



Staff Report to the Weber County Board of Commissioners

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, July 30, 2019
Staff Report Date: Monday, July 22, 2019
Applicant: Weber County
File Number: ZTA 2019-07

Staff Information

Report Presenter: Iris Hennon and Charlie Ewert
lhennon@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 does not clearly provide a code enforcement process for most types of land use violation 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 located it 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.

Both planning commissions have offered a favorable recommendation for the proposal.

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 Ogden Valley Planning Commission expressed concern over requiring snow removal along pathways adjacent to very large parcels. Staff adjusted the proposal to exempt parcels over five acres.

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.

Planning Commission Recommendation

Both the Ogden Valley Planning Commission and the Western Weber Planning Commission have offered favorable recommendations for the proposed changes. Their recommendations were 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.

Attachments

- A. Proposed Ordinance

ORDINANCE NUMBER 2019-

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE REGARDING CODE ENFORCEMENT PROCEDURES AND REGULATIONS FOR JUNK, REFUSE, AND UNKEMPT YARDS

WHEREAS, the Board of Weber County Commissioners (herein "Board") has heretofore adopted land use regulations governing uses of land and enforcement thereof; and

WHEREAS, the Board finds current regulatory enforcement procedures inadequate to provide for successful implementation of land use regulations; and

WHEREAS, the Board finds existing land use regulations do not adequately regulate the use of land for the keeping or storage of junk or other refuse; and

WHEREAS, the Board finds existing land use regulations do not adequately require proper upkeep and maintenance yards; and

WHEREAS, the Board has determined that the inclusion into the land use code of updated enforcement procedures and the regulation of junk, refuse and unkempt yards is not contrary to any general plan; and

WHEREAS, the Board has received a positive recommendation for the land use code amendment from the Ogden Valley Planning Commission in their May 28, 2019 meeting, after a duly noticed public hearing; and

WHEREAS, the Board has received a positive recommendation for the land use code amendment from the Western Weber Planning Commission in their July 9, 2019 meeting, after a duly noticed public hearing; and

WHEREAS, the Board finds that the amendments found herein will better achieve the desired outcomes of the relevant general plans, and promote the general public welfare.

NOW THEREFORE, the Board hereby adopts the modifications below and incorporates them into the Weber County Land Use Code.

See Exhibit A (Clean Copy) and Exhibit B (Track Changes)

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this _____ day of _____, 2019, by the Weber County Board of Commissioners.

BOARD OF WEBER COUNTY COMMISSIONERS

By _____,
Scott K. Jenkins, Chair

Commissioner Jenkins voted: _____
Commissioner Harvey voted: _____
Commissioner Froerer voted: _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

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 may be punished as a class C misdemeanor or by
135 imposition of a civil penalty, or both.

136 (4) If prosecuted as a misdemeanor, each day any violation of this Land Use Code
137 continues shall constitute a separate offense. Any violation of this Land Use Code that
138 constitutes an immediate danger to the health, safety, and welfare of the public may be
139 enjoined in a suit brought by the county for such purposes, or addressed through any
140 other lawful action.

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

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

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

151 (b) *Authorization of code enforcement official, powers and duties.* The county's planning
152 director or designee is designated as the code enforcement official and is, empowered, and

153 directed to enforce this Land Use Code by injunction, mandamus, abatement, civil penalty,
154 or any other remedy provided by law. The county's code enforcement official is hereby
155 authorized, empowered, and directed to make inspection of properties within the
156 unincorporated area of the county to determine whether there is any violation of this Land
157 Use Code. This authorization extends to all methods of inspection allowed under the state
158 and federal constitutions.

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

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

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

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

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

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

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

179 (1) The fine schedule is as follows:

180 a. First administrative citation: \$100 per violation per day.

181 b. Second administrative citation: \$200 per violation per day.

182 c. Third or subsequent administrative citation: \$400 per violation per day.

183 (2) An additional administrative citation specified by this Section 102-4-4(f) occurs in
184 circumstances when an earlier administrative citation has:

185 a. not been resolved to the satisfaction of the code enforcement official for a period of
186 60 days from the date of the previous administrative citation; or

187 b. been resolved to the satisfaction of the code enforcement official but the same
188 violation reoccurs within 12 months of the first administrative citation.

189 (3) If a property owner or occupant fails to pay a fine issued under this section, the county
190 may take reasonable steps to collect the fine. If the fine remains unpaid, the county may

191 petition the applicable court for a judgment against the owner or occupant in the amount
192 of the unpaid fine. If the county also files a petition under Section 102-4-4(g), the two
193 petitions may be combined into one action.

194 (g) *Abatement*. If a property owner or occupant fails to correct or remove the violation from the
195 property after receiving an administrative citation, the county may petition the applicable
196 court for a judicial order enabling the county to remove some or all violations from the
197 property and ordering the property owner or occupant to pay all costs associated with
198 correcting the violation. If any violation of this Land Use Code constitutes a nuisance under
199 the provisions of State Law, the county may take any action as authorized by law in addition
200 to any other penalty imposed pursuant to this section.

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

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

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

211 ...

212 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

213 **Sec. 108-7-1. - Purpose and intent.**

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

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

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

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

- 229 (c) *Exemptions.* This section shall not apply to items which are clearly accessory and incidental
230 to any agricultural use permitted in the zone, or to items completely and lawfully enclosed
231 within a building or enclosure where it is not visible from a public or private way or other public
232 or private property and which does not constitute a nuisance, endanger or adversely affect
233 the health or welfare of the community, or the keeping of which does not violate any other law
234 or ordinance.
- 235 (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation
236 of this section shall make proper arrangements for the correction of the violation.
- 237 (e) *Public streets and other public property.*
- 238 (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way,
239 or other public property in unincorporated areas of the county any garbage, inoperable or
240 abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or
241 materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous
242 to the health, safety, and welfare of the people of the county.
- 243 (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way,
244 pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.
- 245 (3) In addition to the requirements of Section 32-8-2, owners or occupants of a platted building
246 lot, or a lot of record with an existing residential, commercial, or manufacturing use, that
247 adjoins a paved pedestrian pathway and is less than five acres shall also be required to
248 ensure continual removal of snow from the 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**

66 ...

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:

70 ...

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.

90 ...

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 may be punished as a class C misdemeanor or by
246 imposition of a civil penalty, or both.

247 (4) If prosecuted as a misdemeanor, each day any violation of this Land Use Code
248 continues shall constitute a separate offense. Any violation of this Land Use Code that
249 constitutes an immediate danger to the health, safety, and welfare of the public may be
250 enjoined in a suit brought by the county for such purposes, or addressed through any
251 other lawful action.

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

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

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

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

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

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

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

275 (2) State the specific code or codes being violated, and explain the nature and extent of the
276 violation; and

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

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

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

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

290 (1) The fine schedule is as follows:

291 a. First administrative citation: \$100 per violation per day.

292 b. Second administrative citation: \$200 per violation per day.

293 c. Third or subsequent administrative citation: \$400 per violation per day.

294 (2) An additional administrative citation specified by this Section 102-4-4(f) occurs in
295 circumstances when an earlier administrative citation has:

296 a. not been resolved to the satisfaction of the code enforcement official for a period of
297 60 days from the date of the previous administrative citation; or

298 b. been resolved to the satisfaction of the code enforcement official but the same
299 violation reoccurs within 12 months of the first administrative citation.

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

305 (g) Abatement. If a property owner or occupant fails to correct or remove the violation from the
306 property after receiving an administrative citation, the county may petition the applicable
307 court for a judicial order enabling the county to remove some or all violations from the

308 property and ordering the property owner or occupant to pay all costs associated with
309 correcting the violation. If any violation of this Land Use Code constitutes a nuisance under
310 the provisions of State Law, the county may take any action as authorized by law in addition
311 to any other penalty imposed pursuant to this section.

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

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

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

322 ...

323 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

324 **Sec. 108-7-1. - Purpose and intent.**

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

327 ...**Sec. 108-7-6. --Reserved Garbage, junk, and weeds unlawful.**

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

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

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

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

348 (e) Public streets and other public property.

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

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

356 (3) In addition to the requirements of Section 32-8-2, owners or occupants of a platted building
357 lot, or a lot of record with an existing residential, commercial, or manufacturing use, that
358 adjoins a paved pedestrian pathway and is less than five acres shall also be required to
359 ensure continual removal of snow from the pathway.