

**TITLE 10
FIRE, HEALTH, SAFETY AND
WELFARE**

CHAPTER 10-300. NUISANCES.

Part 10-310. Nuisances Generally.

10-311. Nuisances Defined.

(1) Whatever is dangerous to human life or health and whatever renders soil, air, water, or food impure or unwholesome is declared to be a nuisance and unlawful. It shall be unlawful for any person either as an owner, agent, or occupant to create, or aid in creating or contributing to or maintaining a nuisance.

(2) An Agriculture Protection Area shall be exempt of nuisances where any agricultural activity or operation within an Agriculture Protection Area are conducted using sound agricultural practices unless that activity or operation bears a direct relationship to public health or safety.

(3) An Industrial Protection Area shall be exempt of nuisances where any industrial use of the land within the Industrial Protection Area that is consistent with sound practices applicable to the Industrial use, unless that use bears a direct relationship to public health or safety.

10-312. Author of Nuisance Defined. Where a nuisance exists upon property and is the outgrowth of the usual, natural, or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

10-313. Declaration of Nuisance.

(1) Every act or condition made, permitted, allowed or continued in violation of Section 10-311 above, is hereby declared to be a nuisance and may be abated and punished as hereinafter provided.

(2) Nuisances include:

(a) Befouling water in any spring, stream, well, or water source supplying water for culinary purposes.

(b) Allowing any privy, vault or cesspool or other individual wastewater disposal system

to become a menace to health or a source of odors to air or water.

(c) Permitting any garbage container to remain on premises when it has become unclean and offensive.

(d) Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area except when it is temporarily deposited for immediate removal.

(e) Permitting the accumulation of manure in any stable, stall, feed yard, yard, or in any other building or area in which any animals are kept.

(f) Permitting any slaughterhouse, market, meat shop, stable, feed yard, or other place or building wherein any animals are slaughtered, kept, fed, or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.

(g) Discharging or placing any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural water course, ditch, canal, or any vacant lot, which as the result of continued discharge will render the place of discharge offensive or likely to become so.

(h) Keeping or collecting any stale or putrid grease or other offensive matter.

(i) Having or permitting upon any premises any fly or mosquito-producing condition.

(j) Keeping any drinking vessel for public use without providing a method of decontamination between uses.

(k) Permitting or performing any ablutions in or near any public drinking fountain.

(l) Failing to furnish any dwelling house, boarding house, or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.

(m) Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults and cesspools or other individual wastewater disposal systems within 20 days after notice from any enforcement officer or employee of the City.

(n) Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.

(o) Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake,

stream, drainage, canal or basin, or any public park without first obtaining the written permission of the City Council.

10-314. The Enumeration of Nuisances. The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter.

10-315. Toilet or Sewer Facilities. All toilet or sewer facilities shall be constructed and maintained in accordance with the Ordinances of the City. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed.

10-316. Restrictions on Blocking Water.

(1) It shall be unlawful for any person or persons to permit any drainage system, canal, ditch, conduit or other water course of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary.

(2) Maintenance of any such water course in such condition shall constitute a nuisance and the same shall be subject to abatement.

Part 10-320. Abatement of Weeds and Deleterious Objects.

10-321. Real Property to Be Kept Clean. Any person owning or occupying real property to allow weeds to grow higher on such property than is permitted by this part or not to remove from any such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the Health Director as hereinafter provided shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

10-322. Weeds - Defined. Weeds shall include any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah Commissioner of Agriculture.

10-323. Standards of Weed Control.

(1) It is hereby declared that the above stated weeds constitute a nuisance when they create a fire hazard, a source of contamination, or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to humans or are unsightly or deleterious to their surrounding.

(2) The cut weeds shall be removed from the premises within 48 hours after cutting.

Part 10-330. Nuisances on Property.

10-331. Definition of Nuisance.

(1) For the purpose of this part the term nuisance is defined to mean any condition of use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly which includes, but is not limited to keeping or depositing on, or scattering over the premises any of the following:

- (a) Lumber, junk, trash, or debris.
- (b) Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.

(2) An Agriculture Protection Area shall be exempt of nuisances where any agricultural activity or operation within an Agriculture Protection Area are conducted using sound agricultural practices unless that activity or operation bears a direct relationship to public health or safety.

(3) An Industrial Protection Area shall be exempt of nuisances where any industrial use of the land within the Industrial Protection Area that is consistent with sound practices applicable to the Industrial use, unless that use bears a direct relationship to public health or safety.

10-332. Duty of Maintenance of Private Property.

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

10-333. Storage of Personal Property. Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, for a period of 30 days or more (except in licensed junk yards) within this City, is hereby declared to be a nuisance and dangerous to the public safety.

10-334. Abatement of Nuisance by Owners. The owner, owners, tenants, lessees or occupants of any lot within this City on which such storage as defined in the foregoing Section 10-333 is made, and also the owner, owners or lessees of the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and

secured buildings to be used for such purposes, or otherwise to remove such property from the City.

Part 10-340. Dangerous Buildings.

10-341. Adoption of a Code for the Abatement of Dangerous Buildings. The most recent edition of the "Uniform Code for the Abatement of Dangerous Buildings," printed as a code in book form by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished), three (3) copies of which have been filed for use and examination by the public in the office of the Recorder of this City, is hereby approved and adopted as the Abatement of Dangerous Buildings Code of this City.

10-342. Application. The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may exist or hereafter be constructed in this City.

10-343. Alterations, Additions and Repairs. All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of subsections (A), (B), (C), (D), (E), and (I) of Section 104 of the Uniform Building Code.

10-344. Abatement of Dangerous Buildings. All buildings or portions thereof which are determined after inspection by the Building Official to be dangerous, as defined in the Abatement of Dangerous Buildings Code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures specified in Section 401 of the Abatement of Dangerous Buildings Code.

10-345. Establishment of a Board of Appeals. In order to interpret provisions of the Abatement of Dangerous Buildings Code and to hear appeals provided for thereunder, there is hereby established an Abatement of Dangerous Building Board of Appeals consisting of five (5) members who shall not be employees of the municipality. The Building Official shall be an ex officio member of and shall act as Secretary to the Board. The Board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the applicant with a copy to the Building Official. Appeals to the Board shall be processed in

accordance with the provisions contained in the adopted codes. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public without cost.

10-346. Dangerous Buildings - Nuisances. All dangerous buildings within the terms of this part are hereby declared to be public nuisances and shall be vacated or demolished as hereinbefore and hereinafter provided.

Part 10-350. Administrative Notices - Hearings - Disposal of Nuisance - Lien - Penalty for Violation.

10-351. Appointment and Duties of Inspector.

(1) There is hereby established the position of Nuisance Inspector whose duties it shall be to enforce the provisions of this chapter. Until another person is designated, the Chief of Police shall enforce the provisions of this chapter. More than one (1) person may be appointed to act as Inspector under this section.

- (2) The Nuisance Inspector is authorized to
- (a) Perform all functions necessary to enforce the provisions of this chapter.
 - (b) Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.

(3) If he concludes there exists an objectionable condition in violation of this chapter, the Inspector shall:

- (a) Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.
- (b) Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the County Assessor or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the Inspector may designate, provided that any person notified pursuant to this subsection shall be given at least ten (10) but not more than twenty (20) days, as determined by the Inspector following the date of service of such notice, to correct the objectionable condition. The notice shall: shall:

(i) Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.

(ii) Inform the owner, occupant or other person that in the event he disagrees with the determination of the Inspector and does not wish to comply with the provisions of the notice or that he objects to the factual or legal basis for the notice, he may request in writing a hearing before the City Council at a time and place to be set by the City Council. A written application for a hearing shall state the time within which the person must conform to the provisions of the notice.

(iii) Inform the person that in the event he fails or neglects to correct the objectionable condition, the City will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he will be assessed such costs together with reasonable attorneys' fees and court costs, or will charge the cost of correcting the violation against the property as a tax.

(c) In the event the owner or occupant makes such request for a hearing, the City Council shall set the time and place for hearing objections and the Recorder shall notify the owner, occupant, or other persons in writing of the time and place at which they may appear and be heard. The hearing shall not be heard within less than five (5) days from the date of service or mailing of the notice of hearing.

10-352. Hearing.

(1) At the written request of an owner, occupant or other person having an interest in property which is the subject of notice to remove or abate weeds, objectionable conditions, or objects from the property, the City Council shall conduct an informal hearing (which need not be reported) wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The City Council shall also permit the presentation of evidence and argument by the Inspector and other interested parties. Thereafter within not less than five (5) nor more than ten (10) days, the City Council shall, over the signature of the Mayor or such other member of the City Council as it may designate, render its

written decision, a copy of which shall be mailed to or served upon the owner or other person to whom original notice was given by the Inspector.

(2) In the event the decision of the City Council upholds the determination of the Inspector, the notice originally given by the Inspector as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten (10) days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty (30) days, is authorized by the Inspector.

(3) In the event that the decision of the City Council either overrules or modifies the determination of the Inspector, the written decision of the City Council shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the City Council within ten (10) days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the Inspector unless additional time is authorized by the City Council.

(4) The Inspector shall file an Amended Notice and Proof of Service of Notice and file the same in the office of the County Treasurer.

10-353. Failure to Comply. If any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such weeds, garbage, refuse, objects, or structures, the Inspector shall employ all necessary assistance to cause such objectionable objects or condition to be removed or destroyed at the expense of the City.

10-354. Itemized Statement. The Inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty days of the date of mailing, the notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner, occupant, or person having an interest in the property.

10-355. Failure to Make Payment. In the event the owner, occupant or person having an interest in the property, fails to make payment of the amount set

forth in the statement to the City Treasurer within the 20 days, the Inspector either may cause suit to be brought in an appropriate court of law or may refer the matter to the County Treasurer as provided in this chapter.

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10-356. Collection by Lawsuit. In the event collection of expenses of destruction and removal are pursued through the courts, the City shall sue for and receive judgment for all of said expenses of destruction and removal, together with reasonable attorneys' fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.

10-357. Collection Through Taxes. In the event that the Inspector elects to refer the expenses of destruction or removal to the County Treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver the three (3) copies of the statement to the County Treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the cost of the work shall be pursued by the County Treasurer in accordance with the provisions of Section 10-11-4, *Utah Code Annotated 1953*, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

10-358. Criminal Proceeding. The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance or the granting to the defendant of an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

10-359. Penalty for Failure to Comply.

(1) Any owner, occupant or person having an interest in the property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council for each and every day such failure to comply continues beyond the date fixed for compliance.

(2) Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section.