

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2023

ESTABLISHING STRICT LIABILITY AND CIVIL PENALTIES FOR PARKING VIOLATIONS

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, AMENDING SECTION 11.20.050 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “PARKING PROHIBITED IN SPECIFIED AREAS,” SECTION 11.20.150 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “STOPPING, STANDING AND PARKING: LIABILITY,” AND SECTION 11.20.170 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “STOPPING, STANDING AND PARKING: PENALTY” TO ESTABLISH STRICT LIABILITY AND CIVIL PENALTIES FOR UNAUTHORIZED USE OF STREETS

The Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and strike-through:

SECTION II. Section 11.20.050 of the Salt Lake County Code of Ordinances, 2001, is hereby amended to read as follows, adding a new subsection O. immediately following subsection N.:

11.20.050 – Parking prohibited in specified areas.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a law enforcement officer or traffic control device, in any one of the following places:

...

O. At any place along a state road or highway in the unincorporated county where stopping, standing, or parking would obstruct traffic, or where official signs or traffic control devices placed by the Utah Department of Transportation (UDOT) or another governmental entity having appropriate jurisdiction has prohibited standing, stopping, or parking.

SECTION III. Section 11.20.150 of the Salt Lake County Code of Ordinances, 2001, is hereby

amended to read as follows:

11.20.150 - Liability.

~~[The fact that an automobile is illegally parked shall be sufficient to constitute a rebuttable presumption that the registered owner was in control of the automobile at the time it was parked.]~~

Whenever any vehicle shall have been employed in the unauthorized use of streets as defined by this chapter, the person in whose name such vehicle is registered shall be strictly liable for such unauthorized use and the penalty therefor.

SECTION IV. Section 11.20.170 of the Salt Lake County Code of Ordinances, 2001, is hereby amended to read as follows:

11.20.170 - Penalty.

~~[All parking violations on county streets or highways shall be punishable as an infraction.]~~

A. Violation:

1. Any person engaging in the unauthorized use of streets, parking lots or other areas as provided under this chapter, within the unincorporated county, shall be liable for a civil penalty. Any penalty assessed in subsection B of this section may be in addition to such other penalties as may be provided in this chapter.
2. “Unauthorized use of streets” or “unauthorized use” means a violation of any restriction or prohibition contained in this chapter or its successor.

B. Civil Penalties: Civil penalties shall be imposed as follows:

<u>Section Of This Chapter</u>	<u>Penalty</u>
<u>11.20.050</u>	<u>\$ 150.00</u>
<u>11.20.060</u>	<u>\$ 150.00</u>
<u>11.20.070</u>	<u>\$ 75.00</u>
<u>11.20.080</u>	<u>\$ 75.00</u>
<u>11.20.090</u>	<u>\$ 75.00</u>

<u>Section Of This Chapter</u>	<u>Penalty</u>
<u>11.20.110</u>	<u>\$ 150.00</u>
<u>11.20.120</u>	<u>\$ 150.00</u>
<u>11.20.130</u>	<u>\$ 150.00</u>
<u>11.20.135</u>	<u>\$ 150.00</u>
<u>11.20.140</u>	<u>\$ 75.00</u>

C. Late Fee: A twenty five percent (25%) late fee will be added to any penalty that remains unpaid thirty (30) days after the date of receipt of notice.

D. Receipt of Notice: F. Adjudicative Procedures:

1. As used in this section, “receipt of notice” means either:

- a. The affixing of a notice of unauthorized use to the vehicle alleged to have been employed in such violation; or
- b. By delivery of such notice of unauthorized use to the owner or driver thereof.

2. Receipt of notice shall be issued in writing by a peace officer or duly authorized code enforcement official and contain not less than the following information:

- a. The name of the person in whose name such vehicle is registered;
- b. The violation cited;
- c. The date and place of the violation;
- d. The make of the vehicle and its license number;
- e. Notice that the notice of unauthorized use must be responded to; and
- f. Other information, including information related to the payments by mail or electronic means.

E. Response to Notice:

Any person to whom a notice of unauthorized use has been issued shall respond with seven (7) calendar days thereof by either paying the civil penalty imposed by section 11.20.170.B of this chapter in the manner provided by the receipt of notice, or contesting the notice in the manner described by subsection F of this section. Failure to request an administrative hearing within seven (7) calendar days following receipt of notice shall constitute a waiver of a right to an administrative hearing and of the right to appeal the notice to any applicable court.

F. Adjudicative Procedures:

1. Except as otherwise prescribed in this subsection (F), Salt Lake County will follow the adjudicative procedures outlined in Salt Lake County Code chapter 1.16 when processing contested matters relating to the unauthorized use of streets in the unincorporated county.
2. The notice of unauthorized use shall constitute prima facie evidence that the violation alleged therein actually occurred. The adjudication shall be conducted as informally as the circumstances will allow and shall be based on the civil standard of a preponderance of the evidence.
3. The burden to prove any defense shall be upon the person raising such defense.
4. The administrative law judge may find that no unauthorized use occurred and dismiss the notice.
5. If the administrative law judge finds that an unauthorized use occurred but one or more of the defenses set forth in this section is applicable, they may dismiss the notice and release the owner or driver from liability thereunder. Such defenses are:
 - a. At the time of the receipt of the notice, possession of the subject vehicle had been acquired in violation of the criminal laws of the State;
 - b. Compliance with the subject ordinances would have presented an imminent injury to persons or property;

- c. If the administrative law judge finds that the owner of the vehicle is deceased but was living when the notice was issued;
 - d. If the administrative law judge finds that the vehicle was sold with the original license plates on, and the notice of unauthorized use was received prior to the sale, provided the sale is reported to the Utah Division of Motor Vehicles and the bill of sale is provided within twenty (20) days of receipt of the notice;
6. If the administrative law judge finds that an unauthorized use occurred but one or more of the defenses set forth in this section is applicable, the administrative law judge may reduce the penalty associated therewith, but in no event shall such penalty be reduced below the sum of twenty-five dollars (\$25.00). Such defenses are:
- a. The subject vehicle was mechanically incapable of being moved from such location; provided, however, such defense shall not apply to any vehicle which remains at such location in excess of six (6) hours;
 - b. Any markings, signs or other indicia of parking use regulation were not clearly visible or comprehensible;
 - c. At the time of the notice a responsible person receiving such notice of unauthorized use had, but failed to properly display, a special disability group license plate or placard that was valid and relevant to the notice. However, the administrative law judge may not reduce the associated civil penalty below the minimum penalty amount set forth in Utah Code Ann. § 41-1a-1306, or its successor section;
7. If the administrative law judge finds that an unauthorized use occurred and no applicable defense exists, the administrative law judge may enter into an agreement with a person who has received notice for the timely or periodic payment of the applicable penalty.

8. If the administrative law judge and a person who has received notice are unable to resolve the notice under the prior subsection, the administrative law judge may refer the matter to the Salt Lake County District Attorney to commence a civil action to compel enforcement of the notice in a court of competent jurisdiction.
9. If the penalty imposed pursuant to this chapter remains unsatisfied after forty (40) days from the receipt of notice of unauthorized use, or ten (10) days from such date as may have been agreed to by the administrative law judge, the County may use such lawful means as are available to collect such penalty, including costs and attorney fees.

SECTION V. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

SIGNATURES ON FOLLOWING PAGE

APPROVED and ADOPTED this _____ day of _____, 2023.

SALT LAKE COUNTY COUNCIL

Aimee Winder Newton, Chair

ATTEST:

Salt Lake County Clerk

REVIEW AS TO FORM AND LEGALITY:

Deputy District Attorney

ORDINANCE HISTORY

Council Member Alvord voting	_____
Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Granato voting	_____
Council Member Harrison voting	_____
Council Member Stewart voting	_____
Council Member Stringham voting	_____
Council Member Theodore voting	_____
Council Member Winder Newton voting	_____

Vetoed and dated this ___ day of _____, 2023.

BY _____
Mayor Jennifer Wilson

(Complete as Applicable)
Veto override: Yes _____ No _____ Date _____
Ordinance Published in newspaper: Date _____
Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2023, the County Council of Salt Lake County adopted Ordinance No. _____, amending Section 11.20.050 of the Salt Lake County Code of Ordinances, 2001, entitled “Parking prohibited in specified areas,” Section 11.20.150 of the Salt Lake County Code of Ordinances, 2001, entitled “Stopping, Standing and Parking: Liability,” and Section 11.20.170 of the Salt Lake County Code of Ordinances, 2001, entitled “Stopping, Standing and Parking: Penalty,” establishing strict liability and civil penalties for unauthorized use of streets.

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State St., N2100A, Salt Lake City, Utah.

SALT LAKE COUNTY COUNCIL

By: _____
Aimee Winder Newton, Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

