

Salt Lake ~~Valley~~County Health Department
Health Regulation
#34

**CORRECTIONAL INSTITUTIONS,
~~AND~~COMMUNITY CORRECTIONAL CENTERS,
AND CIVIL DETENTION FACILITIES
REGULATION**

Adopted by the Salt Lake ~~Valley~~County Board of Health
March 1, 2007
XXXXXXX, 2026

Under Authority of Utah Code §~~Section~~ 26A-1-114
~~Utah Code Annotated, 1953, as amended~~

1. PURPOSE & APPLICABILITY OF REGULATION

- 1.1. The purpose of this ~~R~~regulation is to provide minimum requirements for the protection of the health and safety of ~~detainees~~individuals, facility staff, and the general public at correctional institutions, community correctional centers, and civil detention facilities in Salt Lake County.
- 1.2. This ~~R~~regulation applies to the design, construction, operation, maintenance, sanitation, ventilation, expansion, occupancy, and use of correctional institutions, ~~and~~ community correctional centers, and civil detention facilities and the grounds and accessory structures thereto.

2. DEFINITIONS

For the purposes of this ~~R~~regulation, the following terms, phrases, and words shall have the meanings herein expressed:

- 2.1. “Approved” ~~shall mean~~ acceptable to the Director the Department based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- 2.2. “Cell” ~~shall mean~~ any room or rooms in a facility used or intended to be used for sleeping or living purposes in which ~~detainees~~ individuals are confined.
- 2.3. “Civil Detention Facility” means a facility or a portion of a facility in which an individual is involuntarily confined or detained pursuant to administrative or civil authority rather than pursuant to a criminal charge, conviction or sentence, including detention pending or during a civil immigration proceeding, civil immigration enforcement proceeding, removal proceeding, or transfer to another civil detention facility. Civil Detention Facility does not include confinement based on an involuntary mental health commitment or a medical or public health isolation or quarantine order.
- 2.4. “Community Correctional Center” means a nonsecure correctional facility operated by the Utah Department of Corrections that provides residential placement, supervision, treatment, or transitional services to individuals under the jurisdiction or supervision of the Utah Department of Corrections.
- 2.5. ~~2.3~~ “Correctional Institution” ~~shall mean~~ a confinement facility that has custodial authority over juveniles or adults ~~offenders~~.
- 2.6. “Dayroom” ~~shall mean~~ any central lounge, recreation, exercise, or other room used for group activity by ~~detainees~~ individuals.
- 2.7. “Department” ~~shall mean~~ the Salt Lake Valley County Health Department (“SLVHDCoHD”).

- 2.8. “Detainee” ~~shall means~~ an individual who is permanently or temporarily confined in a correctional institution.
- 2.9. “Director” ~~shall means~~ the Salt Lake ~~Valley County~~ Health Department ~~Director of Health~~Executive Director or his or her designated representative.
- 2.10. “Dormitory” ~~shall means~~ any room or other structure used or intended to be used for sleeping or living in which three or more ~~detainees~~individuals are ~~confined~~housed.
- 2.11. “Facility” ~~shall means~~ ~~a premises that is used for the lawful custody and/or treatment of detainees.~~
- 2.11. “Hot Water” ~~shall means~~ water heated to a temperature of not less than ~~110 degrees F~~ 110° F (43.3°C) at the outlet.
- 2.12. “Sleeping Accommodations” ~~shall means~~ beds, bunks, or cots, complete with an approved flame retardant and water repellant mattress, sheet or cloth mattress cover, and a blanket.
- 2.13. “Solid Waste” ~~shall means~~ garbage, trash, rubbish, junk, asbestos waste, hazardous waste, infectious waste, industrial waste, inert waste, construction and demolition waste, dead animals, sludge, liquid or semi-liquid waste, used oil, other spent, or discarded materials, or materials stored or accumulated for the purpose of discarding; materials that have served their original intended purpose, or waste material resulting from industrial manufacturing, mining, commercial, agricultural, household, institutional, recreational, or other activities. Solid waste does not include solid or dissolved materials in domestic sewage or in irrigation return flows, or discharges for which a permit is required under state or federal regulations.
- 2.14. “Wastewater” ~~shall means~~ sewage, industrial waste, or other liquid or waterborne substances causing or capable of causing human disease or pollution of waters of the state.

3. GENERAL PROVISIONS

3.1. Jurisdiction of the Department.

- 3.1.1. This ~~R~~regulation is promulgated by the Salt Lake ~~Valley County~~ Board of Health as authorized by ~~Utah Code §Section 26A-1-121(1), Utah Code Ann., 1953 as amended~~ and Salt Lake County Code of Ordinances ~~§Chapter 9.04. Salt Lake County Code of Ordinances.~~
- 3.1.2. The Department is empowered to enforce this ~~R~~regulation in all incorporated and unincorporated areas served by the Department as authorized by Utah Code

~~§Section 26A-1-114(1)(a), Utah Code Ann., 1953 as amended and Salt Lake~~
~~County Code of Ordinances § Chapter 9.04 Salt Lake County Code of Ordinances.~~

- 3.2. It shall be unlawful for any person not to comply with any regulation promulgated by the Department, unless granted an express variance by the Salt Lake ~~Valley~~County Board of Health.
- 3.3. Compliance with this Regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.
- 3.4. Legal action taken by the Department under this Regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.
- 3.5. Nothing in this Regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Salt Lake County or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental regulations supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.
- 3.6. Verbal or contractual obligations shall not diminish or remove the owner's or other responsible person's obligation to comply with this Regulation.
- 3.7. **Severance.** If any section, subsection, sentence, clause, or phrase of this Regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Regulation.

4. SUBSTANTIVE PROVISIONS

4.1. Food Service.

- 4.1.1. The design, construction, operation, and installation of food service facilities and equipment shall be in compliance with ~~SLVHD~~ Health Regulation #5, Retail Food Sanitation~~Service~~.
- 4.1.2. Food not prepared on site shall be obtained from approved sources and shall be transported and served in an Department-approved way~~manner~~.
- 4.1.3. Toilet facilities shall be conveniently accessible from the food preparation area. Each toilet room shall be equipped with a handwashing sink. At least one handwashing sink shall also be conveniently located within the food preparation area.

4.2. Sleeping Accommodations.

4.2.1. General.

- (i) Each individual housed or detained in the facility shall be provided with sleeping accommodations and access to and toilet facilities shall be provided for detainees.
- ~~(ii) Polyurethane and styrene shall not be used in sleeping accommodation items.~~
- (ii) Certain sleeping accommodation items required as part of the sleeping accommodations may be temporarily withheld when facility staff it is determined by facility staff that the items may constitute a danger or hazard present a risk to the health or safety of to an the detainees individual or another person.

4.2.2. Laundry and Clothing.

- (i) Sheets, pillowcases, towels, and other linen shall be laundered at least weekly and before reissue. ~~Towels shall be laundered at least three times per week.~~ Laundering shall be more frequent if the condition of sheets, pillowcases, towels, or other linen conditions adversely impacts an ~~detainee's~~ individual's health.
- (ii) Blankets or other bed covers shall be laundered or dry cleaned at least every monthly and before reissue. Where sheets are not provided, blankets or other bed covers shall be laundered weekly.
- (iii) If and ~~detainee~~ individual wears personal clothing while housed or detained confined in the facility, the facility shall provide for the laundering of that clothing.
- (iv) Clothing issued to ~~detainees~~ individuals shall be climatically suitable, and maintained in good repair, and ~~shall be~~ clean at the time of issue.
- (v) All issued and worn outer clothing shall be laundered at least ~~two times~~ twice a week or more often if necessary. All issued and worn undergarments and socks shall be laundered daily. Coats, sweaters and other outer clothings shall be laundered as needed.
- (vi) Protective clothing may be required for individuals assigned to food service, hospital, farm, sanitation, mechanical services, or other work. Clothing and shoes that become excessively soiled or wet shall be replaced as necessary.

- (vii) Precautions shall be taken to ensure that clean laundry is not cross-contaminated with soiled laundry.

4.3. Hygiene.

4.3.1. Personal Hygiene.

- (i) ~~Detainees~~Individuals held for longer than 24 hours at a correctional institution or civil detention facility shall be issued personal hygiene items including soap, toothbrush, toothpaste, and an individual drinking cup. Razors may be issued on a controlled basis. The issuance of drinking cups is not necessary if drinking fountains are available.
- (ii) Any personal hygiene item(s) may be temporarily withheld when ~~staff it is determined by facility staff that the items may constitute a danger or hazard presents a risk to the health or safety of the individual or another person.~~
- (iii) Sanitary napkins or tampons shall be provided for female ~~detainees~~individuals at a correctional institution or civil detention facility.

4.3.2. **Showers.** Individuals shall be provided an opportunity to shower or bathe at least weekly. Unless prohibited by security, medical, or safety considerations, individuals shall be allowed to shower at least daily.

4.3.3. **Haircutting.** Haircutting services, if provided, shall be performed by an individual licensed or permitted under Utah law to provide haircutting services.

4.4. **Health. Correctional Institutions and Civil Detention Facilities shall provide medical services to individuals held in those facilities.**

4.4.1. The medical services provided at a correctional institution or civil detention facility shall be under the direction of a Health Services Administrator (HSA) and/or a Clinical Medical Authority (CMA). When the HSA is not a physician, final clinical decisions shall rest with the facility's designated CMA.

4.4.2. Correctional institutions or civil detention facilities shall employ sufficient medical staff to perform basic exams and treatments for all individuals.

4.4.3. Health care staff shall have a valid professional licensure or certification as required by Utah law.

4.4.4. The HSA shall maintain arrangements with nearby medical facilities or health care providers to provide required health care not available in the facility.

- 4.4.5. Correctional institutions or civil detention facilities shall provide secure areas for the storage of sharps, medical equipment, and medications, and shall provide sharps containers for safe disposal of needles and other sharp objects used in medical treatment.
- 4.4.6. Blood and body fluid spills shall be cleaned and decontaminated using Universal Precautions.
- 4.4.7. Correctional institutions, community correctional centers, or civil detention facilities shall have a process for determining disposition of medications accompanying an individual entering the facility and for ensuring access to medications as prescribed.
- 4.4.8. Correctional institutions or civil detention facilities shall provide the following medical services:
- (i) Initial medical, mental health and dental screening;
 - (ii) Medically necessary and appropriate medical, dental and mental health care and pharmaceutical services;
 - (iii) Comprehensive, routine and preventive health care;
 - (iv) Emergency care;
 - (v) Specialty health care;
 - (vi) Timely response to medical complaints;
 - (vii) Hospitalization as needed within the local community; and
 - (viii) Staff or professional language services to allow individuals with limited English proficiency (LEP), and effective communication for individuals with disabilities, during medical or mental health appointments, sick calls, treatment, or consultation.

4.4.9 Individuals known or suspected to have a communicable disease shall be separated or isolated from other individuals when necessary to prevent transmission and for the period appropriate to the known or suspected disease, consistent with applicable public health requirements and guidance.

~~(i) Each detainee who is diagnosed with any communicable skin infection shall be separated from other detainees until the condition is no longer present.~~

~~(ii) Detainees known or believed to have a communicable disease shall be isolated from other detainees.~~

~~4.4.9. **Showers.** Facility staff shall ensure that detainees shower or bathe at least weekly. Unless prohibited by security, medical or safety issues, detainees shall be allowed to shower at least daily.~~

~~4.4.10. **Haircutting.** Haircutting services, if provided, shall be performed by a licensed cosmetologist.~~

4.5. **Medical and Health Care Screening.**

4.5.1. **Tuberculosis Screening.** Individuals entering a correctional institution or civil detention facility shall have tuberculosis screening completed according to the most recent CDC guidelines before being placed in the general population.

4.5.2. **Tuberculosis Isolation Rooms.**

(i) Individuals with symptoms suggestive of pulmonary TB disease or with suspected or confirmed active TB disease based on historical, clinical, or laboratory findings shall be housed in an airborne infection isolation room with negative pressure ventilation and promptly evaluated for active TB disease.

(ii) Individuals with suspected pulmonary TB disease shall remain in airborne infection isolation until determined by a health care practitioner to be noncontagious in accordance with CDC guidelines.

4.5.3. **Disease Reporting.** Correctional institutions and civil detention facilities that provide onsite medical services or testing shall comply with applicable disease-reporting requirements and time frames under Utah Administrative Code 702-386, Communicable Disease Rule.

4.6. **Sanitary Facilities and Controls.**

4.6.1. **Water Supply.** The water supply shall comply with the ~~requirements of the State of Utah Public Drinking Water Regulations~~ Rules.

4.6.2. **Reporting Water Quality Events.** Correctional institutions, community correctional centers, and civil detention facilities shall report to the Department within 24 hours any water quality event indicating suspected or confirmed contamination of the facility's water supply.

4.6.3. **Wastewater.** All wastewater shall be disposed of in compliance with Health Regulation #13: Wastewater Disposal.

4.6.4. **Plumbing.** Plumbing and plumbing fixtures shall be sized, installed, and maintained in accordance with the requirements of the applicable plumbing code.

4.6.5. **Toilet Facilities.** Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times.

4.6.6. **Hand Washing Facilities.**

- (i) **Location.** Hand sinks shall be located in or immediately adjacent to toilet facilities.
- (ii) **Faucets.** Each hand sink faucet shall be provided with hot and cold water.
- (iii) **Supplies.** Hand cleaner shall be provided. Common-use towels are prohibited.
- (iv) **Maintenance.** Hand sinks and all related fixtures shall be kept clean and in good repair.

4.6.7. **Shower Facilities.**

- (i) **Shower Installation.** Each shower shall be provided with hot and cold water tempered by means of a mixing valve. Nothing in this section prohibits the use of a thermostatic mixing valve or other water temperature control device to ensure the safety of ~~detainees~~ individuals.
- (ii) **Shower Supplies.** Towels and soap shall be provided for use in shower areas. Use of common towels is prohibited.

4.6.8. **Solid Waste.**

- (i) **Containers.**
 - a. Solid waste shall be kept in durable, cleanable, and insect- and rodent-resistant containers that do not leak or absorb liquids.

- b. Solid waste containers stored outside, including dumpsters, compactors, and compactor systems, shall be cleanable. Containers designed with drains shall have drain plugs in place at all times except during cleaning.
- c. There shall be a sufficient number of containers for all accumulated solid waste and garbage.
- d. Containers shall be cleaned at a frequency to minimize insect and rodent attraction. Liquid waste from compacting or cleaning operations shall be disposed of as wastewater.

(ii) **Storage.**

- a. Solid waste on the premises shall be stored so it is inaccessible to insects, rodents, and other animals. Garbage shall not be stored outside in unprotected plastic or wet-strength paper bags. Cardboard or other packaging material not containing garbage or food waste need not be stored in covered containers; if ~~such~~the material is protected in an enclosure or baled.
- b. Solid waste storage rooms, if used, shall be constructed of cleanable and nonabsorbent materials and kept clean and insect- and rodent-resistant.
- c. Outside storage areas or enclosures shall be cleanable and kept clean. Solid waste containers, dumpsters, and compactor systems located outside shall be stored on or above a smooth surface of material such as concrete or asphalt that is kept clean and maintained in good repair. Wastewater shall be disposed of in accordance with Health Regulation #13, Wastewater Disposal~~in a sanitary sewer~~.

(iii) **Disposal.** Solid waste shall be removed and disposed of in compliance with SLVHD Health Regulation #1, Solid Waste Management and Permitting, and Health Regulation #7, General Sanitation.

4.6.9. **Insect and Rodent Control.**

- (i) **General.** Effective measures shall be used to minimize the presence of rodents, flies, cockroaches, bedbugs, lice, and other insects on the premises~~shall be utilized~~. The premises shall be maintained free from conditions that provide insect and rodent harborage.

- (ii) **Openings.** All exterior openings shall have an effective barrier to prevent insect and rodent entry. Doors, screens, or other barriers shall be tight-fitting and maintained in good repair.
- (iii) **Pesticide Application.** ~~All~~ Pesticides shall be applied in accordance with manufacturer's labeled directions. Products without label directions are prohibited from use.

4.7. Construction and Maintenance of Physical Facilities.

4.7.1. **Construction of Floors, Walls, and Ceilings.** All floors, walls, and ceilings ~~of the facility~~ requiring cleaning shall be constructed of cleanable materials and maintained in good repair.

4.7.2. Lighting.

- (i) Each cell, dayroom, ~~and dormitory,~~ and other areas requiring cleaning and maintenance shall be provided with natural or artificial illumination of at least 20 foot-candles of natural or artificial light.
- (ii) Each work area shall be provided with natural or artificial illumination of at least 30 foot-candles of natural or artificial light on all working surfaces.

4.7.3. Ventilation.

- (i) All rooms shall be provided with natural or mechanical ventilation that admits sufficient fresh air ~~sufficient~~ to remove or prevent the accumulation of ~~odors~~, smoke, dust, and fumes.
- (ii) Air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

4.7.4. Heating and Cooling.

- (i) Approved heating facilities shall be provided and properly installed and maintained.
- (ii) Cells, dormitories, dayrooms, and other areas of ~~the~~ a correctional institution, community correctional center, or civil detention facility used to house individuals shall be ~~designed~~ capable of safely maintaining a temperature of at least 68°F, measured so the inside temperature does not fall below 68 degrees F at a point three feet above the floor. An adequate cooling and ventilation system shall be ~~designed~~ provided to prevent the ~~inside temperature~~ in living areas from ~~exceeding~~ rising above 85°F, 85

degrees F at a point measured three3 feet above the floor or immediately above any beds at a representative location in the living area.

4.7.5. **Cleaning Physical Facilities.**

- (i) **General.** All walls, floors, and ceilings shall be kept clean.
- (ii) **Utility Facility.** At least one utility sink or curbed cleaning facility with a floor drain and running water shall be accessible for washing walkways, courts, passageways, and other common-use areas. The use of hand sinks for this purpose is prohibited.
- (iii) **Storage of Materials.** Separate storage rooms or cabinets shall be provided and used exclusively for the storage of cleaning materials, pesticides, paints, ~~or other hazardous or toxic chemicals,~~ and for tools, and maintenance equipment.

4.7.6. **Noise.** Correctional institutions, community correctional centers, and civil detention facilities shall maintain noise levels below 70 dBa between 7:00 a.m. and 10:00 p.m. and shall maintain periods of quiet for sleeping and resting between 10:00 p.m. and 7:00 a.m.

4.7.7. **Premises.**

- (i) The premises shall be kept free of litter.
- (ii) ~~The w~~Walking and driving surfaces ~~of all in~~ exterior areas shall be surfaced with concrete, asphalt, gravel, or similar material and maintained in good repair. ~~All e~~Exterior areas ~~surfaces~~ shall be graded or otherwise maintained to minimize pooling water.

5. **RESERVED.**

6. **INSPECTIONS & INVESTIGATIONS**

- 6.1. ~~An inspection of a correctional institution shall be performed at least annually by the Director. Additional inspections shall be performed as often as necessary for the enforcement of this Rregulation.~~ To ensure compliance, the Department has the authority to perform inspections, investigations, reviews and other necessary actions. Additional inspections, investigations, reviews or actions may be performed as often as necessary for the enforcement of this Regulation.
- 6.2. If a correctional institution, community correctional center, or civil detention facility is constructed or extensively remodeled, the Director shall be notified prior to use. The Department may conduct ~~and arrange for an inspection of the facility prior to use.~~

6.3. **Authority for Department to Enter Premises.** Upon presenting prior identification, authorized representatives of the Department The Director shall be permitted to may enter any correctional institution, the premises of properties regulated by the Department at any reasonable time to perform for the purpose of making inspections to determine compliance with this Rregulation.

6.4. **Report of Inspections.** Whenever an inspection of a correctional institution is made under this Regulation is conducted, the findings shall be recorded on an inspection report form.

7. **ENFORCEMENT MECHANISMS.** If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this Rregulation or the division has other reasonable grounds to believe that there has been a violation of any part of this Rregulation or that the property owner or otherwise responsible party is not in compliance with this Rregulation, the division may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges. Similarly, a party need not be charged with and/or found guilty of criminal charges to be cited civilly and/or administratively.

7.1. **7.2 Civil Enforcement Actions.** The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

7.2. **Criminal Enforcement Actions.** The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors.

7.2.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or environment;

7.2.2. The degree to which the violation was designed to provide economic gain or cost avoidance or it involved a pattern of conduct or a common attitude of illegal conduct;

7.2.3. The degree to which the offender is a known violator and has avoided prior actions by the department;

- 7.2.4. The degree to which prosecution might deter future violations;
- 7.2.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;
- 7.2.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
- 7.2.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and
- 7.2.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

~~7.2 Civil Enforcement Actions. The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.~~

7.3. Administrative Actions. ~~Notice of Violation (NOV)~~

- 7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).
- 7.3.2. **Service of NOV.** The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via ~~first-class~~ certified mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.
- 7.3.3. **Contents of NOV.** The NOV shall:
 - (i) Describe the property and the persons believed to be in violation;
 - (ii) Describe the violation;
 - (iii) Describe remedial action that will comply with the provisions of this Regulation;
 - (iv) Set a reasonable time for the performance of any required remedial action(s);
 - (v) Describe the procedure to contest the NOV and the time limits for such a contest; and

- (vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

7.3.4. **Challenging an NOV.** As detailed in the ~~Salt Lake Valley Health~~ Department's Adjudicative Hearing Procedures, a party aggrieved by an NOV may request a departmental conference, ~~departmental hearing~~, or departmental appeal in writing within ten (10) days of the date of the NOV.

7.3.5. **Departmental Conference, Settlement Agreements, and Stipulations & Orders.**

- (i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department. No hearing officer will be present. The process of requesting a Departmental Conference ~~are~~ is more fully described in the ~~Salt Lake Valley Health Department's~~ Adjudicative Hearing Procedures.
- (ii) If the parties agree to a settlement, the Department will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation & Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time subsequent to the Departmental Conference. After signing a Settlement Agreement or Stipulation & Consent Decree, the parties waive all rights to further department and court hearings or appeals. Settlement Agreements or Stipulation & Consent orders may be enforced in state courts.

7.3.6. **Hearings & Appeals.** Parties Aggrieved by an NOV may also request a ~~Departmental Hearing~~ or a Departmental Appeal. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the ~~Salt Lake Valley Health~~ Department's Adjudicative Hearing Procedures. ~~Departmental Hearing Orders~~ and Departmental Appeal Orders may be appealed to the entities and within the time limits set out in the ~~Salt Lake Valley Health~~ Department's ~~Adjudicatory~~ Adjudicative Hearing Procedures.

7.3.7. **Failing to respond to an NOV.** If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.

7.4. **Additional Administrative Enforcement Authority.**

7.4.1. The Department may declare unsanitary conditions a ~~nuisance~~ hazard and cause every ~~nuisance~~ hazard affecting the public health to be abated.

- 7.4.2. **Variances.** Any variances allowed by the Department to the requirements of this Regulation shall be only by written approval of the Board.
- 7.4.3. **Exercise of Physical Control.** The Department may establish, maintain, and exercise physical control over property and over individuals as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Director for a hearing in accordance with the Salt Lake Valley County Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this Regulation, the Director shall continue the order in effect or modify or revoke it.
- 7.4.4. **Emergency Enforcement.** If the Director finds that an emergency exists that requires immediate action to protect the public health, he or she may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he or she deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the nuisance immediately; but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this Regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

8. CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES

8.1. Criminal Penalties.

- 8.1.1. Any person who is found guilty by a court of violating any of the provisions of this Regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code ~~§Section 26A-1-123, Utah Code Annotated, 1953, as amended.~~
- 8.1.2. Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

8.2. Civil & Administrative Penalties.

8.2.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may be assessed according to the following factors:

- (i) The violator's history of compliance or non-compliance;
- (ii) The violator's economic benefit of non-compliance;
- (iii) The documented costs associated with environmental or health damage;
- (iv) The violator's degree of willfulness or negligence; and
- (v) The violator's good faith efforts to comply and cooperate.

8.2.2. The Director may multiply the penalty by the number of days the violation occurred

8.3. Recovery of Investigation & Abatement Costs

8.3.1. The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.

8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

9. EFFECTIVE DATE.

9.1. This ~~R~~egulation shall become effective upon its enactment by the Salt Lake ~~Valley~~County Board of Health.

APPROVED AND ADOPTED this _____ day of _____, 200726.

HEALTH SALT LAKE ~~VALLEY~~COUNTY BOARD OF

VETTER, JD

By: _____
JOANN B. SEGHINI, Ph.D. RUSTY

Chairperson

ATTEST:

By: _____

ADAMS, MPA, LEHS

~~GARY L. EDWARDS, M.S.~~ DOROTHY

Executive Director
Salt Lake Valley County Health Department