

Chapter 8.08
NUISANCES

8.08.010: NUISANCES GENERALLY:

A. Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions, penalties and sections of the state nuisance provisions, Utah Code Annotated section 76-10-801 et seq., as amended, are hereby adopted by the city.

B. Nuisances Defined: 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 is unlawful for any person either as an owner, agent, tenant or occupant to create, or aid in creating or contributing to or maintaining, a nuisance.

1. It shall be unlawful for the owner or occupant of any real property or estate, or its agent, to cause or permit upon such property, or right of way adjacent thereto, the accumulation of, or, after notice as provided in this chapter, to fail to eradicate or remove any injurious and noxious weeds, garbage, refuse, dead trees, tree stumps, abandoned or abandoned vehicles, boats or trailers, or deleterious objects or structures pursuant to the powers granted to the city by Utah Code Annotated title 10, chapter 11.

2. It is declared that the above listed objects shall constitute a public nuisance when they create a fire hazard, a source of pollution to water, air or land, or they create a breeding place or habitation for insects, rodents or other forms of life deleterious to human habitation, or deleterious to their surroundings.

C. Responsible Party 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 or her agent, the tenant or his or her agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be the party responsible for the nuisance condition 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 responsible parties.

8.08.020 RESTRICTIONS ON BLOCKING WATER:

1. It is unlawful for any person or persons to permit any drainage system, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to backup and overflow there from, or to become unsanitary.

2. Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement. (Ord. 86-002 §§ 1.1 _ 1.6)

8.08.030: ABATEMENT OF WEEDS AND DELETERIOUS OBJECTS:

A. Real Property To Be Kept Clean: It shall be unlawful for 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 such property any cuttings of such weeds or any refuse, or deleterious objects after having been given notice from the nuisance inspector as hereinafter provided.

B. Weeds Defined: "Weeds" are any vegetation designated as a noxious weed by the Utah commissioner of agriculture or any overgrown vegetation that creates a nuisance as defined in paragraph C.1. below.

C. Standards of Weed Control:

1. It is 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 deleterious to their surroundings.

8.08.040: Abandoned or Unattended Vehicles:

1. Definition: For the purposes of this chapter, a motor vehicle, boat, recreational vehicle or trailer shall be deemed abandon if it: 1) remains in substantially the same location on public property for more than 7 consecutive days; and 2) it has not been registered and inspected within thirty (30) days after the date on which such registration and inspection is required by the laws of the state of Utah.

2. Or a vehicle is stored on private property and poses a nuisance. (see 8.08.010 B)

8.08.050: DANGEROUS BUILDINGS:

A. Adoption Of A Code For The Abatement Of Dangerous Buildings: The uniform code for the abatement of dangerous buildings, (current edition), as published by the International Conference of Building Officials is approved and adopted as the abatement of dangerous buildings code of Farr West City.

B. 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 municipality.

C. 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 all zoning and permitting requirements of the city.

D. 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 building code, are 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.

E. Establishment of Board of Appeals: In order to interpret provisions of the abatement of dangerous buildings code and to hear appeals provided for there under, there is 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.

F. Dangerous Buildings; Nuisances: All dangerous buildings within the terms of this section are declared to be public nuisances and shall be vacated or demolished as hereinbefore and hereinafter provided. (Ord. 97-14 §§ 1, 2: Ord. 86-002 §§ 4.1 - 4.6)

8.08.050: ENFORCEMENT, ADMINISTRATIVE NOTICE; HEARINGS; DISPOSAL OF NUISANCE; LIEN:

A. Appointment and Duties of Code Enforcement Officer:

1. There is established the position of Code Enforcement Officer whose duties it shall be to enforce the provisions of this chapter. An authorized peace officer may also enforce the provisions of this chapter. More than one person may be appointed to act as Code Enforcement Officer under this section.

2. The Code Enforcement Officer is authorized to:

a. From any vantage point available to the general public, inspect and examine real property situated within the corporate limits of the city for the purpose of determining whether it contains objects or conditions of the kind and nature described in this Chapter. If it is determined that the objects or conditions constitute a "nuisance", as defined in this chapter, the code enforcement officer, or his designee, shall perform all functions necessary to enforce the provisions of this chapter;

b. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist;

c. Serve notice, in writing, upon the owners and occupants of the premises, either personally or by mailing the notice, postage prepaid, addressed to the owners and/or

occupants at their last known addresses, as disclosed by the records of the county assessor, or as otherwise ascertained.

d. The written notice shall require the owners and/or occupants to:

i. Correct, eradicate, or destroy and remove the items that are found to be in violation of this chapter within such time as the code enforcement officer may designate, which shall not be less than ten (10) days and no more than thirty (30) days from the date of service of such notice. If the service is mailed, then the service shall be deemed complete upon mailing

ii. Or require the responsible party to appear in the Farr West Municipal Justice Court within fourteen (14) days of the issuance of the Citation.

e. The notice shall:

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

(2) Inform the responsible party that in the event the condition causing the violation is corrected in the allotted time, then the responsible part shall notify the Code Enforcement Officer for a re-inspection. If the condition has not been corrected, then a court appearance is required.

(3) Contain an explanation of the potential fines and penalties.

(4) A statement that if the responsible party fails to correct the violation as may be ordered by the court, then the City may correct the violation at the expense of the responsible party by way of a Lien on the property and/or a charge to the water/garbage bill or tax bill.

8.08.060: VIOLATION; PENALTY; RECOVERY OF COSTS:

A. Any owner, occupant or person having an interest in property subject to this chapter who fails to comply with any order or notice given pursuant to this chapter shall be guilty of a Class B misdemeanor for each offense and for each and every day such failure to comply continues beyond the date fixed for compliance.

B. If the Responsible Party described in the written notice of the code enforcement officer or the modified decision of the code enforcement officer shall fail or neglect to conform to the requirements thereof, relating to the eradication or removal of such objects and/or conditions, the code enforcement officer shall employ all necessary assistance to cause such materials or conditions to be eradicated or removed at the initial expense of the city.

C. Upon completion of the eradication and removal, the city treasurer shall prepare an itemized statement of all expenses incurred and shall mail a copy thereof to the owners and/or occupants demanding payment within twenty (20) days from the date of mailing.

D. In the event the owner and/or occupant fails to make payment of the amount set forth in the statement from the city treasurer within twenty (20) days, the city treasurer or code enforcement officer may refer the matter to the county treasurer, or, with the mayor's approval, may cause suit to be brought in an appropriate court of law.

E. In the event that the expenses for eradication or removal is referred to the county treasurer for inclusion in the tax notice of the property owner, an itemized statement in triplicate of all expenses incurred in the eradication or removal of the same shall be delivered to the county treasurer. The expenses incurred will then be pursued by the county treasurer in accordance with the provisions of Utah Code Annotated section 10-11-4.

F. Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter shall not be a defense in any criminal proceeding brought pursuant to this section. (Ord. 97-14 § 4: Ord. 86-002 § 5.9)