

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: Graffiti as a Nuisance
- 5-4-7: 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:

- A. All invasive grasses, annual plants and vegetation, other than trees or shrubs as defined in Cache County Code, Title 8.28 and the Utah Noxious Weed Act. This term shall not include cultivated flowers and gardens or cultivated decorative grasses that are intended to exceed eight (8) inches and are properly maintained within a defined planting area.
- B. Plants which injure or endanger the comfort, repose, health or safety of persons.
- C. Plants which unlawfully interfere with, obstruct or tend to obstruct a canal, public park, square, street or highway, sidewalk or park strip.

(2-2019, 5-28-19)

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. The purpose of this weed ordinance and the enforcement thereof is to ensure that properties within the city are kept clean and maintained. Doing so helps to prevent fire hazards, insect and rodent harborages, prevents the induction of hazardous pollens in the air, prevents vegetation from obstructing pathways, sidewalks, traffic view, and structures, and the buildup of plant waste that may affect public health, safety, and welfare.
- 2. **Standards of Weed Control:** Real property and park strips to be kept clean and weed free.

- C. Determination of Weed Nuisance: The mayor or a designated city employee or designated agent may observe any yard, lot, park strip or other place to determine the existence of weeds as a nuisance as defined in this chapter.
- D. Enforcement of Weed Control: The observation as described in 5-4-3:C. above shall constitute the facts upon which the city may base its corrective action. The city may:
 - 1. Document the inspection with pictures and written description.
 - 2. Send a copy of the pictures and written description along with the city code to inform the property owner of the violation of this section. The property owner will have fifteen (15) business days to have the nuisance corrected or have contacted the city with an explanation acceptable to the city indicating how and when the nuisance will be corrected.
 - 3. Follow up with a letter from the city attorney addressing the code violation, if the property owner has not corrected the nuisance or contacted the city. The city also has the option of utilizing the county weed abatement department (Cache County Code, Chapter 8).
 - 4. Prepare an itemized statement of all expenses incurred, should the city abate the nuisance. A copy thereof will be sent by registered mail to the owner, purchaser or occupier of the property with a payment due date of twenty (20) business days from the date of mailing.

(2-2019, 5-28-19)

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: GRAFFITI AS A NUISANCE

- A. Graffiti is defined as, but not limited to, vulgar or indecent words or pictures, which remains on the exterior of any building, fence, sign or within a public place which is visible to the general public.
 - 1. For purposes of this section "graffiti materials" means any paint, spray paint, broad tipped marking pen (a pen with a tip that exceeds 1/4 inch in width), glass cutting tool, glass etching tool, or any other articles adapted, designed or commonly used for committing or facilitating the commission of an offense involving damaging, defacing, or destroying public or private property.
 - 2. Any person that has in his or her possession any graffiti material while in any public park, playground, bridge abutment, storm drain, or other similar type of infrastructure, owned by or within the city of River Heights is subject to violation of ordinance as described in Title 1, Chapter 4.
- B. Finding of Nuisance. If the mayor or code enforcement officer finds that a nuisance exists, they shall attempt to have the responsible person abate the nuisance by:
 - 1. Contacting the responsible person, where possible;
 - 2. Explaining the nuisance;
 - 3. Requesting the responsible person to abate the nuisance;
- C. If any owner or occupant of the structure shall fail or neglect to remove the graffiti within 14 calendar days of notification then the city may remove the graffiti and bill the owner for expenses incurred.

(3-2020, 5-19-20)

5-4-7: 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)