



COMMUNITY DEVELOPMENT DEPARTMENT
220 East Morris Avenue, Suite 200
South Salt Lake City, Utah 84115
(801) 483-6000 telephone
(801) 483-6060 fax
www.southsaltlakecity.com

REQUEST FOR NUISANCE DETERMINATION

What is a Nuisance Business?

A nuisance business is a commercial business, property, single family or duplex rental that is deteriorating into havens for crime to the degree that a nuisance is created, ruining the safe, peaceful, and quiet enjoyment of property of neighbors, citizens, and patrons of other businesses.

What type of conduct is considered a nuisance?

Nuisances are divided into two categories – See Title 5.05 for more information:

Criminal Conduct

Means any of the following offenses that has the place of business as its locus, and can be reasonably linked to a patron, invitee, manager, owner or employee of the business, or a resident or occupant of the place of business:

- any offense designated as a felony under Utah law;
- the unlawful sale, manufacture, service, storage, distribution, dispensing or acquisition of any controlled substance, precursor, paraphernalia or analog;
- violent acts, threats of violence, or child abuse;
- intentional damage to other person's property;
- burglary of a vehicle or possession of burglary tools;
- any form of theft;
- riot or failure to disperse;
- animal fighting;
- lewdness or voyeurism;
- dangerous weapon offenses;
- environmental contamination;
- gambling;
- prostitution or promotion of prostitution.

Objectionable Conditions

Means conditions which are disruptive to the quiet enjoyment of neighboring residential or business uses, or the harassment of patrons of other businesses or other passers-by, such as:

- disturbances of the peace and harassment of passersby;
- intoxication, drinking in public and public urination;

- gambling, prostitution, and lewd conduct;
- gang activity, drug trafficking,
- extensive littering, rodent harborage, parking violations, unlawful accumulation of solid waste;
- unlawful discharges of hazardous materials; and
- fouling of the air with offensive odors or contaminants, excessive dust, or excessive loud noise.

How many acts must occur at a place of business before it can be determined to be a nuisance?

Criminal Conduct

A business is or has created a nuisance if, within one-hundred eighty (180) consecutive days, three or more separate incidents of criminal conduct occur at or within the place of business, between the period of time between one hour before opening and one hour after closing.

Objectionable Conditions

A business nuisance is created in the presence of objectionable conditions for more than one occasion over the course of one-hundred eighty (180) days.

How much does a nuisance determination cost?

There is no cost to apply for a nuisance determination.

What is the process?

1. A neighboring resident or business owner initiates a nuisance determination by submitting a request for nuisance determination, to the Director of Community Development;
2. Once a request for nuisance determination is submitted to the Department, it will assess whether the complaint is sufficient to proceed to mediation. A complaint is sufficient if credible, objective evidence of the objectionable conditions or criminal activity is presented. Objectionable conditions must be of the type which would support a nuisance determination under Utah law. If the Department does not proceed to mediation, it must provide a written response to the complainant explaining its decision within ten (10) calendar days of receipt of the request;
3. If the Community Development Director determines there is sufficient evidence to proceed, the Department shall contact or attempt to contact the business owner, during the business's regular business hours, and offer to mediate the dispute between the parties. If mediation does not work, then the request will be referred to the City's Administrative Law Judge for hearing and review;
4. If the parties are able to reach a resolution through mediation which includes remediation of the conditions which are the subject of the complaint, then an agreement shall be entered between the business owner and the City in which the business owner agrees to promptly mitigate the objectionable conditions. A corrective plan shall impose timelines and provide for penalties in the event the business owner does not complete the corrective actions. The plan is reviewed and approved by the Administrative Law Judge;

5. Failure to comply with the corrective plan shall result in the case being submitted to the Administrative Law Judge for enforcement of its provisions;
6. If the parties are not able to reach an agreement which resolves the complainant's concerns within thirty (30) days from the beginning of mediation, then the request for nuisance determination shall be forwarded to the Administrative Law Judge;
7. Once a request for nuisance determination is received by the Administrative Law Judge, the matter shall be placed on the next available calendar for which appropriate notice may be served, or a special setting may be convened;
8. A hearing is held before the Administrative Law Judge, witnesses may be called to testify and evidence may be presented;
9. When the Administrative Court has entered a finding of nuisance, it enters orders to require remediation of the nuisance, and other penalties, as appropriate. The business is subject to the continued supervision of the Administrative Court for the next six months.

Where can I find the Nuisance Business Ordinance?

The ordinance can be found on the City's website on the Community Development page
The ordinance can also be found under Municipal Code 5.05 – Nuisance Business

Any other questions?

Director of Community Development

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Request for Nuisance Determination

Community Development Department

220 East Morris Avenue Ste 200

South Salt Lake City, UT 84115

801.483.6011 Fax 801.483.6060

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Applicant Information			
Name			
Address			
City	State	Zip	Phone Number
Email			
Nuisance Information			
Address of Nuisance			
Name of Business			
Criminal Conduct Nuisance			
<p>For Criminal Conduct Nuisances please list at least three within the past 180 days (all criminal nuisance claims must be verified with South Salt Lake Police Department). See the cover sheet for a list of possible criminal conduct nuisances that may apply</p> <ol style="list-style-type: none"> 1. 2. 3. 			
Objectionable Conditions Nuisance			
<p>Please describe all objectionable conditions that are being created by the commercial business, and the dates of each occurrence. A separate sheet of paper may be used to describe such conditions.</p>			
Office Use			
Received By		Date Received	

SALT LAKE COUNTY)
 : ss.
STATE OF UTAH)

AFFIDAVIT

I/we _____, being duly sworn, depose and say that I/we am/are the individual(s) identified in the above Request for Nuisance Determination; that I/we have read the request and attached exhibits; and that said contents are in all respects true and correct based upon my personal knowledge.

Signature

Subscribed and sworn to before me this ___ day of _____ 20 _____.

Notary Public
Residing in Salt Lake County, Utah
My commission expires:_____