



Regular City Council Meeting
Tuesday, March 20, 2018
City Hall Council Chambers
5249 South 400 East, Washington Terrace City
801-393-8681
www.washingtonterracecity.com

1. **WORK SESSION: BUDGET DISCUSSIONS AND FUTURE PLANNING** 5:00 P.M.
2. **ROLL CALL** 6:00 P.M.
3. **PLEDGE OF ALLEGIANCE**
4. **WELCOME**
5. **CONSENT ITEMS**

5.1 APPROVAL OF AGENDA

Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.

5.2 APPROVAL OF MARCH 6, 2018, MEETING MINUTES

6. **SPECIAL ORDER**

Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by Council, Chair opens public hearing, citizen input; Chair closes public hearing, then Council final discussion.

**6.1 PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
SECOND PUBLIC HEARING TO HEAR CITIZEN INPUT CONCERNING THE
PROJECT THAT WAS AWARDED UNDER THE 2018 COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM**

7. **CITIZEN COMMENTS**

This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes.

8. **COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN
COMMENTS**

Council and staff will consider and address concerns and take appropriate measures to follow up on any comments made in the citizen comments item on the agenda.

For more information on these agenda items, please visit our website at www.washingtonterracecity.com

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

9. NEW BUSINESS

9.1 MOTION/ORDINANCE 18-03: AMENDMENT TO WASHINGTON TERRACE CITY MUNICIPAL CODE, CHAPTER 17.44 RELATING TO “LANDSCAPING REGULATIONS”

The amendment sets guidelines for existing business owners to maintain landscaping on their property

9.2 MOTION/ORDINANCE 18-04: AMENDMENT TO WASHINGTON TERRACE CITY MUNICIPAL CODE, CHAPTER 18.16 RELATING TO “INSPECTION AND CLEANING”

The amendment adds the requirement for existing business owners to maintain landscaping on their business Property within the commercial zone. The requirement will be added to the chapter concerning nuisance.

10. COUNCIL COMMUNICATION WITH STAFF

This is a discussion item only. No final action will be taken.

11. ADMINISTRATION REPORTS

This is an opportunity for staff to address the Council pertaining to administrative items.

12. UPCOMING EVENTS

Mar 29th: Planning Commission 6:00 p.m.

April 3rd: City Council Work Session 5:00 p.m.

April 3rd: City Council Meeting 6:00 p.m.

April 17th: City Council Work Session 5:00 p.m.

April 17th: City Council Meeting 6:00 p.m.

13. MOTION: ADJOURN INTO CLOSED SESSION

- To discuss the character, professional competence, or physical or mental health of an individual.
- Strategy session to discuss pending or reasonably imminent litigation
- Discussion regarding deployment of security personnel, devices, or systems
- Strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimate value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.

14. ADJOURN THE MEETING: MAYOR ALLEN

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City of Washington Terrace

Minutes of a Regular City Council meeting

Held on March 6, 2018

City Hall, 5249 South 400 East, Washington Terrace City,

County of Weber, State of Utah

MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT AT WORK SESSION

Mayor Mark C. Allen

Council Member Scott Monsen

Council Member Blair Brown

Council Member Larry Weir

Council Member Scott Barker

Council Member Jeff West

City Manager Tom Hanson

Finance Director Shari' Garrett

Public Works Director Steve Harris

City Recorder Amy Rodriguez

1. WORK SESSION: REVIEW OF THE CAPITAL PLAN PRIORITIZATION AND GOAL SET

Hanson updated Council on a water main break that occurred this afternoon. The company that was boring in the area broke one of our two main lines. Harris stated that the crew was told to hold off on boring until the area could be "potholed" to see where the line was. The line was broken. Hanson stated that an alert was sent out. The Public Works crew is working the incident.

Harris stated that Council had previously viewed the streets listed in the Capital Improvement Plan to see their condition and street life for the infrastructure. Harris stated that Public Works job is to maintain infrastructure and Capital Facilities. Harris stated that they are working on fire hydrant maintenance. He stated that it is less inexpensive than replacing an entire hydrant.

Harris gave Council plans of the infrastructure.

Harris stated that the water valves in the streets are of most concern to him at this time. He stated that many of the valves have not been maintained since they were put in over 50 years ago. He stated that many are not working. Harris stated that it is costly. Harris stated that there have been instances where the fire hydrant was opened and it did not work. He stated that they are working on a program where all the hydrants work and are maintained. Harris stated that the Capital Improvement Plan was handed out at the Council retreat that was held in November. Harris stated that the plan is laid out in five year estimates so that money can be put aside to complete the projects.

Harris stated that the Capital Facilities Plans speak on the systems in the city, mandated requirements, monies allotted for the operations, and future plans for they systems. He stated that there are also a list of projects listed in the backs of the booklets. He stated that some of the projects go back to 2000, however, they have not been done due to prioritization of projects that need to be completed. He stated that the list is updated to 2018, which includes the cost of the projects and the elements that are needed to complete the project.

Harris stated that the plans include Parks, Water, Storm Water, Sewer Water, and Capital Improvement Plans. Harris stated that OTIS II would probably take care of 30 percent of the projects listed in the plans. He stated that sidewalks, curbs, and gutters may also be included in the OTIS II project.

50 Mayor Allen noted that 3 million of the OTIS II money is 500 West, stating that the area is critical. He asked if
51 any of that infrastructure helps the residents of Riverdale and can we partner with them. Harris replied that we
52 received a yearly stipend from them for taking care of the road in that area, however, the roads are our
53 responsibility. Hanson stated that they are using our pipes, however, Riverdale supplies their own water. Harris
54 stated that we supply their storm water and some sewer water utilities.
55 Harris stated that the boundary goes through the middle of the road. He stated that Riverdale gives us the whole
56 B&C road funds for the entire road and we maintain the road.

57
58 Harris stated that he is also concerned at the service life of the roads. He stated that road maintenance is very
59 expensive. He stated that we have been able to do pretty well with grants for the roads, however, it is hard to
60 keep them up to the higher remaining service life. Harris stated that all of the new meters are in the residential
61 areas, however, there are still some commercial meters that need to be put in. He stated that they should be
62 completed this year.

63
64 Harris stated that we are hurting in the street name signs department. He stated that some have been stolen and
65 some are hard to read. Harris stated that they will be installed this spring/summer. Harris stated that sections of
66 the requirements were pushed back. Harris stated that we do not have special instrumentation to check on the
67 retro-reflectivity. Harris stated the stop and yield signs, along with speed signs have been replaced. Harris stated
68 that there is no time line on the street name signs, however, Harris stated that it is an important element and it
69 should be completed as soon as possible.

70
71 Garrett stated that the biggest problem is financing roads, stating that it is a major challenge. Garrett stated that
72 we only have around \$300,000 a year to maintain roads. She stated that maintain the service life of the roads is
73 probably twice to triple the amount. Mayor Allen stated that the gas tax was touted to help with this issue,
74 however, we only receive a small percentage. Garrett stated that the local option, County imposed sales tax, is
75 amounting to around \$80,000 a year. Garrett stated that most roads around the state are under-funded. Harris
76 estimated that a million and a half dollars a year would be needed to keep all the roads up to service life. Mayor
77 Allen stated that there are several cities that are proposing a road fee. He stated that it is a flat fee that would be
78 on the utility bill. Mayor Allen stated that he is not a big fan of fees. Hanson stated that the state legislators have
79 a problem because they said that it is a way to circumvent the truth and taxation process.

80
81 Hanson stated that meter replacements is an area that is being focused on. He stated that having valves in place
82 helped with the water main break this afternoon. Garrett stated that 2022 has some opportunities that will help
83 tackle some of the issues of OTIS II. Harris stated that 500 West will be expensive because tubes will be needed
84 to feed into the tank. He stated that some of the sewer line will need to be replaced in that area. Harris stated
85 that trees and tree roots continue to be a problem, especially within the concrete pipes of the old sewer lines.
86 Harris stated that one of the solutions is to put a lining in the pipes that are not damaged.

87
88 Hanson stated that the plans are important considerations and the topic will be brought back to Council for more
89 review and planning.

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95
96 **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT**

97 Mayor Mark C. Allen

98 Council Member Scott Monsen

99 Council Member Blair Brown
100 Council Member Larry Weir
101 Council Member Scott Barker
102 Council Member Jeff West
103 City Manager Tom Hanson
104 Public Works Director Steve Harris
105 Building Inspector Jeff Monroe
106 City Recorder Amy Rodriguez

107
108 **Others Present**

109 Charles and Reba Allen, Mike Lawrence, Dawn Lawrence, Bob Seele, Ulis Gardiner

110
111
112 **2. ROLL CALL**

6:00 P.M.

113
114 **3. PLEDGE OF ALLEGIANCE**

115
116 **4. WELCOME**

117
118 **5. CONSENT ITEMS**

119
120 **5.1 APPROVAL OF AGENDA**

121
122 **5.2 APPROVAL OF FEBRUARY 20, 2018, MEETING MINUTES AND THE**
123 **FEBRUARY 27, 2018, WORK SESSION MINUTES**

124 Items 5.1 and 5.2 were approved by general consent.

125
126 **6. CITIZEN COMMENTS**

127 Resident Bob Seele -5151 S 300 W- stated that he has three addresses that he would like to submit as yards that
128 need cleaning. He asked if the City can hire someone to clean up the yards. He submitted the addresses : 574
129 W 500 S, 547 W 5175 S, 535 W 5175 S.

130
131 Resident Mike Lawrence has been monitoring HB81 and is concerned that any home based businesses impact
132 all homes around it. He stated that he is opposed how the senate is dictating how municipalities will run their
133 business licenses. He stated that the bill lets individuals under 17 “free reign” to conduct business without a
134 license. He urges Council to look into the situation.

135
136 **7. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN**
137 **COMMENTS**

138 Hanson stated that HB 81 is a challenge for many cities throughout the state. He stated that he agrees that the
139 state is over-reaching with cities on regulations. Hanson stated that there are a record number of bills this year
140 running through the legislation process. Hanson stated that the state regulates how we do business on many
141 issues. Hanson stated that we are concerned that there are businesses that we cannot regulate. Mayor Allen
142 stated that the League of Cities and Towns has lobbied for the cities. Hanson stated that we are working as hard
143 as we can and working the process, but sometimes there are forces that cannot be controlled. Hanson stated that
144 there have been terrific successes this year.

145 Lawrence stated that he spoke with Representative Milner.

146
147 Hanson stated that the City does not have a line item on the budget to clean up a home. Hanson stated that
148 historically there was a process before where the City would clean up the yard and put a lien on the home.

149 Hanson stated that unfortunately, it was rare that the City would ever see the funds. Hanson stated that we do
150 not have a process in place to pay for it. Hanson stated that there is a court process where the Judge can issue
151 fines and also jail time if the property is not cleared up. Hanson stated that the City is working on being more
152 strict and working with the judicial system. Mayor Allen stated that Inspector Monroe is familiar with the
153 properties that he has brought to Council.

154
155 **8. RECURRING BUSINESS**

156
157 **8.1 DISCUSSION/MOTION ORDINANCE 18-01: AMENDING THE**
158 **OFF-STREET PARKING REGULATIONS SET FORTH IN CHAPTER**
159 **17.52.030 OF THE MUNICIPAL CODE**

160 Monroe stated that he is aware of the properties brought forth by Mr. Seely. He stated that he
161 is moving forward with the properties.

162 Monroe stated that the ordinance has been modified from the previous version brought to Council.
163 Monroe stated that the uses have been modified and outlined parking spaces for garage and service
164 shops. Monroe stated that the parking lot standards have been modified. Council Member Monsen asked
165 about Jensen Service and what it means for them. Monroe stated that they can have more parking because
166 of their square footage. Monroe stated that they can have 10 parking spaces and an additional 5 for
167 employees. He stated that they are allowed one tow truck. Mayor Allen noted that this ordinance does not
168 allow for storing or salvage use. Monroe stated that if a business needs more parking, they are able to go
169 through the conditional use process through Planning Commission.

170 Mayor Allen stated that this ordinance is not for just one business, it applies to all businesses.

171 Mayor Allen stated that the code is up to industry standards. The hand-striped parking stalls will need to
172 be changed to comply with code.

173
174 **Motion by Council Member Monsen**
175 **Seconded by Council Member Barker**
176 **To approve Ord. 18-01 amending**
177 **The off-street parking regulations**
178 **Approved unanimously (5-0)**
179 **Roll Call Vote**

180
181
182 **8.2 DISCUSSION/MOTION ORDINANCE 18-02: AMENDING THE VARIOUS PARKING**
183 **REGULATIONS SET FORTH IN SECTION 1.12.040 AND SECTION 1.12.040 OF THE**
184 **MUNICIPAL CODE**

185 Monroe stated that this ordinance addresses general parking within the City. He stated that it addresses
186 vehicles for sale and other merchandise. He stated that you cannot sell vehicles on a private parking lot
187 without the approval of the owner. Monroe stated that if they receive the permission from the owner, they
188 can come to Planning Commission and apply for a conditional use permit.

189 Council Member Monsen asked if it applies to one car. Monroe stated that it does.

190 Monroe stated that the ordinance describes what type of vehicle and weight limits are allowed in
191 residential zones.

192 Monroe stated that the weight limit is at class 3, 14,000 pounds.

193 Monroe stated that the ordinance outlines vehicles that are allowed, as well as not allowed, in residential
194 areas. He stated that the ordinance does not penalize people from bringing work trucks home, noting that
195 some trucks, such as semi-trucks and tow trucks are not allowed if they are rated over 14,000 pounds.
196 Monroe stated that the ordinance addresses where and how the vehicles can be parked on private property.
197 He stated that they have to create adequate parking. Monroe stated that the exemption from the winter
198 parking rule does not apply to commercial vehicles. Monroe stated that the Planning Commission wanted

199 to make sure that they did not take away the opportunity to bring work vehicles home and he feels that the
200 ordinance accomplishes that.

201
202 **Motion by Council Member Brown**
203 **Seconded by Council Member Weir**
204 **To approve Ord. 18-02 amending**
205 **Various parking regulations**
206 **Approved unanimously (5-0)**
207 **Roll Call Vote**
208

209 **9. NEW BUSINESS**

210
211 **9.1 DISCUSSION/MOTION: APPROVAL OF CITY COUNCIL DONATION TO**
212 **BONNEVILLE HIGH SCHOOL**
213

214 Hanson stated that the school has asked for a donation to the graduating class to help with their Alcohol free
215 party. Hanson stated that we are suggesting that the student body officers stuff the eggs for the Easter Egg hunt.
216 Council Member Monsen stated that it is well worth it and is in favor of donating to the party.

217
218 **Motion by Council Member Barker**
219 **Seconded by Council Member West**
220 **To approve the annual donation to**
221 **Bonneville High School**
222 **Approved unanimously (5-0)**
223

224 **10. COUNCIL COMMUNICATION WITH STAFF**

225 Mayor Allen stated that Rocky Mountain Power has approved a three year rate freeze.
226 Mayor Allen stated that the Ogden YCC Family Crisis Center will be coming to ask for donations to the
227 program. Mayor Allen stated that it is an important program and would like to see the City donate if it is
228 possible. They are asking for \$4,000 from our City.
229 Mayor Allen stated that he and Council Member West have been reviewing the City wide compensation plan
230 and asked staff to provide some information needed for their assignment.

231
232 **11. ADMINISTRATION REPORTS**

233 Hanson stated that staff is working on ordinance review concerning nuisance issues.
234 He stated that the budget is being prepared and more work sessions are scheduled.
235 Hanson stated that the contract with Republic is coming up for review.

236
237 **12. UPCOMING EVENTS**

238 March 20th: Terrace Days Planning Meeting 5:00 p.m.
239 Mar 20th : City Council Work Session 5:30p.m.
240 Mar 20th: City Council Meeting 6:00 p.m.
241 Mar 29th: Planning Commission 6:00 p.m.
242

243 **13. ADJOURN THE MEETING: MAYOR ALLEN**

244
245 Mayor Allen adjourned the meeting at 7:08 p.m.
246
247
248

249 **Date Approved**

250

251 **14. ADJOURN INTO RDA MEETING**

252

City Recorder



City Council Staff Report

Author: Amy Rodriguez
Subject: CDBG SECOND PUBLIC HEARING
Date: 3-20-18 **Admin Dept.**
Type of Item: Public Hearing

Summary Recommendations: The City Council will hear public comment on the Upgrades to Tank #1 Project.

Questions from the audience need to be responded to (particularly those who may be immediately impacted by the project).

Description:

A. Topic: CDBG SECOND PUBLIC HEARING

B. Background:

CDBG requires that a second public hearing be held after an applicant has been notified that their application has been funded by the Rating and Ranking committee (RRC) but before the final application is due in May. The City was notified in March that the proposed Project was recommended for funding of \$

C. Analysis:

CDBG further requires that the second public hearing being conducted as follows:

COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING

Mayor Allen opened the second public hearing for the CDBG program. **Mayor Allen stated that this hearing was called to allow all citizens to provide input concerning the project that was awarded under the 2018 Grant Year Community Development Block Grant Program.**

The City has amended its capital investment plan and decided to apply for funds on behalf of the Water Storage Tank #1 Upgrades Project, located at 5295 South 500 West . **The Mayor introduced Amy Rodriguez as Grant Manager, and Steve Harris as the Project Manager of the Water Storage Tank #1 Upgrades Project. The Mayor explained that the application was successful in the regional rating and ranking process and the Water Storage Tank #1 Upgrades Project was awarded \$232,503.00.**

The Mayor explained the project to those in attendance.

The Mayor then asked for any comments, questions and concerns from the audience.

The Mayor stated that copies of the capital investment plan are available if anyone would like a copy.

There were no more comments and the hearing was adjourned at _____.

D. Department reviewed by: Admin



City Council Staff Report

Building & Planning

Author: Building & Planning Department

Subject: Amendment to Municipal Code 17.44.200, Landscaping Regulations,

Date: March 20, 2018

Type of Item: Action/Discussion

Summary:

Discuss, and by motion, amend the City of Washington Terrace's Municipal Code section 17.44.200, Landscaping Regulations to Require existing commercial businesses to maintain landscaping.

Description:

Topic:

The amendment is to landscaping requirements for existing commercial businesses to require those businesses to maintain landscaping as part of their business within the commercial zones. The amendment will adopt guide lines in the landscaping regulation ordinance, 17.44.200.5,

Analysis:

City of Washington Terrace's municipal code Title 17.44.200.5 Residential landscaping regulations has not addressed existing commercial properties. This has left a void whereas, staff is recommending adding and amending the landscaping regulation ordinance. This will allow the city to review the commercial areas and require landscaping on existing commercial sites.

Department/Staff Review:

The Staff's recommends approval at this time and City Council should make the necessary additions by amending the landscaping regulations ordinance.

Ordinance:

The Amendment,

6. Maintenance of existing commercial & residential properties and businesses

- a. It shall be the responsibility of the property owner, occupants, and/or agents or responsible party to maintain the landscaped areas in accordance with the following conditions; which includes watering, mowing property, pruning, fertilizing, the removal and replacement of dead plant materials in a timely manner and maintenance of irrigation systems to eliminate waste of water.

- b. Xeriscaping is encouraged in the required landscape areas. A true xeriscaping may include a combination of drought resistant trees, shrubs, ground covers, and organic mulches and well as some dry landscape materials.
- c. General Maintenance of landscaping on all existing commercial property shall be kept in good order and repair.
- d. Lawn, grasses, and other acceptable ground cover shall be maintained in an attractive manner. Watering shall be sufficient to maintain healthy plant life. Lawn, grasses and other acceptable ground cover shall not exceed six (6) inches in height.
- e. Trees shall be trimmed and kept in an attractive manner. Only the acceptable trees shall be allowed as listed in section-----landscaping regulations. Trees shall not be an obstruction to clear view areas of streets.
- f. Bushes and shrubs shall be maintained in an attractive manner. Bushes and shrubs located within clear view areas of street intersections shall not be an obstruction, shall be trimmed so that the highest branch is no more than thirty-six (36) inches in height, measured from the top of the curb, or in the case of no curb, the average elevation of the road. Bushes and shrubs shall not be planted in a manner that has the effect of hiding or making it difficult to identify a fire hydrant. Leaves shall be removed from the curb and gutter on a regular basis to avoid interference with the flow of water.
- g. Rocks, stones, fountains, planter beds, and other landscaping features shall be attractive and appropriate for their location. Where rocks or other non-vegetative landscaping is used, the area shall be kept free of weeds and debris. Landscaping features located within clear view areas of street intersections, shall be placed so that the feature is no more than thirty-six (36) inches in height. Landscaping features shall not be placed in a manner that has the effect of hiding or making it difficult to identify a fire hydrant.

Alternatives

A. Approve the Request: The City Council by motion approve the amended landscaping Ordinance 17.44.200.6

B. No Action: The City Council can deny the request by motion.

C. Continue the Item:

The City Council may table the request to a later meeting, subject to suggesting additional information.

**WASHINGTON TERRACE CITY
ORDINANCE 2018-03**

LANDSCAPING AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE,
UTAH, AMENDING CHAPTER 17.44 RELATED TO
LANDSCAPING MAKING TECHNICAL CHANGES;
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, the City desires to limit landscaping on certain public property to mitigate utility issues and road expansion problems;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace City as follows:

Section 1: Repealer. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Chapter 17.44 is hereby amended to read as follows:

17.44.200. Landscaping regulations.

- A. Title. The name of this section shall be known and cited as “Landscaping Regulations” for the city of Washington Terrace (known as "city").
- B. Purpose and Goals. The purpose shall be to provide landscaping and buffering guidelines for developers and builders to follow in the design, installation, and maintenance of proposed residential, commercial, and industrial development projects. The goal shall be to promote quality landscaping design throughout the city while integrating various elements of site design. Landscaping regulations shall preserve and enhance the particular identity of the site by creating a pleasing site character and promote and encourage water conservation through landscaping design and irrigation systems.
- C. Landscaping Defined. "Landscaping" shall mean some combination of planting materials such as trees, shrubs, ground covers, perennials, annuals, Xeriscape principles and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, benches, and street furniture.
- D. Landscaping. All landscaping shall be installed and maintained in conformance with a landscape plan approved by the planning commission for subdivisions, PRUDs, commercial/industrial businesses and commercial/industrial zones.
 - 1. Landscape Plan: Two (2) copies, eleven by seventeen (11 x 17), of a detailed landscaping plan and development plan shall be submitted to the planning commission at the time of site plan review. Fifteen percent (15%) of a business/commercial area shall be maintained in landscape open space;
 - 2. Tree Stand; Natural Vegetation: Existing significant tree stands and natural vegetation shall be integrated into the site landscape plan to the maximum extent possible. The minimum size for landscaping is five (5) gallon shrubs, two inch (2") width caliper trees, and five (5) to six foot (6') tall evergreens;
 - 3. Preparation by a Licensed Architect. The city requires that landscaping plans be designed by a licensed landscape architect.

4. Sprinkling or Irrigation System. Plantings shall be serviced by an acceptable underground sprinkling or irrigation system.
 5. Noise and Glare. Landscaping shall minimize the nuisance of noise and glare;
 6. Certain Species Prohibited. Species that are a public nuisance or that cause excessive litter shall be avoided.
- E. Scope Of Requirements:
1. Residential landscaping includes all R zones.
 - a. New Homes: All landscaping for new construction shall be installed and maintained for the park strip, front yard, and side yard within one (1) year of taking occupancy of any lot or parcel on which a home has been constructed. -Rear yard landscaping shall be installed within 2 years of occupancy.
 - b. Existing Homes: All landscaping for existing homes shall be installed and maintained on any lot or parcel on which a home exists. Homes that have a transfer of title or ownership will have one (1) year to landscape the park strip, front yard, side yard, and rear yard.
 - c. Park Strip: Park strips shall be maintained and landscaped by the abutting property owner. Trees within a park strip must comply with the city ordinances and a city zoning compliance permit shall be completed before installing any trees in the park strips. (See approved park strip tree list below.) All existing trees in the park strips shall be nonconforming. Property owners shall get approval from the building official or public works director to have concrete or other decorative material installed on park strips. Low growing conforming type vegetation/grass shall be allowed to be planted in park strip areas.
 - d. Approved Park Strip Trees:
 - A. Crabapple/flowering
 - B. Plum-nonbearing varieties only
 - C. Goldenrain tree.
 - D. Hawthorn: Lavalley, Carriere, Washington, or Paul Sarlet
 - E. Imperial honey locust.
 - F. Japanese lilac tree.
 - G. Maple: hedge, amur, tartartian, Rocky Mountain, or truncatum.
 - H. May Day tree.
 - I. Red bud, eastern tree.
 - e. Alternative Landscape Methods: Any alternative method of landscaping, such as Xeriscape, shall receive approval by the city building official. The applicant shall submit two (2) copies, eleven by seventeen (11 x 17), of landscaping plans for review.
 - f. Compliance: All landscaping shall also comply with all other municipal codes that apply, including, but not limited to, this chapter.
 - g. Residential Compliance: Residential landscaping shall also comply with subsections D4, D5 and D6 of this section.
 2. Maintenance of existing commercial & residential properties and businesses:
 - a. It be the responsibility of the property owner, occupants, and/or agents or responsible party to maintain the landscaped areas in accordance with the following conditions; which includes watering mowing property pruning fertilizing the removal and replacement of dead plant materials in a timely manner and maintenance of irrigation systems of eliminate waste of water.
 - b. Xeriscaping is encouraged in the required landscape areas. A true xeriscaping may include a combination of drought resistant trees, shrubs, ground covers, and organic mulches and well as some dry landscape materials.
 - c. General Maintenance of landscaping on all existing commercial property shall be kept in good order and repair.

- d. Lawn, grasses, and other acceptable ground cover shall be maintained in an attractive manner. Watering shall be sufficient to maintain healthy plant life. Lawn, grasses and other acceptable ground cover shall not exceed six (6) inches in height.
 - e. Trees shall be trimmed and kept in an attractive manner. Only the acceptable trees shall be allowed as listed in section, landscaping regulations. Trees shall not be an obstruction to clear view areas of streets.
 - f. Bushes and shrubs shall be maintained in an attractive manner. Bushes and shrubs located within clear view areas of street intersections shall not be an obstruction, shall be trimmed so that the highest branch is no more than thirty-six (36) inches in height, measured from the top of the curb, or in the case of no curb, the average elevation of the road. Bushes and shrubs shall not be planted in a manner that has the effect of hiding or making it difficult to identify a fire hydrant. Leaves shall be removed from the curb and gutter on a regular basis to avoid interference with the flow of water.
 - g. Rocks, stones, fountains, planter beds, and other landscaping features shall be attractive and appropriate for their location. Where rocks or other non-vegetative landscaping is used, the area shall be kept free of weeds and debris. Landscaping features located within clear view areas of street intersections, shall be placed so that the feature is no more than thirty-six (36) inches in height. Landscaping features shall not be placed in a manner that has the effect of hiding or making it difficult to identify a fire hydrant.
3. All landscaping for commercial/industrial businesses/zones shall be maintained and installed on lot or parcel. Businesses that have a transfer of title or ownership, by sale or lease, shall comply with the following items and subsection F of this section:
- a. There shall be landscaping maintained along the right of way line of dedicated streets in accordance with a detailed landscaping plan approved by the planning commission.
 - b. All landscaping shall not obstruct pedestrian walkways, vehicular use of driveways, and parking stalls and corner lot sight triangles of any street.
 - c. Storm water related devices, such as detention/retention basins and ponds, culverts, and riprap structures should be landscaped to reduce their visual impacts. Such landscaping may include evergreen plantings, shrubbery, hedges, and other suitable planting material that will control siltation and erosion.
 - d. Fire hydrants shall be free from obstruction on all sides by a minimum of three feet (3').
 - e. Environmentally sensitive areas designated by the city shall be preserved and untouched by development. The same standard applies to wetlands.
 - f. Berms shall comply with city standards.
 - g. Concrete curbs shall be provided between landscaped areas and off street parking areas.
 - h. Where a commercial or industrial development or business abuts any residential zone or residence, there shall be provided along the adjoining property line a decorative seven foot (7') high sight obscuring solid masonry wall and a ten foot (10') wide landscaped strip. The wall shall be constructed and maintained by the owner of the commercial or industrial development or business.
 - i. All landscaping must be completed before final occupancy is granted or business license issued. If completion is unfeasible, the applicant must submit in escrow an amount equal to complete the landscape plan. All landscaping shall be completed within six (6) months of the issuance of final occupancy or business license. If completion is not obtained, the applicant will forfeit escrow.
 - j. Landscaping shall be maintained during construction projects.

- k. Dead or damaged landscaping shall be replaced within thirty (30) days of notification by the city or during the next planting season if not possible at the current time.
- l. It shall be required to show the blowout valves and sprinkler connections on the site plan.

3. Public Park Strip in the Commercial/Industrial Zones and on Adams Avenue.

- a. No trees shall be planted in any public park strip within any Commercial/Industrial Zone. No tree shall be planted in the public park strip on and along Adams Avenue.
 - b. Any new tree planted is deemed a nuisance subject to abatement at the expense of the person who planted the tree. All existing trees in a park strip where a tree is prohibited shall be deemed nonconforming. Any nonconforming tree that is removed shall not be allowed to be replanted and shall comply with this chapter.
 - c. A nonconforming tree is deemed a nuisance subject to abatement and reimbursement of any damages at the expense of the person owning the street frontage where the tree is located in the event that the nuisance tree causes or may cause damage to any utility, infrastructure, sidewalks, curb or gutter, or storm drain.
 - d. No trees or landscaping shall be installed or maintained so as to obstruct pedestrian walkways, sidewalks, driveways, parking stalls, and standard corner lot sight triangles of any street.
 - e. All landscaping shall comply with this chapter and other governing provisions of the municipal code,
 - f. Shrubs and vegetation not to exceed three (3) feet in height may be installed in any public park strip, subject to removal in the event the landscaping becomes a nuisance, utility work, or other construction.
 - g. Fire hydrants shall be free from obstruction on all sides by a minimum of three (3) feet.
 - h. The park strip under this subsection shall be properly maintained, watered, mowed, and kept weed free by the abutting property owner of the street frontage.
- A. Submittal Requirements: All landscaping shall be installed and maintained in conformance with an approved landscape plan. The applicant shall submit two (2) copies, eleven by seventeen (11 x 17), of landscaping plans to the city building official.
1. Landscape plans are required for all nonresidential projects.
 2. The landscape plan may be incorporated into the site plan or provided separately.
 3. No permit for use, subject to the requirements of this section, shall be issued until a landscape plan has been approved by the planning commission.
 4. The landscape plan shall be drawn to scale and accurately depict the following information:
 - a. The names of all types of plant species proposed.
 - b. The number, size and spacing of all proposed plants and the height of trees and shrubs at the time of planting.
 - c. The lot area and the total area of the lot required to be landscaped.
 - d. Location and dimensions of planting areas.
 - e. Details of any required berms, fences, or walls.
 - f. The location and dimensions of any proposed or required pedestrian walkways.
 5. Escrow. Owner/developer shall enter into an escrow agreement with the city wherein the owner/developer shall deposit sufficient funds to ensure installation of the required landscape, which amount shall include an additional ten percent (10%) of the total amount required, ten percent (10%) shall be applied in the event of default by owner/developer. The escrow agreement shall include a time certain for installation of the landscaping by the owner/developer. Upon default of the owner/developer of any of the conditions of this section, or the escrow agreement, the city will receive the escrow funds and complete the required landscaping.



City Council Staff Report

Building & Planning

Author: Building & Planning Dept
Subject: Amendment to the 'Nuisance ordinance' section 8.16
Date: March 20, 2018
Type of Item: Action/discussion to amend the Nuisance Ordinance 8.16.

Summary Recommendations: By motion, amend nuisance ordinance sections 8.16.040 and 8.16.060, with changes.

Description:

A. Background:

The revisions to 8.16.40 is to add line 47, which will indicate that existing commercial business should maintain their landscaping and reference to the new change that was made in chapter 17.44.200.6 landscape regulations. "**47. Failure to keep or maintain landscaping on existing commercial properties reference 17.44.200.6 Landscape Regulations**" Section 8.16.060, Administration and Enforcement, "2.d": changes have been made to reflect how a notice can be served. These are minor adjustments to the section but are critical to understanding the proper noticing of violation to serve notice to owner or business.

B. Department Review:

The Building & Planning Dept. have reviewed the ordinance and give there approval. The City Staff has forwarded this ordinance for review to the City Attorney for review.

Alternatives:

- A. Approve the Request: By motion approve the amended ordinance
- B. Deny the Request: By motion deny the amended ordinance
- C. Continue the Item: The City Council may table the request to a later meeting, subject to suggesting additional information.

Recommendation:

Staff's Recommendation is for approval.

**CITY OF WASHINGTON TERRACE
COUNTY OF WEBER, STATE OF UTAH**

**INSPECTION AND CLEANING
ORDINANCE NO. 18-04**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE,
UTAH, REPEALING AND RE-ENACTING CHAPTER 8.16 OF
THE WASHINGTON TERRACE MUNICIPAL CODE RELATING
INSPECTION AND CLEANING; SEVERABILITY; PROVIDING
AN EFFECTIVE DATE**

WHEREAS, the City of Washington Terrace, Utah, (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60, 1953, as amended, allows the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, *Utah Code Annotated* §10-11-1, et seq, authorizes the City to conduct inspection and cleaning of certain property and nuisances;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace, Utah, as follows:

Section 1: Repealer. Chapter 8.16 of the *Washington Terrace Municipal Code* is hereby repealed in its entirety.

Section 2: Re-enactment. Chapter 8.16 of the *Washington Terrace Municipal Code* is hereby re-enacted to read as follows:

**Chapter 8.16
INSPECTION AND CLEANING**

Sections:

- 8.16.010. Authority.**
- 8.16.020. Definitions.**
- 8.16.030. Duty to maintain.**
- 8.16.040. Nuisance declared.**
- 8.16.050. Accumulation prohibited.**
- 8.16.060. Administration and enforcement.**

- 8.16.070. Appeal.**
- 8.16.080. Eradication and removal by municipality.**
- 8.16.090. Statement of expenses and demand for payment.**
- 8.16.100. Cost recovery.**
- 8.16.110. Suit and judgement for expenses.**
- 8.16.120. Assistance of sheriff.**
- 8.16.130. Non-exclusive remedy.**
- 8.16.140. Enforcement and penalty.**

8.16.010. Authority.

This chapter is known as “Inspection and Cleaning” adopted as authorized by *Utah Code Annotated* §10-11-1, et seq, 1953 as amended. In accordance with *Utah Code Annotated* §10-8-60, the city hereby exercises its broad authority to declare what shall be a nuisance, and abate the same, and impose fines upon persons who may create, continue, or suffer any nuisance to exist.

8.16.020. Definitions.

As used in this code, the following words mean:

1. “Abandoned” means a nuisance condition or nuisance object left or perceived to be left unattended, disused, discarded, discontinued for more than 10 days upon public or private property.
2. “Abate” or “abatement” means an action by the city to repair, replace, rehabilitate, remove, destroy, demolish, correct or otherwise remedy any condition that is declared a nuisance in this chapter.
3. “Enforcement official” means an building inspector, code enforcement official, sheriff, for other official designated by the city manager to enforcement of this chapter.
4. “Nuisance” means a condition or location where that the city has declared a nuisance using the broad nuisance declaration powers set forth in *Utah Code Annotated* §10-8-60. Such condition includes but is not limited to a unsightly or injurious object, structure, non-maintained conditions, unsightly conditions, noxious conditions or objects, trash, junk, refuse or garbage, anything dangerous to human life or health, or anything rendering the soil, air, water, or food to be impure or unwholesome.
5. “Nuisance vehicle” means any wrecked, obsolete, junked, inoperable, unregistered, or expired vehicle, or any portion of such vehicle in the city. It also includes any vehicle or part of a vehicle that is parked illegally on public property or the public right-of-way, in violation of land use regulations, not able to be driven legally based on any condition or status. It further includes any vehicle used for commercial purposes in a residential zone that is not actively going to or returning from a delivery in the city, or a vehicle used for commercial purposes where the owner of the vehicle does not have an approved commercial site plan and/or a business license within the city.

6. “Noxious weed” means vegetation that is determined by the state of Utah, Weber County, or Utah State University (USU) Extension Services to be environmentally invasive.
7. “Owner” means any person or entity that is the reputed or record owner of the premises, or the responsible party as provided in this chapter.
8. “Property” means any real property, lot, parcel or plot of ground, whether occupied or not, and any premise including a building or structure, or the premises on which a building or structure is located, or undeveloped land.
9. “Refuse”, “junk”, “debris” or “garbage” means useless, worthless or discarded materials, indoor household furniture or parts thereof left outdoors, used tires, parts of vehicles, unsightly machinery or equipment, unsightly appliances or parts of appliances, trash, rubbish, grass and tree trimmings, rotting material or vegetation, litter, scrap building materials, food product waste, dead animals, and any similar material.
10. “Temporary permit” means temporary permit issues by the Utah Division of Motor Vehicles for a vehicle that is being repaired or restored to pass required state and county inspections or otherwise.
11. “Vehicle” means a motorized, non-motorized, or self-propelled device intended primarily for transportation, use and operation on a road or utility or recreation, or a device used in the transportation of any item from one location to another such as a trailer.

8.16.030. Duty to maintain.

In accordance with *Utah Code Annotated* §10-11-2, all property owners, their agent(s), all occupant(s) or tenants, or other person having control of real property have a duty to maintain real property free and clear of any nuisance or nuisance activity as provided in this chapter. The duty in this section shall be deemed all property owners, their agent(s), all occupant(s) or tenants, or other person having control of real property to be the responsible party for any nuisance and each shall be joint and severally liable therefore for its removal, remedy, and/or damages, including fines and penalties.

8.16.040. Nuisance declared.

The following objects, acts, or conditions along with any resulting condition, are hereby declared to be nuisances in violation of this chapter and subject to the penalties provided herein:

1. Conditions that create a possible fire hazard.
2. Unlawful pollution or environmental degradation, or anything rendering the soil, air, water, or food to be impure or unwholesome.
3. Conditions that harbor or attract rodents, insects, disease, or other forms of life deleterious to human habitation.
4. Deleterious surroundings and structures in violations of local codes.
5. Allowing or causing to keep, deposit, dump, burn, bury or allow to exist any unsightly or injurious objects, structures, junk, discarded or unused objects or

- equipment, nuisance vehicles, noxious weeds, grass over six (6) inches in growth, or neglected landscaping.
6. To allow vegetation, waste, garbage, litter, filth, refuse, feces, or manure to accumulate within or upon any property, except where it is scheduled for immediate removal.
 7. To discharge or dump liquid waste, hazardous waste, or refuse of any kind into any street, road, sidewalk, gutter, stream, drain, pipe, wash, natural water course, ditch, canal, lot, or other property.
 8. To obstruct any watercourse, storm drain, or pipeline.
 9. To permit any garbage container to remain on a premise when it has become unclean, offensively putrescent, or overflowing.
 10. To block, obstruct, or interfere with access or use of city streets, sidewalks, easements, or right-of-ways without an encroachment permit from the city.
 11. Any condition or object that may cause immediate and irreparable harm to a person or endanger public health and safety.
 12. The accumulation of animal waste products.
 13. Any unkept, offensively putrescent, or filthy stable, stall, corral, feed yard, or in any other structure or area where animals are kept.
 14. Allow to be kept or collected any putrid grease, vegetable matter, rotting substance, or other similar matter on any premises.
 15. Dumping, disposal, or handling of grease, oils, fats, or substance in any manner that may result in any pollution, clog, or damage to any sewer system, storm water system, or the environment.
 16. To have or permit upon any condition that creates unnecessary stagnant water, or unnecessarily fosters flies, mosquitos, or rodents.
 17. To pollute or render fowl water in any spring, stream, well, or other water supply. Including any action or inaction that may jeopardize or harm a public or private water system, including a drinking fountain.
 18. Create or allow a condition or object that may detrimentally affect any sanitary sewer line or system, septic system, or other waste collection system. Including any action or inaction by an owner that may result in any overflow, system failure, or other potential public or environmental hazard relating to sewer.
 19. To allow any property or project to hold any decaying material, hazardous material, explosives, or offensive substances.
 20. To plant or maintain any tree or vegetation that may enter or damage any storm drain, field or land drain, or sewer systems, or cause heaving or other damage to any sidewalks, curbs, gutters, or streets. Including overhanging trees, branches, or vegetation in violation of the Manual on Uniform Traffic Control Devices (MUTCD), American Association of State Highway and Transportation Officials (AASHTO) standard, or other applicable code.
 21. To plant or maintain trees or vegetation which obstruct the clear view of traffic, traffic signs, fire hydrants, utilities, public right-of-ways, sidewalks, curbs, and intersection corner property sight triangles specified in the land use ordinance.

22. To fail to properly keep adjoining public sidewalks clear of snow and any other obstruction.
23. To put or cause to have put snow, ice, leaves, litter, dirt, debris, or other refuse into the public right-of-way.
24. To operate a business within the city without obtaining the appropriate city business license, along with any required state license and tax identification numbers.
25. Failure to control and prevent back-flow and eliminate all cross connections between any auxiliary water source and the city's culinary water systems.
26. Failure to install, maintain, control, back-flow devices for any sewer and/or water system.
27. Failure to immediately stop and repair any culinary water, secondary water, or sewer line break.
28. Leaving fuel, flammable material, or similar material open and accessible to children or creating an attractive nuisance condition.
29. Failure to park any vehicles, motor home, fifth-wheel, trailer, water craft, recreational vehicle, and axle driven devices on a solid surface type material such as asphalt or concrete. The solid surface area must also cover the full size of the vehicle where such vehicle is parked. Nuisance under this part are exempt where granted a winter parking exemption in the municipal code under Section 10.16.030 so long as the required spring restoration of the soft surface is completed as provided in the municipal code. Failure to make spring restoration of soft surface under this part is a nuisance under this chapter.
30. Failure to park or place any vehicle, trailer, or equipment at least three feet behind the sidewalk and nine feet behind curb where no sidewalk exists.
31. Failure to install or maintain any toilet, sink, plumbing, or sewer facility in accordance the applicable international building codes, or regulations of the Weber-Morgan Health Department.
32. Failure to comply with the property maintenance code, which regulates the conditions and maintenance of all property, buildings and structures, such as fences, roofs, siding, and otherwise.
33. Any construction activities on any property without the proper permits.
34. Allowing or keeping any abandoned appliances, furniture, furnishings, or containers outside on any property.
35. Keeping any appliance or device accessible to children that may be airtight and contain a lid, lock, or door device which may not be released from the inside.
36. Failure to keep or maintain landscaping or storm water basin required on an approved site plan.
37. Parking any motor home, fifth-wheel, trailer, water craft, or recreational vehicle property used for residential purposes for more than forty-eight (48) hours. Allow any such vehicle described in this part of park on the public right-of-way or within 3 feet of the sidewalk.
38. To allow any basketball standard, other recreation device, or equipment of any kind to obstruct or interfere with any street, sidewalk, curb, or gutter.

39. To hold, park, keep, operate, maintain, or keep any nuisance vehicle or abandoned vehicle where there is no valid temporary permit.
40. Burning of any kind without a valid burn permit.
41. To permit or cause to keep, deposit, dump, bury, or allow to exist any unsightly or injurious objects, structure, junk, discarded or unused objects or equipment, equipment, noxious weeds, grass over six (6) inches in height.
42. Parking or keeping any commercial vehicle or commercial activity in a residential zone or without a valid site plan in a commercial zone.
43. Operating a business without a valid business license.
44. Overnight parking of any commercial vehicle over 10,000 gross vehicle weight on any city street, sidewalk or municipal property.
45. Keeping or harboring excessive animals, stray animals, or any animals in violation of the municipal code.
46. Failure to keep or maintain landscaping on existing commercial properties; reference municipal code 17.44.200.6 "Landscape Regulations"

8.16.050. Accumulation prohibited.

It is unlawful and a violation of this Chapter for the owner or occupant of real property or estate, or its agent, to cause or permit upon such property, or right-of-way adjacent thereto, the accumulation of, or, after notice as provided in this chapter, to fail to eradicate or remove garbage; refuse; abandoned vehicles or inoperable vehicles, boats, or trailers; or any unsightly or deleterious objects or structures.

8.16.060. Administration and enforcement.

1. Administration. The enforcement official administers this chapter.
2. Powers and duties. The enforcement official is authorized to:
 - a. Inspect real property within the city to determine whether such constitute a nuisance as provided in this chapter.
 - b. Follow the procedure in *Utah Code Annotated* §10-11-1, et seq, for inspection, cleaning, nuisance abatement, and cost recovery.
 - c. Ascertain the names of the owner(s) or occupant(s) of property where a nuisance exists.
 - d. Serve notice, in writing, or post onsite at property, upon the ascertained owner(s) or occupant(s) or business owner, etc, either:
 - i. In person or posted on site or by mail (certified mail if required by state law) to the property owner of record as described in *Utah Code Annotated* §10-11-2(2)(a)(i), if mailed to the last-known address of the owner according to the records of the county recorder; or
 - ii. In person or posted on site or by mail (certified mail if required by state law) to a non-owner occupant or another person responsible for the property who is not the owner of record as described in *Utah Code Annotated* §10-11-2(2)(a)(ii), if mailed to the property address.

- iii. In the written notice described in *Utah Code Annotated* §10-11-2(2)(a), the municipal inspector shall:
 - (1) Identify the property owner of record according to the records of the county recorder.
 - (2) Describe the property and the nature and results of the examination and investigation conducted in accordance with *Utah Code Annotated* 10-11-2(1)(a); and
 - (3) Require the property owner, occupant, or, if applicable, another person responsible for the property to:
 - (a) Eradicate or destroy and remove any identified item examined and investigated under *Utah Code Annotated* §10-11-2(1)(a); and
 - (b) Comply with *Utah Code Annotated* 10-11-2(2)(c)(iii)(A) in a time period designated by the municipal inspector but no less than 10 days after the day on which notice is delivered in person or post-marked.
 - (4) For a notice of injurious and noxious weeds described in *Utah Code Annotated* §10-11-2(2)(a), the enforcement official is not required to make more than one (1) notice for each annual season of weed growth for weeds growing on a property.
 - (5) The municipal inspector shall serve the notice required under *Utah Code Annotated* §10-11-2(2)(a)(i) under penalty of perjury.
- iv. Notice should indicate a statement informing the party of their right to appeal and any civil fines or criminal penalties that may be imposed.
- v. Notice may state alternative remedies as appropriate.
- vi. Proof of service may be required for cost recovery from the county treasurer, any court, or otherwise.
- e. Eradicate and remove objects in violation of this chapter, impose fines, initiate suit, or seek other remedies allowed by law, and/or assess costs in accordance with *Utah Code Annotated* §§10-11-3 and 10-11-4.

8.16.070. Appeal.

The owner(s) or occupant(s) who receives a notice under this chapter may file a written appeal with the city recorder within ten (10) days from being serviced by mail or other wise, or within ten (10) day of any written final decision or fine of an enforcement official. All appeals are held before the appeal authority and governed in accordance with the procedure set forth in the municipal code. Failure to make timely appeal forfeits rights associated with the same and serves as cause for dismissal of any adverse action against the city by an aggrieved party or any party with standing.

8.16.080. Eradication and removal by municipality.

If the owner(s) or occupant(s) of the property described in the written notice given in accordance with this Chapter, including any decision from an appeal related to the same, fail or neglect to conform to the requirements relating to the eradication and removal of any objects determined to be in violation of this chapter, the city manager, or his designee, may employ all necessary assistance to cause such materials or conditions to be eradicated and removed from the property at the initial expense of the municipality.

8.16.090. Statement of expenses and demand for payment.

Upon completion of the eradication and removal, the enforcement official, or his designee, shall cause to be prepared an itemized statement of expenses incurred by the municipality for the eradication and removal of the nuisance in violation of this chapter, along with a demand for payment of the same to be made within thirty (30) days from the date of mailing. Said a copy of statement and demand shall be mailed (certified mail if required by state law) to the owner(s) or occupant(s) of the property described in the written notice.

8.16.100. Cost recovery.

In the event that the owner(s) or occupant(s) of the property described in the written demand for payment fail to make payment timely or as set forth in the demanded, the enforcement official, or his designee, may seek cost recovery at set forth in *Utah Code Annotated* §10-11-1, et seq, including referral to the county treasurer to be included in tax notice as provided by law.

8.16.110. Suit and judgement for expenses.

In the event that the collection of expenses for violations of this chapter, and eradication and removal of the same, are pursued in court, the municipality shall be entitled to sue for all expenses related to the violation including administration, eradication, removal, attorney's fees, court costs, and interest on the same. Judgment shall be executed in the manner provided by law.

8.16.120. Assistance of sheriff.

The enforcement official, or his designee, may request assistance from the sheriff in any abatement or enforcement action under this chapter.

8.16.130. Non-exclusive remedy.

Any enforcement, action, or penalty under this chapter shall not be construed to exclude the city from seeking any other remedy provided by law or the municipal code.

8.16.140. Enforcement and penalty.

A owner, person, firm, corporation, occupant, tenant, or other party responsible for a nuisance or nuisance condition under this chapter is subject to the following:

1. Initial. On-sight of any nuisance violation under this chapter, the enforcement official may issue a written on-sight \$10 fine to be paid to the city within fourteen (14) days.
2. Civil fines. Civil fines may be imposed for nuisance violations of this chapter in addition to any abatement or removal costs. Compounding civil fines accrue as follows:
 - a. \$25 per day a violation or nuisance continues uncorrected or unabated after the ten (10) day notice period expires for first thirty (30) days after the notice period expires.
 - b. \$100 for the next thirty (30) days a violation continues.
 - c. \$500 for the next thirty (30) days a violation continues.
 - d. \$1000 per day after that where a violation continues.
3. Criminal. Any person who allows a nuisance to continue after receiving notice under this chapter is guilty of a class B misdemeanor and subject to a fine in the amount of \$750.00 and/or six (6) months in jail.
4. Alternative remedies. The following alternative remedies apply:
 - a. Corrective action plan. The enforcement official, at his discretion, may enter a written agreement with the owner or occupant for a corrective action plan to remedy the nuisance violation and provide a plan and time frame for the same.
 - b. Court imposed. In addition to other remedies provided by law, the court may also assign the responsible party or owner, occupant or person having a interest in or control over the property to probation or to an alternative program to designed to aid the owner or occupant deal with mental or psychological issues that resulted in the nuisance condition. This alternative remedy is specifically designed for hoarders.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 5: Effective date. This ordinance take effect immediately after approval and posting.

PASSED AND APPROVED by the City Council this ___ day of _____, 20___.

MARK C. ALLEN, Mayor,
City of Washington Terrace

ATTEST:

WTC Ord. 13-01

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2018.

PUBLISHED OR POSTED this ____ day of _____, 2018.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing Ordinance was duly passed and published, or posted at 1)_____ 2)_____ and 3)_____ on the above referenced dates.

AMY RODRIGUEZ, City Recorder