ORDINANCE No. 04-15

ROLL CALL

VOTING	YES	NO
STEVE LEIFSON Mayor *(votes only in case of tie)*		
ROD DART *Council member*	X	
RICHARD M. DAVIS *Council member*	X	
BRANDON B. GORDON *Council member*	X	
MIKE MENDENHALL *Council member*	X	
KEIR A. SCOUBES *Council member*	X	

I MOVE this ordinance be adopted: Council member Scoubes
I SECOND the foregoing motion: Council member Mendenhall

ORDINANCE No. 04-15

AN ORDINANCE CREATING AN ADMINISTRATIVE PROCESS

WHEREAS, Spanish Fork City has adopted a municipal code which regulates a number of different endeavors; and

WHEREAS, enforcement of the regulations set forth in the municipal code is done through citation and the courts; and

WHEREAS many of the regulatory items are simple matters, many of which are capable of being handled administratively, thus saving time and the expense of court, both for the city and for the party violating the code; and

WHEREAS, creating an administrative process to handle minor matters is a benefit to the residents and is a more efficient administration of government;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code Title 7, Chapter 32 is hereby created, as follows:

CHAPTER 32 ADMINISTRATIVE PROCESS

7.32.010 Creation of Administrative Process
7.32.020 Initiation
7.32.030 Fee Schedule Process
7.32.040 Failure to Comply

7.32.010 Creation of Administrative Process

There is hereby created an administrative process whereby those minor regulatory matters identified throughout the Spanish Fork Municipal Code as eligible may be resolved administratively rather than through the courts. Only those matters which are uncontested and which are identified in the chapter and/or section of the Code involved are eligible for administrative resolution. Unless spelled out differently in a specific section, all administrative matters shall follow the procedure set forth in this chapter.

7.32.020 Initiation

A police officer, or other authorized employee of the City, when dealing with an eligible matter, may, in lieu of issuing a court citation, issue a notice of violation and stipulation. The notice and stipulation must be signed by the person charged. The stipulation consents to the administrative process and acknowledges that the person has violated the applicable regulation and waives all rights to contest the charge, including a right to a trial, with its attendant rights.

7.32.030 Fee Schedule Process

A. Fees are based on a fee schedule established by the City Council, either in the annual budget or by resolution. The fee schedule will be issued to the violator with the notice of violation and stipulation.

B. Scheduling. A person receiving an administrative notice must pay the applicable fee within thirty days. A request for an extension may be made to the City Recorder. Each party is entitled to one thirty day extension, if requested.

7.32.040 Failure to Comply

A person who fails to make a scheduled payment, or perform any other task required by this chapter, is subject to being issued a court citation and/or summons for the violation.

II.

This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 3 day of February, 2015.

STEVE LEIFSON, Mayor

Attest:

Kent R. Clark, City Recorder