



# Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** A public hearing to consider and take action on ZTA 2019-07, a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code, and to add junk and refuse standards.

**Agenda Date:** Tuesday, May 28, 2019  
**Staff Report Date:** Tuesday, May 22, 2019  
**Applicant:** Weber County  
**File Number:** ZTA 2019-07

### Staff Information

**Report Presenter:** Iris Hennon and Charlie Ewert  
 ihennon@co.weber.ut.us and cewert@co.weber.ut.us  
 (801) 399-8763

**Report Reviewer:** RG

## Applicable Ordinances

### Part 1

§ 30-5: Offenses involving refuse or garbage.

### Part 2

§ 101-1-7: Definitions  
 § 101-1-13: General penalty; continuing violations  
 § 102-4: Permits required and enforcement  
 § 108-7-6: [New] Garbage, junk, and weeds unlawful

## Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

## Summary and Background

The County Commission has requested that land use code enforcement ordinances be updated to provide the county with better administrative tools to pursue code compliance. Currently, the land use code is not clear on a code enforcement process for most types of enforcement. Additionally, the county has adopted a junk ordinance prohibiting junk from being placed on private property when not in compliance with the zone, but has it located outside of the land use code.

The proposed ordinance, attached as Exhibits A and B, will give the code enforcement official additional administrative tools, including fines for violations, to attain compliance before any land use violation is turned over to district court.

## Policy Analysis

### Policy Considerations:

*General Plan:* Neither general plans offer specific directives on code enforcement, but it stands to reason that if the plan is intended to be effectively implemented by the adoption of ordinance, then those ordinance need an effective mechanism for enforcement. Updating and clarifying enforcement provisions is keeping with the intent of the general plan.

*Ordinance:* The proposed ordinance adds clear procedures for code enforcement, including what notice is due to a violator and the time a violator has to cure the violation. It also allows the county to impose administrative fines for ongoing violations, which will help motivate compliance without the immediate threat of criminal charges. For those offenders unresponsive to the administrative fines, the proposal clarifies additional judicial procedures, including prosecution for a class C misdemeanor.

The proposal also adds a new section regarding the prohibition of garbage, junk, and weeds, including a provision for landowners to keep adjacent public pathways clear of refuse, debris, and snow.

The proposal removes refuse and garbage standards from its current section in “public offenses” and places it into the land use code. It deletes in part and moves in other part existing unclear provisions for enforcement, and combines it with a more appropriate section of ordinance within Title 102, which is the administration title of the land use code.

## Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

## Staff Recommendation

If the planning commission is satisfied with the attached ordinance amendments, staff recommends the Planning Commission offer a favorable recommendation for them to the County Commission. This recommendation is based on the following findings:

1. The changes provide clearer procedures for code enforcement.
2. The changes provide better motivation to remedy code violations
3. The changes reduce conflicting and redundant language in the ordinance.
4. The changes will strengthen the administration of the ordinance.
5. The changes are keeping with the intent of the general plan and beneficial to the health, safety, and general welfare of the public.

## Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.

1 **Part I**

2 **Title 30 - PUBLIC OFFENSES**

3 **CHAPTER 5. - RESERVED**

4 **Part II**

5 **TITLE 101 – GENERAL PROVISIONS**

6 ...

7 **Sec. 101-1-7. - Definitions.**

8 When used in this Code, the following words and phrases have the meaning ascribed to  
9 them in this section, unless the context indicates a different meaning:

10 ...

11 *Full-time equivalent employee (FTEE).* The term "full-time equivalent employee (FTEE)"  
12 means the minimum number of employees required to provide a particular service based on the  
13 type and intensity of the service. Where employee generation values or FTEEs are not provided  
14 by ordinance and a workforce consists of a combination of full- and part-time employees, the  
15 FTEE shall be calculated by adding up the total number of employee hours worked during a  
16 weekly pay period and then dividing that number by 32 hours to get the full-time equivalent  
17 employee number.

18 *Garbage.* The term "garbage" means household waste, food waste, and any other manner  
19 of refuse, rubbish, or trash. *Garage, private.* The term "private garage" means a garage shall be  
20 considered part of a dwelling if the garage and dwelling have a roof and/or wall in common.  
21 Areas such as garages are not considered livable space. The term "private garage" means an  
22 accessory building designed or used for the storage of:

23 (1) Single-family: Not more than four automobiles owned and used by the occupants of the  
24 building to which it is accessory and in which no business, commercial service or industry  
25 is carried on;

26 (2) Multiple-family: Provided that on a lot occupied by a multiple-family dwelling, the private  
27 garage may be designed and used for the storage of 1½ times as many automobiles as  
28 there are dwelling units in the multiple-family dwelling.

29 ...

30 *Independent living facility.* The term "independent living facility" means specially planned,  
31 designed and managed multi-unit housing with self-contained living units. A retirement  
32 community for senior citizens, age 55 or older, designed to provide supportive environments,  
33 but also to accommodate an independent lifestyle. A limited number of support services, such  
34 as meals, laundry, housekeeping, transportation and social/recreational activities, may be  
35 provided; however, no medical services are provided.

36 *Inoperable or abandoned vehicle.* The term "inoperable or abandoned vehicle" means any  
37 motor vehicle or trailer not currently registered and licensed in this state or another state; or any  
38 motor vehicle or trailer that cannot be operated in its existing condition because the parts

39 necessary for safe and lawful operation, such as tires, windshield, engine, drive train, driver's  
40 seat, steering wheel or column, or gas or brake pedals are removed, destroyed, damaged,  
41 deteriorated, or nonconforming.

42 *Junk.* The term "junk" means all discarded metals, scrap metals, iron, glass, paper, wood,  
43 building materials, plastics, or fiberglass which may have value secondhand but not in their  
44 present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof;  
45 waste paper products; unused or discarded building materials, machinery, machinery parts, or  
46 lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles  
47 or vehicle parts; or any other waste materials.

48 *Junkyard.* The term "junkyard" means the use of any lot, portion of lot, or tract of land for  
49 the storage of salvage materials, keeping or abandonment of junk, including but not limited to,  
50 scrap metals or other scrap material, debris, or for the dismantling, demolition or abandonment  
51 of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition  
52 shall not be deemed to include such uses which are clearly accessory and incidental to any  
53 agricultural use permitted in the zone.

54 ...

55 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the  
56 dimensional regulations of the Land Use Code where such action will not be contrary to the  
57 public interest and where, owing to conditions peculiar to the property and not the result of  
58 actions or the situation of the applicant or previous owners, a literal enforcement of the Code  
59 would result in unnecessary and undue hardship, other than an economic nature or self-  
60 imposed hardship. A self-imposed hardship created by a previous owner is considered to run  
61 with the land.

62 *Weeds* The term "weed" means any undesirable plant that the Utah Commissioner of  
63 Agriculture designates as noxious; and also including all green debris, such as, but not limited  
64 to, poison ivy, thistles, sticker plants, dyers woad, medusahead rye, leafy spurge, purple  
65 loosestrife and other vegetation commonly considered weeds. It also includes untrimmed  
66 grasses, but does not include crops grown as a source of food, income, or feed for livestock.

67 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and  
68 unobstructed from the ground upward by permanently parked vehicles, buildings or structures  
69 except as otherwise provided herein.

70 ...

71 **Sec. 101-1-13. – Reserved.**

72 ...

73 **TITLE 102 – ADMINISTRATION**

74 ...

75 **CHAPTER 4. - PERMITS REQUIRED AND ENFORCEMENT**

76 **Sec. 102-4-1. - Purpose and intent.**

77 The purpose of this chapter is to establish the requirements for land use permits from the  
78 planning division and building permits from the building division. This chapter identifies the  
79 responsibilities for enforcing the requirements of this Land Use Code and the penalties for  
80 violating this Land Use Code.

81 **Sec. 102-4-2. - Land use permit required.**

82 (a) In order to verify compliance with applicable regulations, all land uses that require a land  
83 use permit or conditional use permit by this Land Use Code are prohibited until a land use  
84 permit or conditional use permit has received final written approval from the appropriate land  
85 use authority.

86 (b) No structure, including agricultural structures, shall be constructed, changed in use, or  
87 altered, as regulated by this Land Use Code, until and unless a land use permit or, if  
88 applicable, a conditional use permit, has received final written approval from the appropriate  
89 land use authority.

90 (c) No application for permits or approvals governed by this Land Use Code shall be approved  
91 for any lot or parcel until all unresolved zoning, subdivision, building, business license,  
92 nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as  
93 part of the application, are resolved, unless approval of the application will resolve all of the  
94 existing violations.

95 **Sec. 102-4-3. - Land use permit revocation.**

96 A land use permit or conditional use permit may be revoked for violation of any part of this  
97 Land Use Code related to the specific use or permit in accordance with the following:

98 (1) Revocation shall be conducted by the land use authority that is authorized to approve  
99 the permit.

100 (2) Prior to permit revocation, the land owner and, if different, permittee shall be given  
101 reasonable opportunity to resolve the violation by bringing the property into compliance  
102 or by diligently pursuing an amendment or modification to the permit, as may be allowed  
103 by this Land Use Code.

104 (3) In the event compliance cannot be attained the land owner and, if different, permittee  
105 shall be given a notice of the impending permit revocation 14 days prior to final  
106 revocation. The notice of the impending permit revocation shall specify the violation, and  
107 inform the land owner and, if different, permittee of the right to request a hearing.

108 (4) The land owner and, if different, permittee shall have a right to a hearing with the land  
109 use authority to show cause for why the permit should not be revoked, if a written request  
110 for such is submitted prior to a final written revocation decision. If a hearing is requested,  
111 final revocation of the permit shall be stayed until after the hearing. The hearing shall be  
112 scheduled at a time specified by the land use authority.

113 (5) Revocation of a permit is final upon the issuance of a final written decision. The final  
114 written decision may be appealed pursuant to title 102, chapter 3.

115 (6) Revocation of a permit shall not prohibit prosecution or any other legal action taken on  
116 account of the violation, as provided in this Land Use Code or any other applicable law.

117 **Sec. 102-4-4. - Code enforcement.**

118 (a) *General penalty; continuing violations.*

119 (1) In this section, "violation of this Land Use Code" or "violation of any provision of this  
120 Land Use Code" means:

- 121 a. Doing an act that is prohibited or made or declared unlawful, an offense, or a  
122 misdemeanor by the Land Use Code or by rule or regulation authorized by the Land  
123 Use Code;
- 124 b. Failure to perform an act that is required to be performed by the Land Use Code or  
125 by rule or regulation authorized by the Land Use Code; or
- 126 c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or  
127 unlawful by the Land Use Code or by rule or regulation authorized by the Land Use  
128 Code.

129 (2) In this section, "violation of this Land Use Code" or "violation of any provision of this  
130 Land Use Code" does not include the failure of a county government officer or county  
131 government employee to perform an official duty unless this Land Use Code specifically  
132 provides that failure to perform the duty is to be punishable as provided in this section.

133 (3) Unless more specifically provided for in this Land Use Code, the violation of any  
134 provision of this Land Use Code shall be punished as a class C misdemeanor or by  
135 imposition of a civil penalty.

136 (4) Each day any violation of this Land Use Code shall continue shall constitute a separate  
137 offense. Any violation of this Land Use Code that constitutes an immediate danger to the  
138 health, safety, and welfare of the public may be enjoined in a suit brought by the county  
139 for such purposes.

140 (5) The imposition of a penalty under the provisions of this Land Use Code shall not prevent  
141 the revocation or suspension of any license, franchise, or permit issued or granted under  
142 the provisions of this Land Use Code.

143 (6) The provisions of this Land Use Code may also be enforced and violations punished by  
144 any of the following methods:

- 145 a. To remedy a violation of this Land Use Code, the county may order discontinuance  
146 of the use of any land, water, or building; the removal of any building, addition, or  
147 other structure; the discontinuance of any work being done; or any lawful act.
- 148 b. Specific provisions of this Code may provide for additional remedies.

149 (b) *Authorization of code enforcement official, powers and duties.* The county's planning  
150 director or designee is designated as the code enforcement official and is, empowered, and  
151 directed to enforce this Land Use Code by injunction, mandamus, abatement, civil penalty,  
152 or any other remedy provided by law. The county's code enforcement official is hereby

153 authorized, empowered, and directed to make inspection of properties within the  
154 unincorporated area of the county to determine whether there is any violation of this Land  
155 Use Code. This authorization extends to all methods of inspection allowed under the state  
156 and federal constitutions.

157 (c) *Notice of violation, time to cure.* When a violation is found, before taking any other  
158 enforcement action the code enforcement official shall serve notice of the violation in writing  
159 to the owner or occupant of the land. The notice shall:

160 (1) Be delivered personally or by certified mail to the owner or occupant at the last known  
161 post office address as disclosed by the records of the county recorder or assessor;

162 (2) State the specific code or codes being violated and explain the nature and extent of the  
163 violation; and

164 (3) State that the owner or occupant, as the case may be, shall correct or remove the  
165 violation no later than 14 days after notice of the violation has been delivered personally  
166 or mailed.

167 (d) *Alternative time to cure.* Within the 14 days as specified in Section 102-4-4(c), the owner or  
168 occupant may arrange an alternative remedial schedule with the Code enforcement official.  
169 The alternative remedial schedule shall be no greater than is reasonable and necessary  
170 given the extent of the violation and the owner or occupant's ability to cure.

171 (e) *Single notice sufficient.* One notice shall be deemed sufficient on any lot or parcel of  
172 property and the subsequent lapse of the notice period shall empower the county to take  
173 other and further action as may be lawful.

174 (f) *Administrative citation and fines.* After issuance of a notice of violation, as specified in  
175 Section 102-4-4(c), and at the discretion of the code enforcement official, an administrative  
176 citation and fine may be issued for any violation of this code.

177 (1) The fine schedule is as follows:

178 a. First charge or violation: \$100 per violation per day.

179 b. Second charge or violation: \$200 per violation per day.

180 c. Third or subsequent charge or violation: \$400 per violation per day.

181 (2) An additional charge or violation specified by this section is applicable in circumstances  
182 when an earlier violation has been resolved with all applicable fines and other costs paid  
183 but the same violation reoccurs within a 12-month period of time.

184 (3) If a property owner or occupant fails to pay a fine issued under this section, the county  
185 may take reasonable steps to collect the fine. If the fine remains unpaid, the county may  
186 petition the applicable court for a judgment against the owner or occupant in the amount  
187 of the unpaid fine. If the county also files a petition under Section 102-4-4(g), the two  
188 petitions may be combined into one action.

189 (g) *Abatement.* If a property owner or occupant fails to correct or remove the violation from the  
190 property after receiving an administrative citation, the county may petition the applicable

191 court for a judicial order enabling the county to remove some or all violations from the  
192 property and ordering the property owner or occupant to pay all costs associated with  
193 correcting the violation. If any violation of this Land Use Code constitutes a nuisance under  
194 the provisions of State Law, the county may take any action as authorized by law in addition  
195 to any other penalty imposed pursuant to this section.

196 (h) *Judgment lien.* Once a judicial order has been obtained under this section, ordering a  
197 property owner or occupant to pay fines or abatement costs, the code enforcement official  
198 may record a judgment lien against any real property owned by the responsible party, to the  
199 extent allowed by law.

200 (i) *Removal of judgement lien.* Once payment is received for all outstanding fines, costs, and  
201 penalties, including the county's cost for abatement if applicable, and the terms of the  
202 judicial order are deemed satisfied, the code enforcement official shall record a notice of  
203 satisfaction of judicial order and shall release the lien as required by law.

204 (j) *Appeals.* A violation determination under this section shall only be appealable to district  
205 court.

206 ...

## 207 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

### 208 **Sec. 108-7-1. - Purpose and intent.**

209 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may  
210 be, the zoning regulations appearing elsewhere in this title.

### 211 **...Sec. 108-7-6. – Garbage, junk, and weeds unlawful.**

212 (a) *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant  
213 of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain  
214 on or about the premises whenever it is unsightly and in public view, or whenever it is  
215 dangerous to the health, safety, and welfare of the people of the county. Every owner or  
216 occupant of land is hereby required to remove, or provide for the removal of, such garbage,  
217 inoperable or abandoned vehicles, and junk before the same become unsanitary, dangerous,  
218 or a nuisance.

219 (b) *Weeds and unkempt yards.* All weeds shall be cleared from residential, commercial,  
220 manufacturing, and institutional properties, including their perimeters and any adjacent  
221 parkways or unimproved portions of public rights-of-way. The yard portions of the property  
222 visible from the public right-of-way shall be maintained so that the property's appearance does  
223 not detract from the appearance of the neighborhood.

224 (c) *Exemptions.* This chapter shall not apply to items which are clearly accessory and incidental  
225 to any agricultural use permitted in the zone, or to items completely and lawfully enclosed  
226 within a building or enclosure where it is not visible from a public or private way or other public  
227 or private property and which does not constitute a nuisance, endanger or adversely affect  
228 the health or welfare of the community, or the keeping of which does not violate any other law  
229 or ordinance.



230 (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation  
231 of this section shall make proper arrangements for the correction of the violation.

232 (e) *Public streets and other public property.*

233 (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way,  
234 or other public property in unincorporated areas of the county any garbage, inoperable or  
235 abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or  
236 materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous  
237 to the health, safety, and welfare of the people of the county.

238 (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way,  
239 pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

240 (3) In addition to the requirements of Section 32-8-2, owners or occupants of land adjoining  
241 a pedestrian pathway shall also be required to ensure continual removal of snow from the  
242 pathway.

1 **Part I**

2 **Title 30 - PUBLIC OFFENSES**

3 **CHAPTER 5. - RESERVED OFFENSES INVOLVING REFUSE OR GARBAGE**

4 **~~Sec. 30-5-1. -- Definitions.~~**

5 ~~When used in this chapter, the following words and phrases have the meaning ascribed to them~~  
6 ~~in this section, unless the context indicates a different meaning:~~

7 ~~*Garbage* means household waste, food waste, all animal and vegetable refuse from kitchens or~~  
8 ~~residences, hotels, cafes, restaurants and places where food is prepared for human~~  
9 ~~consumption, including all animal and vegetable refuse from such kitchens, the materials in~~  
10 ~~which such food products are packaged, and also all condemned, or decayed or unsound~~  
11 ~~vegetables, meats, fish, fruit and all waste and offal therefrom markets, stores and factories and~~  
12 ~~any other manner of refuse, rubbish or trash which in and of itself has no value.~~

13 ~~*Inoperable or abandoned vehicle* means and includes any trailer, semi-trailer or motor vehicle~~  
14 ~~not currently registered and licensed in this state or another state, that cannot be operated in its~~  
15 ~~existing condition because the parts necessary for operation such as, but not limited to, tires,~~  
16 ~~windshield, engine, drive train, driver's seat, steering wheel or column, gas or brake pedals are~~  
17 ~~removed, destroyed, damaged, deteriorated, or nonconforming.~~

18 ~~*Junk* means all discarded metals, scrap metals, iron, glass, paper, wood, building materials,~~  
19 ~~plastics, fiberglass which may have value secondhand but not in its present condition, unused~~  
20 ~~or discarded bicycles, tricycles or other recreational vehicles or parts thereof, waste paper~~  
21 ~~products, unused or discarded building materials, machinery or machinery parts, lumber,~~  
22 ~~accumulations of dirt, gravel, ashes, or fire remains, or any inoperable or abandoned vehicles,~~  
23 ~~parts, or any other waste materials.~~

24 **~~Sec. 30-5-2. -- Appointment of inspectors.~~**

25 ~~The county commission, by and through its representatives, is hereby authorized and~~  
26 ~~empowered to make inspection of properties within the unincorporated area of the county to~~  
27 ~~determine whether there is any violation of this chapter.~~

28 **~~Sec. 30-5-3. -- Accumulation of garbage or junk prohibited.~~**

29 ~~It shall be unlawful for any person or persons to permit garbage or junk to accumulate or remain~~  
30 ~~on or about the premises under the control of such person or persons whenever said items shall~~  
31 ~~be unsightly and in public view, and/or dangerous to the health, safety and welfare of the people~~  
32 ~~of the county; and every person or persons herein described is hereby required to remove, or~~  
33 ~~provide for the removal of such garbage, junk, and other similar wastes before the same~~  
34 ~~become objectionable, unsanitary or dangerous.~~

35 **~~Sec. 30-5-4. -- Exemptions.~~**

36 ~~This chapter shall not apply to items which are clearly accessory and incidental to any~~  
37 ~~agricultural use permitted in the zone, or to items completely and lawfully enclosed within a~~  
38 ~~building or enclosure where it is not visible from a public or private way or other public or private~~

39 ~~property and which does not constitute a nuisance, endanger or adversely affect the health or~~  
40 ~~welfare of the community, or the keeping of which does not violate any other law or ordinance.~~

41 **~~Sec. 30-5-5.-- Responsibility for removal of garbage and junk.~~**

42 ~~Any person or persons upon whose property garbage, junk or any other similar waste has~~  
43 ~~accumulated is hereby required to make proper arrangements for the removal thereof.~~

44 **~~Sec. 30-5-6.-- Depositing of garbage or other waste materials in public areas unlawful.~~**

45 ~~It shall be unlawful for any person or persons to place or deposit in or upon any of the public~~  
46 ~~streets, alleys or parks of unincorporated areas of the county any garbage, debris, grass~~  
47 ~~cuttings, leaves, tree limbs, branches, sticks, junk or other discarded items which may interfere~~  
48 ~~with traffic both pedestrian or vehicular, and which may in any other way be dangerous to the~~  
49 ~~health, safety and welfare of the people of the county.~~

50 **~~Sec. 30-5-7.-- Inspection of premises; notice to property owner.~~**

51 ~~It shall be the duty of the county commission's representative or an officer of the county sheriff's~~  
52 ~~department to make careful examination and investigation of properties which may or may not~~  
53 ~~contain violations of this chapter or any provision described herein which shall include the~~  
54 ~~collection of garbage, or junk as herein defined on any property within the unincorporated~~  
55 ~~county; and it shall be the duty of those above named to ascertain the names of the owners of~~  
56 ~~and the description of the premises where such violation exists, and to serve notice in writing~~  
57 ~~upon the owner or occupant of such land either personally or by mailing said notice postage~~  
58 ~~prepaid addressed to the owner or occupant at the last known post office address as disclosed~~  
59 ~~by the records of the county recorder, or assessor, requiring such owner or occupant as the~~  
60 ~~case may be, to correct or remove the violation not later than 14 days after notice of the~~  
61 ~~violation has been served or mailed. One notice shall be deemed sufficient on any lot or parcel~~  
62 ~~of property and the subsequent lapse of said notice shall empower the county to take such other~~  
63 ~~and further action as may be lawful.~~

64 **Part II**

65 **TITLE 101 – GENERAL PROVISIONS**

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67 **Sec. 101-1-7. - Definitions.**

68 When used in this Code, the following words and phrases have the meaning ascribed to  
69 them in this section, unless the context indicates a different meaning:

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71 *Full-time equivalent employee (FTEE).* The term "full-time equivalent employee (FTEE)"  
72 means the minimum number of employees required to provide a particular service based on the  
73 type and intensity of the service. Where employee generation values or FTEEs are not provided  
74 by ordinance and a workforce consists of a combination of full- and part-time employees, the  
75 FTEE shall be calculated by adding up the total number of employee hours worked during a  
76 weekly pay period and then dividing that number by 32 hours to get the full-time equivalent  
77 employee number.

78 Garbage. The term "garbage" means household waste, food waste, and any other manner  
79 of refuse, rubbish, or trash.

80 *Garage, private.* The term "private garage" means a garage shall be considered part of a  
81 dwelling if the garage and dwelling have a roof and/or wall in common. Areas such as garages  
82 are not considered livable space. The term "private garage" means an accessory building  
83 designed or used for the storage of:

- 84 (1) Single-family: Not more than four automobiles owned and used by the occupants of the  
85 building to which it is accessory and in which no business, commercial service or industry  
86 is carried on;
- 87 (2) Multiple-family: Provided that on a lot occupied by a multiple-family dwelling, the private  
88 garage may be designed and used for the storage of 1½ times as many automobiles as  
89 there are dwelling units in the multiple-family dwelling.

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91 *Independent living facility.* The term "independent living facility" means specially planned,  
92 designed and managed multi-unit housing with self-contained living units. A retirement  
93 community for senior citizens, age 55 or older, designed to provide supportive environments,  
94 but also to accommodate an independent lifestyle. A limited number of support services, such  
95 as meals, laundry, housekeeping, transportation and social/recreational activities, may be  
96 provided; however, no medical services are provided.

97 Inoperable or abandoned vehicle. The term "inoperable or abandoned vehicle" means any  
98 motor vehicle or trailer not currently registered and licensed in this state or another state; or any  
99 motor vehicle or trailer that cannot be operated in its existing condition because the parts  
100 necessary for safe and lawful operation, such as tires, windshield, engine, drive train, driver's  
101 seat, steering wheel or column, or gas or brake pedals are removed, destroyed, damaged,  
102 deteriorated, or nonconforming.

103 ~~*Junk, inoperable or abandoned vehicle.* The term "junk, inoperable or abandoned vehicle"~~  
104 ~~means and includes any trailer, semi-trailer or motor vehicle not currently registered and~~  
105 ~~licensed in this state or another state that requires licensure, that cannot be legally operated on~~  
106 ~~a public road in its existing condition because the parts necessary for operation, such as, but~~  
107 ~~not limited to, tires, horn, brake lights, windshield, engine, drive train, driver's seat, steering~~  
108 ~~wheel or column, gas or brake pedals are removed, destroyed, damaged, deteriorated, non-~~  
109 ~~operative or nonconforming.~~

110 Junk. The term "junk" means all discarded metals, scrap metals, iron, glass, paper, wood,  
111 building materials, plastics, or fiberglass which may have value secondhand but not in their  
112 present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof;  
113 waste paper products; unused or discarded building materials, machinery, machinery parts, or  
114 lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles  
115 or vehicle parts; or any other waste materials.

116 *Junkyard.* The term "junkyard" means the use of any lot, portion of lot, or tract of land for  
117 the storage of salvage materials, keeping or abandonment of junk, including but not limited to,

118 scrap metals or other scrap material, debris, or for the dismantling, demolition or abandonment  
119 of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition  
120 shall not be deemed to include such uses which are clearly accessory and incidental to any  
121 agricultural use permitted in the zone.

122 ...

123 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the  
124 dimensional regulations of the Land Use Code where such action will not be contrary to the  
125 public interest and where, owing to conditions peculiar to the property and not the result of  
126 actions or the situation of the applicant or previous owners, a literal enforcement of the Code  
127 would result in unnecessary and undue hardship, other than an economic nature or self-  
128 imposed hardship. A self-imposed hardship created by a previous owner is considered to run  
129 with the land.

130 Weeds The term "weed" means any undesirable plant that the Utah Commissioner of  
131 Agriculture designates as noxious; and also including all green debris, such as, but not limited  
132 to, poison ivy, thistles, sticker plants, dyers woad, medus-ahead rye, leafy spurge, purple  
133 loosestrife and other vegetation commonly considered weeds. It also includes ungroomed  
134 grasses, but does not include crops grown as a source of food, income, or feed for livestock.

135 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and  
136 unobstructed from the ground upward by permanently parked vehicles, buildings or structures  
137 except as otherwise provided herein.

138 ...

139 **Sec. 101-1-13. -- Reserved. ~~General penalty; continuing violations.~~**

140 ~~(a) In this section, the terms "violation of this Code" or "violation of any provision of this~~  
141 ~~Code" means:~~

142 ~~(1) Doing an act that is prohibited or made or declared unlawful, an offense, or a~~  
143 ~~misdemeanor by ordinance or by rule or regulation authorized by ordinance;~~

144 ~~(2) Failure to perform an act that is required to be performed by ordinance or by rule or~~  
145 ~~regulation authorized by ordinance; or~~

146 ~~(3) Failure to perform an act if the failure is declared a misdemeanor, an offense, or~~  
147 ~~unlawful by ordinance or by rule or regulation authorized by ordinance.~~

148 ~~(b) In this section, the terms "violation of this Code" or "violation of any provision of this~~  
149 ~~Code" do not include the failure of a county government officer or county government~~  
150 ~~employee to perform an official duty unless this Code specifically provides that failure to~~  
151 ~~perform the duty is to be punishable as provided in this section.~~

152 ~~(c) Whenever in this Code or any other ordinance of the county, an act is prohibited or is~~  
153 ~~made or declared to be unlawful or an offense or a misdemeanor, or wherever in such~~  
154 ~~Code or ordinance the doing of an act is required or the failure to do any act is declared~~  
155 ~~to be unlawful, and no specific penalty is provided therefor, the violation of any such~~

156 ~~provision of this Code or any such ordinance shall be punished as a class C~~  
157 ~~misdemeanor or by imposition of a civil penalty.~~

158 ~~(d) A person who has been convicted of a class C misdemeanor may be sentenced to a term~~  
159 ~~of imprisonment not exceeding 90 days.~~

160 ~~(e) Each day any violation of this Code or of any ordinance shall continue shall constitute a~~  
161 ~~separate offense. Any violation of any provision of this Code of Ordinances which~~  
162 ~~constitutes an immediate danger to the health, safety, and welfare of the public may be~~  
163 ~~enjoined in a suit brought by the county for such purposes. If any violation of this Code is~~  
164 ~~designated as a nuisance under the provisions of this Code, such nuisance may be~~  
165 ~~summarily abated by the county in addition to any other penalty imposed pursuant to this~~  
166 ~~section.~~

167 ~~(f) The imposition of a penalty under the provisions of this Code shall not prevent the~~  
168 ~~revocation or suspension of any license, franchise or permit issued or granted under the~~  
169 ~~provisions of this Code.~~

170 ~~(g) The provisions of this Code may also be enforced and violations punished by any of the~~  
171 ~~following methods:~~

172 ~~(1) The county planning director or designee is authorized to enforce these provisions,~~  
173 ~~and any person, firm, corporation, or agent determined to be in violation shall be~~  
174 ~~subject to all penalties and remedies available to the county as provided by law.~~

175 ~~(2) The county may institute any appropriate action or procedure to bring about~~  
176 ~~compliance or remedy. The county may order discontinuance of the use of any land,~~  
177 ~~water, or building, the removal of any building, addition, or other structure, the~~  
178 ~~discontinuance of any work being done, or any other act when such use or act is in~~  
179 ~~violation of this Code.~~

180 ~~(3) The county may institute a citation process pursuant to state law and may enforce this~~  
181 ~~Code under applicable procedures.~~

182 ~~(4) Specific provisions of this Code may provide for additional remedies.~~

183 ...

## 184 **TITLE 102 – ADMINISTRATION**

185 ...

### 186 **CHAPTER 4. - PERMITS REQUIRED AND ENFORCEMENT**

#### 187 **Sec. 102-4-1. - Purpose and intent.**

188 The purpose of this chapter is to establish the requirements for land use permits from the  
189 planning division and building permits from the building division. This chapter identifies the  
190 responsibilities for enforcing the requirements of this Land Use Code, [and the penalties for](#)  
191 [violating this Land Use Code.](#)

#### 192 **Sec. 102-4-2. - Land use permit required.**

- 193 (a) In order to verify compliance with applicable regulations, all land uses that require a land  
194 use permit or conditional use permit by this Land Use Code are prohibited until a land use  
195 permit or conditional use permit has received final written approval from the appropriate land  
196 use authority.
- 197 (b) No structure, including agricultural structures, shall be constructed, changed in use, or  
198 altered, as regulated by this Land Use Code, until and unless a land use permit or, if  
199 applicable, a conditional use permit, has received final written approval from the appropriate  
200 land use authority.
- 201 (c) No application for permits or approvals governed by this Land Use Code shall be approved  
202 for any lot or parcel until all unresolved zoning, subdivision, building, business license,  
203 nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as  
204 part of the application, are resolved, unless approval of the application will resolve all of the  
205 existing violations.

206 **Sec. 102-4-3. - Land use permit revocation.**

207 A land use permit or conditional use permit may be revoked for violation of any part of this  
208 Land Use Code related to the specific use or permit in accordance with the following:

- 209 (1) Revocation shall be conducted by the land use authority that is authorized to approve  
210 the permit.
- 211 (2) Prior to permit revocation, the land owner and, if different, permittee shall be given  
212 reasonable opportunity to resolve the violation by bringing the property into compliance  
213 or by diligently pursuing an amendment or modification to the permit, as may be allowed  
214 by this Land Use Code.
- 215 (3) In the event compliance cannot be attained the land owner and, if different, permittee  
216 shall be given a notice of the impending permit revocation 14 days prior to final  
217 revocation. The notice of the impending permit revocation shall specify the violation, and  
218 inform the land owner and, if different, permittee of the right to request a hearing.
- 219 (4) The land owner and, if different, permittee shall have a right to a hearing with the land  
220 use authority to show cause for why the permit should not be revoked, if a written request  
221 for such is submitted prior to a final written revocation decision. If a hearing is requested,  
222 final revocation of the permit shall be stayed until after the hearing. The hearing shall be  
223 scheduled at a time specified by the land use authority.
- 224 (5) Revocation of a permit is final upon the issuance of a final written decision. The final  
225 written decision may be appealed pursuant to title 102, chapter 3.
- 226 (6) Revocation of a permit shall not prohibit prosecution or any other legal action taken on  
227 account of the violation, as provided in this Land Use Code or any other applicable law.

228 **Sec. 102-4-4. - Code enforcement.**

229 (a) General penalty; continuing violations.

- 230 (1) In this section, "violation of this Land Use Code" or "violation of any provision of this  
231 Land Use Code" means:

232 a. Doing an act that is prohibited or made or declared unlawful, an offense, or a  
233 misdemeanor by the Land Use Code or by rule or regulation authorized by the Land  
234 Use Code;

235 b. Failure to perform an act that is required to be performed by the Land Use Code or  
236 by rule or regulation authorized by the Land Use Code; or

237 c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or  
238 unlawful by the Land Use Code or by rule or regulation authorized by the Land Use  
239 Code.

240 (2) In this section, "violation of this Land Use Code" or "violation of any provision of this  
241 Land Use Code" does not include the failure of a county government officer or county  
242 government employee to perform an official duty unless this Land Use Code specifically  
243 provides that failure to perform the duty is to be punishable as provided in this section.

244 (3) Unless more specifically provided for in this Land Use Code, the violation of any  
245 provision of this Land Use Code shall be punished as a class C misdemeanor or by  
246 imposition of a civil penalty.

247 (4) Each day any violation of this Land Use Code shall continue shall constitute a separate  
248 offense. Any violation of this Land Use Code that constitutes an immediate danger to the  
249 health, safety, and welfare of the public may be enjoined in a suit brought by the county  
250 for such purposes.

251 (5) The imposition of a penalty under the provisions of this Land Use Code shall not prevent  
252 the revocation or suspension of any license, franchise, or permit issued or granted under  
253 the provisions of this Land Use Code.

254 (6) The provisions of this Land Use Code may also be enforced and violations punished by  
255 any of the following methods:

256 a. To remedy a violation of this Land Use Code, the county may order discontinuance  
257 of the use of any land, water, or building; the removal of any building, addition, or  
258 other structure; the discontinuance of any work being done; or any lawful act.

259 b. Specific provisions of this Code may provide for additional remedies.

260 (b) *Authorization of code enforcement official, powers and duties.* The county's planning  
261 director or designee is designated as the code enforcement official and is ~~authorized as the~~  
262 ~~official charged with enforcement of~~, empowered, and directed to enforce this Land Use  
263 Code by injunction, mandamus, abatement, civil penalty, or any other remedy provided by  
264 law. The county's code enforcement official is hereby authorized, empowered, and directed  
265 to make inspection of properties within the unincorporated area of the county to determine  
266 whether there is any violation of this Land Use Code. This authorization extends to all  
267 methods of inspection allowed under the state and federal constitutions.

268 (c) *Notice of violation, time to cure.* When a violation is found, before taking any other  
269 enforcement action the code enforcement official shall serve notice of the violation in writing  
270 to the owner or occupant of the land. The notice shall:



- 271 (1) Be delivered personally or by certified mail to the owner or occupant at the last known  
272 post office address as disclosed by the records of the county recorder, or assessor;
- 273 (2) State the specific code or codes being violated, and explain the nature and extent of the  
274 violation; and
- 275 (3) State that the owner or occupant, as the case may be, shall correct or remove the  
276 violation no later than 14 days after notice of the violation has been delivered personally  
277 or mailed.
- 278 (d) Alternative time to cure. Within the 14 days as specified in Section 102-4-4(c), the owner or  
279 occupant may arrange an alternative remedial schedule with the Code enforcement official.  
280 The alternative remedial schedule shall be no greater than is reasonable and necessary  
281 given the extent of the violation and the owner or occupant's ability to cure.
- 282 (e) Single notice sufficient. One notice shall be deemed sufficient on any lot or parcel of  
283 property and the subsequent lapse of the notice period shall empower the county to take  
284 other and further action as may be lawful.
- 285 (f) Administrative citation and fines. After issuance of a notice of violation, as specified in  
286 Section 102-4-4(c), and at the discretion of the code enforcement official, an administrative  
287 citation and fine may be issued for any violation of this code.
- 288 (1) The fine schedule is as follows:
- 289 a. First charge or violation: \$100 per violation per day.
- 290 b. Second charge or violation: \$200 per violation per day.
- 291 c. Third or subsequent charge or violation: \$400 per violation per day.
- 292 (2) An additional charge or violation specified by this section is applicable in circumstances  
293 when an earlier violation has been resolved with all applicable fines and other costs paid  
294 but the same violation reoccurs within a 12-month period of time.
- 295 (3) If a property owner or occupant fails to pay a fine issued under this section, the county  
296 may take reasonable steps to collect the fine. If the fine remains unpaid, the county may  
297 petition the applicable court for a judgment against the owner or occupant in the amount  
298 of the unpaid fine. If the county also files a petition under Section 102-4-4(g), the two  
299 petitions may be combined into one action.
- 300 (g) Abatement. If a property owner or occupant fails to correct or remove the violation from the  
301 property after receiving an administrative citation, the county may petition the applicable  
302 court for a judicial order enabling the county to remove some or all violations from the  
303 property and ordering the property owner or occupant to pay all costs associated with  
304 correcting the violation. If any violation of this Land Use Code constitutes a nuisance under  
305 the provisions of State Law, the county may take any action as authorized by law in addition  
306 to any other penalty imposed pursuant to this section.
- 307 (h) Judgment lien. Once a judicial order has been obtained under this section, ordering a  
308 property owner or occupant to pay fines or abatement costs, the code enforcement official

309 may record a judgment lien against any real property owned by the responsible party, to the  
310 extent allowed by law.

311 (i) *Removal of judgement lien.* Once payment is received for all outstanding fines, costs, and  
312 penalties, including the county's cost for abatement if applicable, and the terms of the  
313 judicial order are deemed satisfied, the code enforcement official shall record a notice of  
314 satisfaction of judicial order and shall release the lien as required by law.

315 (j) *Appeals.* A violation determination under this section shall only be appealable to district  
316 court.

317 ...

## 318 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

### 319 **Sec. 108-7-1. - Purpose and intent.**

320 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may  
321 be, the zoning regulations appearing elsewhere in this title.

322 ...**Sec. 108-7-6. ~~—Reserved~~ Garbage, junk, and weeds unlawful.**

323 (a) *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant  
324 of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain  
325 on or about the premises whenever it is unsightly and in public view, or whenever it is  
326 dangerous to the health, safety, and welfare of the people of the county. Every owner or  
327 occupant of land is hereby required to remove, or provide for the removal of, such garbage,  
328 inoperable or abandoned vehicles, and junk before the same become unsanitary, dangerous,  
329 or a nuisance.

330 (b) *Weeds and unkempt yards.* All weeds shall be cleared from residential, commercial,  
331 manufacturing, and institutional properties, including their perimeters and any adjacent  
332 parkways or unimproved portions of public rights-of-way. The yard portions of the property  
333 visible from the public right-of-way shall be maintained so that the property's appearance does  
334 not detract from the appearance of the neighborhood.

335 (c) *Exemptions.* This chapter shall not apply to items which are clearly accessory and incidental  
336 to any agricultural use permitted in the zone, or to items completely and lawfully enclosed  
337 within a building or enclosure where it is not visible from a public or private way or other public  
338 or private property and which does not constitute a nuisance, endanger or adversely affect  
339 the health or welfare of the community, or the keeping of which does not violate any other law  
340 or ordinance.

341 (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation  
342 of this section shall make proper arrangements for the correction of the violation.

343 (e) *Public streets and other public property.*

344 (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way,  
345 or other public property in unincorporated areas of the county any garbage, inoperable or  
346 abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or

347 materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous  
348 to the health, safety, and welfare of the people of the county.

349 (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way,  
350 pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

351 (3) In addition to the requirements of Section 32-8-2, owners or occupants of land adjoining  
352 a pedestrian pathway shall also be required to ensure continual removal of snow from the  
353 pathway.