

THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 22-09

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(REVISIONS TO BOARD OF HEALTH, SECTIONS 5-1-1
THROUGH 5-1-6 INCLUSIVE AND 5-4-1)**

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and

WHEREAS, the City Council of the City (“City Council”) desires to amend certain sections of the City Code, regarding and related to the Board of Health (“proposed City Code amendments”); and

WHEREAS, the Planning Commission of the City (“Planning Commission”) held a public hearing and provided a recommendation on March 15, 2022, regarding the proposed City Code amendments, since all the proposed City Code amendments are land use regulations, including City Code Sections 5-1-1 through 5-1-6 inclusive and 5-4-1; and

WHEREAS, the City Council held a public meeting on March 23, 2022 and a public hearing on April 27, 2022 regarding the proposed City Code amendments; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Amendment, Enactment, and Repeal of Code Provisions. City Code Sections 5-1-1 through 5-1-6 inclusive are amended, and City Code Section 5-4-1 is enacted, to read as shown on Attachment 1 below. The remaining provisions of Title 5, Chapter 4 are repealed as shown on Attachment 1 below.

Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 27TH DAY OF APRIL 2022.

CITY OF WEST JORDAN

By: Kayleen Whitelock
Kayleen Whitelock (Apr 29, 2022 10:12 MDT)
Kayleen Whitelock
Council Chair

ATTEST (see next page):

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

"YES" **"NO"**

Council Chair Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Christopher McConnehey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON APRIL 29, 2022

Mayor's Action: X Approve Veto

By: 

Mayor Dirk Burton

 Apr 29, 2022
Date

ATTEST:

Tangee Sloan
City Recorder

STATEMENT OF APPROVAL OF PASSAGE (check one)

 X The Mayor approved and signed Ordinance No. 22-09.

 The Mayor vetoed Ordinance No. 22-09 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

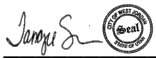
 Ordinance No. 22-09 became effective by operation of law without the Mayor's approval or disapproval.

Tangee Sloan
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 2nd day of May, 2022. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.



Tangee Sloan
City Recorder

(Attachment on the following pages)

Attachment 1

[Attachment to ORDINANCE NO. 22-09

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(REVISIONS TO BOARD OF HEALTH,
SECTIONS 5-1-1 THROUGH 5-1-6 INCLUSIVE AND 5-4-1)]**

**CHAPTER 1
BOARD OF HEALTH
SECTION:**

- 5-1-1: Established
- 5-1-2: Appointment
- 5-1-3: Powers, Duties, Responsibilities
- 5-1-4: Salt Lake Valley Health Department Regulations Adopted
- 5-1-5: Violations
- 5-1-6: Enforcement

5-1-1: ESTABLISHED:

Pursuant to the provisions of Utah Code Annotated section 10-7-3, a Board of Health for the city is established. (2001 Code § 50-2-201)

5-1-2: APPOINTMENT:

A. Pursuant to the provisions of Utah Code Annotated title 26A, chapter 1, and pursuant to a resolution of the city council approving the execution of an interlocal cooperation agreement providing for the appointment of the Salt Lake County Health Department (“Health Department”) to be the Board of Health for the city, the Health Department is appointed and designated as the Board of Health of the city, as established in section 5-1-1 of this chapter.

B. The appointment effected in subsection A of this section shall not be irrevocable nor shall it be construed to be a relinquishment of the responsibility and authority of the city council to provide for the health and welfare of the residents of the city. (2001 Code § 50-2-202; Ord. 09-21, 7-14-2009)

5-1-3: POWERS, DUTIES, RESPONSIBILITIES:

The Board of Health shall have such powers, duties, responsibilities, organization, and function as provided by Utah Code Annotated, other statutes, including title 26A, chapter 1, or successor provisions, and by other ordinances of the city. (2001 Code § 50-2-203)

5-1-4: HEALTH DEPARTMENT REGULATIONS ADOPTED:

A. Those applicable regulations of the Health Department, heretofore adopted and not repealed or superseded, together with such future applicable regulations as will be validly adopted and promulgated by the Health Department, as required by law, are adopted and made part of this chapter as though set forth in their entirety. Section 5-4-1 of this title provides a listing of the currently adopted and incorporated rules.

B. The regulations of the Health Department, as adopted by subsection A of this section, shall not be construed to repeal, supersede or otherwise invalidate any ordinance adopted by the City Council that provides regulation or requirements stricter than those provided in the Health Department regulations. In cases where a Health Department regulation and a stricter city ordinance cannot be construed to give

effect to both, the stricter city ordinance shall be given effect and the Health Department regulation shall not be deemed to be adopted. (2001 Code § 50-2-204; Ord. 09-21, 7-14-2009)

5-1-5: VIOLATIONS:

A. It is unlawful for any person, association or corporation, or its officers to:

1. Violate, disobey or disregard the provisions of the public health laws or the requirements of any lawful notice, order, standard, rule or regulation issued pursuant to such laws;
2. Violate, disobey or disregard the provisions of any notice or order issued by the Board of Health, or any authorized officer or agent of the board;
3. Fail to make or file reports required by law or rule of the board relating to the existence of disease or other facts and statistics relating to the public health;
4. Willfully and falsely make or alter any certificate or certified copy issued pursuant to the public health laws; or
5. Fail to remove or abate from private property under the control of the person, association or corporation at their own expense, any nuisance, source of filth, cause of sickness, dead animal, health hazard or sanitation violation within the jurisdiction of the Board of Health, whether such person, association or corporation shall be the owner, tenant or occupant of such private property. Such removal or abatement, if lawfully ordered, shall be accomplished within the time provided in the notice of violation or in the enforcement order.

B. Any person, association or corporation, or its officers, who violates this section or rules or regulations adopted by the Board of Health may be prosecuted administratively as provided in title 16 of this Code, and/or as a Class B misdemeanor. In addition, such person, association or corporation, or its officers, shall be liable for any expense incurred in removing or abating any nuisance, source of filth, cause of sickness, dead animal, health hazard or sanitation violation.

C. Conviction under this section or any other public health law shall not relieve the person convicted from civil liability for any act which was also a violation of the public health laws.

D. Each day of the violation of this section or rules or regulations adopted by the Board of Health may be a separate violation. (2001 Code § 50-2-205; amd. 2009 Code; Ord. 09-21, 7-14-2009; Ord. 12-10, 4-25-2012, eff. 7-1-2012; Ord. 19-10, 2-27-2019)

5-1-6: ENFORCEMENT:

The city attorney shall prosecute, in the name of the city the violations of the rules, regulations, ordinances and standards of the Board of Health. (2001 Code § 50-2-206)

CHAPTER 4

HEALTH DEPARTMENT RULES

5-4-1: ENUMERATION OF TYPES OF HEALTH DEPARTMENT RULES:

The Salt Lake County Health Department (“Health Department”) has adopted various rules and regulations, including, but not limited to, regarding the following: body art facilities, chemically contaminated properties, community noise pollution control, correctional institutions and community correctional centers, cosmetology facilities, design, construction, and operation of pools, diesel vehicle inspection/maintenance program, fluoridation in public water supplies, food sanitation, general sanitation, housing, individual water systems, massage facilities, public lodging facilities, residential childcare food service, solid waste management and permitting, tanning facilities, temporary mass gatherings, vehicle inspection/maintenance program, waste water disposal, and watershed. See Section 5-1-4 of this code and the Health Department website: <http://health.slco.org/>. (2001 Code §§ 42-2-101 – 42-2-107; 2009 Code §§ 5-4-1 – 5-4-7; Ord. 09-21, 7-14-2009)












Ordinance No. 22-09 Board of Health Text Amd


Final Audit Report

2022-05-02


Created:	2022-04-28
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAd3q6AaC-DXvTYnsVlysyiuCuBt_oaj8_

"Ordinance No. 22-09 Board of Health Text Amd" History

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2022-04-28 - 11:23:18 PM GMT- IP address: 73.63.25.48
-  Document emailed to Kayleen Whitelock (kayleen.whitelock@westjordan.utah.gov) for signature
2022-04-28 - 11:26:03 PM GMT
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2022-04-29 - 4:11:20 PM GMT- IP address: 72.94.211.130
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Signature Date: 2022-04-29 - 4:12:36 PM GMT - Time Source: server- IP address: 72.94.211.130
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2022-04-29 - 4:50:11 PM GMT- IP address: 73.63.25.48
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Signature Date: 2022-04-29 - 4:59:01 PM GMT - Time Source: server- IP address: 67.214.227.98
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2022-04-29 - 4:59:03 PM GMT

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