

**HUNTSVILLE TOWN  
RESOLUTION 2024-03-28**

**CODE ENFORCEMENT OFFICER**

**A RESOLUTION OF HUNTSVILLE TOWN, UTAH, ESTABLISHING THE  
POLICY AND ROLE OF THE CODE ENFORCEMENT OFFICER, OUTLINING  
THE ENFORCEMENT ACTION PROCEDURES, AND IMPLEMENTING A  
CODE VIOLATION COMPLAINT FEE.**

- A. WHEREAS**, Huntsville Town (hereafter referred to as “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. WHEREAS**, Title 10, Chapter 8, of the *Utah Code Annotated*, 1953, as amended, enables the Town to exercise certain police powers and nuisance abatement powers, including but not limited to providing for the safety and preservation of health, promotion of prosperity, improvement of the good order for the inhabitants and businesses of the Town;
- C. WHEREAS**, Title 10, Chapter 11, of the *Utah Code Annotated*, 1953, as amended, authorizes the Town to conduct inspection and cleaning of certain property and nuisances;

**NOW, THEREFORE**, be it resolved by the Huntsville Town Council as follows:

**Section 1: Repealer.** Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Amendment.** The duties of the Code Enforcement Officer are hereby amended to read as follows:

1.

**A. Code Compliance Officer Appointment.** The mayor may appoint a Code Enforcement Officer subject to the advice and consent of the Huntsville Town Council. The Town Council may remove a Code Enforcement Officer by Majority vote.

**2. Code Compliance Officer Authority.** The Code Enforcement Officer is delegated authority to monitor and enforce provisions of the following titles of the Huntsville Municipal Code:

- A. Title 2 - Nuisance.
- B. Title 4 - Land Use Permits.
- C. Title 15 - Land Use Regulations.
  
- D. Title 16 - Streets and Rights-of-way

### **3. Enforcement Action Process.**

A. Policy. It is the policy of Huntsville Town to recoup the costs related to Enforcement Actions and discourage complaints that lack probable cause, are duplicative, and/or that are retaliatory in nature.

B. Initiation. Enforcement Actions are initiated by the submission of a Code Violation Complaint to the Town Clerk along with the payment of a \$50.00 fee, subject to the following provisions:

- i. Complainants may choose not to identify themselves and may remain anonymous. Be advised that the Town attempts to keep complainants confidential. However, certain information is subject to state record laws and constitutional considerations that may require disclosure of the identity of a complainant.
- ii. A Town officer, acting in their official capacity, may submit a Code Violation Complaint without paying the respective fee. A Code Violation Complaint submitted by a Town officer shall not be anonymous.
- iii. The fee is refundable where complaints are found to have probable cause and enforcement action is pursued. No fee will be charged if there is a current enforcement action for the same complaint.

C. Procedure. Upon receipt of a Code Violation Complaint, the Code Enforcement Officer shall investigate the complaint and make a determination as to whether or not the alleged offense violates the Huntsville Town Municipal Code.

- i. If no violation is found, the Code Enforcement Officer shall conclude the investigation and terminate the Enforcement Action by filing a brief summary of the investigation with the Town.
- ii. If the Code Enforcement Officer concludes that the alleged offense violates the Huntsville Town Municipal Code they shall proceed with the Enforcement Action as directed under the respective titles:
  - a. Nuisance Violations. The Code Enforcement Officer shall enforce nuisance violations as directed under Title 2, Sections 2.3 and 2.4.
  - b. Land Use Violations. The Code Enforcement Officer shall enforce land use violations as directed under Title 15.31, Sections 15.31.4 and 15.31.5.
- iii. Any actions taken by the Code Enforcement Officer against an offender shall be reported to the Town Clerk to be filed with the specific Complaint file. Telephone calls made to the offender, or their representative may be

reported in summary form to the Town Clerk. Copies of any letters sent to the offender will be sent to the Town Clerk to be filed in the specific complaint file.

- E. No elected or appointed Town official shall attempt to influence the efforts or duties of the Code Enforcement Officer in any manner that would result in an inequitable application of the Town’s enforcement ordinances.
- F. The Town’s legal counsel may advise the Code Enforcement Officer with regard to questions of law and due process at any time during the Enforcement Action. Complaints may be referred to the Town Prosecutor for criminal charges where appropriate.

**4. Appeals.** Appeals to enforcement actions shall proceed as directed under the provisions of the following Huntsville Municipal Code titles:

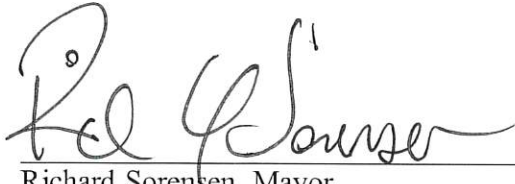
- A. Nuisance Violations Appeals. Appeals to enforcement measures relating to nuisance violations shall proceed as directed under Title 2, Section 2.5 and Title 15.5.
- B. Land Use Violations Appeals. Appeals to enforcement measures relating to nuisance violations shall proceed as directed under Title 15.31, Section 15.31.6 and Title 15.5.

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Resolution is unconstitutional or invalid, then such portion of this Resolution, or specific application of this Resolution, shall be severed from the remainder, which remainder shall continue in full force and effect.

**Section 4: Effective date.** This Resolution shall be effective immediately upon posting or publication after final passage.

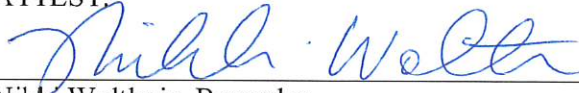
VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Richard Sorensen	X			
CM Bruce Ahlstrom	X			
CM Sandy Hunter				X
CM Lewis Johnson	X			
CM Artie Powell	X			

ADOPTED AND APPROVED on this 15 day of May, 2024.



Richard Sorensen, Mayor

ATTEST:



Nikki Wolthuis, Recorder

RECORDED this 22 day of May, 2024.