

**AFFIDAVIT
NOTICE OF VIOLATION & ENFORCEMENT ORDER**

THE STATE OF UTAH)
)
COUNTY OF DAVIS) ss.

RETURNED

JAN 05 2021

E 3333429 B 7669 P 1340-1346
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
01/05/2021 12:15 PM
FEE \$ 0.00 Pgs: 7
DEP RTT REC'D FOR CITY OF NORTH S
L LAKE

The undersigned, SHERRIE PACE, being first duly sworn deposes and says:

As the Community Development Director for the City of North Salt Lake, I do hereby provide notice that the properties identified on Exhibit A and located at approximately 218-320 South Highway 89, North Salt Lake, Utah, 84054, also identified by parcel numbers 01-104-0033, 01-104-0034, 01-104-0035, 01-104-0036, & 01-104-0097 on the records of the Davis County Recorder's Office, has been found to be in violation of NSL Code Sections: 4-2-1, 4-2-2, 4-2-3, and IBC 116 Unsafe Structures by the City's Code Enforcement Hearing Officer.

A copy of said "Administrative Hearing Officer Enforcement Order" dated 12/16/2020 is hereby attached to this notice as Exhibit B. Pursuant to the Order, the City of North Salt Lake is hereby notifying the owner or those that may have a legal or beneficial interest in the property that the City of North Salt Lake, or designee, intends to enter the property for the purpose of correcting the violations and enforcing the order of abatement on January 18, 2021, or shortly after thereof as may be scheduled by the City representative.

The cost of the abatement action shall be provided via itemized accounting of the total abatement costs within twenty (20) days of the abatement action to the last known address of the property owner and to all those that provide notice to the City of their legal or beneficial interest in the property. Notice of legal or beneficial interest shall be delivered to the City of North Salt Lake, 10 North Center Street, North Salt Lake, UT 84054, and attention to: Community Development Department.

It is the intent of the City of North Salt Lake to record a code enforcement lien upon the tax notice for the property. Payment of all abatement costs are required to be paid within twenty (20) days of receipt. The assessed civil penalty of \$100 per day of violation per property for a maximum penalty of \$1,000.00. The total penalty owed for 5 properties in violation is \$5,000.00 and is due payable on or before January 25, 2020, after which date interest shall begin to incur pursuant to City Code Title 12 and the North Salt Lake Comprehensive Fee Schedule.

Upon payment of all outstanding civil penalties, costs and interest, and when the property violation is deemed satisfied pursuant to the administrative order and code violations have been abated, the City shall record a notice of satisfaction.

Sherrie Pace
SHERRIE PACE
COMMUNITY DEVELOPMENT DIRECTOR

The foregoing instrument was acknowledged before me this 5th day of January, 2021

By Sherrie Pace, Community Development Director for the City of North Salt Lake.

NOTARY *[Signature]*

My Commission Expires: 3/23/2022
Residing in: Davis County



EXHIBIT "A"
PROPERTY DESCRIPTION

Parcel ID: 01-104-0033

Legal Description:

BEG ON W SIDE OF STATE HWY AT A PT WH BEARS S 89°53' W 407.2 FT & S 0°42' E 1010.15 FT & S 22°37' W 427.8 FT FR NE COR SEC 11-T1N-R1W, SLM; TH S 22°37' W 75 FT; TH W 330.4 FT, M/L, TO E LINE OF PPTY CONV TO STATE ROAD COMMISSION; TH NE'LY ALG SD E LINE 70 FT, M/L, TO A PT 344 FT DUE W OF POB; TH E 344 FT, M/L, TO POB. CONT. 0.55 ACRES. TOGETHER WITH RIGHTS OF INGRESS & EGRESS.

Parcel ID: 01-104-0034

Legal Description:

BEG ON W SIDE OF STATE HWY A PT WH BEARS S 89°53' W 407.2 FT & S 0°42' E 1010.15 FT & S 22°37' W 502.8 FT FR NE COR SEC 11-T1N-R1W, SLM; TH S 22°37' W 75 FT; TH W 316.8 FT, M/L, TO E LINE OF PPTY CONV TO STATE ROAD COMMISSION; TH NE'LY ALG SD E LINE 70 FT, M/L, TO A PT 330.4 FT DUE W OF THE POB; TH E 330.4 FT, M/L, TO POB. CONT. 0.55 ACRES. RESERVING THEREFR RIGHTS OF INGRESS & EGRESS.

Parcel ID: 01-104-0035

Legal Description:

BEG ON W SIDE OF HWY AT PT S 89°42' W 407.2 FT & S 0°42' E 1010.75 FT & S 22°37' W 577.8 FT FR NE COR SEC 11-T1N-R1W, SLM; TH S 22°37' W 413.5 FT ALG SD HWY W 237 FT TO E LINE OF PPTY CONV TO STATE ROAD COMMISSION IN 226-418; TH NE'LY ALG SD E LINE 390 FT, M/L, TO N LINE OF GRANTORS LAND AT A PT W OF BEG; TH E 316.8 FT TO BEG. CONT. 2.39 ACRES

Parcel ID: 01-104-0036

Legal Description:

BEG AT THE NE COR OF GRANTOR'S LAND ON THE W LINE OF US HWY 91 AT A PT S 89°53' W 407.2 FT & S 0°42' E 1010.75 FT & S 22°37' W 991.3 FT FR NE COR OF SEC 11-T1N-R1W, SLM; RUN TH ALG N'LY LINE OF GRANTOR'S LAND W'LY 155 FT; TH S 22°37' W 70 FT PARALLEL TO & 155 FT W'LY FR E LINE OF GRANTOR'S LAND; TH PARALLEL TO & 70 FT S'LY FR N'LY LINE OF GRANTOR'S LAND E'LY 155.0 FT TO E'LY LINE OF GRANTOR'S LAND; TH ALG SD E'LY LINE N 22°37' E 70 FT TO POB. CONT. 0.25 ACRES

Parcel ID: 01-104-00097

Legal Description:

COM AT A PT LOC N 89°53' W ALG THE SEC LINE 925.68 FT & S 1921.50 FT FR THE NE COR OF SEC 11-T1N-R1W, SLM; TH S 22°37' W 70.00 FT; TH S 89°14'50" E 155.00 FT TO THE W'LY R/W LINE, STATE HWY 91; TH ALG SD R/W AS FOLLOWS: S 22°37' W 27.50 FT, N 67°23' W 20.00 FT, S 22°56'57" W 322.00 FT (1.0 FT OFFSET & PARALLEL TO STATE ROAD COMMISSION FENCE LINE); TH S 89°28'43" W 288.16 FT TO THE STATE ROAD COMMISSION PPTY LINE; TH N 29°34'16" E 442.37 FT (1.0 FT OFFSET & PARALLEL TO STATE ROAD COMMISSION FENCE LINE); TH S 89°14'50" E 96.37 FT TO THE POB. CONT. 2.085 ACRES

EXHIBIT "B"
ADMINISTRATIVE HEARING OFFICER ENFORCEMENT ORDER



3333429
BK 7669 PG 1343

CITY OF NORTH SALT LAKE
COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

ADMINISTRATIVE HEARING OFFICER
ENFORCEMENT ORDER

You are hereby notified that pursuant to North Salt Lake City Code, Section 12-2-403 the referenced property has been identified to be in violation of city code as described below. An Administrative Citation has been issued and a hearing has been schedule on the matter to determine the assessment of civil penalties and for the purpose of obtaining an order of abatement of the describe violation(s).

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| Property ID: | 01-104-0033, 01-104-0034, 01-104-0035, 01-104-0036, 01-104-0097 | Case Number: | N20-02652 |
| Property Address: | 256 South Highway 89 320 South Highway 89 North Salt Lake, UT 84054 | Hearing Date: | December 16, 2020 |
| Property Owner(s): | Regency Funding & Development LLC-ETAL Chris Haertel | Lessee or Responsible Person: | |
| Mailing Address: | 1294 S Santa Anita Drive Kaysville, UT 84037 | Mailing Address: | |

Code Section(s):

4-2-1: NUISANCES GENERALLY:

- A. Nuisances Defined; Penalty:** A "nuisance" is any item, thing, manner or condition whatsoever that is dangerous to human life, property or health and whatever renders soil, air, water or food impure or unwholesome. It shall be unlawful for any person, whether as an owner, agent or occupant, to create, aid in creating, or contribute to a nuisance, or to support, continue or retain a nuisance. Violations shall be punishable as provided for in title 12 of this Code.
- B. Author Of Nuisance Defined:** Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the owners, occupants and all other persons contributing to causing the nuisance or to the continuance of such nuisance shall be deemed the authors.
- C. Declaration Of Nuisance:**
 - 1. Every act or condition made, permitted, allowed or continued in violation of subsection A of this section is hereby declared to be a nuisance and may be abated and punished as hereinafter provided.
- G. Attractive Nuisances, Generally:** Any vacant lot or open area of ground within which any of the following conditions occur and to which the public, and particularly children, have access is termed an "attractive nuisance" and are required to be abated:
 - 1. Ponding or impounding of water.
 - 2. Open pits, shafts, caves, ditches or dilapidated unoccupied buildings.
 - 3. Weeds, noxious or otherwise, or overgrown vegetation.
 - 4. Trash, debris or garbage.
 - 5. Heavy equipment or machinery.

4-2-2: CLEANING OF REAL PROPERTY AND WEED CONTROL:

- E. Real Property To Be Kept Clean And Secured:** It shall be unlawful for any person owning or occupying real property within the City, after receiving written notice from the Enforcement Officer to fail to:
 - 1. Maintain the height of weeds on the property, including adjacent parking strips, alleys and street edges, as required in subsection F of this section.
 - 2. Remove from the property and lawfully dispose of all cuttings from weeds or solid waste.
 - 3. Effectively secure any vacant structure.

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| | <p>4. Maintain or repair any "unsightly" or "deleterious" objects or structures, as defined in subsection A of this section.</p> <p>5. Remove from the property and lawfully dispose of any unsightly or deleterious objects or structures.</p> <p>6. Abate from the property any condition that is determined to be a nuisance or attractive nuisance as defined in section 4-2-1 of this chapter and section 12-1-1-10 of this Code.</p> <p>4-2-3: DANGEROUS BUILDINGS:</p> <p>A. 1997 Uniform Code For The Abatement Of Dangerous Buildings Adopted: The most recently published edition of the Uniform Code for the Abatement of Dangerous Buildings, as compiled as a code in book form by the most recently published edition of the International Code Council (ICC) (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished), one copy of which has been filed for use and examination by the public in the Office of the City Recorder, is hereby approved and adopted as the Abatement of Dangerous Buildings Code of the City.</p> <p>B. Application: The provisions of the Abatement of Dangerous Buildings Code shall apply to all "dangerous buildings", as therein defined, which now exist or which may exist or hereafter be constructed in the City.</p> <p>C. Alterations, Additions And Repairs: All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of the Building Code.</p> <p>D. Abatement Of Dangerous Buildings: All buildings or portions thereof which are determined after inspection by the building official to be "dangerous", as defined in the Abatement of Dangerous Buildings Code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in the Abatement of Dangerous Buildings Code.</p> <p>E. Establishment Of Board Of Appeals: In order to interpret provisions of the Abatement of Dangerous Buildings Code and to hear appeals provided for thereunder, there is hereby established an Abatement of Dangerous Buildings Board of Appeals consisting of five (5) members, who shall not be employees of the City. The building official shall be an ex officio member of and shall act as Secretary to the Board. The Board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the applicant with a copy to the building official. Appeals to the Board shall be processed in accordance with the provisions contained in the adopted codes. Copies of all rules and regulations adopted by the Board shall be delivered to the building official who shall make them accessible to the public without cost.</p> <p>F. Dangerous Buildings Declared Nuisance: All dangerous buildings within the terms of this section are hereby declared to be public nuisances and shall be vacated or demolished as herein provided. (Ord. 2018-08, 9-4-2018)</p> |
| | <p>IBC 116 UNSAFE STRUCTURES AND EQUIPMENT</p> <p>116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.</p> |
| <p>Violation(s) Description:</p> | <p>The property was cited for violation for allowing a nuisance and an attractive nuisance to continue on the property with dilapidated and abandoned buildings that have been extensively tagged with graffiti and vandalized, weeds and overgrown vegetation, and for the accumulation of debris and junk on the properties.</p> |
| <p>Findings of Facts:</p> | <ol style="list-style-type: none"> 1. A complaint was made against the property on October 19, 2020 related to graffiti and vandalism on the properties. 2. Mr. Kurt Imig investigated the complaints and documented the vandalism, broken windows, graffiti, and the general dangerous conditions existing on the properties and prepared a citation. 3. On November 2, 2020, Mr. Imig and the City Building Official Larry Palmer visited the properties again, and upon inspection Mr. Palmer determined that the buildings were unsafe to occupy and were dangerous to human life and the public welfare. 4. The property owner was issued a Notice of Code Violation on November 2, 2020 with a corrective date of November 12, 2020. 5. On November 19, 2020 an Administrative Citation & Notice of Hearing for December 2, 2020 was delivered by US Mail and via Email to Mr. |

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| | <p>Christopher Haertel, as no corrective action was taken on the properties.</p> <ol style="list-style-type: none">6. The code violations on the properties have not been abated by the property owners as of the date of this hearing.7. The property owners were not present at the meeting8. At the December 2, 2020 hearing, additional properties were noted to have not been included on the November 2, 2020 notice of violations. All five parcels were issued new notices of violation on December 3, 2020, with a new compliance date of December 13, 2020.9. The property owners were properly notified on December 3, 2020 of the Notice of Code Violation and Corrective Action Required and the Notice of Administrative Citation and Notice of Hearing (to be held on December 16, 2020). |
| <p>Decision and Order:</p> | <p>Based upon the above findings of fact and good cause shown in the City's Case file, which constitutes the record of proceeding in this matter, the Administrative Law Judge orders the following:</p> <ol style="list-style-type: none">1. With regards to parcels 33 , 34 & 97, the property owners are in violation of City Code Sections 4-2-1 and 4-2-2, namely the debris and junk, weeds and overgrown vegetation, and failure to secure the property from trespass and vandalism.2. With regards to parcels 35 & 36, the property owners are in violation of City Code Sections 4-2-1, 4-2-2, 4-2-3, and IBC 116, namely the dilapidated and abandoned structures, debris and junk, graffiti, weeds and overgrown vegetation, and failure to secure the property from trespass and vandalism.3. The property owners received proper notice of the violation and this hearing.4. The property owners are ordered to immediately secure the property from trespass with the installation of a minimum six (6) foot chain link fence.5. Prior to January 3, 2021, the property owners will do one of the two following options:<ol style="list-style-type: none">a. Remove the abandoned structures, trash, weeds and debris from the property; orb. Removes the graffiti, trash, weeds and debris from the property and obtains a building permit(s) for the restoration of the buildings on the site to a permitted use.6. If the property is not brought into compliance with paragraphs 4 and 5 above prior to January 3, 2020 and with no less than seven (7) days' notice to the property owner(s): The City of North Salt Lake is authorized to enter the property to abate the remaining violations and assess the property owner the costs of such abatement and removal of the structures.7. A civil penalty of \$100 per day is assessed, on each property per each violation, beginning December 14, 2020, for a maximum penalty of \$1,000 for each property. |

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| Civil Penalty Assessed: | \$1,000.00 | 10 days penalty of \$100/day Parcel 01-104-0033 |
| | \$1,000.00 | 10 days penalty of \$100/day Parcel 01-104-0034 |
| | \$1,000.00 | 10 days penalty of \$100/day Parcel 01-104-0035 |
| | \$1,000.00 | 10 days penalty of \$100/day Parcel 01-104-0036 |
| | \$1,000.00 | 10 days penalty of \$100/day Parcel 01-104-0097 |
| Right to Appeal: | Pursuant to City Code section 12-2-26, any appeal of this Order must be filed in District Court of the State of Utah within 30 days from the date of this decision. | |
| Date: | December 16, 2020 | |
| By: | Glenn R. Bronson, Administrative Law Judge, City of North Salt Lake | |
| Signed: | 12-16-2020 | |