

TITLE 4  
HEALTH AND SANITATION  
CHAPTER 1  
NUISANCES

SECTION:

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4-1-1: NUISANCE DEFINED:

A. A nuisance is an offense against the order and economy of the city and consists in unlawfully doing an act or failing to perform an act, which:

1. Annoys, injures or endangers the comfort, repose, health or safety of three (3) or more persons; or
2. Offends public decency; or
3. Unlawfully interferes with, obstructs or renders dangerous for passage any stream, public street, park, square or highway; or
4. In any way renders three (3) or more persons insecure in life or the use of property.

B. An act which affects three (3) or more persons in any of the ways specified in this section is still a nuisance regardless of the extent of annoyance or whether damage inflicted on individuals is unequal.

C. If any condition designated herein as an offense against the order and economy of the city is determined by a building official of the city or fire official to constitute a fire or hazard, or is determined by a law enforcement official to constitute a safety hazard, or by a health department official to be a health hazard, or is determined by a city ordinance official or code enforcer of unlawful nuisance ordination violations, there shall be a rebuttal presumption that such act or omission is within the designations of subsection A of this section. (Ord. 03-09-06, 3-9-2006; amd. 2014 Code)

**D. HABITUAL NUISANCE:** Any premises or property located within the city that generates repeated responses from public safety officials because of nuisance related activities. Excluding calls for drug or party houses, any premises or property that generates three (3) or more calls for nuisance related activities within an eighteen (18) month time period shall be deemed a "habitual nuisance". Any premises or property that generates two (2) or more calls for nuisance related activities within an eighteen (18) month time period to abate any drug or party conditions as set forth in this chapter shall be deemed a "habitual nuisance".

#### 4-1-2: ENUMERATION OF NUISANCES:

A. **Dead Animals:** The failure by an owner to bury or otherwise dispose of a deceased animal within two (2) days of its death shall constitute a nuisance within the meaning of this Chapter.

B. **Refuse In Public Streets:** The act of intentionally or carelessly throwing, casting, putting into, dropping or leaving in any street, gutter, sidewalk or public place any stones, gravel, sand, dirt, debris, garbage, leaves, lawn or tree clippings, paper material, handbills, ashes, rubbish of any kind, or any other item, material or substance which: i) interferes with the free and unobstructed use and movement of either traffic or water on a public street or right of way, in the opinion of a law enforcement official or city enforcement officer, or ii) shall constitute a fire hazard in the opinion of a fire official shall constitute a nuisance within the meaning of this Chapter.

C. **Offensive Condition Or Refuse On Private Property:** The keeping of uncovered, stored openly or uncontained on or about any lot or parcel of property, whether vacant or occupied, any garbage, refuse, junk, business related equipment, materials, supplies and merchandise, effluvia, kitchen waste, trash, inoperable motor vehicles, broken machinery, rank and noxious weeds, or other unsightly or deleterious objects or conditions that are offensive to the order and economy of the City shall constitute a nuisance within the meaning of this Chapter.

D. **Slaughterhouses:** The allowance of a place where swine, cattle, sheep or other animals are slaughtered, to remain unclean to the unnecessary annoyance of the citizens of the City, or in any state or condition detrimental to the public health, the same shall constitute a nuisance within the meaning of this Chapter.

E. **Water Pollution:** The pollution of the waters of this City, as defined in Utah Code Annotated section 19-5-102, shall constitute a nuisance within the meaning of this Chapter.

F. **Breeding Places For Flies And Disease Carrying Animals And Insects:** To maintain a condition within the City which unreasonably promotes through lack of care and cleanliness, or encourages the breeding of flies, mosquitoes, insects, rats or other form of animal life which may be disease carriers constitutes a nuisance within the meaning of this Chapter.

G. **Loud And Continuous Noises:** To make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise, or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City shall constitute a nuisance within the meaning of this Chapter. The following acts, when prolonged, unusual and unnatural in their time, place and use, may be a detriment to the public health, comfort, convenience, safety, welfare and prosperity: horns, radios, stereos, loudspeakers, yelling or shouting, exhausts, motor vehicles, drums or musical instruments, construction equipment, commercial vehicles, large diesel vehicles with refrigeration units, airplanes or blasting.

H. **Construction And Concrete Work:** Work shall not proceed on Saturday, Sunday or on any legal holidays without prior approval from an authorized city employee. Contractors with construction, demolition, or concrete requests scheduled between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. shall submit an application to the City office and notify all residents within a three hundred foot (300') radius of a scheduled work site no less than forty eight (48) hours prior to proposed work request.

I. Garbage: Debris, dross, rubbish, or other garbage outside of garbage cans or outside of bags shall constitute a nuisance within the meaning of this Chapter. During the period of twenty four (24) hours preceding scheduled collection of such debris, dross, rubbish or other garbage, they must be placed at curbside within bags, cans or other receptacles, unless the trash material is of such size and nature that it would not be practical to fully enclose it.

J. Nuisance Animals: The keeping of "Nuisance Animals" as that term is defined in section 5-1-7 of this code shall constitute a nuisance within the meaning of this Chapter.

K. Light Trespass: The allowance of Light Trespass to continue which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. Light Trespass means (1) any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or (2) indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds one Lux at the property line. Any directional luminaire facing a residential property line must be shielded to a level that the illuminating source is not visible at the property line. (Ord. 03-09-06, 3-9-2006; amd. 2014 Code; Ord. 2019.05, 9-5-2019; Ord. 2020.10, 5-14-2020; Ord. 2020.17, 11-12-2020)

L. Drug House: Every building or premises where the unlawful sale, manufacture, service, storage, distribution, dispensing or acquisition of any controlled substance, precursor or analog specified in Utah Code Annotated title 57, chapter 37 (Utah controlled substances act) occurs.

#### 4-1-3: MAINTENANCE OF NUISANCE PROHIBITED:

It shall be unlawful for any person to maintain or permit to remain or be maintained upon his premises any nuisance as in this chapter designated. (Ord. 03-09-06, 3-9-2006; amd. Ord. 2019.05, 9-5-2019)

#### 4-1-4: ENFORCEMENT:

It shall be the duty of a law enforcement official, a fire official, an animal control officer and any other city officer charged or entrusted with the duty of enforcing those laws intended to protect the public health, safety and well being, to enforce the provisions of this chapter. The city, by and through its agents, have authority within those areas, by themselves or by their agents, in the daytime, to enter upon any lot or other premises, or any building or structure, in order to inspect and examine the same for the purpose of determining whether or not any conditions or nuisances exist which are prohibited by this chapter. (Ord. 03-09-06, 3-9-2006; amd. 2014 Code; Ord. 2019.05, 9-5-2019)

#### 4-1-5: ABATEMENT PROCEDURES:

A. Notice To Abate: The city may notify in writing the owner or occupant of any property within the city upon which a nuisance may be found, or it may notify such other person who causes or permits a nuisance to exist, advising that there is a nuisance, describing the same, and requiring the nuisance to be abated in a manner described in the notification within ten (10) days after receipt thereof, unless some other time is specified therein. However, failure to give notice as provided herein shall not relieve the author of a nuisance

from the obligation to abate such nuisance, or from the penalty provided herein for the maintenance of that nuisance.

B. Refusal To Abate: Upon the failure, neglect or refusal of any person to abate a nuisance after notice in writing has been given, the city is hereby authorized and empowered to order the disposal of the nuisance or to pay for the disposing of the same. When the city effects removal of a nuisance or pays for such removal, the actual cost thereof, plus accrued interest at the rate of ten percent (10%) per annum from the date of the completion of the work, shall be charged to the owner of the property on which the nuisance existed. The city may cause a sworn statement to be recorded in the office of the county recorder showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done. Such recordation of sworn statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus collection costs, if any, until final payment has been made. A sworn statement recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. (Ord. 03-09-06, 3-9-2006; amd. Ord. 2019.05, 9-5-2019)

C. Abatement By Eviction: Whenever there is reason to believe that a nuisance under subsections 4-1-1 through 4-1-3 of this chapter is kept, maintained or exists in the city, the city attorney or any citizen residing in the city, or any person or entity doing business in the city, in his or their own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant of the property harboring the nuisance. The eviction shall take place as specified in state law.

#### 4-1-6: PENALTY:

Every nuisance shall be removed or abated as herein provided, and unless otherwise provided, any person who shall be the author or keeper of a nuisance or otherwise guilty of a violation of any of the provisions of this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 03-09-06, 3-9-2006; amd. 2014 Code; Ord. 2019.05, 9-5-2019)