

Chapter 12.25

Nuisances

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12.25.1 Authority

Bluffdale City hereby incorporates as though fully set forth herein, the provisions of Utah Code Annotated §76-10-801, et seq., to define, control, eliminate, and set the punishment for any nuisance offense occurring within the City.

12.25.2 Definition

A public nuisance is a crime against the health, safety, or general welfare of any citizen of the City. In addition to the definition of a nuisance found in §76-10-803 of the Utah Code, Bluffdale City hereby defines a nuisance as:

1. Any condition or use of premises or of building exteriors which are deleterious or injurious, obnoxious or unsightly which include, but is not limited to keeping nor depositing on, or scattering over the premises lumber, junk, trash, debris, abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, or other items.
2. Anything that unreasonably or unlawfully affects the health or safety of one or more persons.
3. Anything which unreasonably or unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any public or private street, highway, sidewalk, stream, ditch or drainage way.
4. Noxious weeds, or weeds more than eight (8) inches tall, or weeds within thirty (30) feet of a structure, or weeds within five (5) feet of the outer edge of any public street, or weeds in any other location which constitute an unreasonable fire hazard.
5. Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located.
6. Any accumulation of rubbish, trash, refuse, junk, abandoned materials, metals, lumber, machinery or inoperable vehicles.
7. Noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
8. Leaving or permitting to remain outside of any dwelling for more than three (3) days, any vehicle on jacks, blocks or similar equipment, or having deflated tires, or from which the chassis, engine, wheels or tires have been removed, or without valid registration, or any part of a vehicle when such vehicle or part thereof is located in an area visible from a public street (except in a licensed junk yard).

12.25.3 Dangerous Buildings

The "Uniform Code for the Abatement of dangerous Buildings," 1979 edition, as may be amended from time to time, 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 have been filed for use and examination by the public in the office of the clerk of the City, is hereby approved and adopted as the Abatement of Dangerous Buildings Code.

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 the City. All buildings or portions thereof which are determined, after inspection by the building inspector, 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.

Any appeal or interpretation 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 City. The Building Inspector 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 Inspector who shall make them accessible to the public without cost.

12.25.4 Other Public Nuisances

12.25.4.1 Maintenance of Planter Strips

12.25.4.2 Maintenance of Landscaping

12.25.4.1 Maintenance of Planter Strips

Planter strips along all public streets shall be maintained and kept in good order. The strips shall be planted in grass or other acceptable ground cover, and shall not contain weeds or other unsightly debris.

Trees and shrubs shall be properly trimmed and may not interfere with electric or telephone lines, or visually impair the safe movement of automobiles.

12.25.4.2 Maintenance of Landscaping

Landscaped areas shall be properly maintained and kept in good order. Grass should be mowed and trimmed in a manner consistent with proper landscaping techniques. Weeds, such as but not limited to dandelions and morning glory, shall be controlled by the property owner.

Trees and shrubs shall be properly trimmed and may not interfere with electric or telephone lines, nor overhang adjacent properties without the consent of the adjacent property owner.

12.25.5 Enforcement

12.25.5.1 Code Enforcement Officer

12.25.5.2 Notice of Violation to Property Owner

12.25.5.3 Failure to Comply

12.25.5.4 Immunity for Inspections

In accordance with §10-11-1, et seq., of the Utah Code, it is the intention of the City to establish a means whereby injurious and noxious weeds, garbage, refuse or unsightly and deleterious objects or structures can be removed or abated. It is declared that weeds, objects and structures constitute a nuisance when they create a fire hazard, a source of contamination, pollution of water, air or property, a danger to health, a breeding place of habitation for insects or rodents or other forms of life deleterious to human habitations, or unsightly or deleterious to their surroundings.

12.25.5.1 Code Enforcement Officer

The Code Enforcement Officer shall administer the provisions of this Chapter and the powers delegated to the City by statute, subject to such control and review as the City Council may from time to time direct. The Code Enforcement Officer may use the services of the Building Inspector and Fire Chief for the purpose of carrying out the provisions of this Chapter.

12.25.5.2 Notice of Violation to Property Owners

The Code Enforcement Officer shall make careful examination and investigation of any injurious and noxious weeds, garbage, refuse or unsightly or deleterious objects or structures. The Code Enforcement Officer shall obtain the names of the owners and descriptions of the premises where the weeds, garbage, refuse, objects or structures exist and serve notice in writing to the owner or occupant of the property. Notice shall be served either personally or by mailing notice to the owner or occupant at the last known address as found on the latest tax assessment rolls of the County Assessor. The notice shall state that the owner or occupant, as the case may be, must eradicate, destroy or remove, the violation within a time frame directed by the Code Enforcement Officer, which shall not be less than ten (10) days from the date of service of the notice. One notice shall

be deemed sufficient on any lot or parcel of property.

12.25.5.3 Failure to Comply

If any owner or occupant of property that has received proper notice fails or neglects to eradicate, destroy or remove, weeds, garbage, refuse, object or structure upon the premises in accordance with the notice, the Code Enforcement Officer shall employ necessary assistance and cause the weeds, garbage, refuse, objects or structures to be removed or destroyed. The officer shall prepare an itemized statement of all expenses incurred and shall mail a copy of the expenses to the owner allowing payment to be made within twenty (20) days of the date of mailing. The notice shall be mailed by registered mail addressed to the property owner's last known address. In the event the owner fails to make payment of the amount set forth in the statement to the City treasurer within said twenty (20) days, the officer shall forward the issues to the City Attorney for appropriate legal action. In the event collection of the costs are pursued through the courts, the City may sue for and receive judgment upon all costs of removal and destruction together with reasonable attorneys' fees, interest and court costs. The City may execute on such judgment in the manner provided by law. In the event that the officer elects to refer the matter to the County Treasurer for inclusion in the tax notice of the property owner, the officer shall make in triplicate, an itemized statement of all expenses incurred in the removal and destruction and shall deliver the three copies of the statement to the County Treasurer within ten (10) days after the completion of the work of removing the weeds, garbage, refuse, objects or structures.

The Code Enforcement Officer shall be granted the discretion to determine whether weeds, garbage or refuse, are unsightly or deleterious objects or whether structures create a fire hazard, 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 habitation, or are unsightly or deleterious to their surroundings.

12.25.5.4 Immunity for Inspections

The Code Enforcement Officer, or any City employee working under the direction of the officer, together with the City, shall be immune from any liability for removal of any nuisances identified herein, after following the procedures set forth above and in the Utah Code Annotated §10-11-1 , et seq.,

12.25.6 Appeal Procedure

Any person aggrieved by an action in accordance with this Chapter, including any person issuing a complaint, may appeal any decision made by the Code Enforcement Officer to the City Council. The City Council may affirm, amend and affirm, or overturn any action taken by the Code Enforcement Officer. Any decision made by the City Council is final and further action must be taken in a court of appropriate jurisdiction.

12.25.7 Legal Action

Civil Action

A civil action to abate or enjoin a nuisance, or for damages for causing or maintaining a nuisance (including the cost, if any, of cleaning the subject property), may be brought by Bluffdale City or by any private person directly affected.

Criminal Action

It shall be unlawful for any person to maintain or assist in maintaining a nuisance after receiving notice to abate the nuisance. Notice to abate a nuisance shall be given as a prerequisite to prosecution by delivering a copy of the notice to abate to the offender by personal service in the manner described in the Utah Rules of Civil Procedure, or by mailing a copy of the notice to abate to the offending party by certified mail, return receipt requested. The notice to abate shall reasonably describe the nuisance and the steps necessary to abate the nuisance.

12.25.8 Penalty for Violation

Any violation of this Chapter shall initially be prosecuted as deemed appropriate by the City Attorney. The City reserves the right to pursue any legal means to ensure compliance with this ordinance.

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 as defined by Utah State Statutes.

