ORDINANCE No. 05-15

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 Mendenhall
I SECOND the foregoing motion: Council member Scoubes

ORDINANCE No. 05-15

AN ORDINANCE AMENDING PROVISIONS OF THE MUNICIPAL CODE DEALING WITH ADMINISTRATIVE PROCESSES

WHEREAS, Spanish Fork City has adopted a chapter in its municipal code allowing certain code violations to be handled administratively rather than criminally; and

WHEREAS, amendments to various sections of the Municipal Code need to be made to identify those matters which can be handled administratively;

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

I.

The following sections of the Spanish Fork Municipal Code are hereby amended or created to allow the identified code violations to be handled administratively:

8.24.030 Duty of Maintenance of Private Property

No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

8.24.050 Notice and Violation

A person who violates any provision of this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are class C misdemeanors.

Prior to bringing any criminal action for violating any of the sections under this Chapter, the City shall first cause a notice to be sent to the person owning, occupying, or having charge of the premises directing the clean-up to be completed and allowing thirty (30) days for the same to be accomplished. An Administrative Notice of Violation causes the thirty (30) days to start to run.

8.28.050 Penalty

A person who violates any provision of this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire, and if there is no restitution owing. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are class C misdemeanors.

9.12.010 Loudspeakers

A ~ C [no change]

D. A person who violates any provision of this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

9.12.030 Driving on Sidewalks

It is a violation for any person to drive or propel any motor vehicle upon the sidewalk, ride, drive, or lead any horse or other animal upon the sidewalk, or to stop any motor vehicle, team, or other vehicle on a sidewalk so as to impede public travel within the limits of the City except for the purpose of entering or leaving a city lot. A person who violates this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

9.16.010 Cleaning Sidewalks

It is a violation for any occupant or owner of any property abutting on any street within the City to neglect or fail to clean and keep clean of all weeds, dirt, or rubbish, the sidewalks in front of or adjacent to his or her premises. A person who violates this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

9.16.020 **Flooding of Streets and Sidewalks**

It is a violation for any person to willfully, carelessly, or negligently obstruct, injure, or flood any street or sidewalk by the flow or seepage of water, or who willfully, carelessly, or negligently permits water under his or her control to escape in any manner so as to obstruct, injure, or flood any street or sidewalk within the City. A person who violates this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are class C misdemeanors.

10.12.120 **Violations**

A person who violates any provision of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

10.16.030 **Wrecked or Disabled Vehicles**

A ~ B [no change]

C. In addition to any criminal or administrative penalties, the City retains the right to dispose of such vehicles and charge the costs thereof against the owner of the property where the vehicle was improperly stored, as well as against the vehicle owner.

10.16.040 **Violations**

A person who violates any provision of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

II.

The initial fee schedule for these violations is set forth as exhibit A. Changes to the fee schedule may be made by resolution or in the annual budget, or revisions thereof.

III.

This ordinance becomes effective twenty days after passage and publication.

DATED this 3rd day of February, 2015

STEVE LEIFSON, Mayor

Attest:

Kent R. Clark, City Recorder

EXHIBIT A

Administrative Fee Schedule

Code	Offense	First Offense	Second Offense
6.08.180	Licensing	$ 40.00	$ 75.00
	(if license is purchased reduce to this amount)	$ 10.00	
6.08.070	Animals Running at Large	$ 50.00	$ 150.00
6.08.120 (C)	Possession of Vicious Animal	$ 100.00	$ 400.00
		(waive fee if animal is signed over on 2nd violation)	
6.08.060	Excessive Noise	$ 75.00	$ 150.00
6.08.130 (A)	Defecation and Urination	$ 60.00	$ 100.00
6.08.130 (B)	Odor/Kennel Sanitation	$ 60.00	$ 100.00
6.08.160	Animal in Prohibited Areas	$ 60.00	$ 100.00
15.3.24.090(G)	Animals in Prohibited Zone	$ 60.00	$ 100.00
6.08.200	Threatening Passers-By and/or Chasing Vehicles	$ 75.00	$ 150.00
6.12.020	Vaccination Required	$ 40.00	$ 75.00
	(if vaccination certificate is provided reduce to this amount)	$ 10.00	
6.16.010	Allowable Number of Dogs and Cats	$ 75.00	$ 150.00
6.16.020	Maintaining Kennel Without a Permit	$ 40.00	$ 75.00
	(if permit is purchased reduce to this amount)	$ 10.00	
6.20.035	Chicken Permit Required	$ 40.00	$ 75.00
	(if permit is purchased reduce to this amount)	$ 10.00	
6.24.030	Pot Bellied Pig Permit Required	$ 40.00	$ 75.00
	(if permit is purchased reduce to this amount)	$ 10.00	
8.24.030	Nuisance on Premises	$ 100.00	$ 350.00
8.28.050	Illegal Burning	$ 100.00	$ 200.00
9.12.010	Loudspeakers too Loud	$ 50.00	$ 150.00
9.12.030	Driving on Sidewalks	$ 45.00	$ 100.00
9.16.010	Failure to Clean Sidewalks	$ 50.00	$ 150.00
9.16.020	Flooding Streets or Sidewalks	$ 50.00	$ 150.00
10.12.010	Illegally Parked Vehicles	$ 25.00	$ 25.00
10.12.090	Parking Vehicles For Sale on Vacant Lot	$ 25.00	$ 75.00
10.12.110	Angle Parking	$ 25.00	$ 25.00
10.16.010	Parking During No Parking Hours	$ 25.00	$ 25.00
10.16.030	Inoperable Vehicles	$ 50.00	$ 100.00

**** Third offense within a period of 12 months will require a mandatory court date with the 4th District Court.*