

**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 Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.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 Chapter 8.16 of the *Washington Terrace Municipal Code* is hereby repealed and re-enacted to read as follows: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 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.

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 of 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.

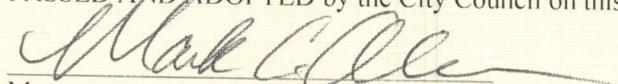
In accordance with Utah Code §10-3-703, the following penalties apply:

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.

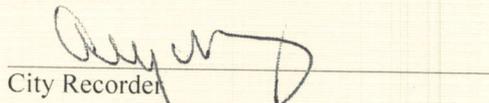
Section 4: Effective date. This Ordinance take effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this 3 day of SEPTEMBER, 2019.



Mayor

ATTEST:



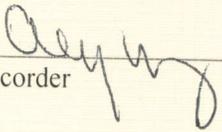
City Recorder

RECORDED this 3 day of SEPTEMBER, 2019.

PUBLISHED OR POSTED this 4 day of SEPTEMBER, 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) Senior Center, and 3) Website, on the above referenced dates.


City Recorder

DATE: 9-4-19