

## **CHAPTER 15a. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS**

### **7-15a-1. Applicability.**

### **7-15a-2. Purpose.**

### **7-15a-3. Permitted or Conditional Use; Requirements.**

### **7-15a-4. Revocation of Permit.**

### **7-15a-5. Violations.**

### **7-15a-6. Civil Citation Appeals.**

### **7-15a-7. Reasonable Accommodations.**

### **7-15a-8. Reasonable Accommodation Appeals.**

### **7-15a-1. Applicability.**

Any structure or dwelling encompassed within the definition of “Residential Facility for Elderly Persons” shall comply with the requirements of this Chapter notwithstanding other provisions of this Code to the contrary.

(Ord. 2012-17, 09-05-2012)

### **7-15a-2. Purpose.**

The purposes of this Chapter include:

(1) to comply with the Federal Fair Housing Act (42 U.S.C. §3601 et seq.);

(2) to comply with the Utah Fair Housing Act (U.C.A. Chapter 57-12);

(3) to comply with U.C.A. §§10-9a-516 through -519 (Residential facilities for elderly persons, etc.);

(4) to permit housing for elderly persons in a non-discriminatory manner; and,

(5) to allow for reasonable accommodations to afford elderly persons equal housing opportunities.

(Ord. 2012-17, 09-05-2012)

### **7-15a-3. Permitted or Conditional Use; Requirements.**

(1) A residential facility for elderly persons (for purposes of this Chapter, a “facility”) housing eight or fewer residents shall be a permitted use in any residential zoning district in which a single-family dwelling is a permitted primary use.

(2) A facility housing more than eight residents shall be a conditional use in any residential zoning district.

(3) Each facility shall comply with the following requirements.

(a) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.

(b) The facility shall comply with all of the provisions of this Title applicable to single-family dwellings, unless otherwise specified in this Chapter.

(c) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.

(d) Each facility located in a multi-family zoning district (MR-20, MR-16, MR-12, and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.

(e) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title.

(f) No more than four persons may be housed in a single bedroom.

(g) A minimum of 60 square-feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square-feet per resident shall be provided in a single-occupant bedroom.

(h) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.

(i) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.

(j) No facility with more than eight occupants may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.

(k) Placement in a facility shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(Ord. 2022-22, 07-06-2022) (Ord. 2019-12, 05-15-2019) (Ord. 2019-08, 03-20-2019) (Ord. 2012-17, 09-05-2012)

### **7-15a-4. Revocation of Permit.**

The City may revoke the Conditional Use Permit and occupancy permit of any facility upon the occurrence of any of the following:

(1) the facility is devoted to a use other than a residential facility for elderly persons;

(2) any license or certificate required by the State of Utah for the facility or a program provided at the facility terminates for any reason (including expiration, revocation, suspension for five years or more, denial of renewal);

(3) the facility fails to comply with all of the requirements of this Chapter; or,

(4) the facility allows a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-17, 09-05-2012)

### **7-15a-5. Violations.**

(1) The following shall constitute a violation of this Chapter:

(a) continued occupation of a facility upon the

revocation of the conditional use permit or occupancy permit;

(b) continued occupation of a facility upon the termination of a required State of Utah license or certificate for the facility;

(c) continued providing of a program upon the termination of a required State of Utah license or certificate for that program;

(d) noncompliance with any provision of Title 4 or Title 7 of this Code applicable to the facility;

(e) allowing a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others; and,

(f) allowing the facility to be devoted to a use other than a residential facility for elderly persons.

(2) Civil. Unless otherwise provided, a violation of this Chapter is a civil infraction, punishable as follows:

(a) first violation: \$100 fine;

(b) second violation: \$500 fine;

(c) third and subsequent violations: \$1,000 fine.

(3) Criminal. In addition to the civil penalties provided in this Section, a violation of this Chapter may be charged and prosecuted as a class C misdemeanor.

(Ord. 2024-23, 08-21-2024)

#### **7-15a-6. Civil Citation Appeals.**

(1) The administrative hearing officer shall hear and decide appeals from civil citations issued for violations of this Chapter.

(2) A person desiring to appeal a civil citation shall file the appropriate application, obtained from the Tooele City Community Development Department, with the Department Director. Any applicable fee shall be paid to the Tooele City Finance Department at the time of filing. The Director shall review the application for completeness and fee payment and forward it to the City Recorder, who shall set a hearing with the administrative hearing officer. The City Recorder shall notify the applicant of the date and time of the hearing.

(3) The powers and duties of the administrative hearing officer and the standards of review to be followed in deciding appeals are identified in Tooele City Code Chapter 1-28.

(Ord. 2024-23, 08-21-2024) (Ord. 2012-17, 09-05-2012)

#### **7-15a-7. Reasonable Accommodations.**

None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a facility. Any person or entity who wishes to request a reasonable accommodation shall make application to the Director of the Community Development Department and shall

articulate in writing the basis for the requested accommodation. Each application for a reasonable accommodation shall be decided by the Director within 30 days. Failure of the Director to issue a decision within 30 days shall be deemed a denial of the application.

(Ord. 2024-23, 08-21-2024) (Ord. 2012-17, 09-05-2012)

#### **7-15a-8. Reasonable Accommodation Appeals.**

(1) The denial of a request for reasonable accommodation may be appealed to the Zoning Administrator by filing with the Community Development Department a written appeal within ten days of the date of denial. The Zoning Administrator shall issue a written decision within 15 days of the date of the appeal. Failure of the Zoning Administrator to issue a written decision within the 15 days shall be considered a denial of the appeal.

(2) The decision of the Zoning Administrator may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of denial. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Zoning Administrator of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.

(3) The revocation of an occupancy permit pursuant to this Chapter may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of the revocation notice. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Director of the Community Development Department of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.

(Ord. 2024-23, 08-21-2024) (Ord. 2019-08, 03-20-2019)

(Ord. 2012-17, 09-05-2012)