

ORDINANCE NO: 2025 - 17

AN ORDINANCE AMENDING PROVISIONS OF TITLE 14, AND ESTABLISHING A CIVIL PARKING ENFORCEMENT MECHANISM

WHEREAS, the City Council is authorized by state law to regulate the use of streets, alleys, avenues, and sidewalks pursuant to section 10-8-11 of the Utah Code; and

WHEREAS, the Council has previously enacted regulations governing the manner in which vehicles and trailers may be parked on public right-of-way; and

WHEREAS, the Council finds that the utilization of a civil parking enforcement mechanism will be more efficient and effective than utilizing criminal procedures; and

WHEREAS, the Council finds that the registered owner of a vehicle is responsible for the use and placement of the vehicle that they own; and

WHEREAS, the ordinance provides due process to those who wish to dispute a citation's issuance or tow decision, and that the manner of providing notice of the parking violation – attaching or securing the citation to the offending vehicle or trailer – is sufficient notice to satisfy the requirements of due process,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

Section 1: Amendment. Sections 14-1-080 and 14-1-120 of the Farmington Municipal Code are amended, as provided in Exhibit A.

Section 2: Enactment. Sections 14-5-110 and 14-5-120 of the Farmington Municipal Code are hereby enacted, as provided in Exhibit A.

Section 3: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 4: Effective Date. This Ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS 15TH DAY OF APRIL 2025.

ATTEST:


DeAnn Carlile, City Recorder

FARMINGTON CITY


Brett Anderson, Mayor



14-1-080: APPLICABILITY GENERALLY:

Pursuant to the authority vested in municipalities under Utah Code Annotated section 10-8-30, as amended, and to the extent permitted by law, this title shall be applicable to all vehicular traffic and parking on any public roads, streets and highways, whether state, federal or local, within the jurisdiction of Farmington City, and the provisions of this title shall be enforceable by any law enforcement officer having jurisdiction over such roads, streets and highways. The provisions of chapter 14-5 and 14-6 may be enforced by any city official authorized by the Chief of Police to issue notices and citations.

14-1-120: PENALTIES:

Except as otherwise provided, any violation of this title shall be an ~~class C misdemeanor~~ Infraction. This section shall not limit the authority of any other relief as may be appropriate and lawful under the laws of the state of Utah.

14-5-110: PARKING VIOLATIONS IDENTIFIED IN STATE LAW:

The parking laws promulgated by chapter 41-6a of Utah Code Annotated are adopted by reference and may be enforced by authorized city officials using the civil procedures established in this chapter. This section does not prohibit the use of criminal enforcement by law enforcement officers to address parking violations.

14-5-120: CIVIL ENFORCEMENT:

- A. Civil enforcement is the preferred method of addressing parking violations of this chapter. Criminal enforcement may be utilized at the discretion of law enforcement officials for egregious, repeated, or imminently dangerous situations. Civil penalties may be in addition to other remedies, such as towing or impoundment.
- B. The Chief of Police may vest any city official with authority to investigate, notice and cite violations of this chapter.
- C. Initial warnings for first-time violators may be utilized by enforcement officials, which warnings may be attached to or prominently displayed on vehicles or trailers parked in violation of this chapter. No additional notification is provided to the registered owner for warnings. This subsection does not prohibit the use of citations for a first-time violation, nor require an additional warning when a registered owner did not receive or discover an issued warning.
- D. Citations may be issued by an enforcement official by leaving a citation prominently displayed on the violating vehicle or trailer. The physical citation constitutes the sole notification necessary to initiate the enforcement process. The City may as a courtesy provide additional written or verbal notice to a registered owner when a citation is issued. The failure of a registered owner to receive

additional notice under this subsection shall not invalidate the citation nor constitute a failure of notice.

- E. Citations shall include: the date and time; the approximate location of the vehicle or trailer; the section violated; the penalty fee owed; and, if readily available, the make model and license plate.
- F. Citations may be appealed by filing a notice of appeal with the City Recorder in accordance with section 3-7-050 of this code, within ten calendar days of the citation's placement on the vehicle or trailer.
- G. The issuance of a citation or initiation of an administrative appeal does not prevent additional enforcement activity, including issuance of additional citations or impoundment of an illegally parked vehicle or trailer.
- H. All penalty fees collected shall be payable to Farmington City, and the City may use such lawful means as are available to collect unpaid penalties. If a collections action is pursued, the City shall be entitled to reasonable attorney fees and costs associated with collection. Unpaid fees may be referred to a collection agency.