

## TOWN OF HIDEOUT

### ORDINANCE 2024-O-10

#### AN ORDINANCE AMENDING HIDEOUT MUNICIPAL CODE SECTION 3.04.02 APPOINTMENT (ALJ); AND SECTION 3.04.06 POWERS AND DUTIES (ALJ)

**WHEREAS**, the Town of Hideout Code has established the administrative law judge (ALJ) as the appeal authority throughout the municipal code.

**WHEREAS**, the Council created the ALJ to replace the Board of Adjustment in Ordinance 2021-O-12 “AN ORDINANCE AMENDING HIDEOUT TOWN CODE CHAPTER 3.04 TO REPLACE THE BOARD OF ADJUSTMENT WITH AN ADMINISTRATIVE LAW JUDGE”.

**WHEREAS**, in order to clarify the ALJ authority and its powers and duties, the Council wishes to make it clear that the ALJ acts instead of a Board of Adjustment wherever Board of Adjustment is mentioned in the Municipal Code.

Now, Therefore, be it Ordained by the Council of the Town of Hideout, State of Utah:

Section I: Amendment. Sections 3.04.02 and 3.04.06 are hereby amended as redlined:

#### 3.04.02 APPOINTMENT

1. In order to provide for just and fair treatment in the administration of Land Use, and for all administrative appeals in the Town and to ensure that substantial justice is done, the Town of Hideout shall appoint an Administrative Law Judge (ALJ) to exercise the powers and duties provided in this chapter.
2. Appointment:
  1. The Administrative Law Judge shall serve as the Town's Board of Appeals or Board of Adjustment.
  2. The Mayor shall appoint the Administrative Law Judge with the advice and consent of the Hideout Legislative Body for a term of three (3) years. The Mayor may appoint more than one Administrative Law Judge, but only one Administrative Law Judge shall consider and decide any matter properly presented for review.
  3. A person appointed to serve as an Administrative Law Judge shall either be law trained or have significant experience with the requirements and operation of administrative hearing processes. The person shall be free from an bias or conflict of interest that might affect impartiality of decisions.
3. Removal:
  1. The Mayor may remove an Administrative Law Judge with the advice and consent of the Hideout Legislative Body.

#### 3.04.06 POWERS AND DUTIES

The Administrative Law Judge shall hear and decide:

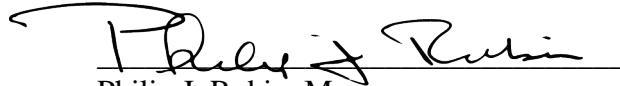
1. Appeals from zoning decisions applying the zoning ordinance;

2. Variances from the terms of the zoning ordinance.
3. Nonconforming Uses: The Administrative Law Judge may make determinations regarding the existence, expansion or modification of nonconforming uses.
4. Administrative Enforcement Appeals (Title 13)
5. Administrative Appeals
- ~~4.6.~~ Any actions by the Board of Adjustment in the Hideout Municipal Code. for an action by the Board of Adjustment shall be administered by the Administrative Law Judge.
- ~~5.7.~~ Any appeal authority which may be delegated by the Mayor.


Section II. Effective Date: This ordinance shall become effective upon publication as required by law.

Passed and Adopted by the Town Council of Hideout, Utah, this 8th day of August, in the year 2024.

TOWN OF HIDEOUT

  
Philip J. Rubin, Mayor

ATTEST:

  
Alicia Fairbourne, Recorder for Hideout

