

**13-76-10-802. BEFOULING WATERS.** A person is guilty of a class B misdemeanor if he:

1. Constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop, or other offensive yard or outhouse where the waste of drainage therefrom shall flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or
2. Deposits, piles, unloads, or leaves any manure heap, offensive rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or
3. Dips or washes sheep in any stream, or constructs, maintains, or uses any pool or dipping vat for dipping or washing sheep in such close proximity to any stream located within this city or over which this city may exercise its jurisdiction and used by the inhabitants of this city for domestic purposes as to make the waters thereof impure or unwholesome; or
4. Constructs or maintains any corral, yard, or vat to be used for the purpose of shearing or dipping sheep within twelve miles of the city, where the refuse or filth from the corral or yard would naturally find its way into any stream of water used by the inhabitants of this city for domestic purposes; or
5. Establishes and maintains any corral, camp, or bedding place for the purpose of herding, holding, or keeping any cattle, horses, sheep, goats, or hogs, within seven miles of this city, where the refuse or filth from the corral, camp, or bedding place will naturally find its way into any stream of water used by the inhabitants of this city for domestic purposes.

**13-76-10-803. "PUBLIC NUISANCE" DEFINED.**

1. A public nuisance is a crime against the public order and economy of this city and consists in unlawfully doing any act or omitting to perform any duty, which act or omission, either:
  - a. Annoys, injures, or endangers the comfort, repose, health or safety of three or more persons; or
  - b. Offends public decency; or
  - c. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
  - d. In any way renders three or more persons insecure in life or the use of property.
2. An act which affects three or more persons in any of the ways specified in this section is still a nuisance regardless of whether the extent of annoyance or damage inflicted on individuals is unequal.

**13-76-10-804. MAINTAINING, COMMITTING OR FAILING TO REMOVE PUBLIC NUISANCE - CLASSIFICATION OF OFFENSE.** Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class B misdemeanor.

13-78-10-807

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF WEEDS, GARBAGE, REFUSE OR ANY UNSIGHTLY OR DELETERIOUS OBJECT OR STRUCTURE; PROVIDING FOR THE APPOINTMENT OF AN INSPECTOR; PROVIDING METHODS WHEREBY THE MUNICIPALITY MAY COLLECT THE COSTS OF SAID FUNCTIONS; AND PROVIDING A PENALTY:

BE IT ORDAINED BY THE CITY COUNCIL (BOARD OF TRUSTEES) OF THE CITY (TOWN) OF Fountain Green, UTAH:

Section 1. Purpose: It is the purpose of this ordinance to establish a means whereby this municipality may remove or abate or cause the removal or abatement of injurious and noxious weeds, and of garbage, refuse, or unsightly or deleterious objects or structures pursuant to the powers granted to it by Chapter 11 of Title 10, Utah Code Annotated, 1953, as amended, and pursuant to its general power to abate nuisances. It is hereby declared that the above listed weeds, objects and structures shall constitute a nuisance when they create a fire hazard, a source of contamination, or pollution of water, air, or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to human habitations or unsightly or deleterious to their surroundings.

Section 2. Inspector: The office of inspector is hereby created for the purpose of administering the provisions of this ordinance and the powers delegated to this municipality by said statutes subject to such control and review as the City Council (Town Board) may from time to time direct. until such time as the City Council (Town Board) may otherwise appoint an Inspector by resolution, the \_\_\_\_\_ shall perform the functions of Inspector.  
(City Marshall, Bldg Inspector, Etc.)

The City Council (Town Board) May appoint such assistant inspectors and delegate to them such powers and duties as it may from time to time determine by resolution. The powers and duties of the assistants shall be the same as those of the Inspector, unless otherwise so specified by resolution.

Section 3. Duties. The inspector is hereby authorized and directed to inspect and examine real property situated within the municipality for the purpose of determining whether or not it contains injurious or noxious weeds, garbage, refuse or unsightly or deleterious objects or structures, and for the purpose of determining whether or not the existence of said weeds or objects creates a fire hazard or constitutes a source of contamination or other danger to health and safety, or otherwise creates nuisances, as above declared.

If the Inspector concludes that such conditions exist in whole or in part, he shall:

(a) Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.

(b) Serve notice in writing upon the owner and occupant of such land, 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 record 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, which shall not be less than ten days from the date of service of such notice.

(c) Inform the owner or occupant or both by means of said notice or an attached document that in the event he disagrees with the determination of the Inspector and does not wish to remove said objects or objectionable conditions, he may request in writing a hearing before the governing body at a time and place to be set by the governing body. A written application for a hearing shall stay the time within which the owner or occupant must conform to the decision of the Inspector.

In the event the owner or occupant makes such request for a hearing, the governing body shall set the time and place for hearing said objections and the City Recorder (Town Clerk) shall notify said owner or occupant in writing of

the time and place at which he may appear and be heard. Said hearing shall not be heard within less than five days from the date of service or mailing of said notice.

Section 4. Proof of Service. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. The Inspector shall make proof of service of such notice under oath, and file the same in the office of the county treasurer.

Section 5. Hearing. At the written request of an owner or occupant ordered to remove or abate said weeds, objectionable conditions, or objects from his real property, the governing body shall conduct an informal hearing (which need not be reported) wherein said owner or occupant may present such evidence and argument as pertinent to the question of whether or not the removal or abatement of said objects or conditions is properly within the purview of this ordinance. The board shall also permit the presentation of evidence and argument by the Inspector and other interested parties. Thereafter within not more than ten days the governing body shall over the signature of the mayor or such other member of the governing body as it may designate by resolution render its written decision a copy of which shall be mailed to or served upon the owner or occupant by the Inspector.

In the event the decision of the governing body 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 said objects or conditions and he shall have up to ten days from the date of notice of the decision within which to conform thereto.

In the event that the decision of the governing body either overrules or modifies the determination of the Inspector, the written decision of the governing body shall apprise him of that fact and set forth the details and extend to which the owner or occupant must make removal or other abatement of the said objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the governing body within ten days after service or mailing of a copy of said decision and said decision shall be deemed to be

the modified decision of the Inspector.

The Inspector shall file an amended notice and proof of service of said notice and file the same in the office of the county treasurer.

Section 6. Failure to Comply. If any owner or occupant of lands described in such notice or decision shall fail or neglect to conform to the requirements thereof relating to the eradication or destruction or removal of such weeds, garbage, refuse, objects, or structures, the Inspector shall employ all necessary assistance to cause such materials to be removed or destroyed at the expense of the municipality.

Section 7. Itemized Statement. The Inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of said materials and shall mail a copy thereof to the owner or occupant, or both, demanding payment within twenty days of the date of mailing. Said notice shall be deemed delivered when mailed by registered mail addressed to the property owner's or occupant's last known address.

Section 8. Failure to Make Payment. In the event the owner or occupant fails to make payment of the amount set forth in said statement to the municipal treasurer within said twenty 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.

Section 9. 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.

Section 10. 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 same and shall deliver the three copies of said 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 costs of said work shall be pursued by the county treasurer in accordance with the provisions of Section 10-11-4, Utah Code Annotated 1953, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

Section 11. Emergency Declared. In the opinion of the City Council (Town Board) it is necessary to the peace, health and safety of the inhabitants of Fountain Green, Utah, that this ordinance become effective immediately.  
(City or Town)

Section 12. Effective Date. This ordinance shall take effect upon its first publication.

Passed by the City Council (Town Board) of Fountain Green  
(City Or Town)  
Utah, this 7 day of May, 1980.

Booth Cook  
(Mayor or Town President)

Ronald L. Swain  
(City Recorder or Town Clerk)

**13-76-10-805. CARCASS OF OFFAL - PROHIBITIONS RELATING TO DISPOSAL - CLASSIFICATION OF OFFENSE.** Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop into any river, creek, pond, street, alley, or public highway, or road in common use or who attempts to destroy it by fire, within one-fourth of a mile of this city is guilty of a class B misdemeanor.

**13-76-10-806. NOT TO AFFECT OTHER PROVISIONS OF CITY ORDINANCES.** Nothing contained in this City Criminal Code shall affect any other provisions of this city's ordinances, rules or regulations which regulate, prohibit or effect nuisances or public nuisances.

**13-76-10-807. ACTION FOR ABATEMENT OF PUBLIC NUISANCES.** The city attorney is empowered to institute an action in the name of this city to abate a public nuisance.

**PART**

**13-76-10-900. TRADE AND COMMERCE.**

**13-76-10-901. "JUNK DEALER" DEFINED.** For the purpose of this part "junk dealer" means all persons, firms, or corporations engaged in the business of purchasing or selling secondhand, or castoff material of any kind, such as old iron, copper, brass, lead, zinc, tin, steel, aluminum, and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper, and other like materials.

**13-76-10-902. FRAUDULENT PRACTICES TO AFFECT MARKET PRICE.** Every person who willfully makes or publishes any false statement, spreads any false rumor, or employs any other false or fraudulent means or device, with intent to affect the market price of any kind of property, is guilty of a class B misdemeanor.

**13-76-10-903 through 13-76-10-906. Reserved.**

**13-76-10-907. JUNK DEALER'S RECORD OF SALES AND PURCHASES.** Every junk dealer shall keep a book in which shall be written, in ink in the English language, at the time of each and every purchase and sale a listing of the weight and metallic description of the sale or purchase, together with the full name and residence of the person or persons selling junk, together with the date and place of the purchase and sale. No entry in the book shall be erased, mutilated, or changed. The book and entries shall at all times be open to inspection by the sheriff of the county or any of his deputies and by any member of the police force of this city, and any constable or other state, city, or county officials in this county, provided this part shall not apply to any sale of less than twenty pounds.

**13-76-10-908. VIOLATION BY JUNK DEALER - CLASSIFICATION OF OFFENSE.** Any junk dealer who shall be found guilty of a violation of any of the provisions of this part shall be guilty of a class B misdemeanor; provided that this part shall not be construed to in any way affect any tax, license or regulation otherwise imposed on any junk dealer.

**13-76-10-909. JUNK DEALER TO OBTAIN STATEMENT FROM SELLERS.** At the time of purchase by any junk dealer of any copper wire, pig, or pigs of metal or of any junk, as defined in this part, he shall obtain a signed and dated statement from the person or persons selling it as to when, where, and from whom the property was obtained and also the residence, address, and place of employment of the seller or sellers. The statement shall be retained for five years by the junk dealer and shall be subject to the provisions of section 13-76-10-907 relating to erasure, mutilation, or change and also to inspection.

**13-76-10-910. FALSIFICATION OR SELLER'S STATEMENT TO JUNK DEALER.** Any seller who, in the making of his statement as required by this part in selling, offering, or

trying to sell junk willfully makes a false statement or gives untrue information, shall be guilty of a class B misdemeanor.

**PART**

**13-76-10-1000. TRADEMARKS, TRADE NAMES AND DEVICES.**

**13-76-10-1001. DEFINITIONS.** For the purpose of this part:

1. "Forged trademark," "forged trade name," "forged trade device," and "counterfeited trademark," "counterfeited trade name," "counterfeited trade device," or their equivalents as used in this part, include every alteration or imitation of any trademark, trade name, or trade device so resembling the original as to be likely to deceive.
2. "Trademark" or "trade name" or "trade device," as used in this part, includes every trademark registrable with the secretary of state.

**13-76-10-1002. FORGING OR COUNTERFEITING TRADEMARK, TRADE NAME, OR TRADE DEVICE.** Every person who willfully forges or counterfeits, or procures to be forged or counterfeited any trademark, trade name, or trade device, usually affixed by any person, or by any association or union of workmen, to his or its goods, which has been filed in the office of the secretary of state, with intent to pass off any goods to which the forged or counterfeited trademark, trade name, or trade device is affixed or intended to be affixed, as the goods of the person or association or union of workmen, is guilty of a class B misdemeanor.

**13-76-10-1003. SELLING GOODS UNDER COUNTERFEITED TRADEMARK, TRADE NAME OR TRADE DEVICE.** Every person who sells or keeps for sale any goods upon or to which any counterfeited trademark, trade name, or trade device has been affixed, after it has been filed in the office of the secretary of state, intending to represent the goods as the genuine goods of another, knowing it to be counterfeited, is guilty of a class B misdemeanor.

**13-76-10-1004. SALES IN CONTAINERS BEARING REGISTERED TRADEMARK OF SUBSTITUTED ARTICLES.** Every person who has or uses any container or similar article bearing or having in any way connected with it the registered trademark of another for the purpose of disposing, with intent to deceive or defraud any article or substance other than that which the container of similar article originally contained or was connected with by the owner of such trademark is guilty of a class B misdemeanor.

**13-76-10-1005. USING, DESTROYING, CONCEALING OR POSSESSING ARTICLES WITH REGISTERED TRADEMARK OR SERVICE MARK TO DEPRIVE OWNER OF USE OR POSSESSION - EXCEPTION.** Every person who, without the consent of the owner of an article bearing the owner's validly registered trademark or service mark, uses, destroys, conceals, or possesses the article or who defaces or otherwise conceals the trademark or service mark upon the article with intent to deprive the owner of the use of possession of that article is guilty of a class B misdemeanor; provided, however, that nothing contained in this part shall be construed to apply to or restrict the transfer or use of wooden boxes or the reuse of burlap or cotton bags or sacks when those bags or sacks have been reversed inside out or the markings thereon have been concealed or obliterated to effectively demonstrate that the products contained therein do not purport to be the products of the owner of the registered trademark or service mark theretofore put upon those bags.

**13-76-10-1006. SELLING OR DEALING WITH ARTICLES BEARING REGISTERED TRADEMARK OR SERVICE MARK WITH INTENT TO DEFRAUD.** Every person who, without the consent of the owner of an article bearing the owner's validly registered trademark or service mark, knowingly sells or traffics in the articles or who withholds the