



## STAFF REPORT

**DATE:** 03/23/2017

**PROJECT:** Recommendations for changes to the Kane County Land Use Ordinance, 9-1-9: Enforcement: Add the language: It is the County's intent not to seek out or proactively find nuisances on private property. Instead, the Land Use Authority Administrator will generally only investigate a nuisance on private property if the County Land Use Administrator has received a complaint from three or more persons, regarding the same nuisance, all of whom live within 500 feet of the nuisance. An exception to this practice applies to a) nuisances on public property or b) nuisance on private property that the Land Use Administrator has determined to be primarily a health or safety hazard. While this is generally the County's practice, such practice does not preclude the Land Use Administrator from, at his or her discretion, investigating a nuisance violation. If there is a health, safety, or welfare issue, the violation can be mitigated immediately without the 3 written complaints.

**Ordinance as it is written now:**

**9-1-9: ENFORCEMENT:**  

The land use authority administrator is hereby designated and authorized as the officer charged with the enforcement of this title. The land use authority administrator shall enforce all the provisions of this title, entering actions of the court when necessary, and his/her failure to do so shall not legalize any violations of such provisions. The county commission may, by resolution or ordinance, from time to time entrust the administration of this title, in whole or part, to any other officer of Kane County. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

**FINDINGS:** The above suggestions for additions to Chapter 1-General Provisions- complies with State Code sections unannotated §17-27a-205 and 17-27a-303, §78B-6-1101(1) and 76-10-803 and Kane County Land Use Ordinance 9-6E-5. Also complies with the Kane County Nuisance Ordinance 4-3-3 (3) (a, b, c, & d) language and requirements. The above suggestions would add clarity. All notices are in conformance to all standards and notice requirements of §17-27a-202 and §17-27a-205. A notice was posted that was visible to the public for 10 days prior in three different public places and posted in the local newspaper and the Utah State web site.

**STAFF RECOMMENDATION:** Kane County Land Use Administrator, Shannon McBride recommends approval of the above stated changes to the Kane County Land Use Ordinance General Provisions, Chapter One to add clarity to the nuisance regulations for the public and Administrator.

**MOTION:** To recommend approval to the Kane County Commissioners, adding the additional language (for clarity) to Chapter 1, General Provisions, Section 9: Enforcement. The language would read: It is the County's intent not to seek out or proactively find nuisances on private property. Instead, the Land Use Authority Administrator will generally only investigate a nuisance on private property if the County Land Use Administrator has received a complaint from three or more persons, regarding the same nuisance, all of whom live within 500 feet of the nuisance. An exception to this practice applies to a) nuisances on public property or b) nuisance on private property that the Land Use Administrator has determined to be primarily a health or safety hazard. While this is generally the County's practice, such practice does not preclude the Land Use Administrator from, at his or her discretion, investigating a nuisance violation. If there is a health, safety, or welfare issue, the violation can be mitigated immediately without the 3 written complaints.