

TITLE 5
CHAPTER 4
NUISANCE

SECTION:

- 5-4-1: Findings and Purpose
- 5-4-2: Definitions
- 5-4-3: Maintenance of Property
- 5-4-4: Declaration of Nuisance
- 5-4-5: Noise as Nuisance
- 5-4-6: Failure to Comply

5-4-1: FINDINGS AND PURPOSE

The City Council of River Heights deems it necessary to provide for the abatement of conditions which are offensive or annoying, detrimental to property values and community appearance, cause obstruction to or interference with the comfortable enjoyment of adjacent property, or hazardous to the health, safety and welfare of the general public, and constitute a public nuisance. The intention is to provide standards which will maintain the character of the City. It is hoped such measures will enhance: the economic value of the community, the quality of life, and the attractiveness of River Heights City.

5-4-2: DEFINITIONS

The purpose of the following section is to define terms used hereafter.

- ABANDONED:** Any item which has ceased to be used for it's designed and intended purpose.
- ABATE:** To repair, remove or otherwise remedy the condition in question.
- ATTRACTIVE NUISANCE:** Any condition, instrument or machine which is unsafe or unprotected, whether in a building, on the premises of a building, or on an unoccupied lot. Includes, but is not limited to, any abandoned well, shafts, basements, decks, or excavations; abandoned structures; or any lumber trash, fences, debris or vegetation which may be hazardous or dangerous.
- DISMANTLED:** Essential equipment, parts or contents which have been removed or stripped and the outward appearance verifies the removal.
- DISREPAIR:** That which has outward manifestation or appearance of damage and contents which are essential to operation.

OWNER: The registered owner of a vehicle, the person(s) to whom property tax is assessed on real or personal property, as shown on the last equalized assessment roll of the County, renter(s), leaser(s) and other occupants residing permanently or temporarily on property.

WEEDS: Any vegetation commonly referred to as a weed, or vegetation designated as noxious by a Utah agent of the Department of Agriculture.

5-4-3: MAINTENANCE OF 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.

A. Property Maintenance: The following descriptions are provided to delineate those items or conditions which the property owner, lessee or occupant must remove from held property.

1. Lumber, junk, trash, or debris, including weeds and noxious vegetation.
2. Abandoned, discarded, obsolete or unused objects or equipment such as furniture, appliances, cans, containers and vehicles.

B. Abatement of Weeds, Vegetation, and Deleterious Objects:

1. Real Property to be Kept Clean. It shall be an infraction for any person owning or occupying real property to allow weeds to grow on such property or not to remove from property any cuttings of weeds or refuse, unsightly or deleterious objects after having been given notice from the Zoning Administrator.
2. Standards of Weed Control:
 - a. The above stated weeds constitute a nuisance when they 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, or are designated as noxious by the Utah Department of agriculture.
 - b. Weeds shall be cut by the property owner within a period of 7-10 days after notification of violation.

5-4-4: DECLARATION OF NUISANCE

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

- B. Nuisances include but are not limited to:
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 unhealthy 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, corral, feed yard, yard, or in any building or area in which any animals are kept.
 6. Discharging or placing any offensive water, liquid waste or refuse of any kind into a street, alley, sidewalk, gutter, stream, wash, natural water course, ditch, canal, or vacant lot.
 7. Collecting any stale or putrid grease or other offensive matter.
 8. Permitting any fly or mosquito-producing conditions.
 9. Permitting any lot or excavation to become the repository of stagnant water, or decaying or offensive substances.
 10. Obstructing passage on any street or sidewalk, stream, drainage, canal, basin, or any public park without first obtaining the written permission of the governing body.

5-4-5: NOISE AS NUISANCE

- A. Any sound or noise that continues beyond a reasonable length of time, or noises which occur at unreasonable hours, causing undue annoyance or distress shall be subject to official intervention. Included, but not limited to such nuisance noises are the following;
1. Excessive noise by animals which is intrusive and disruptive to peaceful existence.
 2. Use of noisy machinery after 10:00 p.m. or before 7:00 a.m., except for the following:
 - a. Necessary services and/or emergencies as approved by the mayor or public works director.

- b. Commercial construction requiring special installation times, such as the pouring of large quantities of concrete or laying large quantities of asphalt paving, and as approved by the mayor or public works director.

(7-2017, 10-10-17)

- 3. Disruptive gatherings late at night, i.e. parties, rallies, assemblies, which persist past 10:00 p.m.
- B. It is the hope of the City Council that residents of River Heights City will handle most issues regarding the above noise occurrences, among neighbors, and be sensitive to others' welfare and peace. In such cases where this cannot be accomplished, residents may file official complaints at the River Heights City offices.
 - C. The types of nuisances stated shall be deemed in no way a limitation of the nuisances subject to this chapter.

5-4-6: FAILURE TO COMPLY

If any owner or occupant shall fail or neglect to conform to the requirements delineated, eradication, removal or destruction of offending objects shall be at the expense of the property owner. (4-2006, 5-9-06)