

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, October 16, 2025, 6:00 p.m.
Huntsville Town Hall, 7474 E. 200 South, Huntsville

Name	Title	Status
Richard L. Sorensen	Mayor	Zoom
Bruce Ahlstrom	Council Member	Present
Sandy Hunter	Council Member	Present
Lewis Johnson	Council Member	Present
Artie Powell	Council Member	Present
William Morris	Legal Counsel	Excused
Nikki Wolthuis	Clerk	Present
Beckki Endicott	Clerk	Present

Citizens: Blaine Vernon, Chris Tremea, Jeff Keeney, Jim Truett, Liz Poulter, Kathleen Engstrom, Max Ferre

1 Mayor Richard Sorensen called the meeting to order.
There is a full quorum present.

2-Pledge of Allegiance led by: Chris Tremea

3-Opening Ceremony given by: Lewis Johnson

4-Public Comments: : Blaine Vernon, Huntsville Maintenance Supervisor gave a report on maintenance issues in the town. Blaine had talked to the mountain Arts and Music in town and they wondered if there could be a UTA bus stop here for Snowbasin. It would bring people into town which would be good for business. He reported a case of bird flu in the park. The DWR took care of it. He had been working on a system to submit work orders. They are installing mag locks in the park bathrooms so it didn't have to be done manually. Secondary water would be shut off Monday.

5.Sheriff's Report No report

6.Report: Chris Tremea, Huntsville Town Code Enforcement Officer

Chris gave a report on code enforcement within the town. He had been having good conversations with people and had made a lot of progress. He asked the TC to make the code less vague and easier to be interpreted by each person. He wanted Huntsville Town to decide on their agriculture regulations. For example, if the Town didn't want roosters then they need to put in the code that roosters are not allowed. Up to that point, he had spent 45 hours working on code enforcement. He expressed a desire that complainants contact him directly rather than go through the office staff or town council. The next thing he would like the town council to consider was parking in the right of way.

7. Discussion and/or action on approval of Minutes for Town Council Meeting October 2, 2025 (See Attachment #1)

TCM Ahlstrom corrected his vote on Brent Ahlstrom as PC Alternate. He had abstained on that vote and it was incorrectly marked that he had voted.

TCM Bruce Ahlstrom motioned to approve the amended Minutes for Town Council Meeting October 2, 2025. TCM Hunter seconded the motion. All votes Ayes. Motion passed.

8. Discussion and/or action on approval of 4-Way Stop at the intersection of 7500 E. and 200 S.

The TC discussed the fact that some people had near misses at this intersection and perhaps they should make into a 4-way stop. TCM Sandy Hunter said it would slow people down who were driving too fast on 200 S.

Mayor Sorensen motioned to approve a 4-way stop at 7500 E. 200 S. TCM Ahlstrom seconded the motion. All votes Ayes. Motion passed.

9. Discussion on Hunting within Huntsville Town Boundaries.

Mayor Sorensen explained that someone had recently shot a deer with a bow and arrow on private property in Town. The DWR and the sheriff responded to the incident and it was discovered that the deer was shot legally on Forest Service property and traveled to private property before it passed away. The TC discussed the hunting regulations and whether they could adjust them for Huntsville Town. They discussed the difficulty of hunters being able to shoot so close to homes (600 feet). Over the years it had been a conflict and at one-point former mayor Jim Truett lobbied the state to make changes to the regulation with no success. There was a suggestion that they contact the local representative Jason Kyle to help lobby again.

10. Discussion and/or action on approval of Ordinance 2025-7-17 Nuisance Ordinance. (See attachment #2)

Beckki spoke about the changes she had made to the code. She had put the noise section in the appropriate zones, took out references to state codes to simplify it and eliminated TCM Ahlstrom's agricultural section. Beckki suggested the TC read Marriott-Slaterville's code on "Agricultural in the community" to see if Huntsville could adopt something like that. The TC discussed having a work session before the next meeting to discuss the ordinance.

Mayor Sorensen motioned to table Ordinance 2025-7-17 Nuisance Ordinance. TCM Ahlstrom seconded the motion. All votes ayes. Motion passed.

Department Updates

Mayor Richard Sorensen-Nothing

Councilmember Sandy Hunter-Nothing

Councilmember Artie Powell- spoke about bids for tree stump removal in the park. He suggested an extra meeting on the following Monday to vote on the bids so the work could be done ASAP.

He spoke about the broken slide in the park. At first he wondered if the slides could be repaired but he found that a company does not want to repair a slide they did not make. He learned that playground equipment had a 25-year life span. They were looking into having the entire playground redesigned. Members of the events committee in town were interested in helping raise funds for new equipment. He also suggested they get the drain field in the park fixed in the spring.

Beckki and TCM Powell spoke about the 501c3 idea by the events committee. Because Huntsville Town is a municipality they cannot be a 501 c3. There must be a public purpose when funds are donated. It must be led by private citizens but a seat on their board should be a Town Councilmember.

Councilmember Bruce Ahlstrom- Nothing

Councilmember Lewis Johnson – Nothing

Mayor Sorensen motioned to adjourn the meeting. TCM Ahlstrom seconded the motion. All votes ayes. Motion passed.

Meeting adjourned at 6:33 PM



Nikki Wolthuis, Deputy Clerk

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, October 2, 2025, 6:00 p.m.
Huntsville Town Hall, 7474 E. 200 South, Huntsville

Name	Title	Status
Richard L. Sorensen	Mayor	Present
Bruce Ahlstrom	Councilmember	Present
Sandy Hunter	Councilmember	Zoom
Lewis Johnson	Councilmember	Present
Artie Powell	Councilmember	Present
William Morris	Legal Counsel	Excused
Beckki Endicott	Clerk	Present

Citizens: Will Vander Toolen, Taylor Alvarez- Sage, Taylor Anderson- Sage, Sarge Tovar, Brent Butler, Lt. Jeffries, Brent Ahlstrom, Kevin Anderson, Liz Poulter, Hillary Evans, Chandlyr Shupe, Marian Devries, Jodi Richardson, Alyssa Lloyd.

Zoom: TCM Sandy Hunter

1 Mayor Richard Sorensen called the meeting to order.
There is a full quorum present.

2-Pledge of Allegiance led by: Michael "Sarge" Tovar

3-Opening Ceremony given by: TCM Artie Powell

4-Public Comments: Sarge, Commander of the American Legion, gave an update on activities at the Legion including the bike ride for disabled veterans, steak night, car show, Vet Fest, and a safety event with Valley Elementary. They would be putting in a new parking lot. They had a water leak that had been fixed. Their flag is ready to be flown at Town Hall when the pole is placed.

5. Sheriff's Report Lt. Butler announced that Lt. Jeffries would be the new officer representing Huntsville Town. He had been an officer for 22 years. There were 33 incidents in Town in September including traffic citations and a disturbance at a business. The Huntsville Marathon went smoothly. The parking signs in Town need to be updated to include the new subdivision at 200 N. and 6700 E.

6. Fall Festival Report by Chandlyr Shupe (See Attachment #1) - This report was given by Hillary Evans, a member of the events committee. The Fall Festival would be on October 25th beginning at 12:00 with various games and ending with a trunk or treat at 4:00. The committee had been in contact with the churches in the area to get support for the event. They were hoping to keep it free to attend. They would like the Town to help by advertising it on the website and in the email blast. Ms. Evans explained that if the Town became a 501c3 it would make it easier to get sponsors for events. Members of the committee were happy to help in the process if needed. They planned on organizing more events throughout the year and hope that fundraising would

help make it happen. Members of the committee are Chandlyr Shupe, Hillary Evans, Briana Bingham, Star Primm, and Marian Devries.

Kevin Anderson- Mayor Sorensen turned the time over to Mr. Anderson of the Huntsville Town VISION Committee to discuss setting up a 501c3 entity to further their goals. The name they had chosen was the Historic Huntsville Preservation Foundation. TCM Powell wasn't in favor of the name and Mr. Anderson explained that the name was negotiable. TCM Powell also expressed the need to put a Town Councilmember on the committee or have the committee directly report to the Town Council and Mr. Anderson agreed with that.

The Huntsville Events Committee wondered if the 501c3 of the VISION Committee be expanded to include the Town. They explained that potential sponsors for the fall event were not willing to help if they couldn't get a tax break. They also wondered if funds could be raised for the park playground through the 501c3. Mr. Anderson explained that the name of the non-profit would not narrow the ways in which it could benefit the Town. The varied use of donations would be spelled out in the application. Beckki said she would put a resolution on the next agenda to put a committee together to apply for the 501c3. She wasn't entirely sure that the Town would need to be a 5013c in order to accept donations as they had accepted donations in the past for the 4th of July celebration as well as for the Town Hall. She would talk to the attorney to get clarification on that.

7. Discussion and/or action on approval of Minutes for Town Council Meeting September 18, 2025 (See Attachment #2)

TCM Ahlstrom and TCM Powell made a few small corrections.

TCM Powell motioned to approve Minutes for Town Council Meeting September 4, 2025. TCM Ahlstrom seconded the motion. All votes Ayes. Motion passed.

8. Discussion and/or action on approval of Subdivision Amendment for Sage (See Attachment #3)

Taylor Alvarez from Sage came to present the subdivision amendment.

TCM Ahlstrom motioned to approve the Subdivision Amendment, consolidating lots 4 and 5 in Sage. TCM Powell seconded the motion. Roll Call Vote. Votes reflected below. Motion passed 4-0.

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

***TCM Sandy Hunter joined via zoom at 6:45 pm**

9. Discussion and/or action on approval of Candidates for Planning Commission.

Mayor Sorensen explained that both Steve Songer and Suzanne Ferre's terms on the Planning Commission were expiring, and they would need to be replaced. Steve's had expired in July, and Suzanne's would expire in January. **Mayor Sorensen motioned to name Brent Ahlstrom to the Planning Commission to replace Steve Songer. TCM Johnson seconded the motion.**

Mayor Sorensen pulled his motion because John Henderson was the alternate and would naturally move up as a regular member of the Planning Commission. The Town Council discussed the need for alternates, whether an alternate should be automatically made a regular member, and whether John Henderson intended to or assumed he would stay on the commission. Beckki pulled up the ordinance on the big screen explaining the rules of the Planning Commission. **(See Attachment #4)** It did not specify whether an alternate was automatically moved to the regular commission. It did not say that a person needed to apply for the position. It only said that the mayor appointed members with the advice and consent of the Town Council. TCM Powell didn't like the idea of having an alternate member of the PC. He thought the ordinance needed to be changed to be more specific on the rules. Beckki stated that from an administrative perspective having an alternate was important because many times they struggled to get enough PC members to the meetings to make a quorum. TCM Sandy Hunter who had just joined the meeting via zoom agreed with that statement.

Mayor Sorensen motioned to move John Henderson from Alternate to Regular member of the PC and make Brent Ahlstrom an alternate temporarily until January when he could fill the regular position. TCM Ahlstrom seconded the motion. Roll Call Vote. Votes are reflected below. Motion passed 4-1.

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

Mayor Sorensen motioned to appoint Brent Ahlstrom as an alternate on the Planning Commission. TCM Sandy Hunter seconded the motion. Roll Call Vote. Votes Reflected below. Motion passed 4-1.

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

Mayor Sorensen motioned to appoint Will Vander Toolen as an alternate to the Planning Commission in January, taking over for alternate Brent Ahlstrom who will be moved to regular member. TCM Johnson seconded the motion.

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

TCM Powell wanted the PC to seriously look at amending the ordinance to make the rules clearer. Beckki reminded them that the last time they opened up the ordinance, it took them 18 months to revise it. She didn't want to discourage them, only to remind them.

10. Discussion and/or action on Ordinance 2025-7-17 Nuisance Ordinance Revision and Recodification (See Attachment #5)

The TC discussed issues they had with the proposed Nuisance Code revision. Some were concerned about protecting agricultural activities in the town. TCM Ahlstrom felt like a nuisance code was necessary to protect health and safety but not to ensure properties "looked nice." That went beyond the role of government. TCM Johnson felt the code needed to be simplified. TCM Powell didn't agree with some of the language of the ordinance. Beckki explained that the language of the ordinance was simpler than the current code. She also explained that the Town's attorney suggested she move the section on noise to parts of the code defining the zones.

After the debate Beckki stated that she would simplify the document even further and they would discuss it again soon.

Department Updates

Mayor Richard Sorensen- Nothing

Councilmember Sandy Hunter- Nothing

Councilmember Artie Powell- The playground equipment needed to be replaced or repaired including the slide and climbing wall.

They needed to review the animal control contract to see if the cost was worth the service.

Councilmember Bruce Ahlstrom-He was contacted by Zack Jenkins who did roadwork in the Town over the past summer. He had extra materials and wondered if he could help the Town. They decided on 500 S. for a crack seal job. Lonny Bailey was doing an amazing job of getting fill dirt in the new cemetery.

Councilmember Lewis Johnson – He asked what had been done about removing the dumpsters in the park. Artie would talk to Blaine about that plan.

TCM Ahlstrom motioned to approve the September Bills. TCM Powell seconded the motion. All votes ayes. Motion passed.

TCM Ahlstrom motioned to adjourn the meeting. TCM Powell seconded the motion. All votes ayes. Motion passed.

Meeting adjourned at 7:59 p.m.

Nikki Wolthuis, Deputy Clerk

DRAFT

**HUNTSVILLE TOWN
ORDINANCE 2025-7-17**

ADMINISTRATIVE PROCEEDINGS AND NUISANCES

AN ORDINANCE OF THE TOWN OF HUNTSVILLE, UTAH, ADOPTING CHAPTER 2.14 OF THE HUNTSVILLE TOWN MUNICIPAL CODE ENTITLED "ADMINISTRATIVE PROCEEDINGS" TO COMPLY WITH STATE LAW; REPEALING CHAPTER 2 OF THE HUNTSVILLE TOWN MUNICIPAL CODE TITLED "NUISANCE" TO COMPLY WITH THE HUNTSVILLE TOWN RECODIFICATION TEMPLATE; ADOPTING CHAPTER 8.04 OF THE HUNTSVILLE TOWN MUNICIPAL CODE ENTITLED "INSPECTION AND CLEANING" TO COMPLY WITH STATE LAW; PROVIDING SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, Huntsville Town (hereafter the "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the Town;

WHEREAS, Title 10, Chapter 11, of the *Utah Code Annotated*, as amended, governing "Inspection and Cleaning" enables municipalities to remove and abate certain nuisances and requires "Administrative Proceedings" in certain circumstances in order for effective enforcement;

WHEREAS, the Town finds it necessary to update the Municipal Code to comply with multiple changes in state law, and to protect public health, safety, and welfare;

WHEREAS, the Town finds it necessary to update the numbering of the nuisance code, moving the current nuisance code from Chapter two (2) and establishing a "Health and Safety" chapter including garbage, fire, water and nuisance as Chapter eight (8).

NOW, THEREFORE, be it ordained by the Town Council as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Chapter 2 of the *Huntsville Town Municipal Code* is hereby repealed, and Chapter 2.14 is enacted to read as follows;

Section 3: Chapter 8.06 of the *Huntsville Town Municipal Code* is hereby enacted to read as follows:

**Chapter 2.14
Administrative Proceedings**

Sections:

- 02.14.010 Administrative Proceedings.**
- 02.14.020 Hearing Officer.**
- 02.14.030 Procedure.**
- 02.14.040 Non-judicial Penalty.**
- 02.14.050 Penalties from State Law.**

02.14.010 Administrative Proceedings.

In accordance with Utah Code §10-3-703.7, the Town hereby adopts this Chapter to establish an administrative proceeding to review and decide one or more civil violations of the Municipal Code.

02.14.020 Hearing Officer.

The mayor with the advice and consent of the Town Council may designate one (1) or more persons duly licensed and in good standing with the Utah State Bar as a Hearing Officer under this Chapter.

02.14.030 Procedure.

1. **Authority.** The Hearing Officer shall hear and decide cases arising from Chapter 8.04, and any other state law or municipal code where the Town is subject to the administrative proceeding specified in this Chapter.
2. **Due Process.** The Town shall provide due process for parties participating in the administrative proceedings by providing written notice of the date, time, place, and subject of the administrative hearing to the address of record for the property owner(s) and/or occupant(s) at the Office of the Weber County Recorder and an opportunity to be heard before the hearing officer.
3. **Appeal.** Only any adversely affected person who has standing may make an appeal. Any appeal from the Municipal Inspector enforcing Chapter 8.04, or other applicable code(s), is to be made in writing filed with the Town Clerk/Recorder and directed to the Hearing Officer under this Chapter. Subsequent appeals or any court action after final decision of the Hearing Officer shall only be made in the Second District Court, State of Utah.
4. **Review.** The standard of review is based upon the preponderance of the evidence. Any appeal is limited to whether the Town made a significant error in its order, and the legal theories related to such errors or the impairment of due process, as such relate to specific code violation(s).

5. **Hearing.** An administrative hearing is conducted by the Hearing Officer informally. Rules of procedure and evidence are informally applied, and deference is afforded to the determinations of the Municipal Inspector.
6. **Exhaustion.** A party must exhaust all administrative remedies under this Chapter before appealing or bringing any action. An action shall only be brought in the Second District Court. The exhaustion requirement in this sub-section may be waived in writing by the Town Attorney. An argument that was not raised before the Hearing Officer shall not be raised on appeal before any Court, and the Court shall afford deference to the determinations of the Hearing Officer.

02.14.040 Non-judicial Penalty.

1. **Limitations.** In accordance with Utah Code §10-3-703.7(3)(a), the Town may not impose a nonjudicial penalty for a violation of a land use regulation or a nuisance code under Chapter 8.04, unless the Town provides to the individual who is subject to the penalty written notice that:
 - a. Identifies the relevant regulation or ordinance at issue;
 - b. Specifies the violation of the relevant regulation or ordinance; and
 - c. Provides for a reasonable time to cure the violation, taking into account the cost of curing the violation.
2. **Pending.** The Town may not collect on a nonjudicial penalty for a violation of a land use regulation or a nuisance code under Chapter 8.04 that is outstanding or pending on or after May 14, 2019, unless the Town imposed the outstanding or pending penalty in relation to a written notice that:
 - a. Identified the relevant regulation or ordinance at issue;
 - b. Specified the violation of the relevant regulation or ordinance; and
 - c. Provided for a reasonable time to cure the violation, taking into account the cost of curing the violation.
3. **Violations.** Based upon this Town adopting this Chapter establishing an administrative proceeding process for one (1) or more violation(s) of the Municipal Code in accordance with the requirements of Utah Code §10-3-703.7, the Town hereby adopts and imposes the following for each violation of an order issued under Utah Code §10-11-2(1)(c):
 - a. A civil penalty in accordance with Utah Code §10-3-703(2); or
 - b. In accordance with Utah Code §10-3-703(1), a criminal penalty, including by a fine not to exceed the maximum class B misdemeanor fine under Utah Code §76-3-301, by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment.
 - c. In accordance with Utah Code §10-11-2(1)(d), the Town shall provide one hundred eighty (180) days after the day on which the written notice from the Municipal Inspector for violations under Chapter 8.04 is delivered in person or the date the notice is post-marked for the recipient of the notice to:
 - i. Abate the hazardous materials; or
 - ii. Appeal the notice and begin the administrative proceeding process.

02.14.050 Penalties from State Law.

1. Criminal. In accordance with Utah Code §10-3-703, the Town hereby imposes a criminal penalty for each violation of the Municipal Code involving enforcement actions initiated by the Town which shall be a fine not to exceed the maximum class B misdemeanor fine under Utah Code §76-3-301, by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment.
 - a. The Town may not impose a criminal penalty greater than an infraction for a violation pertaining to an individual's pet, as defined in Utah Code §4-12-102, or an individual's use of the individual's residence unless, the violation:
 - i. Is a nuisance as defined in Utah Code §78B-6-1101(1); and
 - ii. Threatens the health, safety, or welfare of the individual or an identifiable third party; or
 - iii. The Town has imposed a fine on the individual for a violation that involves the same residence or pet on three (3) previous occasions within the past twelve (12) months.
 - b. Utah Code §10-3-703(1)(b) does not apply to enforcement of a building code or fire code violation in accordance with Title 15A, State Construction and Fire Codes Act.
2. Civil. Except as provided in Utah Code §10-3-703(2)(b), the Town hereby prescribes a civil penalty for each violation of the Municipal Code involving enforcement actions initiated by the Town by a fine not to exceed the maximum class B misdemeanor fine under Utah Code §76-3-301. The Town may not impose a civil penalty or adjudication for the violation of a moving traffic violation.
3. Issuance. Except as provided in Utah Code §10-3-703(3)(b) or Utah Code §77-7-18, a municipal officer or official who is not a law enforcement officer described in Utah Code §53-13-103, or a special function officer described in Utah Code §53-13-105 may not issue a criminal citation for a violation that is punished as a misdemeanor. Notwithstanding Utah Code §10-3-703 (1) or (3)(a), the following may issue a criminal citation for a violation that is punished as a misdemeanor if the violation threatens the health and safety of an animal or the public:
 - a. A fire officer described in Utah Code §53-7-201; or
 - b. An animal control officer described in Utah Code §11-46-102.
4. Limitations. The Town may not issue more than one (1) infraction within a fourteen (14) calendar daytime period for a violation described in Utah Code §10-3-703(1)(b) that is ongoing.

**Chapter 8.04
Inspection and Cleaning**

Sections:

08.04.010 Nuisance and Abatement.

08.04.020 Inspection and Notice.

08.04.030 Abatement Procedure.

08.04.040 Cost Recovery.

Huntsville, Utah

Ordinance No. 2025-7-17- Administrative Proceedings and Nuisances

08.04.050 Non-exclusive Remedy.

08.04.060 Penalty.

08.04.010 Nuisance and Abatement.

1. Applicability. In accordance with Utah Code §10-11-4(8), this Chapter does not apply to any public building, public structure, or public improvement.

2. Nuisance. A public nuisance is a crime against the order and economy of the Town and consists in unlawfully doing any act or omitting to perform any duty, which act or omission either:

a. Health and Safety. Annoys, injures, or endangers, the comfort, repose, health, or safety of the public.

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b. Obstructions. Unlawfully interferes with, obstructs, or tends to obstruct or renders dangers for passage, any lake, stream, canal, ditch, or basin, or any public park, square, street or highway.

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c. Security. In any way renders residents insecure in life or the use of their property.

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d. Garbage. Household waste, food waste, all animal and vegetable refuse from kitchens or residences, hotels, cafes, restaurants and places where food is prepared for human consumption, including all animal and vegetable refuse from such kitchens, the materials in which such food products are packaged, and also all condemned, or decayed or unsound vegetables, meats, fish, fruit and all waste an offal therefrom markets, stores and factories and any other manner of refuse, rubbish, rotting hay, or trash which in and of itself has no value.

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e. Junk. All discarded metals, scrap metals, iron, glass, paper, wood, building materials, plastics, fiberglass which may have value second hand but not in its present condition, unused or discarded bicycles, tricycles or other recreational vehicles or parts therefore, waste paper products, unused or discarded building materials, machinery or machinery parts, lumber, accumulations of dirt, gravel, ashes, or fire remains, or any inoperable or abandoned vehicles, parts, or any other waste materials.

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f. Inoperable or Abandoned Vehicle. Includes any trailer, semi-trailer or motor vehicle not currently registered and licensed in this state or another state, that cannot be operated in its existing condition because the parts necessary for operation such as, but not limited to, tires, windshield, engine, drive train, driver's seat, steering wheel or column, gas or brake pedals are removed, destroyed, damaged, deteriorated, or nonconforming.

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g. Public nuisance animal. Any animal which violates the provisions of this Title as defined or the title on Nuisance Generally and:

Commented [BE1]: I would recommend moving anything that has to do with animals be moved to our animals title. Currently our Animal contract is with the county and they should be doing the enforcement for these kinds of issues.

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- i. i. causes damage to the property of anyone other than its owner;
- ii. ii. Causes unreasonable odors: Causes unsanitary conditions, either for the animal(s) or person(s) living nearby;
- iii. iii. Is a potentially dangerous or vicious animal as defined in the Animal Control Title;
- iv. iv. Every dog or animal which by barking, howling or making other noises disturbs or disrupts the peace and quiet of more than three persons, or in the case of disturbing one or more persons is documented by an Animal Control or Huntsville Town Law Enforcement Officer on at least three separate occasions or for an extended period of time;
- v. v. Regularly chases vehicles;
- vi. vi. Regularly chases other animals.

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h. Noxious Weeds. Any plant the Utah Commissioner of Agriculture determines to be especially injurious to public health, crops, livestock, land or other property.

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h. Noise. To make, continue or cause to be made or continued any loud, continuous or excessive noise or any noise which endangers the health, safety or welfare of the community, or which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within Huntsville Town. Permits shall be available for special events that specify the dates and hours of the permitted activities, which shall not be allowed between the hours of 10:00 P.M. and 8:00 A.M., unless the responsible Town official determines that it is in the best interest of the community that the activities take place, wholly or partially, during such hours. Commercial establishments that hold regularly scheduled entertainment may obtain a yearly permit. This title does not apply to bells or chimes at places of worship; to the playing of bands or orchestras in a hall or building in a manner that will not annoy the peace, comfort and quiet of the neighboring inhabitants; to municipal, county, state or federal government agencies in connection with any emergency; to normal working activities of or activities sponsored by the governing body; to warning devices on authorized emergency vehicles; or to horns or other warning devices on other vehicles used only for traffic safety purposes. The following acts, among others, are declared to be loud, disturbing, excessive or continuous noises, and a danger to the health, safety and welfare of the community, in violation of this ordinance, but the enumeration shall not be deemed to be exclusive:

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Commented [BE2]: Please reconsider the noise statute. I would recommend that these be moved to the zone chapters which would list noise as a condition. If not, please simplify. Noise is very difficult to enforce.

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i. Continual use of horns, whistles, bells and signaling devices, except a danger warning.

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ii. Radios, televisions, musical instruments and other machines, players or devices of any type or technology, using any type of media, used for the

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creation of any music or sound. The use or operation of any of the foregoing devices, with or without amplification, in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber or premises in or at which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, machine, device or player between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which or land on which it is located, shall be prima facie evidence of a violation of this section.

iii. Commercial loudspeakers, amplifiers, etc. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, loudspeaker, sound amplifier, or any other machine, player or device of any type or technology for the producing or reproducing of sound which is audible upon the public streets for the purpose of commercial advertising, except as permitted by Huntsville Town.

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iv. People noises. Yelling, shouting, whistling, singing or conducting unnecessarily loud or annoying vocal utterances at any time or place, so as unreasonably to annoy or disturb the quiet, comfort or repose of any person in any hospital, residential medical facility, school, place of worship, place of business or dwelling, hotel or other type of residence, or of any person in the vicinity.

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v. Animals, including but not limited to birds and dogs. The keeping of any animal, including but not limited to any bird or dog, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity. For purposes of this subsection, a dog barking continually for ten (10) minutes or intermittently for thirty (30) minutes, unless provoked, and plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which or land on which it is located, shall be prima facie evidence of a violation of this section.

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vi. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary jet or internal combustion engine or motor vehicle, except through a properly functioning muffler or other device which will effectively prevent loud or explosive noises therefrom.

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vi. Overloaded, improperly operated vehicles. The use of any automobile, motorcycle, truck or vehicle so out of repair, or so loaded or operated in such

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a manner as to create loud and unnecessary grating, grinding, rattling or other loud or disturbing noise.

vii. Construction work. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure at any time other than between the hours of 8:00 A.M. and 6:00 P.M. on Sundays, or between the hours of 7:00 A.M. and 9:00 P.M. on all other days, except in case of urgent necessity in the interest of public health and safety. Notwithstanding the foregoing, if the Mayor or his/her designated official shall determine that the public health and safety will not be impaired by such work within the prohibited hours, and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the prohibited hours, upon application being made at the time the permit for the work is issued or during the progress of the work. The provisions of this subsection shall not apply to interior or exterior repairs or to interior alterations, the work for which is actually performed personally by a homeowner or other occupant or tenant between the hours of 8:00 A.M. and 10:00 P.M., provided, that the work shall be done without undue noise or disturbance of the peace and quiet of the nearby residences or of the neighborhood.

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viii. Blowers, fans or engines. The operation of any noise-creating blower (including but not limited to leaf blowers) or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower, fan or combustion engine is adequately muffled and such engine is equipped with a muffler device sufficient to deaden such noises. In addition, the operation or use of any of such equipment between the hours of 10:00 P.M. and 8:00 A.M., shall not be permitted; except that the use of any snow blower shall not be prohibited during these times when used to clear sidewalks, walkways or driveways following a snow storm, nor shall the use of any portable generator be prohibited during these times when used during a power outage caused by a storm or other natural disaster.

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ix. Lawnmowers or chain saws. The operation or use of any power lawnmower or chain saw between the hours of 10:00 P.M. and 8:00 A.M.

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10. Yards and Landscaping. Results in the accumulation of excessive vegetation or yard waste on property, including but not limited to, vegetation or landscaping to be un-watered or unmaintained so that it becomes dry or combustible. The failure to properly mow or cut of any lawn with grass and/or weeds growing in excess of six (6) inches in height. This chapter does not apply to bona fide agricultural uses, roadways, or federal or state lands."

2. ~~B. An act which affects the public in any of the ways specified in this section is still a nuisance regardless if the extent of annoyance or damage inflicted on individuals is unequal. In accordance with Utah Code §10-11-1, the Town Council, acting as the legislative body, hereby declares the following to be a nuisance subject to abatement by the Town:~~

- ~~a. Any nuisance as defined in Utah Code 78B-6-1101.~~
- ~~b. Hazardous materials as that term is defined in Utah Code §19-6-902.~~
- ~~c. The growth and spread of injurious and noxious weeds as Rule R68-9 entitled "Utah Noxious Weed Act" and any other weed determined to be an invasive species or noxious weed by the Utah State University Extension Service, Natural Resource Conservation Service, or by other governing agency.~~
- ~~d. Objects or materials which include, but is not limited to:
 - ~~i. Garbage or refuse.~~
 - ~~ii. Fuel, liquids, or oil not properly disposed or stored.~~
 - ~~iii. Debris, litter, junk, scrap, or trash that is spent, useless, or other discarded materials of any kind.~~
 - ~~iv. Used tires, parts of any kind, unused vehicles or machinery, appliances left outdoors, and dilapidated furniture of any kind.~~
 - ~~v. Unkept vegetation and/or weed plant materials; lawn grass over six (6) inches; leaves left on the ground; trimmings; any vegetation either growing excessively, unwatered, or dead.~~
 - ~~vi. Building materials stored outside and not actively used as part of a duly issued and pending building permit.~~
 - ~~vii. Waste products of any kind, food products, dead animals, or vicious animals.~~
 - ~~viii. Unused or discarded bicycles, tricycles, or other types of equipment or parts; scrap metal.~~
 - ~~ix. Wastepaper products, lumber, or any wood pile.~~
 - ~~x. Accumulations of dirt, gravel, mud, ashes, or fire remains.~~
 - ~~xi. Any salvage material or any other waste materials.~~~~
- ~~e. Any public nuisance that:
 - ~~i. Is designated under any state statute.~~
 - ~~ii. Creates a fire hazard.~~
 - ~~iii. Contains any hazardous material or objects~~
 - ~~iv. Is a source of pollution of any kind.~~
 - ~~v. Fosters rodents, insects, or other forms of life deleterious to human habitation.~~
 - ~~vi. Unsightly or deleterious structures or surroundings.~~
 - ~~vii. Lacks sanitation or conditions that foster disease.~~
 - ~~viii. May involve illegal drug use.~~
 - ~~ix. May injure public health or safety.~~
 - ~~x. Involves other conditions that violate any law.~~~~
- ~~f. An illegal object or structure that:
 - ~~i. Was constructed without a land use and/or building permit.~~
 - ~~ii. Blocks or obstructs a highway or traffic.~~
 - ~~iii. Is used for illegal activities, drugs, or harboring criminal activity.~~~~

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~~iv. Where a structure is left vacant and unsecured. Vacant structures shall be properly locked and secured to prevent entry except by the owner or their agent. The Town may require windows and accesses be boarded where a structure is left vacant.~~

~~g. Any structure or any real property closed to occupancy or entry by:~~

- ~~i. The health department.~~
- ~~ii. The building official for building code violations.~~
- ~~iii. The district court under a court order.~~

~~iv.3. The presence of hazardous materials or substances.~~

~~3.4. Abatement. Any nuisance specified in this Section is subject to abatement at the direction of the Municipal Inspector as provided in this Chapter.~~

~~4.5. Municipal Inspector. In accordance with Utah Code §10-11-1, the mayor with the advice and consent of the Town Council shall appoint a Municipal Inspector for the purpose of carrying out and in accordance with the provisions of this Chapter.~~

~~5.6. Limitations. The state law provides for the following limitations, and the Huntsville Town shall not:~~

- ~~a. Prohibit an owner or occupant of real property within the Town, including an owner or occupant who receives a notice in accordance with Utah Code §10-11-2, from selecting a person, as defined in Utah Code §10-1-104, to provide an abatement service for injurious and noxious weeds, garbage and refuse, a public nuisance, or an illegal object or structure.~~
- ~~b. Require that an owner or occupant to use the services of the Municipal Inspector or any assistance employed by the Municipal Inspector described in Utah Code §10-11-3 to provide an abatement service.~~

~~6.7. Requirements. Huntsville. The Town may require an owner or occupant to:~~

- ~~a. Use the abatement services, as described in Utah Code §10-11-3, of the Municipal Inspector, including the use of a certified decontamination specialist as described in Utah Code §19-6-906, or any assistance employed by the Municipal Inspector if:
 - ~~i. The Municipal Inspector provides notice to abate within a reasonable period of time of at least ten (10) days to the owner(s) or occupant(s) of the subject property as described in Utah Code §10-11-2; and~~
 - ~~ii. The owner(s) or occupant(s) fail to abate the nuisances on the subject property within the ten (10) day reasonable period of time and in accordance with the notice.~~~~
- ~~b. The Town may require that an owner or occupant use the abatement services of a certified decontamination specialist to abate hazardous materials.~~
- ~~c. Nothing in the state law or this Chapter may be construed:
 - ~~i. As authorizing the Town to regulate items that are within the exclusive jurisdiction of the Department of Agriculture and Food as provided in Utah Code §4-2-305, including commercial feed, fertilizer, pesticides, and seeds; or~~
 - ~~ii. As limiting or abrogating the authority of a local health department under Utah Code §19-6-905.~~~~

~~7.8~~ Liability. The owner(s) and/or occupant(s) are liable for any damage, injury, or death that may result from a nuisance on their property.

08.04.020 Inspection and Notice.

1. Duties. In accordance with Utah Code §10-11-2, the Municipal Inspector is authorized and directed to:
 - a. Examine and investigate real property for nuisances ~~specified in this Chapter or as provided under applicable law.~~
 - b. Issue an order ~~limiting or restricting~~ access to a structure and the real property surrounding appurtenant to the structure while the Municipal Inspector or a certified decontamination specialist ~~destroys, removes, or abates~~ hazardous materials within the structure.
2. Limitations. The Municipal Inspector cannot abate conditions solely associated with the interior of a structure, unless required:
 - a. For the demolition and removal of the structure; or
 - b. To eliminate or remove hazardous materials within a structure that has been closed to occupancy or entry by a local health department or fire department.
3. Notice. Where the Municipal Inspector conducts an examination and investigation and determines a violation or nuisance exists, the Municipal Inspector shall deliver written notice of the examination and investigation in accordance with Utah Code §10-11-2(2).
 - a. The Municipal Inspector shall serve written notice to a property owner of record according to the records of the county recorder ~~in accordance with Utah Code §10-11-2(2)(b).~~
 - b. The Municipal Inspector may serve written notice ~~in accordance with Utah Code §10-11-2(2)(b)~~ to a non-owner occupant of the property or another person responsible for the property who is not the owner of record, including a manager or agent of the owner, ~~if the property owner is not an occupant of the property.:~~
 - i. ~~The property owner is not an occupant of the property; and~~
 - ii. ~~The Town adopts this ordinance which hereby imposes a duty to maintain the property on an occupant who is not the property owner of record or a person other than the property owner of record who is responsible for the property.~~
 - c. The Municipal Inspector may serve the written notice:
 - i. In person or by mail to the property owner of record ~~as described in Utah Code §10-11-2(2)(a)(i)~~, if mailed to the last-known address of the owner according to the records of the county recorder; or
 - ii. In person or by mail to a non-owner occupant or another person responsible for the property who is not the owner of record ~~as described in Utah Code §10-11-2(2)(a)(ii)~~, if mailed to the property address.
4. Notice Contents. In the written notice ~~described in Utah Code §10-11-2(2)(a)~~, the Municipal Inspector shall:
 - a. Identify the property owner of record according to the records of the county recorder;
 - b. Describe the property and the nature and results of the examination and investigation ~~conducted in accordance with Utah Code §10-11-2(1)(a);~~

- c. Identify the relevant code violation at issue and describe the violation citing the specific code;
- d. Describe each order, fine, or penalty that may be imposed;
- e. Special requirements for involving a structure or real property closed to occupancy:
 - i. For a structure or any real property closed to occupancy or entry by a local health department because of hazardous materials, explain the right of a property owner, occupant, or, if applicable, another person responsible for the property to abate the hazardous materials or appeal the notice within one-hundred eighty (180) days after the day on which notice is delivered in person or the date the notice is post-marked; and
 - ii. Require the property owner, occupant, or, if applicable, another person responsible for the property to:
 - 1. Eradicate or destroy and remove any identified item examined and investigated under Utah Code §10-11-2(1)(a); and
 - 2. Comply with Utah Code §10-11-2(2)(c)(vi)(A) in a time period designated by the Municipal Inspector but no less than ten (10) days after the day on which notice is delivered in person or post-marked, or for a notice related to hazardous materials, no less than one-hundred eighty (180) days after the day on which notice is delivered in person or post-marked.
 - iii. For a structure or any real property closed to occupancy or entry by a local health department because of hazardous materials, unless an order issued by a court of competent jurisdiction states otherwise, Huntsville Town a municipality may not impose a fine or penalty on a property owner, occupant, or another person responsible for the structure or real property, and may not authorize a Municipal Inspector or a certified decontamination specialist to begin abatement of the hazardous materials, until:
 - 1. The appeal and administrative proceeding process is completed; or
 - 2. The property owner, occupant, or another person responsible for the property has missed the deadline for filing the appeal.
- f. For a notice of injurious and noxious weeds described in Utah Code §10-11-2(2)(a), the Municipal Inspector is not required to make more than one (1) notice for each annual season of weed growth for weeds growing on a property.
- g. ~~The Municipal Inspector shall serve the notice required under Utah Code §10-11-2(2)(a)(i) under penalty of perjury.~~

08.04.030 Abatement Procedure.

- 1. Administrative Proceedings. The procedure for administrative proceedings in Chapter 02.14 applies to this Chapter as specified in state law and implemented by the Municipal Code.

Commented [BE3]: Taking out a lot of the references to the state code. The code is mentioned multiple times.

2. Failure to Comply. ~~If in accordance with Utah Code §10-11-2, if an owner of, occupant of, or other person responsible for real property described in the notice delivered in accordance with Section 10-11-2 fails to comply with Section 10-11-2, the Municipal Inspector may:~~
 - a. At the expense of the Town, employ necessary assistance to enter the property and destroy, remove, or abate one or more items or conditions identified in a written notice ~~described in Utah Code §10-11-2;~~ and
 - b. Prepare an itemized statement in accordance with Utah Code §10-11-3(1)(b); and
 - c. Mail to the owner of record according to the records of the Weber County Recorder a copy of the statement demanding payment within 30 days after the day on which the statement is post-marked.
3. Itemized Statement. ~~The itemized statement described in Utah Code §10-11-3(1)(a)(ii)(A) shall include:~~
 - a. The address of the property ~~described in Utah Code §10-11-3(1)(a);~~
 - b. An itemized list of and demand for payment for all expenses, including administrative expenses, incurred by the Town under ~~Utah Code §10-11-3(1)(a)(i);~~ and
 - c. The address of the Town Treasurer where payment may be made for the expenses; and
 - d. Notify the property owner:
 - i. That failure to pay the expenses ~~described in Utah Code §10-11-3(1)(b)(i)(B) may result in a lien on the property in accordance with Utah Code §10-11-4;~~
 - ii. That the owner may file a written objection to all or part of the statement within twenty (20) days after the day of the statement post-mark; and
 - iii. That the owner may file the objection with the Town Clerk/Recorder, including the address.
 - e. ~~A statement mailed in accordance with Utah Code §10-11-3(1)(a) is delivered when mailed by certified mail addressed to the property owners of record of the last-known address according to the records of the Weber County Recorder.~~
4. Lien. The Town may file a notice of a lien, including a copy of the statement described in Utah Code §10-11-3(1)(a)(ii)(A), or a summary of the statement in the records of the Weber County Recorder.
 - a. If the Town files a notice of a lien indicating that the Town intends to certify the unpaid costs and expenses ~~in accordance with Utah Code §10-11-3(2)(a)(ii) and Utah Code §10-11-4, the Town shall file for record in the Weber County Recorder's office a release of the lien after all amounts owing are paid.~~
 - b. If an owner fails to file a timely written objection ~~as described in Utah Code §10-11-3(1)(b)(ii)(B), or to pay the amount set forth in the statement under Utah Code §10-11-3(1)(b)(i)(B), the Town may:~~
 - i. File an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration; or
 - ii. Certify the past due costs and expenses to the county treasurer in accordance with Utah Code §10-11-4.
5. Collection. If the Town pursues collection of the costs in accordance with Utah Code §10-11-3(2)(a)(i) or (4)(a), the Town may:

- a. Sue for and receive judgment for all removal and destruction costs, including administrative costs, and reasonable attorney fees, interest, and court costs; and
 - b. Execute on the judgment in the manner provided by law.
6. Objection. If a property owner files an objection in accordance with Utah Code §10-11-3(1)(b)(ii), the Town shall:
- a. Hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and
 - b. Mail or deliver notice of the hearing date and time to the property owner.
7. Hearing. At the hearing described in Utah Code §10-11-3(3)(a)(i):
- a. The Town shall review and determine the actual cost of abatement, if any, incurred under Utah Code §10-11-3(1)(a)(i).
 - b. The property owner shall pay any actual cost due after a decision by the Town at the hearing described in Utah Code §10-11-3(3)(a)(i) to the Town Treasurer within thirty (30) days after the day on which the hearing is held.
8. Failure to Pay. If the property owner fails to pay in accordance with Utah Code §10-11-3(3)(e), the Town may:
- a. File an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, for the actual cost determined under Subsection (3)(b); or
 - b. Certify the past due costs and expenses to the county treasurer in accordance with Utah Code §10-11-4.
9. Reservations. The state law section does not affect or limit:
- a. The Town Council's power to pass an ordinance as described in Utah Code §10-3-702; or
 - b. A criminal or civil penalty imposed by a municipality in accordance with Utah Code §10-3-703.

08.04.040 Cost Recovery.

- 1. ~~Tax Notice.~~ In accordance with Utah Code §10-11-4, the Town may recover the cost of removal and abatement as part of the tax notice.
- 2. ~~Certify.~~ The Town may certify to the county treasurer the unpaid costs and expenses that the Town has incurred under Utah Code §10-11-3 with regard to the property. If the Town certifies with the county treasurer for the property under Section 10-11-3, the county treasurer shall enter the amount of the costs and expenses on the assessment and tax rolls of the county in the column prepared for that purpose. If current tax notices have been mailed, the county treasurer may carry the costs and expenses described in Utah Code §10-11-4(2) on the assessment and tax rolls to the following year.
- 3. ~~Entry.~~ After entry by the county treasurer under Utah Code §10-11-4(2):
 - a. ~~The amount entered is a nonrecurring tax notice charge that constitutes a political subdivision lien, as those terms are defined in Utah Code §11-60-102, upon the property in accordance with Title 11, Chapter 60, Political Subdivision Lien Authority; and~~
 - b. ~~The county treasurer shall collect the amount entered at the time of the payment of general taxes.~~

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Commented [BE4]: To simplify - I recommend we just reference the state code. This process will apply to very few people and most of these actions apply to Huntsville Town and their procedure with the County. Huntsville Town can reference and follow the State Code if it gets to that point.

4. ~~Foreclosure. Notwithstanding Utah Code §10-11-4(7), the Town may pursue judicial foreclosure to enforce the lien rather than relying on a tax sale. If the Town pursues judicial foreclosure under Utah Code §10-11-4(4)(b):
 - a. ~~The Town shall record the lien in the office of the county recorder; and~~
 - b. ~~The priority date of the lien, for the purpose of the judicial foreclosure, is the date on which the Town records the lien.~~
 - c. ~~If the Town pursues judicial foreclosure under Utah Code §10-11-4(4)(b), and completes the judicial foreclosure, before any tax sale proceedings on a property described in Utah Code §10-11-4(1), the county treasurer shall remove from the assessment roll any costs or expenses that the county treasurer added to the assessment roll under Utah Code §10-11-4(2).~~~~
5. ~~Release. Upon payment of the costs and expenses that the county treasurer enters under Utah Code §10-11-4(2):
 - a. ~~The lien described in Utah Code §10-11-4(4) is released from the property;~~
 - b. ~~The Town shall record a release of the lien in the office of the county recorder; and~~
 - c. ~~The county treasurer shall acknowledge receipt upon the general tax receipt that the county treasurer issues.~~~~
6. ~~Unpaid Costs. If the Town certifies unpaid costs and expenses under this Section, the county treasurer shall provide a notice, in accordance with Utah Code §10-11-4(6), to the owner of the property for which the Town has incurred the unpaid costs and expenses. In providing the notice required in Utah Code §10-11-4(6)(a), the county treasurer shall:
 - a. ~~Include the amount of unpaid costs and expenses that the Town has certified on or before July 15 of the current year;~~
 - b. ~~Provide contact information, including a phone number, for the property owner to contact the Town to obtain more information regarding the amount described in Utah Code §10-11-4(6)(b)(i); and~~
 - c. ~~Notify the property owner that:
 - i. ~~Unless the Town completes a judicial foreclosure under Utah Code §10-11-4(4)(b), if the amount described in Utah Code §10-11-4(6)(b)(i) is not paid in full by September 15 of the current year, any unpaid amount will be included on the property tax notice required by Utah Code §59-2-1317; and~~
 - ii. ~~The failure to pay the amount described in Utah Code §10-11-4(6)(b)(i) has resulted in a lien on the property in accordance with Utah Code §10-11-4(4).~~
 - iii. ~~The county treasurer shall provide the notice required by Utah Code §10-11-4(6) to a property owner on or before August 1.~~~~
 - d. ~~If the amount described in Utah Code §10-11-4(6)(b)(i) is not paid in full in a given year, by September 15, the county treasurer shall include any unpaid amount on the property tax notice required by Section 59-2-1317 for that year.~~~~

08.04.050 Non-exclusive Remedy.

This Chapter shall not be construed to exclude any other remedy provided by law or equity.

08.04.060 Penalty.

In accordance with Utah Code §10-3-703, and subject to any Administrative Proceedings, the following penalties apply:

1. Criminal. Any person who violates this Chapter is guilty of a class B misdemeanor and a fine not to exceed \$1,000.
2. Civil. Any person who violates this Chapter is subject to a civil fine not to exceed \$1,000, per day that the violation continues.

Section 3: Repealer. Chapter 2 is hereby repealed in its entirety.

Section 4: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 5: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the Town Council on this ~~17th~~ day of July, 2025.

Mayor

ATTEST:

Town Clerk/Recorder

RECORDED this ~~17th~~ day of July, 2025.

PUBLISHED OR POSTED this ____ day of _____, 20__.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the Town Clerk of Huntsville Town, hereby certify that foregoing ordinance was duly passed, published and/or posted as required by State Law.

Town Clerk

DATE: _____