

MILLCREEK, UTAH
ORDINANCE NO. 19-XX

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE MILLCREEK CODE OF ORDINANCES RELATED TO THE DEFINITION OF JUNK (9.56.010 AND 9.56.020), ELIMINATING THE TERM “REAL ESTATE SECTION” (14.04.140 AND 14.48.050), ELIMINATING REFERENCES TO CANYONS AND RURAL ROADS (14.28 AND 14.12.100), AND CHANGING THE TIME PERIOD THAT A VEHICLE LEFT PARKED IN THE SAME PLACE CONSTITUTES A NUISANCE (11.40.020)

WHEREAS, on October 28, 2019, the Millcreek Council (the “*Council*”) met in regular session to consider, among other things, an ordinance amending various sections of the Millcreek Code of Ordinances related to the definition of junk (9.56.010 and 9.56.020), eliminating the term “real estate section” (14.04.140 and 14.48.050), eliminating reference to canyon and rural roads (14.28 and 14.12.100), and changing the time period that a vehicle left parked in the same place constitutes a nuisance (11.40.020); and

WHEREAS, the Council has determined to amend sections 9.56.010, 9.56.020, 11.40.020, 14.12.100, 14.48.050 and repeal section 14.04.140 and chapter 14.28; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the residents of the City to amend various sections of the Millcreek Code of Ordinances related to the definition of junk, eliminating the term “real estate section” and changing the time period that a vehicle left parked in the same place constitutes a nuisance; and

NOW, THEREFORE, BE IT ORDAINED that the Council hereby amends 9.56.010, 9.56.020, 11.40.020, 14.12.100, 14.48.050 and repeals 14.04.140 and 14.28 of the Millcreek Code of Ordinances as follows (designated by interlineating the words to be deleted and underlining the words to be added):

9.56.010 - Definitions

For the purposes of this chapter, the following definitions shall apply:

"Containers" means county health department and collection agency approved metal, heavy-duty paper or plastic receptacles used for the disposal and storage of solid waste.

“Junk” means

A. Any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste or other articles or materials commonly designated as junk.

B. Except as provided in subsections (C) or (D), junk shall also mean any dismantled, wrecked or inoperable motor vehicles or recreational vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days. An

automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.

C. One truck with a capacity of one ton or less or one automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed two years if the truck or automobile is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

D. One truck with a capacity of one ton or less or one automobile which is inoperable may be stored in a side yard (except a side yard which faces on a street) or a rear yard for a period not to exceed two years provided:

1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; and
2. The automobile or truck is not visible from any public street; and
3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.”

"Litter" means any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage or junk.

"Private property" means and includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: Yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

"Public property" means and includes, but is not limited to, the following exterior locations: Streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, publicly owned vacant lots, parks, playgrounds and other recreational facilities, and publicly owned waterways and bodies of water.

9.56.020 - Keeping Property Clean

A. It shall be the duty of the owner, agent, occupant or lessee to keep exterior private property free of litter and/or junk. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fence and wall bases, grassy and planted areas, borders, embankments and other lodging points.

11.40.020 - Vehicles Deemed Nuisance

A. In addition to vehicles parked in violation of any ordinance of the city or the laws of the state, the following are declared to be nuisances:

1. Any unattended vehicle stopped, standing or parked in violation of any of the provisions of this title;
2. Any vehicle found upon the streets or alleys of this city with faulty or defective equipment;
3. Any vehicle left unattended upon any bridge, viaduct, or at any subway where such vehicle constitutes an obstruction to traffic;
4. Any vehicle upon a street so disabled as to constitute an obstruction to traffic, when the persons in charge of the vehicle are, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal;
5. Any vehicle left unattended upon a street or alley and parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic;
6. Any vehicle left parked in the same place on any street or alley continuously for ~~forty-eight~~twenty-four hours;
7. Any vehicle wherein the driver has been taken into custody by the local law enforcement agency under circumstances so as to leave such vehicle unattended in a street, alley or restricted parking area;
8. Any vehicle being driven on the streets which is not in a proper condition to be driven; or
9. Any vehicle found so parked as to constitute a fire hazard or an obstruction to fire-fighting apparatus.

B. Such nuisances may be summarily abated by removal by, under the direction of, or at the request of an officer of the local law enforcement agency, to a place of storage within the city, by means of towing or otherwise. State law will govern the handling of the impounded vehicle.

~~14.04.140—Real Estate Section.~~

~~“Real Estate Section” means the Salt Lake County Real Estate Division when providing services to City.~~

~~Chapter 14.28—CANYON AND RURAL ROAD MAINTENANCE AND CLASSIFICATION~~

~~Sections:~~

~~14.28.010—Purpose.~~

~~The purpose of this chapter is to identify the canyon and designated rural roads for which the city has maintenance responsibility and to classify the roads for the level of maintenance to be performed.~~

~~14.28.020—Definitions.~~

~~For the purposes of this chapter:~~

~~"Canyon roads" means canyon roads for which the city has maintenance responsibility.~~

~~"Dry road surface" means road surfaces that can be maintained only during periods of dry or fair weather.~~

~~"Rural" means an area which has developed primarily with agricultural or estate residential uses, and the lot size is a minimum of one acre.~~

~~"Rural roads" means only those roads designated on the map described in Section 14.28.040.~~

~~"Summer maintenance" means routine maintenance that can be performed after April 1st when the road is snow free until the weather in the fall necessitates snow plowing. Summer maintenance shall not include any snow plowing.~~

~~"Wet and dry road surface" means road surfaces that can be maintained year round under any climatic conditions.~~

~~14.28.030—Classifications.~~

~~Canyon and rural roads shall be classified according to the following categories:~~

~~A.——Category 1 Road. A Category 1 road consists of asphalt or concrete pavement with the following characteristics:~~

- ~~1.——Lane striping;~~
- ~~2.——Regulatory and street identification signing;~~
- ~~3.——Speed limits between five to thirty five miles per hour;~~
- ~~4.——Year around maintenance with wet and dry road surface conditions.~~

~~B.——Category 2 Road. A Category 2 road consists of asphalt or concrete pavement with the following characteristics:~~

- ~~1.——No lane striping;~~
- ~~2.——Regulatory and street identification signing;~~
- ~~3.——Speed limits between five to twenty five miles per hour;~~
- ~~4.——Summer maintenance only with dry road surface condition.~~

~~C.——Category 3 Road. A Category 3 road consists of asphalt or concrete pavement with the following characteristics:~~

- ~~1.——No lane striping;~~
- ~~2.——Regulatory and street identification signing;~~
- ~~3.——Speed limits between five to twenty five miles per hour;~~
- ~~4.——Year around maintenance with wet and dry road surface conditions.~~

~~D.——Category 4 Road. A Category 4 road consists of gravel surface with the following characteristics:~~

- ~~1.——No lane striping;~~
- ~~2.——Regulatory and street identification signing;~~
- ~~3.——Speed limits between five to twenty five miles per hour;~~
- ~~4.——Summer maintenance only with dry road surface condition.~~

~~E.——Category 5 Road. A Category 5 road consists of gravel surface with the following characteristics:~~

- ~~1.——No lane striping;~~
- ~~2.——No regulatory and street identification signing;~~
- ~~3.——Speed limits between five to twenty five miles per hour;~~
- ~~4.——Summer maintenance only with dry road surface condition.~~

~~F.——Category 6 Road. A Category 6 road consists of dirt surface with the following characteristics:~~

- ~~1.——No lane striping;~~
- ~~2.——No regulatory and street identification signing;~~
- ~~3.——Speed limits between five to twenty five miles per hour;~~
- ~~4.——Summer maintenance only with dry road surface condition.~~

~~14.28.040—Classification map.~~

~~The identification, location and categorization of canyon and designated rural roads for which the city has a maintenance responsibility shall be placed on a map entitled the "canyon and rural road classification map" which shall be on file in the county engineering division. Such map, before becoming effective, shall be approved by the City Council.~~

~~14.28.050—Amendments to map:~~

~~Amendments to the canyon road classification map may be made by the director of the public works department upon the approval of the mayor as long as such amendments are within the scope of the budget approved by the council. Amendments to the categorization of canyon roads shall be considered on the basis of safety, cost benefit ratio and serviceability factors.~~

14.12.100 - Right-of-way and Pavement Design

~~C.~~

~~—All canyon roads, as classified in Chapter 14.28 of this code, shall be provided with the following minimum standards:~~

Right-of-Way		Pavement or Travel Width	Design Section
Cat. 1	66'	~~15'—36'~~	~~10" base 4" asph.~~
Cat. 2	50'	25'	8" base 3" asph.
Cat. 3	50'	25'	8" base 3" asph.
Cat. 4	25'	20'	6" base only
Cat. 5	25'	20'	4" base only
Cat. 6	25'	20'	4" base only

14.48.050 - Legal Interest of City

No action shall be taken on any petition to vacate a street until the ~~City attorney~~real-estate section, acting in behalf of City, identifies and verifies the specific manner in which the city acquired its interest in the street and the City attorney determines the legal interest of the city in the street.

PASSED AND APPROVED this 28th day of October 2019.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, City Recorder

Millcreek Code

2.04.130 Additional Committees

1. The council may establish additional committees as it deems appropriate and may convene committee meetings at any time for the purpose of study, discussion, investigation, formal hearings or inquiries, workshops, training, or presentations by or responses from citizens or other interested persons or groups.
2. No official action may be taken in committee meetings other than the adoption of non-binding recommendations to the council.
3. Committee meetings shall be open to the public in accordance with state statute and public notice shall be given of all committee meetings in the same manner as required for regular meetings.

Utah State Code 52-4-103 Definitions

(9) (a) "Public body" means:

(i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

(A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

(B) consists of two or more persons;

(C) expends, disburses, or is supported in whole or in part by tax revenue; and

(D) is vested with the authority to make decisions regarding the public's business;
or

(ii) any administrative, advisory, executive, or policymaking body of an association, as that term is defined in Section [53G-7-1101](#), that:

(A) consists of two or more persons;

(B) expends, disburses, or is supported in whole or in part by dues paid by a public school or whose employees participate in a benefit or program described in [Title 49, Utah State Retirement and Insurance Benefit Act](#); and

(C) is vested with authority to make decisions regarding the participation of a public school or student in an interscholastic activity, as that term is defined in Section [53G-7-1101](#).