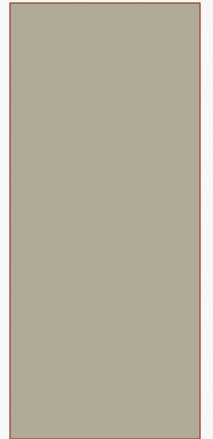


ORDINANCE 2025-11
RESIDENTIAL TREATMENT FACILITIES

CODE TEXT AMENDMENT



SUMMARY – SECTION 16.27.020 A

- The Midway Municipal Code governs residential treatment facilities within the city limits.
- Section 16.27.020, Definitions, A. Residential Treatment, currently provides:
- *An operation licensed by the State of Utah as “Residential Treatment” as a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment ...*
- Section 16.27.020, subsections B and C, define a Residential Facility for Elderly Persons and Residential Facility for a Person with a Disability respectively. Both limit each facility to “not more than eight (8) ... persons”.

INTERPRETATION

- Historically, all three definitions have been interpreted to limit occupancy to no more than eight (8) individuals unrelated to the owner or provider. However, since Section A does not use the same language as subsections B and C, this has and may continue to be a source of potential confusion.
- The purpose of this proposal is to clarify the interpretation that has been used in Midway and withstood legal challenge and make the language regarding occupancy consistent across all subsections.

PROPOSED AMENDMENT

16.27.020 Definitions (changes are noted in red)

- Residential Treatment. An operation licensed by the State of Utah as “Residential Treatment” as a 24-hour group living environment for ~~four or more~~ **not more than eight (8)** individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral **al** skills necessary for living independently in the community.

BROAD DISCRETION

- A copy of the proposed ordinance 2025-11 was included in the staff report to Council.
- Code text amendments fall under the category of a legislative action. Therefore, the City Council has broad discretion regarding the proposal.

POSSIBLE FINDINGS

1. The proposed amendment clarifies the language of Section 16.27.020 by improving consistency across the definitions, which is consistent with the historic application and interpretation of these provisions.
2. Consistency across the definitions should decrease the potential for ambiguity or potential confusion with respect to this provision of code.
3. The proposed language is consistent with supporting data underlying and forming the basis for the occupancy limits for residential treatment facilities, residential facilities for elderly persons, and residential facilities for persons with disabilities.

PLANNING COMMISSION 4-8-25

- At its regularly scheduled meeting held April 8, 2025, the Midway City Planning Commission considered this matter and made the following recommendation:

Motion: Commissioner Wardle: I make a motion that we recommend to approve an amendment of Midway City Code Chapter 16.27.020, Definition, A. Residential Treatment, to include specific language limiting the maximum number to “8” in accordance with historic use and data, to reduce potential confusion, and to ensure consistency within this section of code. We accept the staff findings.

Seconded: Commissioner Osborne

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners: Wardle, Osborne, Nokes, Lineback and Knight

Nays: None