

ORDINANCE 09-2026

AN ORDINANCE OF BIG WATER, KANE COUNTY, UTAH AMENDING SECTION 8.08.030 OF THE MUNICIPAL CODE REGARDING QUIET HOURS AND EXCESSIVE NOISE

WHEREAS, the Town Council of Big Water Municipal Corporation finds that excessive nighttime noise may disturb the peace, comfort, and quiet enjoyment of neighboring properties; and

WHEREAS, the Town Council finds it necessary to establish reasonable quiet hours to protect the public health, safety, and welfare of Town residents; and

WHEREAS, pursuant to applicable provisions of the Utah Code and the Big Water Town Municipal Code, the Town Council is required to hold a duly noticed public hearing prior to the adoption or amendment of this ordinance;

NOW THEREFORE, be it ordained by the Council of the Big Water Town, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “8.08.030 Property Maintenance” of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

8.08.030 Property Maintenance

1. **NUISANCES DEFINED.** The following list of conditions and any other conditions which threaten the health, safety, or well-being of Town residents or adversely affect surrounding property values are declared nuisances and are prohibited:
 - a. Noxious weeds at any state of maturity
 - b. Abandoned, partially destroyed, improperly maintained, and partially constructed buildings or structures.
 - c. Dead, decayed, or diseased vegetation.
 - d. Abandoned, inoperative, dilapidated, and unsightly motor vehicles, trailers, campers, boats, RVs, or other mobile equipment stored so as to be visible from public streets or stored upon public streets.
 - e. Attractive nuisances to children.
 - f. Discarded or stored furniture, cartons, and other unsightly items visible from public streets or stored upon public streets.
 - g. Premises in a condition detrimental to public health, safety, general welfare, or surrounding property values.
 - h. Any excessive noise that annoys, disturbs, or endangers the comfort, repose, or welfare of any persons or that precludes their enjoyment of their property. Quiet hours are hereby established between the hours of 11:00 p.m. and 7:00 a.m. During quiet hours, no person shall make, continue, or cause any loud, unreasonable, excessive, or plainly audible noise that disturbs the peace or quiet enjoyment of neighboring properties. This provision shall not apply to emergency vehicles, emergency repairs, lawful public works activities, agricultural operations, or Town-approved events.
2. **NUISANCE — BLOWING SAND AND DIRT.** No person, firm or corporation who Owns or is in possession or control of land the soil of which is sandy loam or which, by virtue of its character and

the presence in the area of strong prevailing winds, seasonal or otherwise, is likely, if the surface thereof is disturbed, to be eroded by wind and blown in substantial quantity onto a public road or roads or other public or private property in the vicinity of said land, shall substantially disturb the surface of said sand by excavating, leveling, cultivating, plowing, removing natural or planted vegetation or root crops, or by depositing or spreading a substantial quantity of similar soil on the land, or by any other act likely to cause or contribute to wind erosion of the land, or to aggravate an existing wind erosion condition thereon, without providing sufficient protection at or prior to the time of so disturbing the surface of the land or without thereafter continuously maintaining the same or equivalent protection, so far as to prevent the soil on the land from being eroded by wind and blown onto a public road or roads or other public or private property. Such protection shall be provided by means of windbreaks, walls, fences, planting and maintaining vegetation, covering the land, applying water or other material, or other effective method or combination of methods of holding the soil in place. Any act or omission complained of as a violation of the above necessarily incidental to and consistent with conduct of agricultural operation in a manner usual and customary for such agricultural operations shall not be included in the above.

3. **AUTHORS OF NUISANCE DEFINED.** Where a nuisance exists, the property's owner, landlord, occupant, any persons having control over property, and/or their agents are deemed its author and responsible therefor.
4. **ENFORCEMENT.** The Zoning Administrator or other Council designee shall be responsible for identifying nuisances within the Town. He shall notify the author thereof in writing of the nuisance determination and set a deadline for abating the nuisance.
5. If the author fails to meet the deadline, the Town through its Zoning Administrator shall affect the abatement. An itemized statement of the charges incurred to effect abatement, including a service charge of \$100.00, shall be sent, via registered mail, to the author, and payment of said charges must be paid by author within 30 days. If such payment is not made, the charges shall become a lien against the property hosting the nuisance.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL this _____ of _____, 2026
by the following votes:

	AYE	NAY	ABSENT	ABSTAIN	
Mayor David Schmuker	_____	_____	_____	_____	By: _____
Council Member Jim Lybarger	_____	_____	_____	_____	David W. Schmuker, Mayor
Council Member Mark Gangola	_____	_____	_____	_____	Attest: _____
Council Member Jennie Lassen	_____	_____	_____	_____	Abigail Palsgrove, Municipal Clerk