

RESOLUTION NO. 8-4-11

A RESOLUTION ADOPTING RULES FOR THE REGULATION OF PROCEDURE AND PRACTICE FOR LAND USE APPEAL HEARINGS

WHEREAS, Kanab City Land Use Ordinance, Section 3-8 provides that the Kanab City Appeals Officer shall adopt rule for the regulation of procedure and conduct of duties not inconsistent with the provisions of said Ordinance or Utah State law; and

WHEREAS, Kanab City Land Use Ordinance, Section 3-8 further provides that for such rules to become effective they must first be approved by the Kanab City Council.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF KANAB CITY AS FOLLOWS:

The following Rules of Procedure and Practice shall apply to all Land Use Appeals:

1. At the time of sending written notice of the date and time for the appeal hearing as provided in Kanab City Land Use Ordinance, Section 3-2-D, the City clerk shall transmit to the Appeals Officer and every member of the Appeal Authority (as the case may be), the appellant, the original land use applicant (if other than the appellant), the chairperson or chief officer of land use authority from which the appeal was taken, and the City Attorney copies of all documents and other materials constituting the record on appeal, which shall be organized in a tabbed binder as follows: (a) original land use application, inclusive of all exhibits attached thereto; (b) all other documents and materials submitted in support of or opposition to the original land use application; (c) all meeting agendas from all meetings of the land use authority discussing and issuing the decision on the land use application from with the appeal was taken; and (d) all minutes from all meetings where the land use application was discussed.
2. Each decision on an appeal shall be issued in writing, signed by the Appeals Officer or each member of the Appeal Authority participating in the appeal, and announced at a public meeting. When necessary, the Appeals Officer or Appeal Authority may adjourn an appeal hearing and continue it to a later date, particularly when necessary to prepare its written decision.
3. Complete and unedited copies of all rules, laws, ordinances, statutes or cases referenced by the parties to the appeal during their arguments shall be furnished in an indexed binder to all other parties and all members of the Appeal Authority or the Appeals Officer prior to or upon commencement of the appeal hearing.
4. At the request of any party or the Appeal Authority, an appeal hearing may be transcribed by a certified court reporter and such certified transcript shall become part of the record on appeal.

The following Rules of Procedure and Practice shall apply to all Land Use Appeals where the City Council is designated as the Appeals Officer/Appeal Authority:

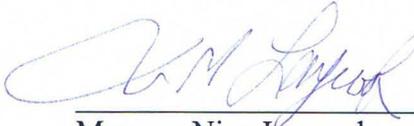
1. The Mayor shall serve as the chief quasi-judicial officer at the appeal hearing and direct the order of the proceedings.
2. The Mayor and at least three other members of the City Council must be in attendance to conduct an appeal hearing. A minimum of three members of the City Council shall constitute a majority capable of reaching a decision on the appeal. The Mayor shall vote only in the event of a tie vote among participating City Council members.
3. Parties to the appeal may represent themselves or be represented by legal counsel. If parties are represented by legal counsel, only their legal counsel will be permitted to make arguments to the City Council.
4. Each party to the appeal shall be limited to a maximum of sixty (60) minutes each for presentation of their arguments. The appellant shall first present arguments to the City Council and may reserve a portion of appellant's allotted time for rebuttal argument. The appellee (party, body or officer against whom the appeal was taken) shall next present arguments to the City Council and may reserve a portion of appellee's time for surrebuttal. The time limitations provided in this rule may be extended by stipulation of the parties and approval of the City Council.

The following Rules of Procedure and Practice shall apply to all Land Use Appeals where a body or individual other than the City Council is designated as the Appeals Officer/Appeal Authority.

1. With the approval of the Appeals Officer/Appeal Authority, the parties to the appeal may enter into a written stipulation to adopt rules of practice and procedure deemed advisable for the particular appeal.

Passed and adopted by the City Council of Kanab City this 23rd day of August 2011. This resolution and rules adopted hereby shall be effective and applicable to any land use appeals currently pending and hereafter filed until such rules are modified or rescinded by subsequent resolution of the City Council.

The seal of Kanab City is circular with a double border. The outer border contains the text "KANAB CITY" at the top and "CORPORATED 1911" at the bottom. The inner border contains the text "MAYOR" at the top and "CITY CLERK" at the bottom. In the center of the seal is a stylized illustration of a beehive on a wooden stand. A signature is written across the seal, and a horizontal line is drawn below it.
Attest – City Recorder Duane Huffman

A handwritten signature in blue ink, appearing to read "Nina Laycook", is written above a horizontal line.
Mayor – Nina Laycook