

# ORDINANCE 05-07-2015

**AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE SANTAQUIN CITY CODE PERTAINING TO NUISANCES AND WEED CONTROL, PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Santaquin is a fifth class city of the state of Utah; and

**WHEREAS**, the City Council finds it is necessary to clarify regulations pertaining to nuisances and weed control within the city.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SANTAQUIN, UTAH, AS FOLLOWS:**

## Section I.

### **4-2-1: NUISANCES DEFINED; DECLARATION:**

#### **4-2-1-1: DEFINITION AND PENALTY:**

A. "Nuisance" means anything that is dangerous to human life or health and whatever renders soil, air, water or food impure or unwholesome. Nuisance also includes, but is not limited to, those conditions specifically enumerated in this chapter.

B. 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.

C. A violation of this section is a criminal offense and shall be classified and punished as provided in the Santaquin City ordinance fine and bail schedule and subject to the minimum mandatory penalty. (Ord. 04-03-2013, 4-18-2013, eff. 4-19-2013)

#### **4-2-1-2: AUTHOR 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. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

#### **4-2-1-3: DECLARATION OF NUISANCE:**

A. Every act or condition made, permitted, allowed or continued in violation of section [4-2-1-1](#) of this chapter, is hereby declared to be a nuisance and may be abated and punished as hereinafter provided.

B. Nuisances include, but are not limited to:

1. Befouling Culinary Water: Befouling water in any spring, stream, well or water source supplying water for culinary purposes.
2. Privies, Cesspools: Allowing any privy vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors or contamination to air or water.
3. Garbage Containers, Offensive: Permitting any garbage container to remain on premises when it has become unclean and offensive.
4. Garbage Accumulation: 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.
5. Manure Accumulation: Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard, or in any other building or area in which any animals are kept to the point that such accumulation becomes offensive.
6. Slaughterhouses, Feed Yards: 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, other insects, or rodents breed.
7. Discharging Offensive Water Or Liquid Waste: Discharging or placing any offensive water, chemical, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal, or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so.
8. Collecting Grease, Offensive Matter: Keeping or collecting any stale or putrid grease or other offensive matter.
9. Flies And Mosquitoes: Having or permitting upon any premises any fly or mosquito producing condition.
10. Boarding House Or Factory; Sanitary Condition: Failing to furnish any dwelling house, boarding house, or factory or other place of employment with such restrooms, sinks and other facilities as may be required to maintain the same in sanitary condition.
11. Cleaning Privy Vaults: 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 twenty (20) days after notice from an enforcement officer or official of the city.

12. Stagnant Water; Offensive Substances: Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
13. Obstructing Public Ways, Watercourses, Parks: Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalk, lake, stream, drainage canal or basin, or any public park without first obtaining the written permission of an authorized city official. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)
14. Distribution Or Installation Of Handbills Or Prohibited Signs: The distribution, installation, or painting of any handbill or sign on any public property in a manner that violates the provisions of subsection [10-13-6B](#) of this code shall be deemed a nuisance. (Ord. 08-01-2007, 8-15-2007, eff. 8-16-2007)

#### **4-2-1-4: 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. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

#### **4-2-1-5: RESTROOM OR SEWER FACILITIES:**

All restroom or sewer facilities shall be constructed and maintained in accordance with Utah law and 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. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

#### **4-2-1-6: RESTRICTIONS ON BLOCKING WATER:**

- A. It shall be unlawful for any person 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 back up and overflow therefrom, or to become unsanitary.
- B. Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

#### **4-2-2: WEEDS AND DELETERIOUS OBJECTS:**

##### **4-2-2-1: DEFINED:**

"Weeds" shall include, but are not limited to:

- A. Vegetation growth that has become a fire hazard, capable of being ignited, and which would contribute to fire growth and spread, endangering property on improved lots.
- B. Grasses, weeds, limb piles, brush, tumbleweeds, and other deadfall
- C. Poison ivy, poison oak, vegetation that is noxious, a nuisance, or dangerous, as determined by the Inspector;

D. Any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah commissioner of agriculture. (Utah Admin. Code R68-8-8, 5/1/2015 )

#### **4-2-2-2: REAL PROPERTY TO BE KEPT CLEAN:**

It shall be a violation for any person owning or occupying real property to allow weeds to grow so as to constitute a nuisance **and / or a fire hazard** under section [4-2-2-3](#) of this chapter, or not to remove from such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from **an Inspector of the city or the county health department**, as herein provided. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

#### **4-2-2-3: STANDARDS OF WEED CONTROL:**

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 their surroundings. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

Vegetation growth shall be cut down and removed by the owner/occupant of the premises. Vegetation clearance and defensible space requirements of homes in Wildland-urban interface (WUI) areas shall be in accordance with Firewise guidelines and the 2006 Utah WUI Code. (Utah Administrative Code, R652-122-200, *Minimum Standards for Wildland Fire Ordinance.*)

#### **4-2-2-4: Weed Abatement:**

The enforcement process for weed abatement shall be as described and in accordance with section 4-2-4 (ABATEMENT PROCEEDURE) of this chapter.

#### **4-2-3: NUISANCES ON PROPERTY:**

##### **4-2-3-1: DEFINITION:**

For the purpose of this section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly to public view, 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, automobiles, stoves, refrigerators, freezers, cans, containers, machinery, or other discarded items not currently in use. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

C. Weeds (as defined in 4-2-2-1)

#### **4-2-3-2: DUTY OF MAINTENANCE OF PRIVATE PROPERTY:**

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

#### **4-2-3-3: 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 purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junkyards) within the city is hereby declared to be a nuisance and dangerous to the public safety. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

#### **4-2-3-4: ABATEMENT BY OWNERS:**

The owner, owners, tenants, lessees or occupants of any lot within the city on which such "storage", as defined in section [4-2-3-3](#) of this chapter, 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 remove such property from the city. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

#### **4-2-4: ABATEMENT PROCEDURE:**

##### **4-2-4-1: APPOINTMENT AND DUTIES OF INSPECTOR:**

Appointment: The chief of police, or his designee, shall enforce the provisions of this chapter. More than one person may be appointed to act as inspector under this section.

*Inspector: Officers of the police or fire department, appointed to enforce statutory laws, regulations, codes, and ordinances.*

Duties: The inspector is authorized to:

1. Perform all functions necessary to enforce the provisions of this chapter.
  2. Subject to all statutory and constitutional requirements: 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.
- C. Existence Of Objectional Condition: Reacting to specific complaint from a citizen of the city or other person, or by his own investigation, the inspector may conclude there exists an objectionable condition in violation of this chapter. If such a determination is made, the inspector shall:
1. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.
  2. Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice, certified mail, return receipt requested, 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 contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)

#### **4-2-4-2: FAILURE TO COMPLY; ABATEMENT BY CITY:**

If property creating or continuing a nuisance has not been abated or mitigated appropriately after the period specified by the Inspector, a citation shall be issued to the occupant/owner, based on the Santaquin City Uniform Bail Schedule (as stated in 4-2-1-1.C).

If a condition is discovered which creates a severe safety violation, the inspector shall be authorized to mitigate the situation immediately.

Once a citation has been issued, the inspector shall, request of the court an order allowing the city to enter the property and abate the nuisance at the expense of the property owner.

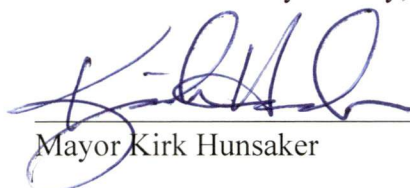
**Section II.** Contrary Provisions Repealed. Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

**Section III.** Codification, Inclusion in the Code, and Scrivener's Errors. It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

**Section IV.** Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section V.** Posting and Effective Date. Prior to 5:00 p.m. on, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on May 21, 2015

ADOPTED by the Santaquin City Council on the 20<sup>th</sup> day of May, 2015.

  
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Mayor Kirk Hunsaker

Attest:

S. Farnsworth  
Susan B. Farnsworth  
Santaquin City Recorder



Council Member Keith Broadhead  
Council Member Matt Carr  
Council Member David Hathaway  
Council Member Amanda Jeffs  
Council Member Nick Miller

Aye  
Aye  
Aye  
Aye  
Aye