibit the Town from taking emergency measures to immediately abate a violation when preservation of the life, safety or health of the public requires immediate action.
8. Recordation. The Town may record the order issued by the administrative law judge, or, if no hearing was requested, the notice of violation, with the County Recorder, indexed to the property (if any) at which the violation occurred. If an order or notice is so recorded, and the violation is thereafter abated and the property comes into compliance, the Town shall file with the County Recorder a notice of compliance retracting the stated violation within 30 days of the violation coming into compliance.
9. Appeals. Any person adversely affected by an administrative order issued following an administrative hearing under this chapter may petition a Utah State District Court for review of the order pursuant to Utah Code § 10-3-703.7, within 30 days of the issuance of the order.
10. Remedies Not Exclusive. The existence or use of the procedures described in this section shall not preclude the use by the Town of other enforcement mechanisms unless prohibited by law.

FAIRFIELD TOWN

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the 16th day of July, 2025.

Ordinance #2025-14, An Ordinance Enacting Chapter 1.15 Of The Town Code Related To Code Enforcement And Repealing Certain Sections In Conflict Therewith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this 16th day of July, 2025.


Stephanie Shelley
Fairfield Town Recorder/Clerk



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the 16th Day of July 2025, and herein referred to as:

Ordinance #2025-14, An Ordinance Enacting Chapter 1.15 Of The Town Code Related To Code Enforcement And Repealing Certain Sections In Conflict Therewith.

SUMMARY.

Code Enforcement And Repealing Certain Sections In Conflict.

The three places are as follows:

1. Fairfield Town Hall
2. Fairfield Town Website
3. Utah State Public Notice Website


Stephanie Shelley
Fairfield Town Recorder/Clerk

Date of Posting 17th day of July, 2025