

CHAPTER 4 – NUISANCE ORDINANCE

Sections:

9-4-1: Purpose; Conditions Constituting Nuisance

9-4-2: Weed Control

SECTION 9-4-1: PURPOSE; CONDITIONS CONSTITUTING NUISANCE:

A. It is the purpose of this chapter to establish a means whereby the city may remove or abate or cause the removal or abatement of injurious and noxious weeds; and of garbage, refuse or any unsightly or deleterious objects or structures pursuant to the powers granted to it by Utah Code Annotated title 10, chapter 11, as amended, and pursuant to its general power to abate nuisances. The provisions adopted herein are intended to:

1. Prevent fire hazards;
2. Prevent insect and rodent harborages;
3. Prevent the introduction of hazardous pollens in the air;
4. Prevent further spreading of vegetation that threatens the public health, safety or welfare;
5. Abate the existence of objects, structures or solid waste that threaten the public health, safety and welfare;
6. Protect and promote the public health and safety of the community by preventing or abating conditions of real property or the structures thereon which create or maintain public nuisances.

B. The following conditions shall constitute a nuisance subject to abatement under this chapter:

1. Vegetation on private property which due to its proximity to any public property or right of way interferes with the public safety or lawful use of the public property or right of way.
2. Weeds, grasses, or noxious vegetable growth which has grown to a height exceeding the height limits or otherwise violating the weed control specifications and requirements under section 9-4-2 of this chapter.
3. Vegetable waste, litter, garbage, filth or refuse of any nature, kind or description detrimental to health allowed to accumulate upon any private alley, yard or area.
4. Any property which has been allowed to become a fire hazard due to the accumulation of garbage, refuse, litter, waste products, dry or drying weeds or any combustible materials, objects or structures.
5. Weeds, garbage, refuse, objects or structures that create a source of contamination or pollution of water, air or property, a danger to health, a breeding place or habitation for insects, rodents or other forms of life deleterious to human habitation or that otherwise creates a condition deleterious to their surroundings.
6. Noxious weeds determined to be especially injurious to public health, crops, livestock, land, or other property.
7. Any property where the outside storage, keeping, accumulation, or abandonment of the following unsightly material or objects is clearly visible from a public street and is not a use of property permitted or allowed under the zoning title:
 - a. Uncontained garbage, refuse, litter or other solid waste;
 - b. Auto parts, tires, scrap metal, machinery or parts thereof, or other junk or salvage material as defined in either this title or other titles of this code; or
 - c. Any inoperable and unlicensed vehicles, excluding farming equipment as recognized by the State of Utah.
8. Vacant buildings or structures which are not maintained in accordance with reasonable maintenance requirements.
9. Vegetation or structures obstructing the view of drivers of motor vehicles.
10. Public nuisances as defined in other sections of this code.
11. Other conditions involving weeds, garbage, refuse or any unsightly or deleterious conditions, objects or structures subject to city abatement under other provisions of this code.

C. Property owners shall be responsible for any of the above conditions existing on abutting alleys or the area between their property line and the curb or edge of the roadway.

D. This section does not apply to crops, crop residue or compost that may be processed to be plowed back into the soil for humus or other biological purposes pursuant to good agricultural practices

SECTION 9-4-2: WEED CONTROL

A. Premises: It is unlawful for any owner, occupant, agent or lessee of real property in the city to fail to maintain the height of weeds and grasses, in the manner provided herein.

B. Park Strips: It is unlawful for any owner, occupant, agent or lessee of real property in the city abutting and bordering on any public street, for the distance such property abuts and borders the street, to fail to maintain the height of weeds and grasses, in the manner provided herein, in the area from the property line to the curb line of the street or the edge of the pavement.

C. Weed Control Specifications:

1. Except as otherwise provided in subsection D2 of this section, weeds and grasses in yards shall be maintained at a height of not more than six inches (6") at all times, and the cuttings shall be promptly cleared and removed from the premises; provided, however, that this subsection shall not be applicable to any ornamental grass so long as it is used and maintained solely, or in combination with any other ornamental grass or grasses, as a supplement to an overall landscaping plan and does not constitute in square footage more than twenty percent (20%) of the property's overall landscaped area.
2. Weeds and grasses shall be maintained at a height of not more than eighteen inches (18") at all times on any of the following properties.
 - a. Areas zoned as open space.
 - b. Ditches, ditch rights of way or railroad rights of way; and
 - c. Undeveloped property or vacant lots or fields (no buildings or structures).
3. Weeds which are eradicated by chemicals must be done so before their height exceeds the height limits provided herein, or they must be cut at a level not exceeding such height limits.
4. The City may from time to time exempt from, or limit, in whole or in part, the required cutting of weeds and grasses for property established and maintained as a nature park, wetland area, farm or an area so large or unique that it would be impractical to require weed maintenance, if it is determined that such limitation or exemption will not present a potential fire hazard to adjacent properties. Agricultural property of 20 acres or more shall receive priority for consideration for exemption by the City.