



### INITIAL NOTICE OF VIOLATION

29 AUGUST 2014

**To:** Top of Utah  
**Attn:** Kris Siddoway  
980 East 2850 North  
Logan, UT 84341

**From:** Cache County Development Services  
**Subject:** Violation of the Cache County Ordinance

This is an initial notice of a violation of the Cache County Ordinance that was observed on August 23, 2014 regarding the Top of Utah Half Marathon. Cache County has conducted an investigation and the following is a description of the nature of the violation, actions necessary to correct the violation, the time period for correction of the violation, and the action that will be taken if the violation is not corrected.

### NATURE OF THE VIOLATION

The permit process for the special event, Top of Utah Half Marathon, was initiated by not completed by the applicant. Said special event was then held without a permit.

As per the Cache County Ordinance:

#### §8.40.080 Special Event Permit Issuance or Denial

- A. Cache County reserves the right to deny permit applications for proposed special events which pose a significant danger or threat to the public health, safety or welfare, or which may result in unreasonable inconvenience or cost to the public.
- B. If an applicant does not comply with the requirements placed upon them through the permitting process, the County reserves the right to deny or revoke any application or permit granted. The County additionally reserves the right to deny any future applications for non-compliance with the terms and conditions of granting a prior special event permit.
- C. A denial of the application for a special event permit may be appealed to the Cache County Executive.

### ACTIONS NECESSARY TO CORRECT THE VIOLATION

As the special event has already occurred, no action is necessary at this time. However, future events must obtain a permit as required by the County Ordinance.

### TIME PERIOD FOR CORRECTION OF VIOLATION:

Initial notice: See above under "Actions Necessary to Correct the Violation".

ACTION TO BE TAKEN IF THE VIOLATION IS NOT CORRECTED

If the violation reoccurs, you and/or the violator shall be served a final notice in the same manner as service of a summons pursuant to the Utah rules of civil procedure, which shall begin a 10 business day warning period. Prior to the service of final notice this matter shall be reviewed with the Cache County Attorney's Office, and if the aforementioned violation remains unresolved after the expiration of the warning period, you and/or the violator shall be subject to both criminal prosecution and the imposition of civil penalties.

Pursuant to §8.40.090 Violation:

- A. Penalty. A violation of this ordinance shall be a Class B misdemeanor. The Cache County Sheriff's Office, in its discretion, may stop an event which has been issued a permit and/or may issue citations where event staff or participants violate other state statutes or county ordinances, terms or conditions specified in the application, and including but not limited to traffic rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations.

As a Class B Misdemeanor, the penalties you and/or the violator may be subject to in a criminal prosecution include up to 6 months in jail and/or a fine of up to \$1,000.00. You and/or the violator may also be subject to civil penalties of \$100/day until the violation is resolved.

If you have any questions regarding this notice please contact the Cache County Development Services Department at (435) 755-1640.

Sincerely,



Josh Runhaar  
Development Services Director