

TITLE 15 - Land Use Regulations

Huntsville Town Ordinance – Title 15.31 Land Use Compliance and Enforcement

15.31 LAND USE COMPLIANCE AND ENFORCEMENT¹

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15.31.1 Applicability

Provisions of this Chapter shall apply to all land use regulations in the municipal code.

15.31.2 Compliance

Any land use permit granted shall comply with the approval granted by the Planning Commission, Town Council, other governing agency, and as follows:

- A. No permit or license is valid to the extent that it conflicts with any approval of the municipal code.
- B. Any Permit or license issued that is in violation of the municipal code is deemed null and void.
- C. The Building Inspector shall not issue any building permit unless the plans for the proposed erection, construction, reconstruction, alteration and use fully conform to all regulations then in effect.

15.31.3 Enforcement

The Town Council shall designate one or more enforcement officials to enforce the land use regulations of the Town. Enforcement of any land use regulation shall be in accordance with the municipal code, as amended. The Town, including its officials, employees, contractors, agents, and volunteers -- when acting in their official capacity-- retain full governmental immunity and are not subject to the enforcement or penalties in the municipal code.

15.31.4 Notice

To commence an enforcement action under this section for land use violations, the Town shall adhere to the following provisions.

¹ Added 11-1-2018: Ordinance #2018-10-04-C added 15.31 Land Use Compliance and Enforcement.

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- A. Upon commencement of an enforcement action, the Town shall provide:
 - 1. Written notice, by regular mail or hand delivery, of each ordinance violation to the address of the respective owner of record on file in the office of the Weber County Recorder; and
 - 2. A schedule of civil and criminal penalties that may be imposed upon the expiration of the period of time required under 15.31.4.B.
- B. The Town shall allow no less than sixty (60) calendar days - from the date upon which written notice was served - to cure the noticed violation(s) prior to imposing any penalties. One thirty (30) day extension may be granted on due cause.
- C. The expiration of the period of time required under 15.31.4.B shall constitute a final decision for any uncured violations for which written notice was served.
- D. Written notice under 15.31.4.A is considered served the date of mailing or hand delivery.

15.31.5 Penalties

The following penalties apply to any violation of the land use regulations of the Town as follows:

- A. **Civil Penalty.** In addition to other remedies as authorized by law, including but not limited to removal, abatement, injunctive relief, revocation of any permit, or otherwise² and respective owner(s) of record on file in the office of the Weber County Recorder, violating or permitting the violation of any land use provision established by law may be fined up to \$750.00, per violation, per day, in addition to reasonable attorney's fees and costs incurred by the Town. The Town is also entitled to reimbursement of all costs relating to enforcement, including, but not limited to: removal, abatement, injunctive relief, or otherwise, including all court costs and attorney fees.³
- B. **Criminal Penalties.** In addition to other remedies as authorized by law, any respective owner(s) of record on file in the office of the Weber County Recorder, violating or permitting the violation of the provisions of any land use provision established by law shall be guilty of a class C misdemeanor and punishable as provided by law, each day being a separate offense

² Amended 6-4-2020: Ordinance #2020-4-23: Title 15.3 1.5: Added " including but not limited to removal, abatement, injunctive relief, revocation of any permit, or otherwise."

³ Amended 6-4-2020: Ordinance #2020-4-23: Title 15.3 1.5. A: Added " The Town is also entitled to reimbursement of all costs relating to enforcement including, but not limited to: removal, abatement, injunctive relief, or otherwise, including all court costs and attorney fees."

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15.31.6 Appeal

- A. Appeals shall be made as follows:
 - 1. All appeals shall be in accordance with Title 15.5 of the Huntsville Town municipal code.
 - 2. All appeals shall be filed, in writing, with the Town Clerk within ten (10) days of any final decision under 15.31.4.C.
 - 3. Appeals shall only be made from land use decisions that are administrative in nature and not legislative enactments that include an ordinance or resolution.

- B. Exhaustion. No person may challenge in district court a municipal land use decision made under any municipal land use ordinance until that person has exhausted, or the Town has waived, all administrative remedies.

- C. District Court. Any appeal to the district court must be made within ten (10) days of the final decision of the appeal authority or the decision is final.