

**CITY OF WASHINGTON TERRACE  
ORDINANCE NO 2024-06**

**APPEAL AUTHORITY AMENDMENTS**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE CITY, UTAH,  
AMENDING CHAPTER 17.76 TO CONFORM TO CHAPTER 2.14; SEVERABILITY;  
AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Washington Terrace (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

**WHEREAS**, there is potential conflicting provisions in the *Washington Terrace Municipal Code* relating to the Appeal Authority that the City seeks to address;

**WHEREAS**, the City seeks to adopt changes in state law to improve the *Washington Terrace Municipal Code*;

**WHEREAS**, after publication of the required notice the Planning Commission held its public hearing on July 25, 2024, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to approve this Ordinance;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on August 6, 2024, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Washington Terrace as follows:

**Section 1. Repealer.** Any Ordinance that conflict with this Ordinance is repealed.

**Section 2. Amendment.** Chapter 17.76 is hereby adopted to read as follows:

**Chapter 17.76  
APPEAL AUTHORITY APPEALS**

**Sections:**

**17.76.010** ~~Created~~ **Organization Appeals.**  
**17.76.020** **Powers and Duties.**  
**17.76.030** ~~Appeals-Procedure~~ **Procedure.**

**17.76.010** ~~Created-Organization Appeals.~~

The Appeal Authority set forth in Chapter 2.14 of the municipal code shall govern all appeals under this Title. An appeal authority is created and constituted as provided in section 2.28.020 of this code. The city council may appoint one or more residents in accordance with section 2.28.020 of this code to serve as alternate members of the appeal authority. Alternate members may participate in discussion on any appeal, but may not vote unless there is less than three (3) voting members present. If the city council has not designated a member of the appeal authority as an alternate, then the chair of the appeal authority may designate the same.

**17.76.020** ~~Powers and Duties.~~

The Appeal Authority shall exercises the powers and duties provided by law for administrative land use decisions made by a land use authority. The appeal authority shall exercise the powers and duties prescribed in section 2.28.020 of this code.


**17.76.030** ~~Appeals-Procedure Procedure.~~

1. Written Appeal. Unless otherwise provided by law, each appeal shall be filed with the City Recorder in writing by a party with standing within ten (10) calendar days of the decisions of the land use authority. The written appeal shall detail the rational for the appeal under the applicable code. Any notice of the appeal shall be provided as set forth in state law. Each appeal to the appeal authority shall be on a form provided by the city, and all information called for by such form shall be furnished by the appellant. Before making its decision, the appeal authority shall hold a public meeting upon the appeal. The agenda of such meeting shall be posted according to law. Before any appellant shall be entitled to any meeting, he shall pay to the city the appropriate filing fee for the appeal. Such fee is to be paid at the time of the filing of the appeal. The appeal authority may give notice to other interested persons and organizations.
2. Fee. A fee as specified on the City's fee schedule shall accompany each written appeal. If no fee is specified then such fee shall be the estimated cost incurred by the City to conduct the appeal.
3. Expert Panel. Only an appeal related to a geological hazard is eligible for an expert panel subject to Utah Code §10-9a-703. Each appeal, filed in proper form with the required fees, shall be docketed and placed upon the agenda of the appeal authority. The agenda of the appeal authority shall be posted in accordance with law.
4. Review. The scope of review of any appeal shall be de novo. The appeal shall be conducted in accordance with the applicable state law set forth in Title 10, Chapter 9a, Part 7 of the Utah Code Annotated, this Chapter, and as outlined in Chapter 2.14 of the municipal code. The decision or any other action of the appeal authority shall be recorded in the appropriate minutes book, together with the vote of each member of the appeal authority, those absent being so marked.
5. Court. The decisions of the Appeal Authority is final and may be appealed to the District Court within the time limitations provided in state law. All appeals under this Title shall be made to the Second District Court.

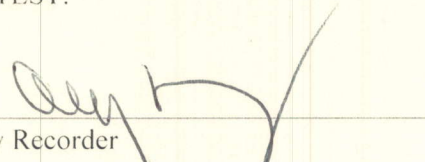
**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this 6 day of August, 2024

  
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Mayor

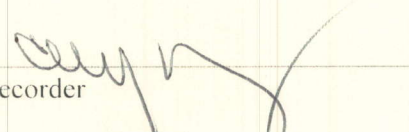
ATTEST:

  
\_\_\_\_\_  
City Recorder

RECORDED this 6 day of August, 2024.  
PUBLISHED OR POSTED this 7 day of August, 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1) website, 2) city hall, and 3) PUBLIC NOTICE website.

  
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City Recorder

DATE: 8-7-24