

**TOOELE COUNTY
ORDINANCE 2023-15**

**AN ORDINANCE AMENDING SECTION 4-8-2, POWERS AND DUTIES,
OF CHAPTER 8, ADMINISTRATIVE HEARING OFFICER, OF TITLE 4,
BOARDS AND COMMITTEES, OF THE TOOELE COUNTY CODE**

WHEREAS, Tooele County has created the office of administrative hearing officer and has appointed individuals to serve as administrative hearing officers; and

WHEREAS, newly enacted Utah Code Section 17-50-340 requires the county legislative body, by ordinance, to establish an appeal authority to hear and decide appeals from the county recorder's application of rules made by the County Recorder Standards Board; and

WHEREAS, the Tooele County Council desires to designate its administrative hearing officers as the appeal authority to hear and decide appeals from the Tooele County Recorder's application of rules made by the County Recorder Standards Board;

**NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF TOOELE
COUNTY ORDAINS AS FOLLOWS:**

SECTION I – SECTION AMENDED. Section 4-8-2, *Powers and Duties*, of Chapter 8, *Administrative Hearing Officer*, of Title 4, *Boards and Committees*, of the Tooele County Code is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION II – REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION III – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

Tooele County
Ord. 2023-15

IN WITNESS WHEREOF the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 1st day of August, 2023.

ATTEST:


TRACY D. SHAW, County Clerk

TOOELE COUNTY COUNCIL:


JARED S. HAMNER, Chair



Council Member Hamner voted aye
Council Member Hoffmann voted absent
Council Member Stromberg voted aye
Council Member Thomas voted aye
Council Member Wardle voted aye

APPROVED AS TO FORM:


COLIN R. WINCHESTER
Deputy Tooele County Attorney

**TOOELE COUNTY CODE
TITLE 4
BOARDS AND COMMITTEES**

Chapter 8: Administrative Hearing Officer

4-8-2. Powers and duties.

- (1) The administrative hearing officer shall hear and decide:
 - (a) citations alleging violations of County ordinances other than citations prosecuted in the district, justice or juvenile courts;
 - (b) appeals from administrative decisions applying the land use ordinance;
 - (c) special exceptions to the terms of the land use ordinance;
 - (d) variances from the terms of the land use ordinance;
 - (e) whether a nonconforming use exists, the scope of any such nonconforming use, and whether any such nonconforming use has been expanded, modified or abandoned;
 - (f) disputed lot lines or disputed district boundary lines or similar questions; and
 - (g) appeals from the county recorder's application of rules made by the County Recorder Standards Board pursuant to Utah Code Section 63C-29-202.
- (2) Procedures.
 - (a) The administrative hearing officer may administer oaths and compel the attendance of witnesses.
 - (b) All hearings before the administrative hearing officer shall comply with the requirements of Title 52, Chapter 4, Open and Public Meetings Act, of the Utah Code.
 - (c) The administrative hearing officer shall:
 - (i) keep minutes and recordings of his or her proceedings;
 - (ii) keep records of his or her examinations and other official actions; and
 - (iii) file his or her records in the Community Development Department.
 - (d) An administrative hearing officer's decision becomes final and effective when it is first issued, either orally or in writing, unless a different time is designated at the time the decision is issued.
- (3) The administrative hearing officer:
 - (a) shall:
 - (i) act in a quasi-judicial manner; and
 - (ii) serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and
 - (b) may not entertain an appeal of a matter in which the administrative hearing officer had first acted as the land use authority.

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