

**CITY OF WASHINGTON TERRSACE
WEBER COUNTY, UTAH**

ORDINANCE NO. 20-06

AMENDED PARKING REGULATIONS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE AMENDING THE
VARIOUS PARKING REGULATIONS SET FORTH IN CHAPTERS 8.16 AND 10.12 OF
THE MUNICIPAL CODE; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (hereafter “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 allow municipalities in the State of Utah 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, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update its municipal code in order to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on September 24, 2020 to take public comment on this proposed Ordinance;

WHEREAS, the Planning Commission held a public meeting on September 24, 2020, after which the Planning Commission gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____;

NOW, THEREFORE BE IT ORDAINED by the Washington Terrace City Council as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Various sections of the Washington Terrace Municipal Code are hereby amended to read as follows:

8.16 Inspection and Cleaning

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.

Ord. 20-06 Parking Regulations Amended

- 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.

Ord. 20-06 Parking Regulations Amended

- 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 devises 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. Failure to park any vehicle that would impede any vehicular or pedestrian traffic within the sidewalk or where a sidewalk does not exist beyond the curb on a right of way.~~

- 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~~ shall not be parked within three (3) feet of the sidewalk. on any sidewalk or curb which would impede any vehicular or pedestrian traffic.~~
- 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.

Ord. 20-06 Parking Regulations Amended

- 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 be 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 calleryana 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.

10.12 Parking Regulations

10.12.055. Commercial Vehicles and Trailers in the Residential zones

1. Purpose:

The purpose of this section is to regulate the parking of trucks, trailers and other similar vehicles and equipment of a certain size upon property and streets and roadways in the residential zones, which will negatively impact the aesthetics of the residential neighborhood. The following restrictions of the parking of vehicles upon residential properties are in order to further protect the health, safety and general well-being of the residents of Washington Terrace City.

2. Definition; As used herein, a (14,001) fourteen thousand and one pound commercial vehicle and/or trailer, truck, trailer, bus, or similar like vehicles or equipment shall be considered as a heavy commercial vehicle. Light duty commercial vehicle allowable for residential use shall comply with the following description, comprise of Classes 1, 2 and 3. The class is determined by the GVWR of the vehicle as follows:

- Class 1 – This class of truck or vehicle has a GVWR of 0 to 6,000 pounds (0 to 2,722kg).(ex. small pick-up-ex. Ranger/colardo)
- Class 2 – This class of truck or vehicle has a GVWR of 6,001 to 10,000 pounds (2,722 to 4,536 kg).(ex. 1500/150 Truck class)

Ord. 20-06 Parking Regulations Amended

- Class 3 – This class of truck or vehicle has a GVWR of 10,001 to 14,000 pounds (4,536 to 6,350 kg).(ex. 3500/350 Truck class, Utility vehicles, the largest SUVs, many "Dually" pickups, and some heavy duty vans).
3. Vehicle which that has a gross vehicle weight rating (GVWR) or gross combination weight rating of 14,001 or greater shall not be parked in or on a residential property and the following vehicle are prohibited:
 - a. A vehicle that is designed to transport more than 15 passengers, including the driver,
 - b. A vehicle that is used in the transportation of hazardous materials,
 - c. A single, full, or semi-trailer, used in commerce, with a manufacturer's gross vehicle weight rating over 14,000 lbs; or
 - d. No commercial vehicles that exceeds Class 3 or fourteen thousand (14,000) pounds shall be parked on any residential street, road, or highway unless actively involved in providing services at any premises within the City.
 4. The following regulations apply to the type of vehicles and trailers that shall be allowed in a residential zone:
 - a. Motor vehicles which are not considered a commercial vehicle, a private passenger motor vehicle, antique motor car, motorcycle, house trailer, taxicab, ambulance, hearse, delivery vehicle, or school pupil transport vehicle under 15 passengers, and or a pick-up truck under 14000 GVWR, (and/or with advertising, such as logo marking on the doors).
 - b. Any Class 3 vehicle under 14,000 pound gross weight rating, and/or have the appropriate signage for notification of service type businesses.
 5. Commercial vehicles and trailers parking requirements and/or regulations in the residential zones
 - a. Residential commercial vehicle parking requirements:
 - i. Parking must be on an improved surface of concrete or asphalt.
 - ii. It shall be unlawful for any commercial vehicle to be parked on any sidewalk or curb which would impede any vehicular or pedestrian traffic. ~~be parked (3) three feet behind Sidewalk.~~
 - iii. There will be no continuous operation of commercial vehicles engines or accessory generators or compressors and they shall not be left running
 - iv. The commercial vehicle shall not take away or impact the required parking for the residential area or property, all vehicles, trailers or axle devices shall be parked on an approved asphalt or concrete parking area. No parking is allowed on any lawn, landscaping, or non-impervious surface area.
 - v. No construction equipment shall be parked in a residential zone, unless actively engaged in providing an improvement or repair to the premises such as: site construction or landscaping equipment, including but not limited to, backhoe, trencher, bobcat, bulldozer, dump truck, construction trailers, utility equipment, and similar equipment.
 - vi. Vehicles with hazardous or toxic materials or odors are not permitted in the residential areas, except sewer repair equipment servicing a residential use.
 - vii. No vehicle or axle device shall be parked on grass, or gravel, dirt or any type

of soft surface.

b. Commercial Trailer parking requirements:

- i. No commercial trailer having a net total weight of greater than 14,000 pounds shall be parked on a residential property.
- ii. A trailer is an unpowered vehicle towed by a powered vehicle. It is commonly used for the transport of goods and materials.
- iii. No trailer larger than 7 feet wide and 30 feet long shall be parked in residential zone.
- iv. A commercial trailer can be parked within the residential zones, when actively engaged in loading and/or unloading or providing a service for the resident.

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 takes effect immediately upon approval and posting.

PASSED AND ADOPTED by the City Council on this ___ day of _____, 2020.

Mayor

ATTEST:

City Recorder

RECORDED this ___ day of _____, 2020

PUBLISHED OR POSTED this ___ day of _____, 2020

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 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) _____, 2) _____, and 3) _____, on the above referenced dates.

DATE: _____