



Midway

ORDINANCE

2022-_____

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE MIDWAY CITY MUNICIPAL CODE TO ESTABLISH CIVIL INFRACTIONS AND A CIVIL VIOLATIONS PROCESS WHICH EXTENDS TO VIOLATIONS OF SECTION 5.03.

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Section 5.07 of the Midway City Municipal Code establishes civil infractions and a civil violations process for parking violations of City and State codes; and

WHEREAS, Midway City desires to add and/or amend certain Code Sections to address enforcement of the Midway City Code generally and to extend the civil infractions and civil violations processes contained in Section 5.07 to Section 5.03, which includes protection of trees in public parks, illegal use of City parks for commercial purposes, disorderly conduct in City parks or on City trails, and animals in City parks; and

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Section 2.14.020 shall be amended to read as follows:

The existence or use of the administrative process described in this Chapter shall not preclude Midway City from utilizing the services of the Wasatch County Sheriff to issue criminal citations to those violating the criminal statutes of the State of Utah or the City of Midway. The choice to utilize either or both the criminal or administrative process to enforce its code shall be at the discretion of the Midway City Council and City staff who are from time to time granted power from the City Council to make these decisions. Midway City may, at its sole discretion, begin the criminal process at any time, even if the administrative process has already commenced. If the criminal process is utilized, the process in place to address criminal citations under the law of the State of Utah shall apply. All prosecution of criminal citations shall be handled through the Wasatch County Attorney's office.

Section 2.14.030 shall be amended to read as follows:

It shall not be the general policy of the City to actively seek out violators of its codes (except for fence heights, placement of signs, and weed enforcement) as this level of enforcement exceeds the capacity of the City's current personnel. As such, it shall be the standing policy that the City's primary form of enforcement shall be responding to formal complaints filed by citizens. Once a formal complaint is filed, Midway City will conduct an investigation into the alleged violation of City or State law. It shall not be a defense to a violation of a City or State law that the City has not enforced the code against other citizens, as its primary form of enforcement shall be only when a formal complaint is filed. If the person being investigated feels like there are others within the City who are violating the same code, that person may exercise the right to file formal complaints against these perceived offenders but shall not be able to use the existence of other offenders as a defense to the action taken against him/her/it. The City reserves the right to conduct City-initiated enforcement actions as circumstances demand, and to commence both administrative and/or criminal processes against a citizen who has not had a formal complaint lodged against them. Except for enforcement actions dealing with fences and signs, City-initiated investigations and enforcement shall only be performed by first obtaining approval from the City Council.

Section 5.03.120 shall be amended to read as follows:

Violation of any provision of this Chapter shall be punishable as either a Class C misdemeanor or civil infraction. In addition, all other legal remedies, both criminal and civil, may be pursued by the City to enforce this Chapter.

Section 5.07.060(n) shall be added to read as follows:

n. Any violation of Midway City Code Section 5.03. (Current fines are \$55.00 per infraction).

Section 5.07.120 shall be added to read as follows:

Power to Issue Civil Infractions. It shall be within the power of the Mayor of Midway City to give power to issue civil infractions to any City Employee or to a third party contracted with the City to perform such services.

This ordinance shall take effect upon publication as required by law.

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2022.

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

DRAFT

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)