



Regular City Council Meeting
Tuesday, September 3, 2019
City Hall Council Chambers
5249 South 400 East, Washington Terrace City
801-393-8681
www.washingtonterracecity.com

1. **WORK SESSION:** **5:00 P.M.**
Topics to include, but are not limited to: NLC Service Line Warranty Program. Discussion of endorsing a utility warranty program regarding responsibilities of lateral lines and homeowners protection.
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 AUGUST 20, 2019, MEETING MINUTES**
6. **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.
7. **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.
8. **NEW BUSINESS**
 - 8.1 **DISCUSSION: NLC SERVICE LINE WARRANTY PROGRAM**
Review and continuation of work session discussion concerning possible endorsement of a utility warranty program.

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.

**8.2 MOTION/ORDINANCE 19-08: AN ORDINANCE REPEALING AND RE-ENACTING
CHAPTER 8.16 OF THE MUNICIPAL CODE “ INSPECTION AND CLEANING”**

9. COUNCIL COMMUNICATION WITH STAFF

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

10. ADMINISTRATION REPORTS

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

11. UPCOMING EVENTS

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

September 11-13th: ULCT Conference in Salt Lake City

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

September 26th: Planning Commission 6:00 p.m. (tentative)

12. ADJOURN THE MEETING: MAYOR ALLEN

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NLC Service Line Warranty Program Highlights

- The only utility line warranty program endorsed by the National League of Cities (NLC)
- Endorsed by multiple state leagues
- Over 500 municipalities participating nationwide
- No cost to or liability for the city to participate
- Ongoing revenue stream for city
- Educates homeowners about their lateral line responsibilities
- Utility Service Partners (USP) handles all marketing and management of the program
- 24/7/365 bilingual customer service
- All repairs performed to city code by local, licensed contractors
- Reduces calls from residents to City Hall for lateral water and sewer line issues
- Homeowner billed by NLC Service Line Warranty Program
- Provides residents an affordable solution that covers cost of repairs to water and sewer lines for which the homeowner is responsible
- No public funds are used in the marketing, distribution or administration of the NLC Service Line Warranty Program
- The NLC Service Line Warranty Program must be supported by the city into which it is being introduced before any warranty offer letters are mailed to homeowners in the community

PARTICIPATING CITIES (SAMPLE OF OVER 500)

Phoenix, AZ

Ottawa, KS

Independence, MO

Tucson, AZ

Elsmere, KY

Las Vegas, NV

San Diego, CA

Baltimore, MD

Dayton, OH

San Angelo, TX

Beverly Hills, MI

Tulsa, OK

<<FNAME>> <<LNAME>>
<<TITLE>>
<<ACCOUNT NAME (CITY OF)>>
<<STREET ADDRESS1>>
<<STREET ADDRESS2>>
<<CITY>>, <<STATE>> <<ZIP>>



<<Month X, 2019>>

Dear <<First Name>>:

The Utah League of Cities and Towns is pleased to introduce the National League of Cities (NLC) Service Line Warranty Program, a program that can help municipalities comply with state law requiring disclosures related to homeowner liability for the repair or replacement of a retail water line.

Administered by Utility Service Partners (USP) and offered at no cost to League members, the NLC Service Line Warranty Program educates homeowners about their service line responsibilities and offers affordable protection from unanticipated service line repair costs. Homeowners in participating cities are eligible to purchase low-cost repair service plans for broken or leaking outside water and sewer lines, covering up to \$8,500 per occurrence.

Benefits to residents and municipalities include:

- Educates homeowners and reduces local officials' frustration;
- No cost for Utah cities and towns to participate;
- Affordable rates for residents;
- Increases citizen satisfaction.

Important features of the program:

1. USP pays for the repairs, not your residents;
2. Customers are provided with a 24/7/365 repair hotline staffed with live agents;
3. All repairs performed to local code by rigorously vetted, licensed and insured local contractors;
4. USP is responsible for all aspects of the program, including marketing, billing, customer service, and performing all repairs.

Four municipalities including Salt Lake City and Orem currently offer the program, which has saved Utah homeowners over \$4 million in repair costs over the past three years. The program administrator USP, a HomeServe company, has an outstanding national reputation. USP is a BBB Accredited Business with an A+ rating, and they maintain a customer satisfaction rating exceeding 98%. This is the only protection program endorsed by the National League of Cities and multiple state municipal leagues.

The Utah League of Cities and Towns is here to assure the program works for Utah municipalities who participate. We encourage you to consider joining over 500 U.S. cities in adopting the NLC Service Line Warranty Program for your municipality. For more information, please contact Dennis Lyon of USP. He can be reached at 724-749-0301 or dlyon@utilitysp.net. Their website is www.utilitysp.net.

Sincerely,

Cameron Diehl
Executive Director
Utah League of Cities and Towns

NLC SERVICE LINE WARRANTY PROGRAM BENEFITS

CITY

Provides non-tax revenue stream without any investment

Reduces calls to City/Public Works when a homeowner's line fails

Contractors undergo rigorous vetting process to ensure quality service

Reduces costs associated with sending Public Works to residents' homes to assess lateral line issues

Keeps money in the local economy by using contractors in the metro area

Contractors must be current with insurance and required licenses

RESIDENTS

Affordable utility line repair solution for families on a budget

Educates homeowners about their service line responsibilities

Prevents aggravation of having to find a reliable, reputable plumber

Peace of mind - with one toll-free call a reputable plumber is dispatched

Keeps money in the homeowner's pocket; without warranty, repairs cost from hundreds to thousands of dollars

No service fees or deductibles and no paperwork or forms to complete

ACCOLADES & ACCOMPLISHMENTS



- The **only** utility line warranty program endorsed by the National League of Cities
- Over **1.3 million repairs** performed over the last three years saving customers over **\$454 million**
- A customer satisfaction rating of **4.7 out of 5 stars***
- **Accredited by the Better Business Bureau with A+ rating**

* Average repair service rating from customers surveyed via text message and email post service from October 2018 - February 2019

Learn more about the program at www.utilitysp.net or call 1-866-974-4801.

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City of Washington Terrace

Minutes of a Regular City Council meeting
Held on August 20, 2019
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

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MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member Scott Monsen
Council Member Blair Brown
Council Member Larry Weir
Council Member Scott Barker
Council Member Jeff West
Finance Director Shari’ Garrett
Interim Fire Chief Clay Peterson
Public Works Director Jake Meibos
Public Works Operations Manager Denzil Remington
City Recorder Amy Rodriguez
Weber County Sheriff Lt. Jeff Pledger
Interim Fire Chief Clay Peterson
City Manager Tom Hanson

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1. **SPECIAL PRESENTATION:** **5:30 P.M.**
A presentation to Fire Chief Kasey Bush for his Retirement. Chief Bush has worked for the City of Washington Terrace for 16 years. Mayor Allen expressed his appreciation to Chief Bush and his entire family for their sacrifices.

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Public Works Director Jake Meibos
Public Works Operations Manager Denzil Remington
City Recorder Amy Rodriguez
Weber County Sheriff Lt. Jeff Pledger
City Manager Tom Hanson

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Others Present
Charles and Reba Allen, Ulis Gardiner, Amy Miller

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6:00 P.M.

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **WELCOME**

5. **CONSENT ITEMS**

5.1 APPROVAL OF AGENDA

5.2 APPROVAL OF AUGUST 6, 2019, MEETING MINUTES

Items 5.1 and 5.2 approved by general consent.

6. **CITIZEN COMMENTS**

South Ogden resident Amy Miller stated that the summer program for the community kids has ended this past week with great success. She stated that they plan to hold the summer program again next year. She thanked everyone who donated and contributed to the school supply fund. She thanked Council and the City for their support in her programs.

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

Mayor Allen expressed his thanks to Amy for her hard work in the programs.

8. **NEW BUSINESS**

8.1 MOTION /RESOLUTION 19-26: A RESOLUTION ADOPTING THE FISCAL YEAR 2020 BUDGET AND SETTING THE CERTIFIED TAX RATE

Hanson stated that staff has worked diligently to put information forward to the residents concerning the budget and certified tax rate and Truth in Taxation for the improvements for recruitment and retention for the Fire Department.

Mayor Allen stated that he appreciates the support of the Fire Department, Staff, and residents concerning the issue. He stated that the City has held several open houses/public hearings and stated that he will make sure the money goes to the right place. He thanked Council for their support. Mayor Allen stated that he appreciates that residents realize the need for this increase and thanks them all for their support.

**Motion by Council Member Barker
Seconded by Council Member West
To approve Resolution 19-26
Adopting the Fiscal Year 2020 budget and
Setting the certified tax rate
Approved unanimously (5-0)
Roll Call Vote**

8.2 MOTION/ORDINANCE 19-06 : AMENDING CHAPTER 19.22 “STORM WATER UTILITY” REGARDING STORM WATER FEE CALCULATION, BILLING, AND COLLECTION

Hanson introduced Skylar Schulzke, who manages the Storm Water Program. Schulzke stated that

97 The commercial storm water charges have been updated. Schulzke highlighted several of the changes in
98 the ordinance, which had been discussed at a prior work session. The changes have been approved by
99 legal. Mayor Allen asked if there would be a fiscal impact. Schulzke stated that the only thing that will
100 change will be PRUD's, multi-unit residentials, and commercial properties, with the estimated collection
101 would be around \$950 in revenues.

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103 **Motion by Council Member West**
104 **Seconded by Council Member Weir**
105 **To approve Ordinance 19-06**
106 **Amending Chapter 19.22 "Storm Water Utility"**
107 **Regarding storm water fee calculations, Billing, and Collection**
108 **Approved unanimously (5-0)**
109 **Roll Call Vote**

110 Choose chose

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112 **8.3 MOTION/RESOLUTION 19-27: ADOPTING AMENDMENTS TO THE CITY**
113 **POLICY AND PROCEDURES MANUAL**

114 Rodriguez stated that the manual was approved in February, however, there are three additions to the
115 manual that need council approval. One is the whistle blower policy that the mayor asked to be
116 considered. The other is the addition of the Opt Out policy for insurance. Rodriguez stated that the policy
117 notes that it can be discontinued at any time. The last item is the URS language stating that the city will
118 follow URS policies as required. The City follows this policy already, however, it was asked during our
119 audit that the language be included.

120 **Motion by Council Member Weir**
121 **Seconded by Council Member Brown**
122 **To approve Resolution 19-27**
123 **Amending the Policy and Procedures Manual**
124 **Approved unanimously (5-0)**
125 **Roll Call Vote**

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128 **8.4 INTRODUCTION OF NEW PUBLIC WORKS DIRECTOR**

129 Hanson introduced the new Public Works Director Jake Meibos. Meibos introduced his wife Nicole to
130 Council. He spoke to Council about his past work experiences. He stated that he is excited to be a part of
131 Washington Terrace City. Hanson stated that he is appreciative of the Public Works Crew and
132 acknowledged Denzil Remington for his efforts in helping Meibos get situated.

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134 **9. COUNCIL COMMUNICATION WITH STAFF**

135 Council Member Monsen stated that he heard a rumor that Smith's Marketplace is looking for a location
136 and wondered if there is any area in the city that could accommodate this.

137 Council Member Brown stated that the Extreme Makeover was a success and thanked Monroe and staff
138 for all their work.

139 Council Member Weir stated that he agreed and thought it was fun to watch.

140 Council Member Barker asked why 5700 South is not open at this time. Hanson stated streetlights need
141 to be installed and there is an escrow issue to be resolved. Council Member Barker stated that there are
142 street lights out on Adams Ave. Hanson stated that the issue is being resolved. There is a problem with
143 the transformers and wiring.

144 Hanson stated that the final grade is being completed at Rohmer Park. There is a commitment for uesday

145 for asphalt. Hanson stated that the sheds will remain as extra storage.
146 Mayor Allen agreed that the lights need to be changed out before daylight savings.
147 Mayor Allen thanked Clay Peterson for all his work at the Home Makeover site. He stated that he and
148 Jeff Monroe spent a lot of time helping out on the project. He stated that the producer from the show
149 helped Peterson out with putting out a house fire that occurred down the road.
150 Peterson stated that he appreciates the Public Works crew for helping move debris out of the garage that
151 was on fire.

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153 **10. ADMINISTRATION REPORTS**

154 Hanson stated that he appreciates the support from the crew of the Home Makeover. He stated that he
155 also appreciates the city staff who put in round the clock support of the project. He stated that he
156 appreciates the crew and dedication that they put in to make it happen.

157 Hanson stated that the Rohmer Park Project has a small delay, but should be finished soon.

158 Hanson stated that starting tomorrow, the recruitment of the Fire Fighters will begin tomorrow now that
159 the budget has been approved. Hanson stated that we are on the list with Rocky Mountain Power to have
160 Power Poles removed.

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163 **11. UPCOMING EVENTS**

164 **August 29th: Planning Commission Meeting 6:00 p.m.**

165 **September 2nd: City Offices closed for Labor Day**

166 **September 3rd: City Council Meeting 6:00 p.m.**

167 **September 11-13th: ULCT Conference in Salt Lake City**

168 **September 17th: City Council Meeting 6:00 p.m.**

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170 **12. ADJOURN THE MEETING: MAYOR ALLEN**

171 **Mayor Allen adjourned the meeting at 7:01 p.m.**

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Date Approved

City Manager



City Council Staff Report

Building & Planning

Author: PLANNING DEPT.
Subject: AMENDING CHAPTER 8.16 OF THE MUNICIPAL CODE RELATING TO NUISANCE DECLARED;
Date: September 3, 2019
Type of Item: To approve by motion to adopt reenacted ordinance to amend Chapter 8.16

Summary Recommendations: Approve amending Chapter 8.16 Nuisance ordinance, "Inspection & Cleaning".

Description: It is the desire to adopt and amend the City Municipal Code Chapter 8.16, "Inspection & Cleaning" to conform to Utah Code 10-11-1, Inspection and Cleaning, which addresses Section 1, "Abatement of weeds, garbage, and unsightly objects – selection of service provider". The amendment identifies clearly who is responsible to correct the violations (owner or occupant).

The Ordinance repeals the chapter in its entirety, and re-enacts the Ordinance with new language.

Analysis: The following are changes and modification made to the ordinance chapter 8/16:

- A. Definitions:** Have been amended and some items removed and modified.
- B. Duty to maintain:** Has been removed.
- C. Nuisance declared:** Has been organized differently, but has mainly been kept the same, with the list of violations unchanged.
- D. Nuisance Prohibited:** The owner or occupant of the real property is responsible to maintain the property from any nuisance.
- E. Occupant Duty:** This section states that any occupant or person, even if they are not the owner, are responsible to maintain the property.
- F. Administration:**
 - a. Explains who is authorized to inspect and to examine and investigate the nuisance.
 - b. Noticing and reasonable period time to correct the violation,
 - c. A Notice for Violation is only required **once** a season for the nuisance violation on a property.
 - d. The nuisance maybe eradicated by the City as allowed by state law.
- G. Neglect of property:** If the Owner or Occupant fail to comply, the city may use the methods described in this section to take the appropriate action to remedy the violation.
- H. Penalty:**
 - 1. Criminal action (no change): class "B" Misdemeanor and a fine not to exceed a \$1000.00 dollars.
 - 2. Civil action. Has been changed to the maximum fine shall not exceed \$1000.00 dollars per day. (a change from the previous ordinance where the monetary fine was \$250.00 and \$25.00 per day for everyday that the nuisance was not corrected.)

I. Department Review: Staff recommends approval.

Alternatives:

A. Approve the Request:

The City Council may review the Ordinance as described and approve amended Ordinance.

B. Deny the Request:

The City Council may deny with no changes.

C. Continue the Item:

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

**CITY OF WASHINGTON TERRACE CITY
ORDINANCE NO.: 19-08**

INSPECTION AND CLEANING

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
REPEALING AND RE-ENACTING CHAPTER 8.16 ENTITLED “INSPECTION
AND CLEANING” AS UPDATED BY STATE LAW; SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of 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, 1953 as amended, grants municipalities broad authority to provide for safety and preserve health, and promote prosperity, improve morals, peace and good order, comfort, convenience, and for the protection of property;

WHEREAS, *Utah Code Annotated* §10-8-60, 1953 as amended, grants municipalities broad authority to declare what shall be a nuisance, abate the same, and to impose fines for the such nuisances;

WHEREAS, *Utah Code Annotated* §10-11-1, et seq., authorizes the City Council to adopt this Ordinance;

WHEREAS, noxious weeds, garbage, refuse, and unsightly or deleterious object or structures are detrimental to the interests of the public; affect property values; endanger the health, safety and welfare of the community; and are injurious to the quality of life within the City;

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

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

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

**Chapter 8.16
Inspection and Cleaning**

Sections:

- 8.16.010** **Inspection and Cleaning.**
- 8.16.020** **Definitions.**
- 8.16.030** **Nuisance Declared.**
- 8.16.040** **Nuisance Prohibited.**
- 8.16.050** **Occupant Duty.**
- 8.16.060** **Administration.**
- 8.16.070** **Neglect of Property Owners to Comply.**
- 8.16.080** **Non-exclusive Remedy.**
- 8.16.090** **Penalty.**

8.16.010 Inspection and Cleaning.

This Chapter shall be known as “Inspection and Cleaning” adopted as authorized by Utah Code §10-11-1, et seq., 1953 as amended.

8.16.020 Definitions.

The following terms, as used in this chapter, shall mean as follows:

1. “Abandoned” means any nuisance left unattended upon public or private property.
2. “Abate or abatement” means to repair, replace, rehabilitate, remove, destroy, demolish, correct or otherwise remedy a condition that constitutes a public nuisance.
3. “City” means the City of Washington Terrace, Utah.
4. “Inoperable” means a motor vehicle, boat, recreational vehicle, or trailer not currently licensed in accordance with state law and not operable for the use for which it was intended, in excess of the number allowed and manner set by the municipal code.
5. “Illegal object or structure” means a object that does not comply with the municipal code or any other law, or any structure that does not comply with the municipal code, building codes, Hazardous Building Abatement Code, rules and regulations of the applicable health or fire department, where illegal drug activity may have occurred, or other violations of law.
6. “Garbage or refuse” means debris, trash, weeds, or junk that is spent, useless, or discarded materials and includes: used tires; parts of vehicles or machinery; old or unused machinery, appliances or parts thereof; waste or weed plant materials, trimmings, either growing or dead; litter; scrap building materials; waste food products; dead animals; unused or discarded bicycles, tricycles, or other types of equipment or parts thereof; scrap metal; wastepaper products, or lumber; accumulations of dirt, gravel, ashes or fire remains; salvage material or any other waste materials.
7. “Notice” means the written notice in accordance with Utah Code §10-11-2 served upon the owner or occupant of land where there is located noxious weeds, garbage, refuse, or unsightly or deleterious objects or buildings.
8. “Noxious weeds” means weeds defined by Rule R68-9 entitled “Utah Noxious Weed Act” and any other weeds determined to be an invasive species.
9. “Property” means a 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.
10. “Public nuisance” means conditions that create a fire hazard; hazardous material or objects; a source of pollution of any kind; conditions that foster rodents, insects, or other forms of life deleterious to human habitation; unsightly or deleterious structures or surroundings; lack of sanitation or conditions that foster disease; conditions that may involve illegal drug use; conditions that may injure public health or safety, conditions that are in violation of law.

8.16.030 Nuisance Declared.

Each of following objects, acts, or conditions along with any resulting condition, are hereby declared to be a nuisance in violation of this Chapter subject to abatement and the penalties provided herein:

1. Statutory nuisances in violation of Utah Code §10-11-1(1)(a):
 - a. The growth and spread of injurious and noxious weeds.
 - b. Garbage and refuse.
 - c. A public nuisance.
 - d. An illegal object or structure.
2. Specific nuisance conditions:

- a. Conditions that create the possibility of any fire hazard, including but not limited to:
 - i. Chemicals.
 - ii. Dry grass, weeds, or vegetation.
 - iii. Debris or junk of any kind.
 - iv. Flammable materials, fibers, plastic, papers, or paper products, or wood storage.
 - v. Flammable junk, equipment, or parts.
- b. Any material that is flammable which may pose a risk or hazard. Material is presumed flammable for this purpose of this Chapter if:
 - i. The material is known or regarded as flammable in any applicable code.
 - ii. The material is determined flammable by the Fire Marshall.
 - iii. The material that contains any commonly regarded flammable properties.
 - iv. The material is fibers, plastic, paper, or wood.
 - v. The material is oil or fuel of any kind, or that contains or may use oil or fuel of any kind.
- c. Unlawful pollution or environmental degradation, or anything rendering the soil, air, water, or food to be impure or unwholesome.
- d. Conditions that harbor or attract rodents, insects, disease, or other forms of life deleterious to human habitation.
- e. Deleterious surroundings and structures in violation of local codes, including but not limited to:
 - i. Burned machinery.
 - ii. Buildings and equipment which are obsolete or in disuse.
 - iii. Parts of vehicles.
 - iv. Unsecured vacant structures.
 - v. Inoperable equipment.
 - vi. Buildings in a state of general disrepair.
 - vii. Objects with sharp or protruding edges.
 - viii. Any structure which has become a fire hazard due to the accumulation of combustible materials.
 - ix. Objects supported in such a manner as to be easily dislodged from the support.
 - x. Fences in a state of disrepair.
- f. Allowing or causing injurious or harmful environment to retain, deposit, dump, burn, bury or allow or exist any unsightly or injurious objects, structures, junk, discarded or unused objects or equipment, nuisance vehicles, noxious weeds.
- g. Weeds, grass, vegetation over six (6) inches in growth, also to allow neglected landscaping, any dry or parched landscaping or lawn, failure to maintain and adequately water any lawn or landscaping, shall be a nuisance violation.
- h. 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.
- i. To discharge any type of waste or dump liquid waste, hazardous waste, or refuse of any kind into any catch basin, street, road, sidewalk, gutter, stream, drain, pipe, wash, natural water course, ditch, canal, lot or on to any other property.
- j. To obstruct any watercourse, storm drain, or pipeline.
- k. To permit any garbage container to remain on a premise when it has become unclean, offensively putrescent, or overflowing.
- l. Failure to remove from the street or sidewalk a garbage or recycling container within 24 hours of pick-up, and placement of such containers in the side or rear yard area.

- m. Any condition or object that shall cause immediate and irreparable harm to a person or endanger the public health and safety of any resident and or person shall be rectified immediately.
- n. The accumulation of animal waste products shall be picked up and disposed of in appropriate manner and or in a container.
- o. Any unkempt, offensively putrescent, or filthy stable, stall, corral, feed yard, or in any other structure or area where animals are kept. Other property kept unclean, contributing to a health hazard or an environment for invasive animal or vegetation.
- p. Allow to be kept or collected any putrid grease, vegetable matter, rotting substance, or other similar matter on any premise.
- q. Illegal 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.
- r. To create or have or permit upon any condition that creates unnecessary stagnant water, or unnecessarily fosters flies, mosquitos, or rodents.
- s. To pollute or render or contaminate 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.
- t. 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.
- u. To allow any resident or property to hold any decaying material, hazardous material, explosives, or offensive substances.
- v. To plant or maintain any tree or vegetation that may enter or damage any storm drain, filed or land drain, or sewer systems, or cause heaving or other damage to any sidewalks, curbs, gutters, or streets; including but not limited to: 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) standards, or other applicable code, specifically those requirements in Section 17.44.200 and this Chapter.
- w. 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 in accordance with Section 17.44.080 and Chapter 17.44.130
- x. To fail to properly keep adjoining public sidewalks clear of snow and any other obstruction.
- y. To put or cause to have put snow, ice, leaves, litter, dirt, debris, or other refuse into the public right of way, streets, curbs, gutters, or catch basins.
- z. To operate a business within the city without obtaining the appropriate City business license, along with any required stated license and tax identification numbers, along with compliance with Title 5 of the municipal code.
- aa. Failure to control and prevent back flow and eliminate and avoid any cross connections between any auxiliary water source and the city’s culinary water systems or the resident’s culinary water system.
- bb. Failure to install, maintain, control, back-flow devices for any sewer and/or water system.

- cc. Failure to correct or repair immediately and stop and repair any culinary water, secondary water, or sewer line break and or leak.
- dd. Leaving fuel, flammable material, or similar material open and accessible to children or creating an attractive nuisance condition.
- ee. Failure to park any vehicles, motor homes, fifth wheel trailer, water craft, recreational vehicle, and axle driven devices on a solid surface type material such as asphalt or concrete in accordance with the municipal code and provided that:
 - i. The solid surface area must also cover the full size of the vehicle or any of the other above mentioned objects where such items are parked.
 - ii. Nuisance items 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.
 - iii. Failure to make spring restorations of soft surface under this part is a nuisance violation under this Chapter. Gravel is not an acceptable parking surface or considered a solid surface.
- ff. Failure to park or place any vehicle, trailer, or equipment at least three (3) feet behind the sidewalk and nine (9) feet behind curb where no sidewalk exists.
- gg. Failure to install or maintain any toilet, sink, plumbing, or sewer facility in accordance with the applicable international building codes, or regulations of the Weber-Morgan Health Department.
- hh. Failure to comply with the “Property Maintenance Code” which regulates the condition and maintenance of all property, buildings and structures, such as fences, roofs, siding, and otherwise.
 - ii. Any construction activities on any property without proper permits.
- jj. Allowing or keeping any abandoned appliances, furniture, furnishings, or containers outside on any property shall be a nuisance violation and shall be removed from the premises.
- kk. 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, including but not limited to: refrigerators, freezer, or like appliances or containers. Any appliances or devices in violation shall be discarded or removed from the property and appropriately disposed.
- ll. Failure to keep or maintain landscaping or storm water basin required on an approved site plan.
- mm. Parking any motor home, fifth wheel, trailer, water craft, or recreational vehicle on any property and being used for residential purposes for more than forty eight (48) hours. Any such vehicle described in this part may park on the public right of way not more than seventy two (72) hours for loading and unloading and or should not be parked within three (3) feet of the sidewalk.
- nn. To allow any basketball standard, other recreation device, or equipment of any kind to obstruct or interfere with any street, sidewalk, curb, or gutter.
- oo. To hold, park, keep, operate, maintain, or keep any nuisance vehicle or abandoned vehicle as set forth in this Chapter.
- pp. Burning of any kind without a valid burn permit.

- qq. 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.
 - rr. Parking or keeping any commercial vehicle or commercial activity in a residential zone or without a valid site plan in a commercial zone, or any parking of the same in any residential zone within the City, unless for prompt loading and unloading purpose only.
 - ss. Operating a business without a valid business license, in compliance with Title 5.
 - tt. Overnight parking of any commercial vehicle in violation of Chapter 10.12, Parking Regulations.
 - uu. Any parking on any street, sidewalk, or public property, unless designated for parking in accordance with municipal code for the appropriate vehicle and weight class of vehicle.
 - vv. Keeping or harboring excessive animals, stray animals, or any animals in violation of any code or Title 6.
 - ww. Overnight parking of any vehicle, trailer, or similar devices on any public property, park area, or at any park parking lot. Any illegally parked vehicle is subject to being towed at owners' expense.
 - xx. A violation of Section 12.06.040 of the municipal code.
 - yy. Failure to keep or maintain landscaping in accordance with Section 17.44.200(f).
 - zz. Lawn care and landscaping maintenance that is not properly maintained, including but not limited to:
 - i. The keeping those areas watered, green, clean, attractive, healthy, fertilized, mowed, trimmed and edged turf areas, proper sprinklers with adequate installation, properly sod areas or replanting as needed for maintenance of the approved landscape plan.
 - ii. Watering of landscaped areas shall be measured by a test where there is water irrigated to an overall average depth of three (3) inches to the soil. Anything less than three (3) inches shall be considered improper watering.
3. Nuisance Trees. The following trees are hereby declared to be unlawful and a public nuisance. It shall be unlawful for the owner, occupant, or a person in control of any property in the City to plant, maintain, or permit the following to exist within the City:
- a. Any tree that impacts or that encroaches onto neighboring property, over or through a fence, or that lifts, cracks, or otherwise impairs, impedes, or damages any curb, gutter, drive approach, or sidewalk shall, immediately removed, cut, or trimmed, and/or maintained, and any and all damage shall be responsibly repaired.
 - b. Any tree designated as an unwanted tree as listed in this ordinance and in either a commercial or a residential area should not be planed or may be required to be removed, if the tree has a destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of healthy trees, shrubs or plants in the city, or which is capable of causing an epidemic spread of a communicable disease, example: such as Dutch Elm disease or insect infestation, or gypsy moth.
 - c. Any tree that is hazardous, dead, decayed overgrown and/or uncultivated or not maintained which may become a hazard to any structure and/or a fire hazard or danger to surrounding area, or which is likely to harbor rats, vermin or other pests or insects.
 - d. Any nuisance trees that contributes to neighboring property by the way of suckers growing and or having an invasive root system and or with intrusive seedlings, should not be planted and may be required to be removed or cut down.

- e. The following list of trees are considered a nuisance which are required to be removed or cut down at the expense of owner or occupant as provided in this Chapter:
 - i. Tree of heaven.
 - ii. Black locust.
 - iii. Siberian elm.
 - iv. Russian olive.
 - v. Mimosa (albizia julibrissin).
 - vi. White mulberry (Morus alba).
 - vii. Hackberry (Celtis occidentalis).
 - viii. Eastern cottonwood (Populus deltoids).
 - ix. Bradford pear (Pyrus calleryanna Bradford).
 - x. Chinese flame tree (goldenrain tree).
 - xi. Female Ginkgo tree.
 - xii. Sweet gum tree.
 - xiii. American elm (Ulmus Americana).
 - xiv. Idaho locust (Robinia x Ambugua).
 - xv. Burch (Betula).
 - xvi. Eucalyptus.

8.16.040 Nuisance 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, any nuisance under this Chapter.

8.16.050 Occupant Duty.

In accordance with Utah Code §10-11-2(2)(a)(ii)(B), in addition to the owner or recorder of any real property, the City hereby imposes a duty upon any occupant or other person who is not the owner or record of any real property to maintain the real property free of any nuisance set forth in this Chapter.

8.16.060 Administration.

1. Municipal Inspector. The Legislative Body hereby delegates authority to the Mayor to appoint or designate one or more municipal inspectors to administer the provisions of this Chapter.
2. Administration. Each municipal inspector is authorized to:
 - a. Examine and investigate real property for a declared nuisance.
 - b. If an inspector conducts an examination and investigation, and it is determined to be in violation, the inspector is to deliver written notice of the examination and investigation in accordance with Utah Code §10- 11-2 (2).
 - c. Provide a reasonable period abatement, which is deemed to be not more than thirty (30) days.
 - d. The municipal inspector cannot abate conditions solely associated with the interior of a structure, unless required for the demolition and removal of the structure.
 - e. For a notice of injurious and noxious weeds, the municipal inspector is not required to make more than one (1) notice for each annual season of weed growth for weeds growing on a property.
 - f. Eradicate nuisances in violation of this Chapter, initiate suit or other remedies allowed by law, and/or assess costs in accordance with Utah Code §10-11-3 and §10-11-4.

8.16.070 Neglect of Property Owners to Comply.

In accordance with Utah Code §10-11-3, if an owner of, occupant of, or other person responsible for real property described in the notice delivered in accordance with Utah Code §10-11-2 fails to comply the municipal inspector may:

1. Removal by City. At the expense of the City, employ necessary assistance to enter the property and destroy or remove an item identified in a written notice. Prepare an itemized statement and mail to the owner of record according to the records of the county recorder a copy of the statement demanding payment within thirty (30) days after the day on which the statement is post-marked.
2. Lien. The City may file a notice of a lien, including a copy of the statement described above or a summary of the statement, in the records of the county recorder.
3. Court. The City may file an action in district court.
4. County Treasurer Recovery. The City may certify the past due costs and expenses to the county treasurer in accordance with Utah Code §10-11-4.

8.16.080 Non-exclusive Remedy.

This Chapter shall not be construed to exclude any other remedy provided by law or equity.

8.16.090 Penalty.

In accordance with Utah Code §10-3-703, the following penalties apply:

1. Criminal. Any person who violates this Chapter is guilty of a class B misdemeanor and a fine not to exceed \$1,000.
2. Civil. Any person who violates this Chapter is subject to a civil fine not to exceed \$1,000, per day that the violation continues.

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

Section 4: Effective date. This Ordinance take effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this _____ day of _____, 2019.

Mayor

ATTEST:

City Recorder

RECORDED this ___ day of _____, 2019.

PUBLISHED OR POSTED this ___ day of _____, 2019.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with *Utah Code Annotated* §10-3-713, as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) _____, and 3) _____, on the above referenced dates.

City Recorder

DATE: _____