

ORDINANCE NO. 02-04-2019

AN ORDINANCE AMENDING THE NUISANCE PROVISIONS OF THE SANTAQUIN CITY CODE, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, cities in the state of Utah are authorized to enact ordinances in order to promote and protect the health safety and welfare of the community; and

WHEREAS, the Santaquin City Council finds that the repetition of certain criminal acts on the same premises creates an environment that is unsafe and deleterious to those premises and the neighboring properties and facilities; and

WHEREAS, the Council deems that public health, safety and welfare will be enhanced by amending the City Code to expand the definition of nuisance to include those properties or premises where repeated instances of criminal activity occur.

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

Section I. Section 4-2-4-1 of the Santaquin City Code is amended as follows:

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

A. 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.

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

C. 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.

D. Existence Of Objectionable 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. Issue a citation to the owner or occupant charging a violation of this section. notice shall contain~~ Any person receiving a citation under this section may request a specific statement of the nature of the violation and generally describe description of the premises on which the violation exists. The Santaquin Police Department will provide the specific statement within three working days of receiving a written request.

3. Nothing in this chapter shall be construed to prohibit the inspector or other city representative from pursuing abatement of a nuisance pursuant to the provisions of the Utah State Code.

Section II. Section 4-2-4-2 of the Santaquin City Code is hereby enacted to read as follows:

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 within fourteen (14) days of an order of the court, 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. 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 subsection 4-2-1-1C of the chapter).~~

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 III. Section 4-2-4-7 of the Santaquin City Code is hereby enacted to read as follows:

A. ~~Class C Misdemeanor:~~ Any owner, occupant or person having an interest in property subject to this chapter who ~~shall fail to comply with the notice or order given pursuant to~~ violates any provision of this chapter shall be guilty of a violation -class C misdemeanor- and subject to penalty as provided in section 1-4-1 of this code for each offense.

B. ~~Criminal Proceedings:~~ 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. The fine for a violation of this chapter shall be not less than the amount set forth in the current Santaquin City uniform bail schedule (as stated in subsection 4-2-1-1C of this chapter). A court may waive up to \$300 of the fine charged for a first violation and up to


\$200 of the fine charged for a second violation, during a three year period, upon proof that the nuisance was abated subsequent to the violation and prior to sentencing.

Section IV. 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 whether or not 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 V. 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 VI. Posting and Effective Date. Prior to 5:00 p.m. on February 21, 2019, 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 February 21, 2019.

ADOPTED by the Santaquin City Council on the 20th day of February, 2019.



Mayor Kirk F. Hunsaker

Attest:



Susan B. Farnsworth
Santaquin City Recorder

Council Member Keith Broadhead ayf
Council Member Lynn Meacham ayf
Council Member Nick Miller ayf
Council Member Betsy Montoya ayf
Council Member Chelsea Rowley ayf

