

Ordinance 2023-40

SHORT TITLE:

AN ORDINANCE AMENDING PROVO CITY CODE TO STRENGTHEN
AND EXPAND THE USE OF ADMINISTRATIVE CITATIONS (23-071)

I PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE			Excused
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN			Excused
CD 5	RACHEL WHIPPLE	✓		
TOTALS		5	0	

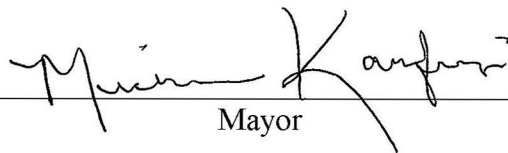
This ordinance was passed by the Municipal Council of Provo City, on the 17th day of October 2023, on a roll call vote as described above. Signed this 26th day of October 2023.



Chair

II APPROVAL BY MAYOR

This ordinance is approved by me this 30th day of October 2023.



Mayor

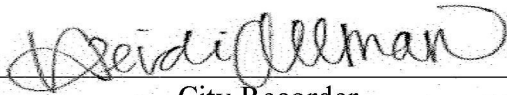
Ordinance 2023-40

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 30th day of October 2023 and was published on the Utah Public Notice Website on the 19th day of October 2023. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2023-40.





City Recorder

ORDINANCE 2023-40

AN ORDINANCE AMENDING PROVO CITY CODE TO STRENGTHEN
AND EXPAND THE USE OF ADMINISTRATIVE CITATIONS (23-071)

RECITALS:

It is proposed that Provo City Code 17.05 (Administrative Citations) be amended to increase the fees associated with the Administrative Citations generally and to provide distinct, higher fees for violations involving illegal grading; and

Increasing these fees strengthens a tool for combatting violations of the Provo City Code, particularly with regards to illegal grading both generally and specifically within the protected hillside areas; and

On September 26, 2023, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

Provo City Code Chapter 17.05 is amended as shown in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
- C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

43

44 D. The Municipal Council directs that the official copy of Provo City Code be updated to
45 reflect the provisions enacted by this ordinance.

46

47 END OF ORDINANCE.

Exhibit A:

Chapter 17.05
ADMINISTRATIVE CITATIONS

Sections:

- | | |
|------------------|----------------------------------|
| 17.05.010 | Purpose. |
| 17.05.020 | Administrative Citations. |
| 17.05.030 | Contents of Citation. |
| 17.05.040 | Civil Fees Assessed. |

17.05.010

Purpose.

The Municipal Council finds that an appropriate method of enforcement for violations of the Provo City Code and applicable state codes is by administrative citation. The procedures established in this Chapter shall be an alternative and in addition to those procedures set forth in Chapter 17.03 of this Title.

17.05.020

Administrative Citations.

- (1) Upon discovering a violation of the Provo City Code or applicable state codes ~~that does not require a notice of violation~~ an enforcement official ~~shall~~ may, rather than issue a notice of violation, serve an administrative citation on the responsible person.
- (2) The administrative citation shall be served in the manner prescribed in Section 17.01.120.
- (3) The enforcement official shall attempt to obtain the signature of the responsible person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, such failure or refusal shall not affect the validity of the citation and subsequent proceedings.

17.05.030

Contents of Citation.

Each administrative citation shall contain the following information:

- (1) The date and location of all violations;
- (2) Code sections violated;

- (3) The amount of the civil fee imposed for each violation;
- (4) An explanation of how the civil fee shall be paid, the time period in which the civil fee shall be paid, and the consequences of failure to pay the civil fee;
- (5) Identify the right to and the procedures for requesting an administrative enforcement hearing.
- (6) The signature of the enforcement official and, if possible, the signature of the responsible person.

17.05.040

Civil Fees Assessed.

- (1) Civil fees shall be due and payable immediately upon service of an administrative citation.
- (2) The civil fee for each violation listed on the administrative citation shall be ~~twenty-five dollars (\$25.00) if paid within ten (10) days of service.~~ the amount shown in Table 1 – Civil Fees.
- ~~(3) Civil fees shall be double if paid after ten (10) days but within twenty (20) days of service.~~
- ~~(4) Civil fees shall be triple if paid after twenty (20) days but within thirty (30) days of service.~~
- ~~(35)~~ Payment of any civil fee shall not excuse ~~a failure to correct a violation or~~ any reoccurrence of the violation, nor shall it bar further enforcement action by the City.
- ~~(46)~~ Civil fees shall be paid to the Provo City Finance Department.

Table 1 – Civil Fees

Type of Violation	Reference	First Offense Civil Fee	Second Offense Civil Fee
Grading without a permit	Section 15.03.035	\$150	\$500
Grading without a permit on the Critical Hillside Overlay Zone	Section 15.03.035 and Chapter 14.33A	\$1000	\$1000
Miscellaneous	N/A	\$100	\$250