

**HUNTSVILLE TOWN
RESOLUTION 2020-11-19**

CODE COMPLIANCE OFFICER

**A RESOLUTION OF HUNTSVILLE TOWN, UTAH, ESTABLISHING THE
POLICY AND ROLE OF THE CODE COMPLIANCE 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- Section 1: Repealer.** Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.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 Compliance Officer are hereby amended to read as follows:
1.
 - A. Code Compliance Officer Appointment.** The Mayor may appoint a Code Compliance Officer subject to the advice and consent of the Huntsville Town Council. The Town Council may remove a Code Compliance Officer by Majority vote.
 - 2. Code Compliance Officer Authority.** The Code Compliance 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.

3. Enforcement Action Process.

- A. Polity. It is the policy of the Huntsville Town to recoup the costs related to Enforcement Actions, 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.
 - 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 is found and enforcement action is pursued.
- C. Procedure. Upon receipt of a Code Violation Complaint, the Code Compliance Officer shall investigate the complaint and make a determination as to whether or not the alleged offense violates the Huntsville Municipal Code.
 - i. If no violation is found, the Code Compliance 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 Compliance Officer concludes that the alleged offense violates the portion Huntsville Municipal Code under, they shall proceed with the Enforcement Action as directed under the respective titles:
 - a. Nuisance Violations. The Code Compliance Officer shall enforce nuisance violations as directed under Title 2, Sections 2.3 and 2.4.
 - b. Land Use Violations. The Code Compliance Officer shall enforce land use violations as directed under Title 15.31, Sections 15.31.4 and 15.31.5.
- D. No elected or appointed Town official shall attempt to influence the efforts or duties of the Code Compliance Officer in any manner that would result in an inequitable application of the Town's enforcement ordinances.
- E. The Town's legal counsel may advise the Code Compliance 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 Jim Truett				
CM Max Ferre'				
CM Wendy McKay				
CM Richard Sorensen				
CM Blake Bingham				

ADOPTED AND APPROVED on this <DATE>.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this <DATE>.