

WEST VALLEY CITY, UTAH

ORDINANCE NO. 26-18

Date Adopted: 05/26/2026

Date Effective: 05/27/2026

AN ORDINANCE AMENDING SECTIONS 1-2-113, 10-1-110, 10-2-502, 10-2-503, 10-2-504, 10-2-506, 10-2-507, 10-2-508, 10-2-510, 10-2-511, 10-2-601, 10-3-204, 10-3-501, AND 10-3-701 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CERTAIN REQUIREMENTS CONCERNING ADMINISTRATIVE CODE ENFORCEMENT.

WHEREAS, Title 1 of the West Valley City Municipal Code establishes fees for services and civil penalties for administrative code enforcement citations; and

WHEREAS, Title 10 of the West Valley City Municipal Code establishes regulations concerning the administrative code enforcement process in the City; and

WHEREAS, the City desires to amend certain regulations concerning the administrative code enforcement hearing process; and

WHEREAS, the City Council of West Valley City, Utah does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Sections 1-2-113, 10-1-110, 10-2-502, 10-2-503, 10-2-504, 10-2-506, 10-2-507, 10-2-508, 10-2-510, 10-2-511, 10-2-601, 10-3-204, 10-3-501, and 10-3-701 of the West Valley City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah as follows:

Section 1. Repealer. Any provision of the West Valley City Municipal Code found

to be in conflict with this Ordinance is hereby repealed.

Section 2. Amendment. Sections 1-2-113, 10-1-110, 10-2-403, 10-2-405, 10-2-502, 10-2-503, 10-2-504, 10-2-505, 10-2-506, 10-2-507, 10-2-508, 10-2-510, 10-2-511, 10-2-601, 10-3-204, 10-3-501, 10-3-701, and 24-2-111A of the West Valley City Municipal Code are hereby amended as follows:

1-2-113. COMMUNITY PRESERVATION DEPARTMENT.

(1) *Animal Control Division.*

a. *License Fees.* Senior citizens will pay \$1 to license their pet. All others will pay as follows:

i. Cat license fees:

1. Altered (spayed or neutered) – \$10.
2. Unaltered – \$35.
3. Altered and chipped cat – \$5.

ii. Dog license fees:

1. Altered (spayed or neutered) – \$12.
2. Unaltered – \$35.
3. Altered/Micro-chipped – \$5.

iii. Additional license fees:

1. Late fee – \$25.
2. License transfer fee – \$1.

b. *Animal Shelter Impound Fees.* The first impound fee is set for each category below. Across all categories, the fee will double for each subsequent impound within a 12-month period for the same owner or address.

i. Dog or cat, licensed – \$45.

ii. Dog or cat, unlicensed – \$55.

iii. Small livestock, small exotic, small animal, fowl and reptile – \$30.

iv. Large livestock, large exotic, and other large animals – \$60.

c. Remove dead livestock – \$200.

d. Transport animal to owner – \$50/trip.

e. Boarding costs (per day) on all impounds:

i. Dog or Cat – \$10.

ii. Livestock – \$20.

f. *Adoption Fees.* All adoptions of cats and dogs will include microchips, rabies vaccinations, other vaccinations, and sterilization.

i. Dogs:

1. Puppy (a dog under one year old) – \$155.

2. Dog – \$85.

ii. Cats:

1. Kitten (a cat under one year old) – \$80.

2. Cat – \$55.

- iii. Other small animals such as fowls, reptiles, and small exotic animals – \$50.
- g. *Sterilization Fees for Redemption of Impounded Animals.* A \$50 sterilization deposit is required. The sterilization deposit, minus a \$10 processing fee, will be refunded if proof of sterilization is presented during the required time period.
- h. Rabies vaccination – \$15.
- i. Other vaccinations – \$10.
- j. Microchip fee – \$10.
- k. Euthanasia – \$25.
- l. Large animal unconfined; emergency call-out; owner fees; property owner negligence – \$50/hour/person, with minimum charge of \$50.
- m. Traps:
 - i. Deposit – \$50.
 - ii. Rent – \$2/day.
- n. Pick up dead animal from owner – \$30.
- o. Pick up animal from owner for euthanasia – \$50.
- p. Copy of Animal Control report – \$15.
- q. Licensed animal brought to shelter for turnover – \$20.
- r. Unlicensed animal brought to shelter for turnover – \$40.
- s. Kennel permits, yearly – \$100.

(2) *Ordinance Enforcement Division.*

a. Abatement of injurious and noxious real property, and unsightly or deleterious objects or structures - \$50/hour, with a minimum charge of \$50/person; equipment fees at current rental rates.

b. Copy of report – \$5.

c. Administrative Code Enforcement (A.C.E.) Hearing Program:

i. ~~Civil abatement charge, per day per violation~~ First Certificate of Noncompliance or Level 1 NOV– \$25 per day, per violation

ii. Second Certificate of Noncompliance or Level 2 NOV - \$200 per day, per violation

~~iii~~iii. Administrative citation penalty:

1. First citation, per violation – up to \$100.

2. Second citation, per violation – up to \$200.

3. Third and subsequent citations, per violation – up to \$500.

~~iiiv~~iv. Reinspection fee – \$50.

~~ivv~~v. Administrative fee – \$95.

d. Administrative Code Enforcement (A.C.E.) for Rental Dwelling Units:

i. First citation, per violation – \$200 minimum up to \$500 maximum.

ii. Second citation, per violation, per license year – \$500 minimum up to \$1,000 maximum.

e. Administrative Citation Penalties for Rental Dwelling Unit(s) owned by a corporation, partnership or association:

- i. First citation, per violation – \$500 minimum up to \$1,000 maximum.
 - ii. Second citation, per violation, per license year – \$750 minimum up to \$2,000 maximum.
- f. Penalties for Notices of Violations (NOV) and Certificates of Noncompliance for Rental Dwelling Unit(s) owned by one or more individuals:
 - i. First Certificate of Noncompliance or Level I NOV, per violation, per day – \$200 minimum up to \$500 maximum.
 - ii. Second Certificate of Noncompliance or Level II NOV, per violation, per day, per license year – \$500 minimum up to \$1,000 maximum.
- g. Penalties for Notices of Violations (NOV) and Certificates of Noncompliance for Rental Dwelling Unit(s) owned by a corporation, partnership or association:
 - i. First Certificate of Noncompliance or Level I NOV, per violation, per day – \$500 minimum up to \$1,000 maximum.
 - ii. Second Certificate of Noncompliance or Level II NOV, per violation, per day, per license year – \$750 minimum up to \$5,000 maximum.

10-1-110. DEFINITIONS APPLICABLE TO TITLE GENERALLY.

The following words and phrases, whenever used in this Title, shall be constructed as defined in this section, unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply:

(1) “Abatement” means any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding, and securing or replacement of property.

~~(2) “Administrative Appeals Board” means the body established in Section 10-2-502 to hear appeals of administrative code enforcement actions.~~

(~~23~~) “Administrative Code Enforcement Order” means an order issued by a hearing officer. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Title and applicable state codes.

(~~34~~) “Administrative Law Judge” means the position established by Section 3-2-104.

(~~45~~) “City” means the area within the territorial city limits of West Valley City, and such territory outside of this City over which the City has jurisdiction or control by virtue of any constitutional or incorporation provisions or any law.

(~~56~~) “City Council” means the City Council of West Valley City.

(~~67~~) “Code Enforcement Lien” means a lien recorded to collect outstanding civil penalties, administrative fees, and costs.

(~~78~~) “Code Enforcement Performance Bond” means a bond posted by a responsible person to ensure compliance with the City Code, applicable state titles, a judicial action, or an administrative code enforcement order.

(~~89~~) “Enforcement Official” means any person authorized to enforce violations of the City Code or applicable state codes.

(~~940~~) “Financial Institution” means any person that holds a recorded mortgage or deed of trust on a property.

(~~1044~~) “Good Cause” means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; and acts of nature adverse to performing required acts.

(~~1142~~) “Imminent Life Safety Hazard” means any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

(~~12~~13) “Legal Interest” means any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic’s lien, or other similar instrument that is recorded with the County Recorder.

(~~13~~14) “Notice of Compliance” means a document issued by the City, representing that a property complies with the requirements outlined in the notice of violation.

(~~14~~15) “Notice of Satisfaction” means a document or form approved by the Administrative Law Judge or his or her designee, which indicates that all outstanding civil penalties and costs have been either paid in full, or that the City has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.

(~~15~~16) “Notice of Violation” means a written notice prepared by an enforcement official that informs a responsible person of code violations and orders them to take certain steps to correct the violations.

(~~16~~17) “Oath” includes affirmations and oaths.

(~~17~~18) “Animal Control Administrator” means the supervisor of the Animal Control Division, established in Chapter 3-13.

(~~18~~19) “Ordinance Enforcement Administrator” means the supervisor of the Ordinance Enforcement Division, established in Chapter 3-13.

(~~19~~20) “Person” means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.

(~~20~~21) “Property Owner” means the record owner of real property based on the county assessor's records.

(~~2122~~) “Public Nuisance” means any condition caused, maintained, or permitted to exist that constitutes a threat to the public’s health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah Code Annotated.

(~~2223~~) “Responsible Person” means a person who is responsible for causing or maintaining a violation of the City Code or applicable state codes. The property owner, tenant, person with a legal interest in the real property, or person in possession of the real property shall be liable for any violation maintained on the property. In all cases, the property owner shall be considered a Responsible Person.

(~~2324~~) “Written” includes handwritten, typewritten, photocopied, computer printed, or facsimile.

10-2-502. ADMINISTRATIVE LAW JUDGE APPEALS BOARD.

~~(1) The Administrative Law Judge Appeals Board shall hear appeals and preside over hearings concerning administrative code enforcement actions.~~

~~(2) The Administrative Appeals Board shall be composed of:~~

~~a. One law trained administrative law judge retained by contract; and~~

~~b. Two citizens of West Valley City appointed for a two-year term by the City Manager with the advice and consent of the City Council. The citizens can be dismissed by the City Manager with the advice and consent of the City Council at any time with or without cause.~~

10-2-503. REQUEST FOR ADMINISTRATIVE CODE ENFORCEMENT HEARING.

(1) A person served with one of the following documents or notices has the right to request an administrative code enforcement hearing, if the request is filed within ten calendar days from the date of service of one of the following notices:

- a. Notice of violation;
- b. Notice of itemized bill for costs;
- c. Administrative citation;
- d. Notice of emergency abatement;

(2) The request for hearing shall be made in writing and filed with the Administrative Law Judge~~Appeals Board~~. The request shall contain the case number, the address of the violation, and the signature of the responsible party.

(3) As soon as practicable after receiving the written notice of the request for hearing, the Administrative Law Judge~~Appeals Board~~ shall schedule a date, time, and place for the hearing.

(4) Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.

10-2-504. DEFAULT HEARINGS AND ORDERS.

(1) If the responsible person fails to request a hearing before the expiration of the ten day deadline the case shall be set for a default hearing. The Administrative Law Judge~~Appeals Board~~ shall schedule a default hearing. The responsible person shall be notified of the date, time, and place of the hearing by one of the methods listed in Section 10-2-201.

(2) A default hearing shall be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees and/or costs due to the City before collection, if a hearing on that case has not already been held.

(3) At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Title, to do one or more of the following:

- a. Waive or reduce the fines which have accumulated;
- b. Postpone an abatement action by the City; or

c. Excuse the responsible person's failure to request a hearing within the ten day period.

(4) If the responsible person fails to establish good cause to take one or more of the actions set forth in subsection (3) above, the Administrative Law Judge~~Appeals Board~~ shall review the notice of violation and any other relevant information included in the case file. The Administrative Law Judge~~Appeals Board~~ shall not accept any other evidence.

a. If the evidence shows that the violations existed, the Administrative Law Judge~~Appeals Board~~ shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall run until the City issues a Notice of Compliance stating when the violations were actually abated.

10-2-506. DISQUALIFICATION OF ADMINISTRATIVE LAW JUDGE~~APPEALS BOARD MEMBER~~.

If the Administrative Law Judge ~~a member of the Administrative Appeals Board~~ is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law, that member shall recuse himself or herself. Notwithstanding any other provision of this Title, if the Administrative Law Judge ~~a member of the Administrative Appeals Board~~ has recused himself or herself for cause pursuant to this Section, a hearing shall be held before an alternate Administrative Law Judge appointed by the City Manager~~the remaining members of the Administrative Appeals Board~~.

10-2-507. POWERS OF THE ADMINISTRATIVE LAW JUDGE~~APPEALS BOARD~~.

(1) The Administrative Law Judge~~Appeals Board~~ has the authority to hold hearings, determine if violations of city ordinances exist, order compliance with city ordinances, and enforce compliance as provided in this Title on any matter subject to the provisions of the Title.

(2) The Administrative Law Judge~~Appeals Board~~ may continue a hearing based on good cause shown by one of the parties to the hearing. The Administrative Law Judge~~Appeals Board~~ must enter on the record the good cause on which a continuance is granted.

(3) The Administrative ~~Law Judge~~Appeals Board may seek to obtain subpoenas in accordance with applicable law.

(4) The Administrative ~~Law Judge~~Appeals Board has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code enforcement order using any remedies available under the law; ensuring compliance of that order, which includes the right to authorize the City to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.

(5) The Administrative ~~Law Judge~~Appeals Board has the authority to require a responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order.

10-2-508. PROCEDURES AT ADMINISTRATIVE CODE ENFORCEMENT HEARING.

(1) Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request must be in writing. Failure to request discovery shall not be a basis for a continuance. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing. The procedure and format of the administrative hearing shall follow the direction of the Administrative ~~Law Judge~~Appeals Board in accordance with this Title. ~~Administrative code enforcement hearings shall be held with the law-trained Administrative Law Judge present. Administrative code enforcement hearings may be held with only the Administrative Law Judge if the citizen appointees are not present.~~

(2) The City bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the City Code or applicable state codes.

(3) The standard of proof to be used by the Administrative ~~Law Judge~~Appeals Board in deciding the issues at an administrative hearing is whether the preponderance of the evidence shows that the violations exist.

(4) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.

(5) All hearings are open to the public. They shall be recorded by audio tape. Hearings may be held at the location of the violation.

(6) The responsible person has a right to be represented by an attorney. If an attorney will be representing the responsible person at the hearing, notice of the attorney's name, address, and telephone number must be given to the City at least one day prior to the hearing. If notice is not given, the hearing may be continued at the City's request, and all costs of the continuance assessed to the responsible person.

(7) No new hearing shall be granted, unless the Administrative Law Judge~~Appeals Board~~ determines that extraordinary circumstances exist which justify a new hearing.

10-2-510. ADMINISTRATIVE CODE ENFORCEMENT ORDER.

(1) The parties may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as the administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.

(2) Once all evidence and testimony are completed and the Administrative Law Judge~~a majority of the Administrative Appeals Board~~ reaches a decision, the Administrative Law Judge~~Appeals Board~~ shall issue an administrative code enforcement order that affirms, modifies or rejects the notice or citation. ~~If an administrative code enforcement hearing is held before two members of the Administrative Appeals Board and two members do not agree, the Administrative Law Judge's opinion shall determine the outcome.~~ The Administrative Law Judge may increase or decrease the total amount of civil penalties and costs that are due pursuant to the City's fee schedule and the procedures in this Title.

- (3) The Administrative ~~Law Judge~~Appeals Board may order the City to enter the property and abate all violations, which may include removing animals kept in violation of the City Code.
- (4) The Administrative ~~Law Judge~~Appeals Board may revoke a kennel permit, an animal license, or the right to possess animals as provided in the City Code.
- (5) As part of the administrative code enforcement order, the Administrative ~~Law Judge~~Appeals Board may condition the total or partial assessment of civil penalties on the responsible person's ability to complete compliance by specified deadlines.
- (6) The Administrative ~~Law Judge~~Appeals Board may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative code enforcement order.
- (7) The Administrative ~~Law Judge~~Appeals Board may order the responsible person to post a performance bond to ensure compliance with the order.
- (8) The administrative code enforcement order shall become final on the date of the signing of the order.
- (9) The administrative code enforcement order shall be served on all parties by any one of the methods listed in Section 10-1-201.

10-2-511. FAILURE TO COMPLY WITH ORDER.

- (1) Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcement order, the City may use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.
- (2) After the Administrative ~~Law Judge~~Appeals Board issues an administrative code enforcement order, the Administrative ~~Law Judge~~Appeals Board shall monitor the violations and determine compliance.

10-2-601. APPEAL OF ADMINISTRATIVE CODE ENFORCEMENT HEARING DECISION.

(1) Any person adversely affected by any decision made in the exercise of the provisions of this Chapter may file a petition for review of the decision or order by the district court within 30 days after the decision is rendered.

(2) No person may challenge in district court an administrative code enforcement hearing officer's decision until that person has exhausted his or her administrative remedies.

(3) Within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The Administrative Law Division shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within 180 days after the petition for review was filed shall be grounds for dismissal of the petition.

a. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the Administrative Law Judge ~~Appeals Board~~ for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.

(4) The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.

(5) The courts shall:

a. Presume that the administrative code enforcement hearing officer's decision and orders are valid; and

b. Review the record to determine whether or not the decision was arbitrary, capricious, or illegal.

10-3-204. MODIFICATION OF CIVIL PENALTIES.

(1) Upon completion of the notice of violation or administrative enforcement order, the Administrative ~~Law Judge~~Appeals Board may modify the civil penalties on a finding of good cause.

(2) Civil penalties may be waived or modified by the Administrative ~~Law Judge~~Appeals Board if there is a finding of good cause based on the responsible person's claim of nonconforming use or conditional use and:

- a. The City's need to verify the claim; or
- b. The responsible person's filing of an application for either use before expiration of the date to correct.

10-3-501. ADMINISTRATIVE FEES.

The Ordinance Enforcement Administrator or Administrative ~~Law Judge~~Appeals Board is authorized to assess administrative fees for costs incurred in the administration of this program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set in the City fee schedule.

10-3-701. PERFORMANCE BOND.

(1) As part of any notice, order, or action, the Administrative ~~Law Judge~~Appeals Board has the authority to require responsible persons to post a performance bond to ensure compliance with the City Code, applicable state codes, or any judicial action.

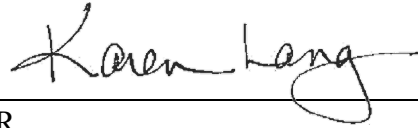
(2) If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to the City. The bond will not be used to offset the other outstanding costs and fees associated with the case.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this 26th day of May, 2026.

WEST VALLEY CITY



MAYOR



ATTEST:



CITY RECORDER