

Preliminary Municipality Board of Echo Canyon, Utah

Ordinance No. 2025-O-03

DATE: June 12, 2025

AN ORDINANCE OF THE PRELIMINARY MUNICIPALITY BOARD OF ECHO CANYON, UTAH, HEALTH AND SAFETY CODE

RECITALS

WHEREAS, the Echo Canyon, Utah (“**Echo Canyon**”) is a preliminary municipality and political subdivision of the state of Utah; and

WHEREAS, Echo Canyon was incorporated as a preliminary municipality pursuant to Utah Code Title 10, Chapter 2a, Part 5 on June 9, 2025; and

WHEREAS, on June 12, 2025, after providing notice of the public meeting pursuant to Utah Code Title 52, Chapter 4, the Preliminary Municipality Board of Echo Canyon (“**Board**”) met, in part, to establish a Health and Safety Code; and

WHEREAS, the Board finds it is necessary to adopt a Health and Safety Code for Echo Canyon.

NOW, THEREFORE, BE IT ORDAINED by the Board, effective immediately upon posting as required by law:

- 1- That the attached Echo Canyon Health and Safety Code attached hereto be and hereby are adopted.
- 2- That staff, including professional staff such as municipal counsel, is authorized to carry out the appropriate and necessary administrative functions in accordance with this Ordinance.

ADOPTED AND APPROVED, AND ORDAINED at a duly called meeting of the Board of the Preliminary Municipality of Echo Canyon on this 12th day of June 2025.

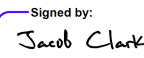
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Preliminary Municipality of Echo Canyon

Signed by:
By: 
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Craig Weston, Chair

ATTEST

Signed by:

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Clerk/Recorder

VOTING:

Craig Weston	Chairman of the Board	voting	aye
Thomas Gottlieb	Board Member	voting	aye
Trent Arnold	Board Member	voting	aye
Jonathan Hoffman	Board Member	voting	aye
(n/a)	Grand County Board Member	voting	absent

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EXHIBIT A

ECHO CANYON HEALTH AND SAFETY CODE ORDINANCE

**ADOPTED JUNE 12, 2025 BY THE PRELIMINARY MUNICIPALITY BOARD OF ECHO
CANYON**

TITLE 3 – HEALTH AND SAFETY CODE

CHAPTER 1 – County Health Department

Sec. 3.01.010. – Authority.

The regional health department known as Southeast Utah Health Department is hereby authorized and empowered to act within the incorporated limits of the municipality in accordance with authority granted to a county health department in Utah Code Annotated § 26A-1-102 et seq., as amended.

CHAPTER 2 – Garbage and Refuse

Sec. 3.02.010. – Purpose

The municipality hereby finds and declares that it may be necessary and conducive to the health, safety, and welfare of the residents of the municipality to provide for the collection and removal of garbage by a municipal operated garbage department or its agent and to provide regulations and standards for the collection, removal and disposal of garbage and refuse within and from the municipality. The municipal legislative body may contract with a disposal provider in accordance with this Chapter. Until such time as the municipality has engaged a garbage and refuse service provider, all provisions of this code contingent on a municipality-operated system are deferred and not in effect.

Sec. 3.02.015. – Private Disposal Permitted

Notwithstanding anything to the contrary in this Section, the owner of a parcel, lot, or subdivision within Echo Canyon, may contract with a reputable company or other party for the removal of garbage and refuse from the boundaries of Echo Canyon, provided that such services are generally provided within the ordinary level of care and service for such services in the nearby areas.

Sec. 3.02.020. – Definitions

The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

Bulk Waste

Waste that is not capable of being stored in the approved garbage containers and cannot be picked up by normally used collection vehicles, including items such as appliances, furniture, large tree branches, lawn sod and trees, etc.

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Commercial Garbage	Garbage produced in commercial establishments, public, or quasi-public, institutions or establishments, including restaurants, hotels and similar establishments.
Container or Regulation Container	A type of garbage or trash container having a tight-fitting lid. Said container shall not exceed a capacity of seventy-five (75) pounds.
Garbage	Waste from the preparation, cooking and consumption of foods, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage that originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.
Green Waste	Lawn, cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.
Refuse	All waste matter, excepting garbage, attending and resulting from the occupancy of residences, apartments, hotels or other places of dwelling and from the operation of a business. Said term shall not be deemed to include either industrial waste or waste matter resulting from construction, demolition or repair of a building or other structure.
Residential Garbage	Garbage produced in places of private residence and dining halls not open to the public.

Sec. 3.02.030. – Collection of Garbage

- A. Authorized. The municipality, or its agent, shall collect, remove and dispose of all residential garbage and of all commercial garbage, the removal of which is not otherwise provided for by the establishment or institution as hereinafter provided. All garbage and refuse shall be collected, removed and disposed of with some frequency and in such manner as the municipality may from time to time establish by regulation.
- B. Removal Authorized. No garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the municipality except by the municipality or its agent, and except by authorized persons hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, other than those above mentioned, to haul or remove garbage or refuse in the municipality.

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C. Commercial Establishments and Institutions. Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage may remove said commercial garbage themselves or may employ the services of authorized contractors to remove said commercial garbage. Said authorized garbage haulers must apply for permission to do so at the office of the Municipal Recorder. All said haulage must be done in such manner and at such times as the municipality may from time to time establish by regulation.

D. Removal of Green Waste Not Prohibited. Nothing in this section shall be construed as prohibiting any person from removing and transporting green waste.

Sec. 3.02.040. – Service Charges; Payment

A. Residential Users. All residents with the limits of the municipality shall pay to the municipality a garbage service charge for the collection and disposal of garbage and refuse. Said service charge shall be established by resolution of the municipality and may be changed from time to time by resolution of the municipality.

B. Commercial Establishments.

1. All commercial establishments producing commercial garbage or refuse, excepting those which have provided for the haulage of their garbage, either by their own equipment or by means of authorized contractors, shall pay such charges as may be determined by the municipal legislative body upon the basis of volume, time or weight, for each class of business establishment.
2. All such commercial establishments which have not arranged for approved methods of garbage haulage shall pay said garbage service charges whether or not in any month or other period garbage or refuse has been produced by them requiring services by the municipality or its agent; provided, however, that if a commercial establishment has remained vacant for an entire month, no charge shall be made for said month.

C. Method of Payment.

1. The garbage service charges imposed by this section shall be added to the charge made for water furnished through the water system of the municipality and billed and collected in the same manner as water service charges are billed and collected.
2. In the event that the oblige for the water service charges and the oblige for the garbage service charges do not coincide or in the event that practical economic and

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administrative reasons do not make said combined billing and collection feasible in the opinion of the municipal legislative body, said garbage service charges shall be collected with such frequency and manner as the municipal legislative body shall establish by regulation.

Sec. 3.02.050. – No Accumulation of Garbage

It shall be unlawful for any person to accumulate garbage or refuse or to cause garbage or refuse to be deposited upon any street or alley or upon any premises in the municipality without express permission from the municipality. The municipality may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes or for burning of paper and other dry wastes at such places as the municipality may designate and under such restrictions as the municipality may impose by regulation. Additionally, the municipality may grant to any person permission for sorting, bailing and marketing of trade waste upon premises properly equipped and maintained.

Sec. 3.02.060. – Containers

All garbage and refuse shall be placed in a regulation container or containers and its lid so placed as to make the contents thereof inaccessible to flies and to prevent odors from escaping therefrom.

Sec. 3.02.070. – Time and Place of Pick Up

All garbage and refuse subject to garbage collection by the municipality shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the municipality and at such time or times as shall be designated by regulations of the municipality.

Sec. 3.02.080. – Disposal of Green Waste

- A. Residents and Business Establishments. Green waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the municipality as to the places of disposal and subject to such regulation of the type of vehicle used so as to avoid spillage upon the public ways of the municipality, hazards to safety and the prevention of nuisances.
- B. Municipality. The municipality may from time to time provide for the collection and disposal of such types of green waste and bulk waste as it may elect to collect and haul in connection with its regular garbage and waste collection and disposal service. In the event said green waste or bulk waste disposal service should require a charge to be made by the municipality, the determination of said charge will be made by negotiation with the resident or business enterprise, and the resident or business enterprise will be given the opportunity to elect receipt of said service by others than the municipality .

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Sec. 3.02.090. – Burning Prohibited

It shall be unlawful for any person to burn bulk waste, commercial garbage, garbage, green waste, refuse, manure or other refuse, rubbish or trash in the open air or in any furnace or stove within the municipality unless expressly allowed by state regulations or Grand County health and burning ordinances.

Sec. 3.02.100. – Dumping Prohibited

It shall be unlawful for any person to place, deposit or dump bulk waste, commercial garbage, garbage, green waste, refuse, manure, rubbish, trash, ashes, paper boxes, cartons or any other refuse upon any lot within the municipality, whether such lot is occupied or vacant and whether such person so placing, depositing or dumping any of the foregoing is the owner, tenant, occupant or lessor or has the same under their jurisdiction and control.

Sec. 3.02.110. – Regulations

The municipal legislative body may adopt such regulations as in its opinion are necessary to implement this chapter and the objectives thereof.

Sec. 3.02.120. – Penalty

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a class C misdemeanor and, upon conviction, subject to penalty as permitted by the applicable laws of the State of Utah and Echo Canyon.

CHAPTER 3 – Nuisance on Real Property

Sec. 3.03.010. – Purpose

The Purpose of this chapter is to provide for the cleaning of real property and control of weeds in a way that will:

- A. Prevent hazards;
- B. Prevent insects and rodent harborages;
- C. Prevent the spread of vegetation not conducive to public health, safety or welfare;
- D. Eliminate the presence of public nuisances, eyesores, and other objects, structures or refuse not conducive to public health, safety and welfare; and
- E. Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair or cleaning.

Sec. 3.03.020. – Definitions

For the purpose of this chapter, the following terms shall have the meanings set forth below:

Inspector	An individual appointed by the municipality to the office of inspector and charged with administering the provisions of this
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chapter. For purposes of this chapter, the term “inspector” may also refer to the authorized representatives of the aforementioned appointed individual.

Junk Vehicles

Any licensed or unlicensed motor vehicle of any kind or part thereof that is in a wrecked, junked, partially dismantled, inoperative, or abandoned condition.

Owner

Any person who, alone or jointly or severally with others:

- A. Has the legal title to any real property, premises, dwelling or dwelling unit, with or without actual possession thereof; or
- B. Has charge, care or control of any real property, premises, dwelling or dwelling unit, as tenant, lessee, legal or equitable owner, or as personal representative, trustee, guardian, agent, or conservator of the person holding legal title.

Person

Any individual, public or private corporation, partnership, limited liability company, joint venture, association, firm, trustee, executor of an estate, or other legal entity recognized by law.

Refuse

Garbage, trash, rubbish, weed or grass clippings, dead animals, sludge, liquid or semiliquid waste, and other discarded materials, or materials stored or accumulated in an unsightly manner for the purpose of eventually discarding or salvaging them, including vehicles, or materials that have served their intended purpose.

Weeds

Vegetation which is uncultivated, useless, unsightly, or which has become a fire hazards or otherwise determined by the municipality to be a noxious, dangerous or a nuisance, including, but not limited to, poison ivy (*Rhus Oxicodendron*) and those plants named in the Utah Noxious Weed Act in Title 4 of the Utah Code Annotated, as amended.

Sec. 3.03.030. – Weed Control

- A. No owner shall permit weeds on their property to exceed a height of twelve inches (12”) at any time.
- B. No owner shall permit poison ivy (*Rhus Toxicodendron*), poison oak (*Rhus Diversiloba*), or poison sumac (*Rhus Vernix*) to grow at any height on their property at any time.

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- C. Weeds and noxious plants must be eradicated by the application of legally obtained and authorized chemicals, cutting or other acceptable method, and all cuttings or dead remnants shall be promptly cleared and removed from the property.
- D. When an inspector determines that the size, location, accessibility or other circumstances regarding certain real property makes compliance with the section impractical, the inspector may, in his or her sole discretion, issue an order permitting the owner to create fire breaks as required and approved by the appropriate fire authorities or otherwise exempt the property from the requirements set forth herein as deemed permissible and nonhazardous to the public health and safety. Any such exception or exemption permitted hereunder shall be in writing and issued to the owner of the property.
- E. When an inspector determines that the weeds in a particular area pose a serious fire hazard in view of their density, dryness, proximity to possible sources of ignition and the effects of prevailing winds and weather, then the owner of the property on which said weeds are present shall be deemed in violation of this section, regardless of the height of such weeds.

Sec. 3.03.040. – Refuse Control

- A. No owner shall permit refuse to remain on their property for longer than twenty (20) days.
- B. When an inspector determines that a particular deposit of refuse poses a significant health hazard by reason of its potential for the spread of disease, the breeding of words, insects or rodents or the contamination of a stream or other body of water, then said inspector may order the owner of the property on which said refuse is deposited, or the person who deposited it there, or both, to remove said refuse within seventy-two (72) hours. If seventy-two (72) hours pass after the order is issued and such refuse is not removed, the inspector shall issue a notice of violation. In addition, the municipality may seek a preliminary injunction enjoining the continuation of such violation.

Sec. 3.03.050. – Junk Vehicle Control

- A. It shall be unlawful to park, store, or leave or permit the parking, storing or leaving of any “junk vehicle” as defined herein, whether attending or not, upon any private property within the municipal limits of Echo Canyon for the period of time in excess of seventy-two (72) hours, except that two (2) or less such vehicles may be stored within a building or placed behind an opaque screening fence; and except that said vehicles may be within a junkyard or automobile wrecking yard lawfully established pursuant to the provisions of the zoning ordinance of Echo Canyon.

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- B. The accumulation and storage of more than two (2) such junk vehicles as defined above, on private property, exact as set forth above, shall constitute a nuisance, detrimental to the health, safety and welfare of the inhabitants of Echo Canyon. It shall be the duty of the owner of such junk vehicles or the lessee or other person in possession of the private property upon which such junk vehicles are located to remove the same from such property.

Sec. 3.03.060. – Inspections

An inspector may from time to time enter and inspect real property for violations of this chapter, provide that no entry upon real property shall be made for purposes of inspection unless the inspector first obtains any warrant required by law.

Sec. 3.03.070. – Notice of Violation

- A. Owners of property on which a violation of this chapter exists shall be served a notice of violation.
- B. A reasonable time shall be given for the owner to bring the property into compliance with this chapter which shall not be less than ten (10) days after the notice of violation is served, but may be longer, at the inspector's discretion.
- C. A notice of violation shall be served by the inspector or their representative either personally, by leaving the notice with the owner or a person of suitable age and discretion, at the residence, or by mailing, postage prepaid, to the owner, addressed to their last known address as disclosed by the records of the county assessor. Service made by mailing shall be registered mail and shall be deemed complete on the date on which a notice thus served is deposited in the United States postal service system.
- D. The notice of violation shall list the person or office from which the owner may obtain further information, and the address and telephone number of such person or office.
- E. The notice of violation shall be signed by the inspector issuing the notice of violation.

Sec. 3.03.080. – Misdemeanor

The failure to control weeds, refuse or junk vehicles in the manner prescribed in this chapter and within the time set for compliance in a notice of violation shall be a class B misdemeanor, punishable by fine, imprisonment or both, as permitted by the applicable laws of the State of Utah and Echo Canyon.

Sec. 3.03.090. – Citations, Injunctions and Other Relief

- A. The municipality may enforce the provisions of this chapter by issuing a citation as provided by Utah Code Annotated § 77-7-18.

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- B. In addition to the misdemeanor penalty described above, the municipality may see and be awarded an injunction or any other remedy available at law or in equity.
- C. A business or property that is found to have nuisance conduct or conditions is subject to penalties that include: a one-time fine, a daily fine, license suspension, license revocation, physical abatement or demolition.
- D. The administrative law judge may additionally enter an order of abatement that requires the owner to correct the nuisance conditions and authorizes the municipality to abate the nuisance, through order of demolition, if the owner does not timely perform the abatement.
- E. If the municipality elects to cause the nuisance to be removed and destroyed, it shall prepare an itemized statement of all expenses incurred in its removal and destruction and send a copy thereof by registered mail to the owner's last known address. If the owner fails to make full payment of the amount set forth in said statement within twenty (20) days of the date of mailing the statement, the municipality may refer the matter to the county treasurer for collection as taxes, as provided by Utah Code Annotated, Title 10 Chapter 11. If the municipality elects not to refer the matter to the treasurer, the municipality may bring suit in an appropriate court of law to recover judgment for all costs incurred by the municipality under this section, together with attorney fees and court costs.
- F. In the event the municipality proves that the nuisance conduct or conditions pose a danger to human health or human life, unabated, the administrative law judge shall order the abatement or demolition as requested by the municipality.