

ORDINANCE NO. 2026-11

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

**AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL
CODE TITLE 17 “ZONING REGULATIONS”, CHAPTER 17.08
“ADMINISTRATION”, SECTION 17.08.070 “VIOLATION; PENALTY”.**

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The following sections shall be amended as indicated. Those portions which are ~~struck out~~ shall be deleted and those that are highlighted in yellow shall be added.

17.08.070 VIOLATION; PENALTY PROCESS

~~Any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this title shall be deemed guilty of a class C misdemeanor and subject to fines and penalties as provided. Upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding ninety (90) days. If the person violating this title is a corporation, association, partnership or other governmental instrumentalities, then upon conviction, said corporation, association, partnership or other governmental instrumentality shall be subject to a fine not to exceed one thousand dollars (\$1,000.00). Every person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this title is committed, continues or permitted by such person, firm or corporation.~~

Any individual or company, whether as the principle, agent or employee, who violates or permits the violation of the provisions of this title, will be subject to fines found in the prevailing fee schedule and the penalties as described in the process below.

- A. A warning notice in the form of a written letter will be sent, indicating the violation of a local zoning ordinance.
 1. The warning notice will indicate the violation, municipal code reference, in addition to the deadline and requirements for compliance. It will also include the contact information of a city official that can answer potential questions.
 2. The provided deadline will vary, depending on the type and situation of each violation.

B. If the recipient does not comply by the required deadline, a second letter will be sent, constituting a final notice of the zoning infraction.

1. The final notice letter will include the violation, municipal code reference in violation, a new deadline for compliance and cost of the fine that will be assessed for continued noncompliance. It will also include the contact information of a city official that can answer potential questions.
2. The provided deadline will vary, depending on the type and situation of each violation.

C. If the violation persists, zoning citations will be issued. The fines for violations are found in the approved prevailing fee schedule and can be paid at the city office. All fees will be paid within ten (10) days after the date the citation is given.

1. The first citation will include the fine amount, the municipal code reference and the deadline for payment.
2. The final citation will include an increased fine amount, the municipal code reference and the deadline for payment.

D. In the event of further noncompliance and nonpayment, the city may;

1. Cause suit to be brought in an appropriate court of law. Damages sought may include reasonable attorney fees, interest and court costs;
2. Refer the matter to the county treasurer for inclusion in the tax notice of the property owner, said property lien will be placed on the parcel for the amount of the combined citations.

E. The property owner or agent may appeal the administration's decision as set forth in SMC§17.10.030 Appeal Authority.

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2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
 3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
 4. This ordinance shall become effective after the required public hearings and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and Signed this 12th day of August, 2026.

SMITHFIELD CITY CORPORATION

Aaron Rudie, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder