



CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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

MEMORANDUM

TO: Land Use Appeal Authority Hearing Officer
FROM: Mackenzie Johnson, Planner
DATE: July 20, 2022
SUBJECT: Case E5046-2021. Gilberto Dionne at 82 South Angela Way, North Salt Lake, UT 84054
(Parcel No. 01-116-0102)

BACKGROUND

The property located at 82 South Angela Way (Parcel No. 01-116-0102), owned by Gilberto Dionne has been cited in violation of city code 10-1-33-A-2-h-(2): Fencing Standards, Materials, which states: "No fence shall be constructed of used or discarded materials in disrepair, including but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of a fence." The fence is in violation of the code, as a portion of the fence has been constructed with used pallets.

The subject fence was in good condition prior to 2020 when a major windstorm damaged it. The property owner installed pallets in the section of damaged fence creating an appearance of patchwork and disrepair. The pallet section of the fence is unsafe and a nuisance to the adjoining property owner(s).

On November 29, 2021, a "Courtesy Notice" was mailed to Mr. Dionne. This notice provided the property owner with the code and a courtesy compliance period of 10 days from the date of the letter. The city did not receive any response to this notice.

On December 21, 2021, Mr. Dionne informed the City that he had filed a claim with his insurance company, USAA, to fix the damaged portion of the fence. At that time, he was instructed by the insurance company to obtain construction bids. Mr. Dionne was unable to obtain or provide those cost estimates.

In response to Mr. Dionne informing the city that he was working towards fixing the fence but needed more time to work with the insurance and due to inclement weather and delays with contractor and construction material availability, the city extended the compliance period to June 1, 2022. Mr. Dionne was informed of the requirements of city code 10-1-33 regarding fence material, height, and maintenance.

On May 24, 2022, a "Notice of Code Violation" was mailed to Mr. Dionne. This notice provided another 10 day compliance period and informed the property owner that upon expiration of the compliance

date, the fence must be brought into compliance, or the civil penalties would begin to accrue, as assessed by the City's Administrative Law Judge.

On May 26, 2022, Mr. Dionne emailed the City Code Enforcement Specialist, Sandra Halladay, informing her that the fence replacement was not complete. He also provided a copy of the cost estimate of work to be completed from United Fence Company.

The property continues to be in violation of the following city ordinance:

10-1-33: FENCE STANDARDS:

h. Materials: All fences shall meet all of the following requirements:

- (1) Fences greater than six feet (6') in height but not exceeding eight feet (8') in height shall be seventy five percent (75%) or more open above six feet (6') in height and constructed of materials that complement the six foot (6') fence. Chainlink fences above six feet (6') in height are only permitted on lots greater than or equal to three-fourths ($\frac{3}{4}$) of an acre or as permitted in subsection A2I of this section.
- (2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of a fence.

i. Maintenance:

- (1) Fences shall be maintained in a manner to prevent rust, corrosion and deterioration, not to become a public or private nuisance, and not to be dilapidated or a danger to adjoining property owners or the public.
- (2) Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair.
- (3) Every fence installed shall be maintained in such a way that it will remain plumb and in good repair.

On June 21, 2022, a notice of "Administrative Citation & Notice of Hearing" was provided to Mr. Dionne by mail and left on the premise. The physical notice was posted on the house door of the property. This notice required the property to be brought into compliance and assessed the fine of \$100/day (beginning to accrue after the expiration of the 10-day compliance period). The city is requesting an order of abatement and civil penalty.

REQUESTED RELIEF

Administrative Code Enforcement Order per Code Section 12-2-24 ordering the abatement of the code violation and imposing a civil fine with the following:

1. Prior to August 22, 2022, the property owner shall bring the fence into compliance with city code.
2. Upon expiration of 30 days (July 20 to August 22): The City of North Salt Lake be authorized to enter the property to abate the remaining violation and assess the property owner the costs of such abatement, removal, and replacement of the fence.
3. The city requests the maximum civil penalty be imposed of \$100/day (after the 10 day compliance period) for a fine of \$1,000.

4. If the property owner abates the remaining violations prior to August 22, 2022, as verified by the Code Enforcement Specialist, the abatement order shall be void and all civil penalties waived.

Attachments

- 1) Draft Administrative Order
- 2) Administrative Citation & Notice of Hearing
- 3) Case File
 - a. Exhibit 1: 11/24/2021 Photo evidence of fence prior to, and post, the 2020 windstorm, provided by the complainant.
 - b. Exhibit 2: 11/24/2021 Photo evidence from site inspection by Sandra Halladay.
 - c. Exhibit 3: 11/29/2021 Courtesy Notice to respondent
 - d. Exhibit 4: 2021 Email correspondence with respondent
 - e. Exhibit 5: 2022 Email correspondence with respondent
 - f. Exhibit 6: 5/24/2022 Notice of Code Violation
 - g. Exhibit 7: 6/21/2022 Administrative Citation & Notice of Hearing



**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**

<p>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 scheduled 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).</p>			
Property ID:	01-116-0102	Case Number:	E5046-2021
Property Address:	82 South Angela Way North Salt Lake, UT 84054	Hearing Date:	July 20, 2022
Property Owner(s):	Gilberto Dionne	Lessee or Responsible Person:	Gilberto Dionne
Mailing Address:	82 South Angela Way North Salt Lake, UT 84054	Mailing Address:	82 South Angela Way North Salt Lake, UT 84054
Code Section(s):	<p>10-1-33: FENCE STANDARDS:</p> <p>h. Materials: All fences shall meet all of the following requirements:</p> <ul style="list-style-type: none"> (1) Fences greater than six feet (6') in height but not exceeding eight feet (8') in height shall be seventy five percent (75%) or more open above six feet (6') in height and constructed of materials that complement the six foot (6') fence. Chainlink fences above six feet (6') in height are only permitted on lots greater than or equal to three-fourths (³/₄) of an acre or as permitted in subsection A2I of this section. (2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of a fence. <p>i. Maintenance:</p> <ul style="list-style-type: none"> (1) Fences shall be maintained in a manner to prevent rust, corrosion and deterioration, not to become a public or private nuisance, and not to be dilapidated or a danger to adjoining property owners or the public. (2) Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. (3) Every fence installed shall be maintained in such a way that it will remain plumb and in good repair. 		
Violation(s) Description:	The property was cited for the following violations:		

<p>Findings of Facts:</p>	<ol style="list-style-type: none"> 1. On November 24, 2021, Helen Prodan visited City Hall and met with Sandra Halladay, Code Enforcement Specialist. She reported that the neighbor behind her had a fence that blew down on her property in September 2020 and the homeowner located at 82 South Angela Way put up a makeshift fence constructed of pallets. Photo evidence of the fence before and after the 2020 storm were provided to Sandra Halladay on November 24, 2021. (Exhibit 1) 2. On November 24, 2021, Sandra Halladay conducted a site inspection. Photo evidence was provided and deemed the subject fence out of compliance. (Exhibit 2) 3. On November 29, 2021, a Courtesy Notice was provided to Mr. Dionne by mail. (Exhibit 3) 4. On December 21, 2021, Mr. Dionne spoke to Sandra Halladay and reported that a windstorm blew the fence down, he filed a claim with USAA the insurance company and they told him to get cost estimates. After several attempts with multiple fence companies, he couldn't get anyone to come out to his property and give him a quote. He mentioned the insurance company paid him \$1,000.00 - \$1,500.00 but couldn't remember the exact amount. 5. After discussing with the NSL Community Development Director, Sherrie Pace, it was decided to extend the compliance date to June 1, 2022, due to inclement weather and delays with contractor and construction material availability. 6. On December 21, 2021, the property owner was noticed that the City would allow an extension for compliance to June 1, 2022, by email. Mr. Dionne responded by email on December 22, 2021, stating that he understood the circumstance and expectations. (Exhibit 4) 7. On May 24, 2022, an email was sent to Mr. Dionne reminding him of the June 1, 2022, date of compliance. On May 24, 2022, Mr. Dionne emailed that he was unable to secure a contractor to complete the work and understood he was not in compliance. (Exhibit 5) 8. On May 24, 2022, a second Notice of Violation was mailed (Exhibit 6). 9. On May 26, 2022, Mr. Dionne emailed Sandra Halladay that the fence repair would not be complete prior to the deadline of June 1, 2022, due to contractor availability. (Exhibit 5) 10. On May 26, 2022, an email was sent to Mr. Dionne from Sandra Halladay giving him another extension until June 15, 2022, to complete the fence. (Exhibit 5) 11. On June 21, 2022, the "Administrative Citation & Notice of Hearing" was provided to Mr. Dionne by mail and a physical posting on the property door. (Exhibit 7) 12. On June 22, 2022, Mr. Dionne emailed Sandra Halladay that he received the Notice for Hearing scheduled for July 20, 2022, and that the fence was not fixed. He shared that the fence contractor had not given him a project start date and that the insurance did not provide any money due to the deductible being higher than the cost of construction. (Exhibit 5) 13. Mr. Dionne appeared (or did not appear)....at the hearing...
<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 regard to the first violation of City Code 10-1-33 for failure to maintain a fence in good condition and not to be constructed of used or discarded materials in disrepair and not to create an appearance of patchwork or to become a public or private nuisance. 2. The property owner is ordered, prior to Monday, August 22, 2022, to bring the property into compliance by: <ol style="list-style-type: none"> a. Replacing the fence to be in compliance with City code 10-1-33. 3. A civil penalty is assessed upon the property owner, Gilberto Dionne, of \$100 per day, beginning June 21, 2022, for a maximum penalty of 10 days, totaling \$1,000. 4. In the event that the property is brought into compliance prior to the deadline of August 22, 2022, the entire assessed fee of \$1,000 penalty shall be waived. 	
Civil Penalty Assessed:	\$1,000.00	1 violation for 10 days penalty of \$100/day/violation
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:	July 20, 2022	
By:	Glenn R. Bronson, Administrative Law Judge, City of North Salt Lake	
Signed:		

Exhibit 1

11/24/2021 Photo evidence of fence prior to, and post, the 2020 windstorm, provided by the complainant.

Photos provided by the complainant on November 24, 2021

Before the 2020 windstorm



After the 2020 windstorm



Exhibit 2

11/24/2021 Photo evidence from site inspection by Sandra Halladay.

Sandra Halladay

From: SANDRA HALLADAY <prosper202@aol.com>
Sent: Wednesday, November 24, 2021 2:42 PM
To: Sandra Halladay
Subject: 11.24.21



Sent from my iPhone

Exhibit 3

11/29/2021 Courtesy Notice to respondent



**CITY OF NORTH SALT LAKE
COMMUNITY & ECONOMIC DEVELOPMENT**

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

Courtesy Notice

November 29, 2021

GILBERTO DIONNE
82 SOUTH ANGELA WAY
NORTH SALT LAKE CITY UT 84054

Dear Mr. Dionne,

Please accept this notification that the property located at 82 South Angela Way, North Salt Lake City, Utah is in violation of the following Ordinance:

10-1-33: FENCE STANDARDS:

h. Materials: All fences shall meet all of the following requirements:

(2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of a fence.

i. Maintenance:

(1) Fences shall be maintained in a manner to prevent rust, corrosion and deterioration, not to become a public or private nuisance, and not to be dilapidated or a danger to adjoining property owners or the public.

(2) Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair.

(3) Every fence installed shall be maintained in such a way that it will remain plumb and in good repair.

On November 24, 2021 our enforcement specialist received a complaint that the fence in your backyard (westside) has deteriorated and become a nuisance, the fence is dilapidated and may present danger to the adjoining property. Upon inspection, we find this to be true. A courtesy compliance period of ten (10) days from the date of this letter is provided for corrective action. Failure to do so may result in an official action to remedy the violation, for which a Hearing Officer may grant an Order of Abatement and assess civil penalties for each and every subsequent day of violation, up to \$100 per day.

If you have any questions or concerns regarding the ordinance or the compliance period, or to report completion of corrective action please contact the North Salt Lake Community Development Department at 801-335-8677 or by email sandrah@nslcity.org.

Sincerely,

Sandra Halladay
Code Enforcement Specialist

Exhibit 4

2021 Email correspondence with respondent

Sandra Halladay

From: Gilbert Dionne [REDACTED]
Sent: Wednesday, December 22, 2021 8:05 AM
To: Sandra Halladay
Subject: Re: 82 Angela Way

Hi Sandrah,

Thank you, I do understand the terms.

On Tue, Dec 21, 2021 at 3:45 PM Sandra Halladay <sandrah@nslcity.org> wrote:

Dear Mr. Dionne:

After careful consideration, the City of North Salt Lake Code Enforcement will extend the time for you to become compliant with the following Ordinance:

10-1-33: FENCE STANDARDS:

h. Materials: All fences shall meet all of the following requirements:

(2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of a fence.

i. Maintenance:

(1) Fences shall be maintained in a manner to prevent rust, corrosion and deterioration, not to become a public or private nuisance, and not to be dilapidated or a danger to adjoining property owners or the public.

(2) Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair.

(3) Every fence installed shall be maintained in such a way that it will remain plumb and in good repair

On or before June 1, 2022 you are to report the completion of the fence by contacting the North Salt Lake Code enforcement by email, telephone or in person. Failure to do so shall result in an official action to remedy the violation, for which a Hearing Officer may grant an Order of Abatement and assess civil penalties for each and every subsequent day of violation, up to \$100.00 per day.

Please email me back that you understand the terms and conditions. If you have any questions don't hesitate to contact me.

Thank you,

Exhibit 5

2022 Email correspondence with respondent

Sandra Halladay

From: Gilbert Dionne [REDACTED]
Sent: Wednesday, June 22, 2022 4:50 PM
To: Sandra Halladay
Subject: Re: Fence

Hello,

I received notice for the court date July 20th.

I have not replied with the answer to the start date of the project since I was informed by United Fence Company that they schedule based on their weekly performance. It was said every Friday they come up with the next week's schedule which is why they haven't gotten back to me yet. They also mentioned that they have spoken on behalf of their customers to the city before and are happy to speak with you.

Their number is (801) 972 -2348

Website: <https://www.unitedfenceutah.com/>

My turn is supposed to be coming up shortly but again I have no date for certain. I only have the previously sent invoice showing that I paid half the amount and they agreed to do the work.

As for the talks with my insurance company, they never actually paid me anything, due to the specific damaged section I was only allotted about 1900\$ where my deductible cost more. The fence having more damage and needing to be replaced is why the cost on the invoice is more and what needs to happen so I don't have a faulty fence in the next couple of years again.

Lastly, is there a way to push my court date to the 25? I have to travel for work on July 10th and am scheduled to return on the 23rd. I will of course make adjustments if not possible.

Thank you,
-Gilbert Dionne

On Thu, May 26, 2022 at 1:36 PM Sandra Halladay <sandrah@nslcity.org> wrote:

Dear Mr. Dionne:

I am granting you an extension to June 15, 2022, please keep me updated and let me know when the project is completed.

Thank you,

From: Gilbert Dionne [REDACTED]
Sent: Thursday, May 26, 2022 12:54 PM
To: Sandra Halladay <sandrah@nslcity.org>
Subject: Re: Fence

Hi Sandra,

The project has been pushed back, here's a photo of the estimat I already paid the deposit of half the total amount.

Not sure what this will do since ill be out of compliance by when they start now, let me know the next steps.

The previous guy who had accepted to do it within the week still hasnt replied with an estimate like the one below besides saying he wanted 8500.

So I just went with the company in the photo below since they seemed more legit.

On Tue, May 24, 2022, 3:13 PM Sandra Halladay <sandrah@nslcity.org> wrote:

That's great news, then it should be completed by the compliance date, June 1, 2022.

Thank you for the update.

From: Gilbert Dionne [REDACTED]
Sent: Tuesday, May 24, 2022 1:04 PM
To: Sandra Halladay <sandrah@nslcity.org>
Subject: Re: Fence

Hi again, he finally confirmed to start the work within the week or monday. I can let you know when he officially starts.

On Tue, May 24, 2022, 9:54 AM Gilbert Dionne [REDACTED] wrote:

Hello,

I understand I am not in compliance, but I have not been able to find someone to do the work. I have reached out to multiple contractors and never been replied too after photos of the work area have been seen or shown. I tried to get involved with home advisor and even got an agent to look for people and still no luck. Also tried using an app called Angi and haven't had luck there either. There's one contractor who said he would do it but as of last week he has now not responded on when his availability would be.

On Tue, May 24, 2022, 8:01 AM Sandra Halladay <sandrah@nslcity.org> wrote:

Dear Mr. Dionne:

In December 2021, I received an email from you stating you were working with USAA to get the fence replaced in your backyard, according to our records you were granted an extension to June 1, 2022 to complete this project.

I have attached photos of the fence before and the fence in the present condition. Upon inspection on May 24, 2022 the property is not compliant. Please review the attached Notice of Violation, you may contact me at your earliest convenience.

Thank you,

Exhibit 6

5/24/2022 Notice of Code Violation



CITY OF NORTH SALT LAKE
COMMUNITY & ECONOMIC DEVELOPMENT

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

Notice of Code Violation

Date: May 24, 2022

To: GILBERTO DIONNE
82 SOUTH ANGELA WAY
NORTH SALT LAKE CITY UT 84054

RE: PROPERTY LOCATED AT 82 SOUTH ANGELA WAY, NORTH SALT LAKE CITY, UT 84054
OWNER(S): DIONNE GELBERTO
ENFORCEMENT FILE #E5046-2021
PARCEL ID: 011160102

Dear Mr. Dionne,

On November 24, 2021 the City Code Enforcement Specialist received a complaint regarding your property. The property was inspected on November 24, 2021 and the complaint was verified. As provided by the North Salt Lake Code, you were provided notification that your property was in violation of city code; an extension was granted until June 1, 2022.

Failure to bring your property into compliance permanently with City Code by June 1, 2022 may result in additional enforcement action by the City, which may include but is not limited to, criminal prosecution; civil citation and penalties; revocation of permits, recordation of notice of violation; withholding of future permits; abatement of the violation; costs; administrative fees; and any other legal remedies. Additional notice(s) of violation for the same violation, within a twelve-month period will result in immediate accumulation of civil penalty.

Beginning immediately upon expiration of the compliance date, civil penalties shall begin to accrue and may be assessed by the City's Administrative Law Judge (Hearing Officer) and shall be assessed for each and every subsequent day that the property remains in violation, up to \$100 per day.

The subject property is in violation of the following Ordinance(s):

10-1-33: FENCE STANDARDS:

- h. Materials: All fences shall meet all of the following requirements:
- (2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of a fence.

i. Maintenance:

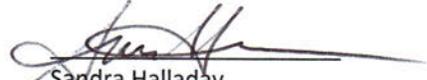
- (1) Fences shall be maintained in a manner to prevent rust, corrosion and deterioration, not to become a public or private nuisance, and not to be dilapidated or a danger to adjoining property owners or the public.
- (2) Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair.
- (3) Every fence installed shall be maintained in such a way that it will remain plumb and in good repair.

Corrective Action Required:

Complete the installation of the backyard fence which does not create an appearance of patchwork, and does not appear to be dilapidated. (Please see enclosed photos of the fence before/after the storm)

Upon completion of the corrective action, **you are required to notify City Code Enforcement Specialist** at 801-335-8677 or via email sandrah@nslcity.org and request an inspection. Please do not hesitate to contact the City to discuss the violation and the corrective action(s) required.

Sincerely,

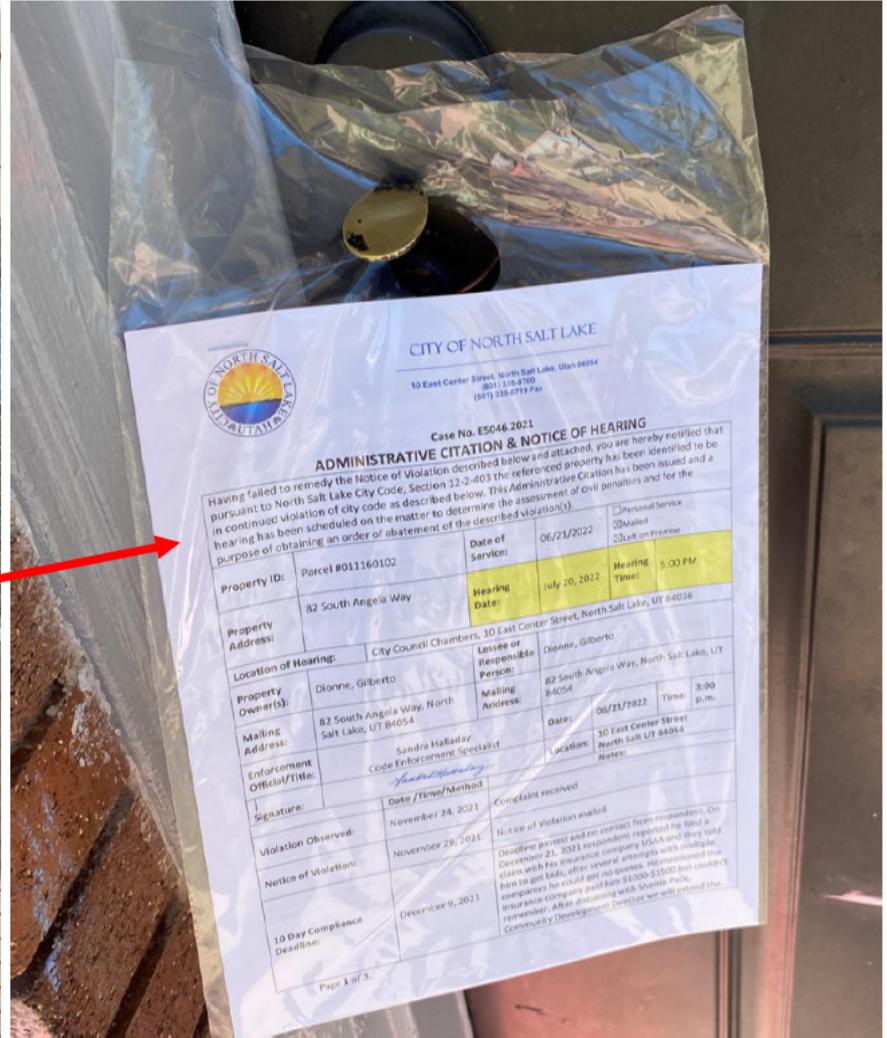

Sandra Halladay
Code Enforcement Specialist

Appeal of Notice of Violation: In accordance with City Code Section 12-2-503 a person served with a Notice of Violation is entitled to submit a written request for an administrative code enforcement hearing within 10 days of said service. All requests for hearings shall be submitted in writing and contain the case number, address of violation, and signature of responsible party. Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.

Default Hearing: Failure to remedy the violation within the 10-day grace period, shall result in the scheduling of a default hearing. The responsible person shall be notified of the date and time of the hearing as soon as practicable.

Exhibit 7

6/21/2022 Administrative Citation & Notice of Hearing





CITY OF NORTH SALT LAKE

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

Case No. E5046.2021

ADMINISTRATIVE CITATION & NOTICE OF HEARING

Having failed to remedy the Notice of Violation described below and attached, 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 continued violation of city code as described below. This Administrative Citation has been issued and a hearing has been scheduled on the matter to determine the assessment of civil penalties and for the purpose of obtaining an order of abatement of the described violation(s).

Property ID:	Parcel #011160102	Date of Service:	06/21/2022	<input type="checkbox"/> Personal Service <input checked="" type="checkbox"/> Mailed <input checked="" type="checkbox"/> Left on Premise	
Property Address:	82 South Angela Way	Hearing Date:	July 20, 2022	Hearing Time:	5:00 PM
Location of Hearing:	City Council Chambers, 10 East Center Street, North Salt Lake, UT 84036				
Property Owner(s):	Dionne, Gilberto	Lessee or Responsible Person:	Dionne, Gilberto		
Mailing Address:	82 South Angela Way, North Salt Lake, UT 84054	Mailing Address:	82 South Angela Way, North Salt Lake, UT 84054		
Enforcement Official/Title:	Sandra Halladay Code Enforcement Specialist		Date:	06/21/2022	Time: 3:00 p.m.
Signature:			Location:	10 East Center Street North Salt UT 84054	
	Date /Time/Method	Notes:			
Violation Observed:	November 24, 2021	Complaint received			
Notice of Violation:	November 29, 2021	Notice of Violation mailed.			
10 Day Compliance Deadline:	December 9, 2021	Deadline passed and no contact from respondent. On December 21, 2021 respondent reported he filed a claim with his insurance company USAA and they told him to get bids, after several attempts with multiple companies he could get no quotes. He mentioned the insurance company paid him \$1000-\$1500 but couldn't remember. After discussing with Sherrie Pace, Community Development Director we will extend the			

		compliance period to June 1, 2022. Sent Mr. Gilberto gilbertodonne@gmail.com an email. Mackenzie spoke to Gilberto and discussed the fence, what materials he could use, height of fence and if wood and painted, both sides would need to be done.
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Re-Inspection Date:	June 1, 2022	Inspection concluded, no compliance.
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In accordance with NSL City Code Section 12-2-103 corrective action for the below noted code violation(s) was required within ten (10) calendar days from the date of service of the Notice of Violation.

Violation	Code Section	Details of Violation
1	10-1-33: FENCE STANDARDS	<p>h. Materials: All fences shall meet all of the following requirements: (2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of a fence.</p> <p>i. Maintenance: (1) Fences shall be maintained in a manner to prevent rust, corrosion and deterioration, not to become a public or private nuisance, and not to be dilapidated or a danger to adjoining property owners or the public. (2) Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. (3) Every fence installed shall be maintained in such a way that it will remain plumb and in good repair.</p>

The following Civil Penalty and Fine(s) may be imposed by the Administrative Law Judge at the hearing:

Each and every day a violation of any provision of the City Code is a separate violation, subject to the assessment of civil penalties. Interest shall be assessed per City policy on all outstanding balances until paid in full.

Daily Violation Fine (accrues daily after expiration of 10 day compliance period)	\$100/day, due immediately upon issuance by the Hearing Officer Fines are payable to the City Treasurer. Failure to pay assessed fines within 20 days of invoice, shall be subject to tax lien or other collection method allowed by City Code, Title 12, Chapter 4.
Interest on Unpaid Fine(s)	10% per annum, compounded monthly
Abatement of junk, weeds, or other Nuisances	Actual costs incurred to abate nuisance

Failure to remedy the violation(s) within the required time has resulted in the further action by the City, which may include but is not limited to: civil penalties; revocation of permits; recordation of the Notice of Violation upon the property with the Davis County Recorder; withholding of future permits; city abatement of the violation(s) and assessment of the associated costs; administrative fees; criminal prosecution; and any other legal remedies necessary.

Civil Penalties begin to accrue upon failure to comply with the Notice of Violation. The amount of civil penalty for each violation will accrue daily until the property is brought into compliance. Subsequent notices of violation of the same ordinances in any 12-month period, shall result in the accrual of civil penalties beginning on the first day of service of the subsequent Notice of Violation.

REQUEST FOR ADMINISTRATIVE HEARING

Within ten (10) calendar days from the date of service, a person served with a notice of violation, a notice of itemized bill for costs, an administrative citation, or a notice of emergency abatement, may request an administrative hearing in accordance with NSL Code 12-2-5-3 by filing the attached form with the Office of the City Recorder.

REQUEST FOR EXTENSION OF TIME FOR COMPLIANCE

The property owner, representative, or lessee may contact the citing code enforcement official to request an extension of time beyond the allotted ten (10) day compliance period. Such requests shall include the justification for the extension and an agreed upon date for compliance and a date scheduled for inspection of the property.

If the responsible person fails to request a hearing before the expiration of the ten (10) deadline or if the person fails to bring the property into compliance within the required ten (10) day deadline, or other deadline as provided by the Code Enforcement Official, a default hearing shall be scheduled and the responsible party shall be notified with an order to appear. The administrative law judge may determine if violations of City ordinances exist, order compliance with City ordinances, enforce compliance, or assess civil penalties.