

## TITLE 10-000

### chapter 10-000 fires-department-code

#### part 10-000 department

**10-111. CREATION.** There is hereby created a fire department to be known as the Fountain Green City Fire Department

**10-121. CREATION OF POSITION OF CHIEF.** There is hereby created the position of chief of the fire department.

**10-122. POWERS AND DUTIES OF CHIEF.**

A. The chief shall have responsibility for the general supervision of the department.

B. During a fire, the chief shall have full authority to take all measures as he shall deem necessary, subject to state law, to control and extinguish the fire and for that purpose he is hereby made a special peace officer.

C. The chief shall at least quarterly report to the city council the condition of the fire equipment, the number of fires and their causes and estimated loss therefrom together with such other information as the city council may request or as he shall deem appropriate.

D. The chief shall strictly enforce all of the provisions of the ordinances of this city relating to the protection against and prevention of fire.

E. The chief shall maintain the equipment of the department in good repair and order and ready for use.

F. The chief, subject to the approval of the mayor and city council, shall establish rules and regulations for the operation of the department.

G. The chief may delegate his duties to any person employed by the department, but such delegation shall not relieve the chief of his responsibility for the performance thereof.

H. The chief shall cause all fires to be promptly investigated to determine the cause of the fire and report the cause of the fire, the time originated and such other information as may be relevant to prevent other fires.

**10-123. EMPLOYEES.** The chief may make recommendations to the mayor relating to the employment of firemen and such other personnel as may be necessary to enforce the provisions of this chapter. The chief may employ such additional personnel as the mayor and city council may direct or authorize.

**PART 10-130 POWERS OF THE FOUNTAIN GREEN CITY FIRE DEPARTMENT**

**10-131. EMERGENCY VEHICLES.** Fire trucks are hereby designated authorized emergency vehicles.

**10-132. REMOVAL OF OBSTRUCTIONS AT FIRE.** The officer in charge at any fire may order the removal or destruction of any fence, building or structure , or that any utility be closed, cut or removed when deemed necessary to control, extinguish or prevent the spread of fire.

**10-133. CONTROL OF PERSONS.** All persons present at a fire shall obey the orders of any fireman.

**10-134. INTERFERENCE WITH FIREMEN IN DISCHARGED OF DUTIES.** Every person at the scene of any fire who disobeys the lawful orders of any public officer or fireman, or offers any resistance to or interference with the efforts of any fireman, or company of firemen to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of an infraction.

**10-135. UNLAWFUL INTERFERENCE WITH OFFICERS, APPARATUS, WATER, ETC.** Any person who shall willfully hinder any officer or fireman in the discharge of his duty at a fire, or in any manner injure, deface or destroy any engine, hose or other fire apparatus belonging to the city, or who shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or interfere with the water or its source of supply shall be deemed guilty of a class B misdemeanor and shall be punished accordingly.

**10-136. INVESTIGATION AFTER FIRE REPORT.** The chief, or such other persons as he shall designate, shall, after extinguishing a fire, make a prompt and thorough investigation of the cause of the fire, the time the fire began, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information available, and record the same in a record book kept for the purpose in the office of the department and shall report the same to the government body at such time as it may direct.

**10-137. RIGHT TO ENTER UPON AND INSPECT PREMISES.** The fire chief or his deputies upon presentation of proper credentials shall have the right to enter upon any premises at all reasonable hours for the purpose of making inspections.

**10-138. MALES PRESENT AT FIRE SUBJECT TO ORDERS.** Every male person eighteen years or older present at a fire shall be subject to the orders of the officer in command and shall render assistance in the manner directed by the officer in command.

**10-139. FALSE ALARM.** It shall be unlawful for any person to turn in or report to the fire department a false alarm or report of a fire or to tamper or remove any part of the fire alarm system.

**PART**

**10-150. UNIFORM FIRE CODE.**

**10-151. UNIFORM FIRE CODE ADOPTED.** There is hereby adopted as the fire code by this city, for the purpose of prescribing regulations governing conditions hazardous to life and protecting property from fire or explosion, that certain code known as the 1985 Edition of the Uniform Fire Code as recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, except to the extent it is hereinafter modified or amended by section 10-156 of this part, three copies of which have been and are now filed in the office of the recorder for use and inspection by the public.

**10-152. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.**

- A. The Uniform Fire Code shall be enforced by the bureau of fire prevention in the fire department of the city which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- B. The chief of the fire department may detail such members of the fire department as inspector as shall from time to time be necessary. The chief of the fire department shall recommend to the mayor the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

**10-153. DEFINITIONS.**

- A. The word "jurisdiction" as used in the Uniform Fire Code, shall mean the boundaries of this city.
- B. The term "corporation counsel" as used in the Uniform Fire Code shall mean the attorney for this city.

**10-154. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED.**

- A. The limits referred to in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established in an appendix to this code.
- B. The limits referred to in Section 15.601 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established in an appendix to this code.

**10-155. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED.** The limits referred to in Section 20.105(a) of the Uniform Fire Code, in which the bulk storage of liquefied petroleum gas is restricted, are hereby established in the appropriate appendix attached to this code.

**10-156. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED.** The limits referred to in Section 11.106(b) of the Uniform Fire Code, in which the storage of explosives and blasting agents is prohibited, are hereby established in the appropriate appendix attached to this code.

**10-157. AMENDMENTS MADE IN THE UNIFORM FIRE CODE.** Any amendments to the Uniform Fire Code shall be set forth in the appropriate appendix to this code.

**10-158. APPEALS.** Whenever the chief shall disapprove an application, refuse to grant a permit for which application has been received, or when it is claimed that the provisions of the fire code do not apply or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief to the city council within 30 days from the date of such decision.

**10-159. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.** The building inspector and the chief of the bureau of fire prevention shall act

as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in the fire code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

**10-160. PENALTIES.**

*FILE  
CLASS B  
PENALTIES*

A. Any person who shall violate any of the provisions of the Uniform Fire Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction within the time fixed herein shall, severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor punishable by a fine of not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_ or by imprisonment of not less than \_\_\_\_\_ days nor more than \_\_\_\_\_ days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of the prohibited condition.

**PART 10-170. STANDARD FIRE-FIGHTING EQUIPMENT.**

**10-171. EQUIPMENT FOR NEW FIRE PROTECTION SYSTEMS - STANDARD EQUIPMENT.** See U.C.A. section 11-4-1.

**10-172. DUTY OF LOCAL GOVERNING BODY TO MAINTAIN AND COMPLY.** See U.C.A. Section 11-4-2.

**10-173. PROHIBITED SALES AND PENALTIES.** See U.C.A. Sections 11-4-3 and 11-4-4.

**CHAPTER 10-200. HEALTH.**

A STANDARIZED HEALTH CODE FOR THE HEALTH DISTRICT SERVICING YOUR MUNICIPALITY WILL BE INSERTED IN THE FINAL DRAFT.

**PART 10-220. HEALTH DIRECTOR.**

**10-221. POSITION CREATED.** There is hereby created the position of health director who shall serve as the chief administrative officer of the board of health.

**10-222. POWERS AND DUTIES OF HEALTH DIRECTOR.**

A. The health director may appoint any qualified person to act as his assistant when so authorized by the city council.

**B. The health director shall:**

1. Be the executive officer of the board of health.
2. Enforce all ordinances of this city and the state of Utah which relate to the health and welfare of the residents of this city.
3. Enforce all rules, regulations and ordinances relating to:
  - a. Plumbing, sanitation, contagious or infectious diseases, quarantine and sewage disposal.
  - b. Producing, storing, keeping and selling meat, dairy or other foods or food products.
  - c. The quarantine and disposal of all animals affected with any contagious or infectious diseases.
4. Enforce the nuisance ordinances of this city.
5. Have the power to impose and maintain a strict quarantine of all infected persons and premises having contagious or infectious diseases, and to require such persons or premises by disinfected.
6. Have the right and authority, when he shall deem necessary to secure and preserve the public health, to enter into or upon any premises, building, or other places during the daytime, to examine, analyze, or test any building, structure, premise, product or good manufactured, stored or kept with the city for the purposes of enforcing this chapter.

**10-223. UNWHOLESOME FOOD.** It is a class B misdemeanor for any person to sell or offer for sale any unwholesome food or beverage which has been condemned by any government food inspector.

**10-224. VACATING PREMISES.**

- A. It shall be unlawful for any person, upon vacating or moving from any dwelling, storeroom, or other building, to fail to remove all garbage, rubbish, or ashes from such building or premise and the grounds appurtenant thereto, or to fail to place the same in a thoroughly sanitary condition within 24 hours after the premises are vacated.
- B. In situations where rental property is so vacated, the owner of the property shall be concurrently responsible with the tenant thereof for compliance with this section.

**10-225. DISCHARGE OF SEWAGE POLLUTION.**

- A. It shall be unlawful for any person to discharge or permit the discharge of any sewage or filth from any premises into and upon any public highway, stream, water course, or public place, or into any drain, cesspool, or private wastewater disposal system which does not conform to standards established by the state division of health or by this municipality.
- B. The health director may order a connection for sewage disposal to be made with the public sewer system provided by the municipality if such is available, provided that the public sewer system is within 300 feet of the premises.

- C. The health director shall use all due measures to prevent the fouling of any streams, water courses, reservoirs, or any source furnishing water to any of the inhabitants of this city.

**10-226. INADEQUATE PLUMBING.** The health director shall have power to require the prompt repair of all leaks or other defects in plumbing throughout the city. He shall have power to condemn and abate all plumbing which is deficient under the plumbing ordinances. When, in the opinion of the health officer, a change in occupants, type of business or other cause requires changes in plumbing, he shall have the power to compel the installation of an increased number of plumbing fixtures and a change in their type or capacity, and to make such other alterations or increases as may be necessary for the health and safety of the occupants of the building and the public generally.

**PART**

**10-240. OFFENSIVE BUSINESS AND FACILITIES.**

**10-241. COMMENCEMENT OF OFFENSIVE BUSINESS.**

- A. No person shall commence or change the location of any offensive business or establishment in or within one mile of the limits of this city without first filing an application for a permit to do so with the recorder.
- B. Offensive businesses, within the meaning of this part, shall include but not be limited to, packing houses, dairies, tanneries, canneries, renderies, junk or salvage yards, bone factories, slaughter house, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, blacksmith shops, or any other enterprise or establishment which creates excessive odors, fumes, smoke, gases, or noises.
- C. The application for a permit shall specify the location at which the business or establishment is to be operated and maintained or the new location to which it is to be moved. The application shall describe the type of activity which will be conducted and describe the manner in which the business or establishment shall eliminate, control or modify the emission by the business of the undesirable odors, fumes, noises, and other noisome features and the manner in which it shall be screened from public view, if its appearance is offensive.

**10-242. ISSUANCE OF PERMITS.**

- A. The recorder shall cause a study to be made of the proposed business or relocation of any offensive business or establishment by the board of health and by personnel engaged in the inspection of buildings and other facilities. A report and recommendation shall be made to the city council. The city council, after review, may grant to the applicant an opportunity to be heard and present additional facts. Thereafter the city council may:
  - 1. Deny the application.
  - 2. Recommend a modification thereof.
  - 3. Grant a limited permit to enter into the business or make the change of location subject to the requirement that the business facility conform to standards established by the city council with reference to controlling the offensive features of the business.
- B. In the event a permit is granted, it shall be subject to revocation either upon failure of the operator or owner to conduct his business in the manner specified by the city council at the time of granting of the permit, or because a change of circumstances

makes the continued operation or maintenance of the business or facility a public nuisance.

C. The city council shall have power to revoke or modify the permission to operate and maintain the business in such a manner as it deems necessary for the public good.

**10-243. EXISTING OFFENSIVE BUSINESS AND FACILITIES.**

A. The city council may require an investigation of any existing offensive business or facility to determine whether or not it should be permitted to remain in existence in or within one mile of the city limits. If the city council determines that the continuation of the business or facility has become a nuisance to persons situated within the city limits or that ample control is not being exercised to minimize the creation of excessive odors, fumes, smoke, gases, and noise, it shall notify the owner or operator thereof that the city council is considering revoking or modifying the operator's license.

B. If the city council decides to require a modification of the manner in which the business or facility is to be maintained, it shall specify the standards or specification to which the enterprise must conform or otherwise lose its license to engage thereafter in the business or activity.

**10-244. CONTROL OF ANIMAL AND FOUL FACILITIES.**

A. The city council shall have the power to prohibit or control the location and management of any offensive, unwholesome business or establishment in or within one mile of the municipality and may compel the owner of any pigsty, privy, barn corral, fur-bearing animal farm, feed yard, poultry farm, or other unwholesome or nauseous house or place to cleanse, abate or remove the same.

B. The city council may on its own initiative and shall, on complaint of a member of the public, examine the operation, control or location of any business or facility for the purpose of determining whether or not the operation of such business or facility should be improved<sup>d</sup> so as to minimize the offensive and unwholesome characteristics or whether the business or activity should be moved or abated.

C. In the event that the city council decides that the business or facility should be abated, removed, or controlled, it shall notify the owner or operator of the business or facility of such fact.

D. After a hearing, the city council may issue a limited license wherein it may prescribe the specification and standard which must be followed by the business or facility in order to be permitted to continue in operation.

E. Upon a determination by the city council that the business or facility is a nuisance, it shall have power to order the abatement or removal of the facility or establishment. If the owner fails to conform to such order, the city council shall have power to bring all necessary legal proceeding to force removal, abatement, or adherence to standards.

**10-245. KEEPING ANIMALS.**

A. It shall be unlawful for any person to keep within the limits of the city more than 2 horses, 2 cattle, 10 sheep, 5 goats, or 5 pigs, owned by or in the charge of any person and kept and fed in one feed yard or location, except by special permission from the city council.

B. \_\_\_\_\_

**CHAPTER 10-300. NUISANCES.**

**PART 10-310. NUISANCES GENERALLY.**

**10-311. NUISANCES DEFINED.** Whatever is dangerous to human life or health and whatever renders soil, air, water, or food impure or unwholesome is declared to be a nuisance and unlawful. It shall be unlawful for any person either as an owner, agent, or occupant to create, or aid in creating or contributing to or maintaining a nuisance.

**10-312. AUTHOR OF NUISANCE DEFINED.** Where a nuisance exists upon property and is the outgrowth of the usual, natural, or necessary use of the property, the landlord or his agent, the tenent or his agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

**10-313. DECLARATION OF NUISANCE.**

A. Every act or condition made, permitted, allowed or continued in violation of section 10-311 above, is hereby declared to be a nuisance and may be abated and punished as hereinafter provided.

B. Nuisances include:

1. Befouling water in any spring, stream, well, or water source supplying water for culinary purposes.
2. Allowing any privy, vault or cesspool or other individual waste water disposal system to become a menace to health or a source of odors to air or water.
3. Permitting any garbage container to remain on premises when it has become unclean and offensive.
4. Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area except when it is temporarily deposited for immediate removal.
5. Permitting the accumulation of manure in any stable, stall, feed yard, yard, or in any other building or area in which any animals are kept.
6. Permitting any slaughter house, market, meat shop, stable, feed yard, or other place or building wherein any animals are slaughtered, kept, fed, or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.
7. Discharging or placing any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural water course, ditch, canal, or any vacant lot or which as the result of continued discharge will render the place of discharge offensive or likely to become so.
8. Keeping or collecting any stale or putrid grease or other offensive matter.



9. Having or permitting upon any premises any fly or mosquito-producing condition.
10. Keeping any drinking vessel for public use without providing a method of decontamination between uses.
11. Permitting or performing any ablutions in or near any public drinking fountain.
12. Failing to furnish any dwelling house, boarding house, or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.
13. Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults and cesspools or other individual waste water disposal systems within 20 days after notice from any enforcement officer or official of the city.
14. Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
15. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the city council.

**10-314. THE ENUMERATION OF NUISANCES.** The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter.

**10-315. TOILET OR SEWER FACILITIES.** All toilet or sewer facilities shall be constructed and maintained in accordance with the ordinances of the city. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed.

**10-316. RESTRICTIONS ON BLOCKING WATER.**

- A. It shall be unlawful for any person or persons to permit any drainage system, canal, ditch, conduit or other water course of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary.
- B. Maintenance of any such water course in such condition shall constitute a nuisance and the same shall be subject to abatement.

**PART**

**10-320. ABATEMENT OF WEEDS AND DELETERIOUS OBJECTS.**

**10-321. REAL PROPERTY TO BE KEPT CLEAN.** It shall be an infraction for any person owning or occupying real property to allow weeds to grow higher on such property than is permitted by this part or not to remove from any such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the health director as hereinafter provided.

**10-322. WEEDS - DEFINED.** Weeds shall include any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah commissioner of agriculture.

**10-323. STANDARDS OF WEED CONTROL.**

A. It is hereby declared that the above stated weeds constitute a nuisance when they:

1. Create a fire hazard, a source of contamination, or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to humans or are unsightly or deleterious to their surrounding.

B. The cut weeds shall be removed from the premises within 7 days after cutting.

**PART 10-330 NUISANCES ON PROPERTY**

**10-331. DEFINITION OF NUISANCE.** For the purpose of this part the term "nuisance" is defined to mean any condition of use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly which includes, but is not limited to keeping or depositing on, or scattering over the premises any of the following:

A. Lumber, junk, trash, or debris.

B. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.

**10-332. DUTY OF MAINTENANCE OF PRIVATE PROPERTY.** No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

**10-333. STORAGE OF PERSONAL PROPERTY.** Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, for a period of 30 days or more (except in licensed junk yards) within this municipality, is hereby declared to be a nuisance and dangerous to the public safety.

**10-334. ABATEMENT OF NUISANCE BY OWNERS.** The owner, owners, tenants, lessees or occupants of any lot within this city on which such storage as defined in the foregoing section 10-333 is made, and also the owner, owners or lessees of the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured buildings to be used for such purposes, or otherwise to remove such property from the city.

**PART 10-340 DANGEROUS BUILDINGS.**

**10-341. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.** The "Uniform Code for the Abatement of Dangerous Buildings," 1985 Edition, printed as a code in book form by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished), three copies of which has have been filed for use and examination by the public in the office of the recorder of this city, is hereby approved and adopted as the Abatement of Dangerous Buildings Code of this city.

**10-342. APPLICATION.** The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may exist or hereafter be constructed in this city.

**10-343. ALTERATIONS, ADDITIONS AND REPAIRS.** All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of subsections (a), (b), (c), (d), (e), and (i) of Section 104 of the Uniform Building Code.

**10-344. ABATEMENT OF DANGEROUS BUILDINGS.** All buildings or portions thereof which are determined after inspection by the building official to be dangerous, as defined in the Abatement of Dangerous Building Code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures specified in section 401 of the Abatement of Dangerous Buildings Code.

**10-345. ESTABLISHMENT OF A BOARD OF APPEALS.** In order to interpret provisions of the Abatement of Dangerous Buildings Code and to hear appeals provided for thereunder, there is hereby established an abatement of dangerous building board of appeals consisting of five members who shall not be employees of the municipality. The building official shall be an ex officio member of and shall act as secretary to the board. The board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the applicant with a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in the adopted codes. Copies of all rules and regulations adopted by the board shall be delivered to the building official who shall make them accessible to the public without cost.

**10-346. DANGEROUS BUILDING - NUISANCES.** All dangerous buildings within the terms of this part are hereby declared to be public nuisances and shall be vacated or demolished as hereinbefore and hereinafter provided.

**PART**

**10-350. ADMINISTRATIVE NOTICES - HEARINGS - DISPOSAL OF NUISANCE - LIEN - PENALTY FOR VIOLATION.**

**10-351. APPOINTMENT AND DUTIES OF INSPECTOR.**

- A. There is hereby established the position of nuisance inspector whose duties it shall be to enforce the provisions of this chapter. Until another person is designated, the chief of police shall enforce the provisions of this chapter. More than one person may be appointed to act as inspector under this section.
- B. The nuisance inspector is authorized to:
  1. Perform all functions necessary to enforce the provisions of this chapter.
  2. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.
- C. If he concludes there exists an objectionable condition in violation of this chapter, the inspector shall:
  1. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.

2. Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the county assessor or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the inspector may designate, provided that any person notified pursuant to this subsection shall be given at least ten but not more than 20 days, as determined by the inspector following the date of service of such notice, to correct the objectionable condition. The notice shall:
  - a. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.
  - b. Inform the owner, occupant or other person that in the event he disagrees with the determination of the inspector and does not wish to comply with the provisions of the notice or that he objects to the factual or legal basis for the notice, he may request in writing a hearing before the city council at a time and place to be set by the city council. A written application for a hearing shall state the time within which the person must conform to the provisions of the notice.
  - c. Inform the person that in the event he fails or neglects to correct the objectionable condition, the city will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he will be assessed such costs together with reasonable cost of correcting the violation against the property as a tax.
3. In the event the owner or occupant makes such request for a hearing, the city council shall set the time and place for hearing objections and the recorder shall notify the owner, occupant, or other persons in writing of the time and place at which they may appear and be heard. The hearing shall not be heard within less than five days from the date of service or mailing of the notice of hearing.

#### 10-352. HEARING.

- A. At the written request of an owner, occupant or other person having an interest in property which is the subject of notice to remove or abate weeds, objectionable conditions, or objects from the property, the city council shall conduct an informal hearing (which need not be reported) wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The city council shall also permit the presentation of evidence and argument by the inspector and other interested parties. Thereafter within not less than five nor more than ten days, the city council shall over the signature of the mayor or such other member of the city council as it may designate render its written decision, a copy of which shall be mailed to to served upon the owner or other person to whom original notice was given by the inspector.
- B. In the event the decision of the city council upholds the determination of the inspector, the notice originally given by the inspector as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed 30 days, is authorized by the inspector.

- C. In the event that the decision of the city council either overrules or modifies the determination of the inspector, the written decision of the city council shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the city council within ten days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the inspector unless additional time is authorized by the city council.
- D. The inspector shall file an amended notice and proof of service of notice and file the same in the office of the county treasurer.

**10-353. FAILURE TO COMPLY.** In any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such weeds, garbage, refuse, objects, or structures, the inspector shall employ all necessary assistance to cause such objectionable objects or condition to be removed or destroyed at the expense of the city.

**10-354. ITEMIZED STATEMENT.** The inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty days of the date of mailing, The notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner, occupant, or person having an interest in the property.

**10-355. FAILURE TO MAKE PAYMENT.** In the event the owner, occupant or person having an interest in the property, fails to make payment of the amount set forth in the statement to the city treasurer within the 20 days, the inspector either may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this chapter.

**10-356. COLLECTION BY LAW SUIT.** In the event collection of expenses of destruction and removal are pursued through the courts, the city shall sue for and receive judgment for all of said expenses of destruction and removal, together with reasonable attorneys' fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.

**10-357. COLLECTION THROUGH TAXES.** In the event that the inspector elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver the three copies of the statement to the county treasurer within ten days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the cost of the work shall be pursued by the county treasurer in accordance with the provisions of section 10-11-4, Utah Code Annotated 1953, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

**10-358. CRIMINAL PROCEEDING.** The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance or the granting to the defendant of an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

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**10-359. PENALTY FOR FAILURE TO COMPLY.**

- A. Any owner, occupant or person having an interest in the property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of a class C misdemeanor for each offense and further sum of \$ \_\_\_\_\_ for each and every day such failure to comply continues beyond the date fixed for compliance.
- B. Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section.

**CHAPTER 10-400. GARBAGE AND LITTER.**

**PART 10-410. GARBAGE REGULATION.**

**10-411. DEFINITIONS.**

- A. "Garbage" means waste from the preparation, handling, storing, cooking or consumption of food and food products.
- B. "Residential garbage" refers to garbage produced in places of private residence and dining halls not open to the public.
- C. "Commercial garbage" refers to garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.
- D. "Refuse" means all waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels, or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.
- E. "Community waste" means lawn cutting, clippings from bushes and shrubs, leaves and trees and tree branches.
- F. "Container" or "regulation container" means a type of garbage or trash container of galvanized metal or other approved material and having a tight fitting lid or properly and sufficiently treated weather resistant bag manufactured specifically for use in garbage and refuse collection.

**10-412. COLLECTION OF GARBAGE.**

- A. The city or its agent shall collect, remove and dispose of all residential, commercial garbage the removal of which is not otherwise provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the city council may from time to time establish by regulation.
- B. Except as otherwise expressly permitted by this part, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the city except by the city or its agent and except by authorized person hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, except as permitted in this part, to haul or remove garbage or refuse in the city.

C. commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage, may remove commercial garbage themselves or may employ the services of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the recorder. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the city council may from time to time by regulation provide.

D. Nothing contained in this section shall preclude persons from hauling their own garbage, trash or community waste over the streets and alleys of the city as the city council may authorize.

E. Nothing in this section shall be construed as eliminating the charge made for garbage service.

**10-413. SERVICE CHARGE.**

A. All residents and all business establishment within the municipality shall pay the city the following garbage service charges:

Residential Rate:  
Rate per Month

\$2.00 per month .....  
..... Residential

**Commercial Rate:**

All business establishments producing either residential garbage or commercial garbage or refuse shall pay a minimum monthly charge of \$\_\_\_\_\_ plus such additional amount per month as may be determined by the city council upon the basis of volume, time or weight for each class of business establishment.

B. Charges shall apply to all residences and business establishments whether or not they have also elected to haul their own garbage or employ the services of authorized garbage haulers.

C. If a dwelling unit or a place of business has remained vacant for an entire month, the owner or possessor of the site may make arrangements with the recorder for no garbage collection charges during the continued vacancy of the premises.

D. The mayor, with the consent of the city council, may excuse needy widows and elderly persons who are not reasonably capable of paying the monthly charge for residential collection of garbage from the payment of the residential rate for such period of time as may be deemed proper or necessary.

**10-414. METHOD OF PAYMENT OF SERVICE CHARGES.**

A. The garbage service charges above imposed by this part shall be added to the charge made for water furnished through the water system of the city and shall be billed and collected in the same manner as water service charges are billed and collected.

- B. In the event that the obligee for the water service charges and the obligee for the garbage service charges do not coincide, or in the event that practical economic and administrative reasons do not make combined billing and collection feasible in the opinion of the city council, the garbage service charges may be collected with such frequency and in such manner as the city council shall by regulation provide.

**10-415. NO ACCUMULATION OF GARBAGE.** It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in the city without express permission from the city health officer. The health officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the health officer may designate and under such restrictions as the city council may by regulation impose. Additionally, the health officer may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained.

**10-416. CONTAINERS.**

- A. All garbage and refuse shall be placed in suitable and sufficient garbage receptacles, either receptacles with tight fitting lids or properly and sufficiently treated water resistant paper bags manufactured specifically for use in garbage and refuse collection, or plastic bags manufactured specifically for use in garbage and refuse collection.
- B. Containers shall not exceed a 30 gallon capacity for receiving and holding garbage, market waste or other refuse which may accumulate.
- C. Receptacles shall not be filled to exceed 75 pounds in weight including the weight of the receptacles. Metal receptacles shall be provided with handles for convenient lifting.

**10-417. CLOSING OF GARBAGE CONTAINERS REQUIRED.** All garbage and market waste must be placed in rainproof and flyproof receptacles of the type herein required, and the receptacle shall be tightly closed in such a manner as to prevent offensive odors or flies.

**10-418. TIME AND PLACE OF PICKUP.**

- A. All garbage and refuse subject to garbage collection by the city shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the city council and at such time or times as shall be designated by regulations of the city council.
- B. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection designated by regulations of the city council.
- C. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on the street longer than may be necessary for the removal of the contents.



#### 10-419. DISPOSAL OF COMMUNITY WASTE.

- A. Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the city council as to the places of disposal and as to the type of vehicle used to avoid spillage upon public ways of the city, hazards to safety and the prevention of nuisances.
- B. The city council from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular garbage, waste collection and disposal service. In the event community waste disposal service should require a charge to be made by the city, the determination of the charge will be made by negotiation with the residents or business enterprises and the residents or business enterprises will be given an opportunity to choose from among services offered by persons other than the city.

10-420. BURNING OF REFUSE PROHIBITED. It shall be unlawful for any person to burn garbage, market waste, manure or other refuse in the open air or in any furnace or stove within the municipality.

10-421. DUMPING REFUSE PROHIBITED. It shall be unlawful for any person to place, deposit, or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night soil, or any other refuse upon any lot within the city whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof or has the same under his jurisdiction and control.

10-422. LIMITATIONS UPON DUMPING. Dumping waste and garbage shall be permitted only in such places as are designated by the city council. Dumping shall be subject to such rules and regulations as may be formulated by the city council.

10-423. REGULATIONS. The city council may adopt such regulations as in its opinion are necessary to implement this part and its objectives.

#### PART

10-430. LITTER - HANDBILLS.

10-431. DEFINITIONS. For the purposes of this part:

- A. "Authorized receptacle" is a public or private litter storage and collection receptacle.
- B. "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:
  - 1. Which advertises for sale any merchandise, product, commodity, or thing;
  - 2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;
  - 3. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either the same is held, given or takes place in connection with the dissemination of information which

is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this city; or

4. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distribution.
- C. "Garbage" means waste from preparation, cooking, or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.
- D. "Litter" is "garbage", "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of the city.
- E. "Newspaper" is any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
- F. "Non-Commercial Handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.
- G. "Park" is a park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city.
- H. "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
- I. "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- J. "Vehicle" is every device in, on, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.

**10-432. LITTER IN PUBLIC PLACES.** No person shall throw or deposit litter in or on any street, sidewalk or other public place except:

- A. In authorized receptacles for collection or in official municipal garbage dumps, or
- B. For collection as authorized by the city council.

**10-433. PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING.** Persons placing litter in authorized receptacle shall do so in such a manner as to prevent

it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.

**10-434. SWEEPING LITTER INTO GUTTERS PROHIBITED EXCEPT AS OTHERWISE AUTHORIZED BY THE CITY COUNCIL.** No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

**10-435. MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER.** No person owning or occupying any place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.

**10-436. LITTER THROWN BY PERSONS IN VEHICLES.** No person, while a driver of passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property.

**10-437. TRUCK LOADS CAUSING LITTER.** No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit on any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matters of any kind.

**10-438. LITTER IN PARKS.** No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

**10-439. LITTER IN LAKES AND FOUNTAINS.** No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere.

**10-440. THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES.** No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the city council, it is an infraction for any person to hand out, distribute or sell any commercial handbill in any public place, provided, however, that it shall not be unlawful on any sidewalk, street, or other public place for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

**10-441. PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES.** Unless otherwise authorized by the city council, no person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

**10-442. DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES.** No person shall throw or deposit any commercial or non-commercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.

**10-443. PROHIBITED DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED.** No person shall throw, deposit or distribute any commercial or non-commercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.

**10-444. DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES.** No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this part, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.

**10-445. EXEMPTION FOR MAIL AND NEWSPAPERS.** The provisions of this part shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.

**10-446. POSTING NOTICE PROHIBITED.** No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law.

**10-447. LITTER ON OCCUPIED PRIVATE PROPERTY.** No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property.

**10-448. LITTER ON VACANT LOTS.** No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person.

**10-449. HANDBILLS AND POSTERS.**

- A. No person or business shall post, stick, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, upon any sidewalk, curb, or any other portion or part of any public way or public place or any lamp post, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or state, and the ordinances of this city.
- B. It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in the city any cards, circulars, handbills, samples of merchandise, or any

advertising matter whatsoever without having first secured a permit therefor. This section shall not be construed to apply to the sale of articles by licensed peddlers.

- C. Applications for such permit shall be made to the recorder and shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant and the name of the manufacturer or distributor of such article or service advertised.
- D. Licenses shall be issued only to persons of good character. The chief of police shall make or cause to be made an investigation into the character of each applicant and shall report the results thereof to the recorder before any such license is issued.