
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: August 5, 2003
SUBJECT: **Update of the City's Health Ordinance**
AFFECTED COUNCIL DISTRICTS: Citywide
STAFF REPORT BY: Gary Mumford
ADMINISTRATIVE DEPT: City Attorney's Office

On July 8, 2003, the Council received a briefing on proposed amendments to the City's Health Ordinance. Greg Hawkins explained that the proposed ordinance amendment will adopt the Health Department regulations by reference. He explained that this is similar to adopting the Uniform Housing Code or the Uniform Fire Code. When the City combined its health departments with the County, the City delegated the authority to set regulations to the combined health department since this is the body with the expertise.

More specific health related ordinances adopted by the City, such as the ice cream truck ordinance, will take preference over the more general Health Department regulations. Greg Hawkins stated that it was his opinion that the more specific rules would take precedence, but that the City Police Department may need to enforce since the City has no control over the Health Department. Subsequent to the work session, Greg Hawkins suggested that because of a possible conflict between City Code and Health Department regulations, the proposed ordinance can be revised to include "*unless a matter is otherwise governed by a specific health ordinance adopted by Salt Lake City.*" The attached proposed ordinance has been changed to reflect this addition.

The City appoints 4 of the 15 members of the board of directors. One member is appointed by the Salt Lake County Council of Governments (COG). The other ten board members are nominated by the Salt Lake Valley Health Department; appointed by the County Mayor with advice and consent of the County Council.

Council staff researched the municipal codes for some of the other cities in Salt Lake County and found that these other cities also adopt the regulations of the Health Department as municipal health ordinances.

The Salt Lake Valley Health Department notifies each municipality in Salt Lake County of any proposed changes to regulations. For Salt Lake City, this notice is sent to the Mayor's Office. The Health Department agreed to add the executive director of the Salt Lake City Council to the mailing list. This notice gives municipalities an opportunity to provide written input during the comment period.

RECOMMENDED MOTION:

The Council may wish to consider adopting the proposed ordinance, which includes the revision: “*Unless a matter is otherwise governed by a specific health ordinance adopted by Salt Lake City, the rules and regulations of the Health Department shall be the health ordinances of Salt Lake City.*”

[“I move that the Council”] **Adopt an ordinance amending Chapter 9.02 of the Salt Lake City Code pertaining to Health Department regulations, to reflect changes to the name of the local health department and adopting the Health Department regulations by reference.**

The following information was provided previously.
It is provided again for your reference.

The City Attorney’s Office has noted some updates to the City’s Code relating to the County Health Department. The proposed amendment will:

- Reflect the name change of the Health Department
- Clarify that the rules and regulations of the Health Department are the health ordinances of Salt Lake City
- Prescribe the penalties for violation to be a Class C misdemeanor

The 2002 State Legislature gave all health department operations to counties. The County changed the name of the Health Department from Salt Lake City-County Health Department to Salt Lake Valley Health Department. The proposed amendment stipulates that the rules and regulations of the Salt Lake Valley Health Department are the health ordinances of Salt Lake City. The City can criminally prosecute health ordinance violations of Health Department rules and regulations that occur in the City if the City adopts the health department rules as City ordinances. The amendment provides the criminal classification for violations of Health Department regulations. Violations that don’t identify a specific penalty will be Class C misdemeanors. A defendant is not allowed to request a jury trial when charged with a Class C misdemeanor.

BACKGROUND:

Salt Lake City and Salt Lake County entered into an agreement in August 1969 to consolidate the City and County’s health departments. The joint health department was known as the Salt Lake City-County Health Department. The City appoints four board members. Three of the board members are recommended by the Mayor with approval of the City Council. The fourth board member is the Mayor or the Mayor’s designee.

The combined Health Department acted as the City’s instrument for specifying and solving health issues. Health Department employees are the City’s enforcement officers, but the City has no direct control over Health Department employees. Both the City and the County have operated under that agreement and its amendments for over 30 years. In 2002, the State Legislature removed the requirement that municipalities join with counties to create local

health departments. The legislation requires county governments to create health departments to serve both incorporated and unincorporated areas. Because of the 1969 interlocal agreement, the County recently informally agreed that the City will retain the power to appoint 4 of the 15 members of the board of directors through the end of the 50-year contract period. The City doesn't have any other control over the Health Department.

cc: Rocky Fluhart, David Nimkin, Ed Rutan, JD Baxter