



RESOLUTION NO. 26-566

A RESOLUTION AMENDING THE CODE COMPLIANCE ADMINISTRATIVE POLICY FOR THE TOWN OF BRIAN HEAD AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The Town established an Administrative Code Enforcement Policy in July 2019 to identify the basic procedures for Code Enforcement of the Town ordinances; and;

WHEREAS, the Town Council recognizes the need to amend the 2019 Code Enforcement policy in an effort to educate and identify the purpose and intent of Code Enforcement by changing "Code Enforcement" to "Code Compliance", and;

WHEREAS, the Town Council has determined it is in the town's best interest to amend and change the name from Code Enforcement Policy to Code Compliance Policy and clarify the procedures Code Compliance for the health, safety, and welfare of its citizens.

NOW, THEREFORE BE IT RESOLVED by the Brian Head Town Council, that this Resolution hereby amends the Code Compliance Administrative Policy for Brian Head Town as Attachment "A".

Section 1. ADOPTION: The Brian Head Town Code Compliance Policy (attachment A) is hereby adopted; and

Section 2. EFFECTIVE DATE. This Resolution shall take effect upon its passage by a majority vote of the Brian Head Town Council.

Section 3. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

Section 4. REPEALER, any prior resolutions and/or policy which identifies Special Assessment Area for Brian Head Town are hereby repealed.

ADOPTED, APPROVED, and ORDERED by majority vote at a duly called meeting of the Town Council of Brian Head, Utah this 10th day of March 2026.

BRIAN HEAD

Town Council Vote:

Mayor Clayton Calloway	Yes
Council Member Larry Freeberg	Yes
Council Member Mitch Ricks	Absent
Council Member Duane Nyen	Yes
Council Member Logan Cruz	Yes

BRIAN HEAD TOWN


Clayton Calloway, Mayor

ATTEST:


Nancy Leigh, Town Clerk





ATTACHMENT “A”
Changes are identified in red font

ADMINISTRATIVE CODE ~~ENFORCEMENT~~ COMPLIANCE POLICY

PURPOSE & INTENT

It is the intent of Brian Head to promote the health, safety and welfare of the residents and guests who visit and live in Brian Head Town. Part of this responsibility includes protecting the town from blighting and deteriorating conditions that have a negative impact on area property values and ~~guests’~~ the experience of residents and guests. ~~Towards this end, Municipal Code requirements were adopted and enforced~~ This protection of the Brian Head Experience is primarily attained through the education of the public regarding local ordinances and subsequent enforcement of those ordinances where compliance is not achieved voluntarily.

CODE ~~ENFORCEMENT PURPOSE AND COMPLIANCE~~ GOALS

It is the town’s goal to 1) educate the public regarding local ordinances in an effort to obtain voluntary compliance first and foremost, and 2) to enforce the code equitably and to apply the level of enforcement that best fits the specific circumstances of the code non-compliance with the end goal of achieving compliance with the code. Every code non-compliance is different and the method of dealing with it should reflect what is necessary in order to resolve it rather than to be unnecessarily punitive.

All actions of inspectors/staff must be fully and clearly documented, and all cases must be followed through to completion in a timely manner, using the most suitable means available.

SPECIFIC GOALS FOR IMPROVING SERVICE TO CITIZENS

Code ~~enforcement~~ compliance will:

- Seek to educate the public on common code infractions and ordinances specific to Brian Head Town



- Partner with other town departments, government agencies and citizens to identify ~~instances of code violations non-compliance~~.
- Improve communications with citizens.
- Code ~~Enforcement compliance educational material and resources~~ will be advertised on the town's web page and other media resources in an effort to open communications with the public that ~~code-enforcement Town staff~~ is available to listen and hopefully resolve code issues of the town's citizens.

OPERATIONS AND BASIC PROCEDURES

If a complaint or issue is unrelated to code ~~enforcement compliance~~, every effort will be made to forward the concern to the appropriate town department or agency. Code ~~enforcement compliance~~ action may be initiated by any of the following methods:

Citizen Complaint

- By telephone
- Email
- Citizen filling out a complaint with town staff
- In the field.

Referral from another town department

- Businesses
- Agencies
- Neighborhood groups

Proactive efforts by Town staff

- ~~Staff recognition of common infractions that require broad public education~~
- ~~Specific staff identified infractions that require urgent attention~~

When a complaint is received, it will be investigated by staff to determine if there is a ~~violation in fact non-compliance with~~ the Town Code, and if found valid, the compliance process will begin:

1. Staff will determine the "responsible party" associated with the ~~instance of non-violation-compliance~~.
2. ~~Where the non-compliance does not have an immediate severe impact to another party or a public safety issues is not imminent, the "responsible party" will be~~



gently and courteously educated regarding compliance with local codes and invited to come into compliance.

3. If education fails to achieve compliance within an appropriate timeframe, the “responsible party” will be provided with an official “notification of non-compliance” ~~notified that a violation exists~~. This notification may be either by direct contact, telephone, email or ~~citation~~ physical letter or a combination of one or more of these methods. This notification shall inform the responsible party of the code for which they are not in compliance and present evidence of such. The responsible party will be given a reasonable timeframe to come into compliance.
4. Brian Head Town staff may issue citations identifying a range of potential fines and/or mandatory court appearances where non-compliance persists after education and an official notification of non-compliance. In cases where non-compliance is severe, irreparable, repeated or endanger public safety, staff may issue immediate citations or refer the matter to Public Safety for criminal enforcement.
5. If ~~violation(s)~~ non-compliance ~~are~~ is not abated within reasonable timelines, the case may be referred to the Administrative Hearing Officer or Iron County Judicial system.

Invalid or Frivolous Complaints

Occasionally, complaints will be received, and an inspection will reveal ~~that a compliance with~~ code ~~violation has not occurred~~. In such cases, the inspection should be documented by providing a description of what was seen and identifying the complaint as invalid.

Encouraging Voluntary Compliance

~~There are situations where it is likely that a violation can be remedied with a verbal notice, but such notice will be documented and be considered the first notification of violation. If a violation is not quickly remedied, a citation letter will be sent.~~

ADMINISTRATIVE HEARING

If the “responsible party” decides to dispute a citation issued by the Town, they must submit a written request for an Administrative Hearing to the Town Clerk within ten (10) days of the action or decision for which they are requesting a hearing. The Town Clerk will schedule a hearing within a reasonable time frame. Written notice of the date set for the administrative hearing shall be mailed to the applicant at least ten (10) days before the hearing date. Hearings may be conducted in person or virtually.



Administrative Hearing Board

The administrative hearing board shall be comprised of the Town Manager or designee, a member of the Town Council, and a member of the Planning Commission.

~~PROCEDURES FOR THE ADMINISTRATIVE HEARING~~ *Procedure for Administrative Hearing*

1. The staff will present identifying facts of ~~the code violations(s)~~ non-compliance.
2. The "responsible party" may present their ~~evidence and reasoning~~.
3. Administration will render a decision in writing and provide a copy to staff and the "responsible party".
4. Failure to abate ~~the violation non-compliance~~ or to follow the administrative order will result in imposition of penalties and/or civil/criminal procedures.

APPEALS

Any person aggrieved by a final decision of an Administrative Hearing may make an appeal to the Appeal Authority (~~as defined in Town Code Title 9 Ch 2~~). All appeals shall be made according to the following procedures:

1. The appeal shall be made within ten (10) days of the action or decision being appealed by filing written notice of appeal with the Town Clerk.
2. The notice of appeal shall specify all grounds for the appeal and circumstances related thereto. Such notice shall set forth in detail the action and grounds upon which the applicant or other interested parties deem themselves aggrieved. A notice failing to specify grounds for appeal may be summarily dismissed by the Appeal Authority without prejudice.
3. All documents and exhibits constituting the record upon which the action appealed was made shall be presented to the Town Clerk with the notice of appeal.
4. The Appeal Authority or Town Clerk shall set the date for the appeal hearing to be held within a reasonable time from the day the appeal is received. Written notice of the date set for hearing the appeal shall be mailed to the applicant at least ten (10) days before the appeal hearing date.



5. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending decision of the Appeal Authority. The stay shall exist unless the appeal authority finds, after the notice of appeal has been filed, that the stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed, other than by an appropriate order issued by a court having jurisdiction.

Action Taken:

After hearing the appeal, the Appeal Authority may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer or body from which the appeal is made. The Appeal Authority shall issue its decision in writing.

Judicial Review of Decision:

Time Limitation: Any person aggrieved by any decision by the Appeal Authority may file an action for relief therefrom in any court of competent jurisdiction within thirty (30) days after the filing of the decision of the Appeal Authority with the Town Clerk.

If a ~~violation within~~ separate section of Town Code already identifies a specific appeal process **for non-compliance with that section of code**, then that particular code's process will take precedent.

All fees **and administrative fines** will be identified in the Brian Head Town Consolidated Fee Schedule.

Dated: **March 10, 2026**

Bret Howser, Town Manager

ATTEST:

Nancy Leigh, Town Clerk

