

TITLE 8

HEALTH AND SAFETY

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Chapter 8.04

HEALTH REGULATIONS GENERALLY

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8.04.010 Permit-Required.

It is unlawful for any person to engage in any of the following businesses or activities without first obtaining a permit from the board of health:

- A. Handling, selling, offering for sale, preparing or serving food or food products or beverages or water intended for human consumption;
- B. Operating or permitting public access to any public swimming pool;
- C. Commercially operating any public dump, garbage or refuse collection or disposal facility, or cleaning out or installing any privy, cesspool or septic tank;
- D. Fumigating or eradicating pests, insects, vermin or any other infestation from any building occupied or to be occupied by humans. (Prior code § 10-213)

8.04.020 Permit-Application-Form.

Applications for a permit from the board of health shall be made in writing to the recorder/clerk. (Prior code § 10-214 (A))

8.04.030 Permit-Application-Review and recommendation.

The application shall be referred by the recorder/clerk to the board of health for review and recommendation. The board of health shall then forward the application with its recommendation to the mayor for approval or disapproval by the governing body. (Prior code § 10-214 (B))

8.04.040 Sale of unwholesome food or beverage.

It is a class B misdemeanor for any person to sell or offer for sale any unwholesome food or beverage which has been condemned by any government food inspector. (Prior code § 10-223)

8.04.050 Vacating premises-Required cleanup.

- A. It is unlawful for any person, upon vacating or moving from any dwelling, storeroom or other building, to fail to remove all garbage, rubbish or

ashes from such building or premises and the grounds appurtenant thereto, or to fail to place the same in a thoroughly sanitary condition within twenty-four hours after the premises are vacated.

- B. In situations where rental property is so vacated, the owner of the property shall be concurrently responsible with the tenant thereof for compliance with this section. (Prior code § 10-224)

8.04.060 Inadequate plumbing.

The health director shall have the power to require the prompt repair of all leaks or other defects in plumbing throughout the municipality. He shall have the power to condemn and abate all plumbing which is deficient under the plumbing ordinances. When, in the opinion of the health officer, a change in occupants, type of business or other cause requires changes in plumbing, he shall have the power to compel the installation of an increased number of plumbing fixtures and a change in the type or capacity, and to make such other alterations or increases as may be necessary for the health and safety of the occupants of the building and of the public generally. (Prior code § 10-226)

8.04.070 Unlawful discharge of sewage-Connection to public sewer.

- A. It is unlawful for any person to discharge or permit the discharge of any sewage or filth from any premises into and upon any public highway, stream, watercourse or public place, or into any drain, cesspool or private wastewater disposal system which does not conform to standards established by the State Division of Health or by this municipality.
- B. The health director may order a connection for sewage disposal to be made with the public sewer system provided by the municipality if such is available; provided, that the public sewer system is within three hundred feet of the premises.
- C. The health director shall use all due measures to prevent the fouling of any streams, watercourses, reservoirs, or any source furnishing water to any of the inhabitants of this municipality. (Prior code § 10-225)

Chapter 8.08

BOARD OF HEALTH AND HEALTH DIRECTOR

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8.08.010 Board of health-Designated.

The Bear River District health department is designated as the board of health of this municipality. (Prior code § 10-211)

8.08.020 Board of health-Powers and duties.

- A. The municipality may contract with the Bear River District health department on such terms and conditions as the parties may agree to enforce the provisions of Chapter 5.28 and 8.08 of this code and such other ordinances of this municipality which authorize or require action or impose any duty on the board of health.
- B. The board of health shall adopt such rules and regulations as it shall deem necessary to govern its meetings and conduct.
- C. The board of health shall review and approve all applications for permits to operate any business or engage in any construction for which a permit is required from the board of health pursuant to any ordinances or regulations of this municipality.
- D. The board of health shall recommend to the mayor for promulgation by the governing body such health rules, regulations and ordinances as it deems necessary for the health of the persons within this municipality. (Prior code § 10-212)

8.08.030 Health director-Designated.

The health director of the Bear River District health department is designated as the health director of this municipality. (Prior code § 10-221)

8.08.040 Health director-Powers and duties.

- A. The health director may appoint or designate any qualified person to act as his assistant for the purpose of enforcing the ordinances of this municipality.
- B. Subject to the terms and conditions of the contract between the Bear River District health department, the health director shall:
 1. Be the executive officer of the board of health;
 2. Enforce all ordinances of this municipality

- and the state which relate to the health and welfare of the residents of this municipality;
3. Enforce all rules, regulations and ordinances relating to:
 - a. Plumbing, sanitation, contagious infectious diseases, quarantine and sewage disposal,
 - b. Producing, storing, keeping and selling meat, dairy or other foods or food products,
 - c. The quarantine and disposal of all animals affected with any contagious or infectious diseases;
 4. Enforce the nuisance ordinances of this municipality;
 5. Have the power to impose and maintain a strict quarantine of all infected persons and premises having contagious or infectious diseases, and to require such persons or premises to be disinfected;
 6. Have the right and authority, when he shall deem necessary to secure or preserve the public health, to enter into or upon any premises, building or other places during the daytime to examine, analyze or test any building, structure, premises, product or goods manufactured, stored or kept within the municipality for the purposes of enforcing Chapters 5.28 and 8.08 of this code. (Prior code § 10-222)

Chapter 8.12

GARBAGE COLLECTION AND DISPOSAL

Sections:

- [8.12.010 Definitions.](#)
- [8.12.020 Collection and hauling.](#)
- [8.12.030 Service charge-Establishment Applicability.](#)
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- [8.12.070 Time and place of pickup.](#)
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- [8.12.090 Burning of refuse prohibited.](#)
- [8.12.100 Dumping refuse.](#)
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8.12.010 Definitions.

"**Commercial garbage**" refers to garbage produced in commercial establishments, public or quasi-public institutions establishments, including restaurants, hotels, motels and similar establishments.

"**Community waste**" means lawn cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.

"**Container**" or "regulation container" means a type of garbage or trash container of galvanized metal or other approved material and having a tightfitting lid or properly and sufficiently treated weather-resistant paper bag manufactured specifically for use in garbage and refuse collection.

"**Garbage**" means waste from the preparation, handling, storing, cooking or consumption of food and food products.

"**Refuse**" means all waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or structure.

"**Residential garbage**" refers to garbage produced in places of private residence and dining halls not open to the public. (Prior code § 10-411)

8.12.020 Collection and hauling.

A. The municipality or its agent shall collect, remove

and dispose of all residential, commercial garbage the removal of which is not otherwise provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the governing body may from time to time establish by regulation.

- B. Except as otherwise expressly permitted by this chapter, no garbage or refuse shall be removed or hauled away or transported upon the streets or public ways of the municipality except by the municipality or its agent and except by authorized persons hauling commercial garbage or refuse as hereinafter provided. It is declared to be unlawful for any person, except as permitted in the chapter, to haul or remove garbage or refuse in the municipality.
- C. Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage may remove commercial garbage themselves or may employ the services of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the recorder/clerk. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the governing body may from time to time by regulation provide.
- D. Nothing contained in this section shall preclude persons from hauling their own garbage, trash or community waste over the streets and alleys of the municipality in vehicles and containers approved by a sanitary inspector or such other personnel of the municipality as the governing body may authorize.
- E. Nothing in this section shall be construed as eliminating the charge made for garbage service. (Prior code § 10-412)

8.12.030 Service charge-Establishment-Applicability.

- A. The service charge for garbage collection shall be established by resolution from time to time by the governing body and shall be in an amount consistent with the amounts set forth in the contract between the municipality and the Cache County Service Area #1.
- B. Charges shall apply to all residences and business establishments whether or not they have also elected to haul their own garbage or employ the services of authorized garbage haulers. (Prior code § 10-413)

8.12.040 Service charge-Method of billing and collection.

- A. The garbage service charges imposed by this chapter shall be added to the charge made for water furnished through the water system of the municipality

and shall be billed and collected in the same manner as water service charges are billed and collected.

- B. In the event the obligee for the water service charges and the obligee for the garbage service charges do not coincide, or in the event that practical economic and administrative reasons do not make combined billing and collection feasible in the opinion of the governing body, the garbage service charges may be collected with such frequency and in such manner as the governing body shall by regulation provide. (Prior code § 10-414)

8.12.050 Accumulation of garbage prohibited.

It is unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in the municipality without express permission from the municipal health officer. The health officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the health officer may designate and under such restrictions as the governing body may by regulation impose. Additionally, the health officer may grant to any person permission for sorting, baling and marketing trade waste upon premises properly equipped and maintained. (Prior code § 10-415)

8.12.060 Containers.

- A. All garbage and refuse shall be placed in suitable and sufficient garbage receptacles, either receptacles with tight fitting lids or properly and sufficiently treated water-resistant paper bags manufactured specifically for use in garbage and refuse collection, or plastic bags manufactured specifically for use in garbage and refuse collection.
- B. Containers shall not exceed thirty gallon-capacity for receiving and holding garbage, market waste or other refuse which may accumulate.
- C. Receptacles shall not be filled to exceed seventy-five pounds in weight including the weight of the receptacle. Metal receptacles shall be provided with handles for convenient lifting.
- D. All garbage and market waste must be placed in rainproof and fly proof receptacles of the type herein required, and the receptacle shall be tightly closed in such manner as to prevent offensive odors or flies. (Prior code § 10-416, 10-417)

8.12.070 Time and place of pickup.

- A. All garbage and refuse subject to garbage collection by the municipality shall be placed at a pickup point at or near the premises designated

- from time to time by regulations adopted by the governing body and at such time or times as shall be designated by regulations of the governing body.
- B. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection designated by regulations of the governing body.
 - C. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents. (Prior code § 10-418)

8.12.080 Disposal of community waste.

- A. Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the governing body as to the places of disposal and as to the type of vehicle used to avoid spillage upon the public ways of the municipality, hazards to safety and the prevention of nuisances.
- B. The governing body from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular garbage, waste collection and disposal service. In the event community waste disposal service should require a charge to be made by the municipality, the determination of the charge will be made by negotiation with the residents or business enterprises and the residents or business enterprises will be given an opportunity to choose from among services offered by persons other than the municipality. (Prior code § 10-419)

8.12.090 Burning of refuse prohibited.

It is unlawful for any person to burn garbage, market waste, manure or other refuse in the open air or in any furnace or stove within the municipality. (Prior code § 10-420)

8.12.100 Dumping refuse.

- A. It is unlawful for any person to place, deposit, or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night soil, or any other refuse upon any lot within the municipality whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof or has the same under his jurisdiction and control.

- B. Dumping waste and garbage shall be permitted only in such places as are designated by the governing body. Dumping shall be subject to such rules and regulations as may be formulated by the governing body. (Prior code § 10-421, 10-422)

8.12.110 Regulations-Authority to adopt.

The governing body may adopt such regulations as in its opinion are necessary to implement this chapter and its objectives. (Prior code § 10-423)

8.12.120 Permit-Required.

It is unlawful for any person who does not possess an unrevoked permit from the Cache County Service Area #1 in addition to any business license required by the municipality to engage in the business of refuse collection or refuse disposal for compensation in the municipality. The Cache County Service Area #1 shall issue permits for such applicants; provided, that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this chapter; and that no permit shall be required of any agency acting under contract with the municipality. (Prior code § 10-424)

8.12.130 Inspection authority.

Any authorized employee or agent of Cache County Service Area #1, after identifying himself, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter and where necessary shall obtain a search warrant from a court having jurisdiction. (Prior code § 10-426)

8.12.140 Equipment.

- A. All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies or suitable provisions for covering the body. Provision and use of a tarpaulin or canvas cover to enclose open bodies of collection vehicles may be permitted when specifically approved by the Cache County Service Area #1.
- B. Vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect-breeding and shall be maintained in good repair. (Prior code § 10-427)

8.12.150 Violation-Notice-Hearing-Abatement.

- A. Whenever the Cache County Service Area #1 has determined that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, notice of such alleged

violation shall be given to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

1. Be put into writing;
 2. Include a statement of the reasons why it is being issued;
 3. Allow a reasonable time for the performance of any act it requires;
 4. Be served upon the holder of a permit issued under this chapter or upon the owner or agent or the occupant of any premises within the municipality; provided, that such notice shall be deemed to have been properly served when a copy thereof has been served personally or in accordance with any other method authorized or required under the laws of this state for commencement of civil actions.
- B. Such notice may:
1. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter;
 2. State unless conditions or practices described in such notice which violate this chapter are corrected within the reasonable time specified in such notice, the violator may be punished in accordance with the provisions of this chapter or a permit which has been issued pursuant to this chapter may be suspended or revoked.
- C. Any person who is affected by any notice issued in connection with the enforcement of any provision of this chapter may request, and shall be granted, a hearing on the matter before the Cache County Service Area #1 or its designee; provided, that such person shall file, in the office of the Cache County Service Area #1 a written request for such hearing and within ten days after the date the notice was served. Upon receipt of such request, the Cache County Service Area #1 shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard. The hearing shall be commenced not later than ten days after the day on which the request was filed; provided, that upon application of the petitioner, the Cache County Service Area #1 may postpone the date of the hearing for a reasonable time beyond such ten-day period when, in its judgement, the petitioner has submitted a good and sufficient reason for such postponement.
- D. After such hearing, the Cache County Service Area #1 shall sustain, modify or withdraw the notice, depending upon its findings based on such hearing as to whether or not the provisions of this chapter and of the regulations adopted pursuant thereto

have been complied with. If the Cache County Service Area #1 sustains or modifies such notice, it shall be deemed to be an order. Any notice shall automatically become an order if a written request for a hearing has not been filed in the office of the Cache County Service Area #1 within ten days after such order was serviced. In the case of any notice which states that a permit required by this chapter may be suspended or revoked, the Cache County Service Area #1 may suspend or revoke such permit if an order is issued and corrective action has not been taken within the time specified in the notice.

- E. The proceedings at such hearing, including the findings and decision of the Cache County Service Area #1, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Cache County Service Area #1. Such record shall also include a copy of every notice or order issued in connection with the matter.
- F. If the corrective action ordered by the Cache County Service Area #1 under this chapter has not been taken within five days after such decision or order thereof, the Cache County Service Area #1 shall give notice that the governing body shall hear the matter. Notice of the hearing shall be given by personal service or by leaving a copy at the residence or place of business of the person not complying, with anyone at such address who is over the age of fourteen years and by mailing a copy of the notice to the last known address of the person not complying with the order.
- G. At the time set for the hearing by the Cache County Service Area #1, the governing body shall hear the matter and receive evidence and determine what corrective action is required, if any. The decision of the governing body shall be in writing and a copy mailed to the person not complying.
- H. Any person who does not comply with the decision of the governing body shall be guilty of a misdemeanor. The governing body may order the Cache County Service Area #1 to take the corrective action required if the person who does not comply fails to do so and a court action shall be commenced against such person for any costs incurred by the municipality.
- I. Whenever the Cache County Service Area #1 finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it may without notice or hearing issue a written order reciting the existence of an emergency and the conditions violating this chapter which require corrective action to remove such health hazard. If such corrective action is not taken, the Cache County Service Area #1 may take

the action including the abatement of any nuisance as may be necessary to protect the public health. Notwithstanding other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the governing body shall be afforded a hearing as soon as possible, but in any case not later than three days after the petition was filed. After such hearing, depending upon the findings of the governing body as to whether or not the provisions of this chapter and of the regulations adopted pursuant hereto have been complied with, the governing body may continue such order in effect, modify it or revoke it. (Prior code § 10-425)

Chapter 8.14

RECYCLING REGULATIONS

Sections:

[8.14.010 Definitions.](#)

[8.14.020 Prohibited use.](#)

8.14.010 Definitions.

As used in this section:

- A. "Recycling" means the process of collecting materials diverted from the waste stream for reuse.
- B. "Recycling bin" means any receptacle made available to the public by a governmental entity or private business for the collection of any source-separated item for recycling purposes.

8.14.020 Prohibited use - penalties.

It is an infraction to place any prohibited item or substance in a recycling bin if the bin is posted with the following information printed legibly in basic English:

- A. A descriptive list of the items that may be deposited in the recycling bin, entitled in boldface capital letters:
ITEMS YOU MAY DEPOSIT IN THIS
RECYCLING BIN:
- B. At the end of the list in Subsection A, the following in boldface capital letters:
REMOVING FROM THIS BIN ANY ITEM THAT
IS LISTED ABOVE AND THAT YOU DID NOT
PLACE IN THE CONTAINER IS A CRIMINAL
OFFENSE OF THEFT, PUNISHABLE BY LAW.
- C. The following statement in boldface capital letters:
DEPOSIT OF ANY OTHER ITEM IN THIS
RECYCLING BIN IS AGAINST THE LAW.
- D. The following statement in boldface capital letters, posted on the recycling collection container in close proximity to the notices required under Subsections A, B, and C:
PLACING ANY ITEM OR SUBSTANCE IN
THIS RECYCLING BIN OTHER THAN THOSE
ALLOWED IN THE LIST POSTED ON THIS
BIN IS AN INFRACTION, PUNISHABLE BY
A MAXIMUM FINE OF \$750.
- E. The name and telephone number of the entity that owns the recycling bin or is responsible for its placement and maintenance. (Ord. 01-07)

Chapter 8.16

NUISANCES

Sections:

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- [8.16.020 Author of nuisance defined.](#)
- [8.16.030 Enumeration.](#)
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- [8.16.060 Property-Nuisance defined.](#)
- [8.16.070 Property-Maintenance.](#)
- [8.16.080 Property-Storage when unusable.](#)
- [8.16.090 Shafts and wells-Fencing requirements.](#)
- [8.16.100 Nuisance defined-Violation-Penalty.](#)
- [8.16.110 Befouling waters.](#)
- [8.16.120 Public nuisance-Defined.](#)
- [8.16.130 Public nuisance-Maintaining, committing or failing to remove.](#)
- [8.16.140 Carcass or offal-Disposal-Prohibitions.](#)
- [8.16.150 Effect on other provisions.](#)
- [8.16.160 Authority to institute abatement.](#)

8.16.010 Nuisance-Definition.

The definition of a "nuisance" is found in Section 8.16.100. (Ord. 93-02 § 1 (part): prior code § 10-311)

8.16.020 Author of nuisance defined.

Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors. (Prior code § 10-312)

8.16.030 Enumeration.

- A. Every act or condition made, permitted, allowed or continued in violation of Section 8.16.010, is declared to be a nuisance and may be abated and punished as hereinafter provided.
- B. Nuisances include, but are not limited to:
 - 1. Befouling water in any spring, stream, well, or water source supplying water for culinary purposes;
 - 2. Allowing any privy, vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors to air or water;

3. Permitting any garbage container to remain on premises when it has become unclean and offensive;
4. Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area except when it is temporarily deposited for immediate removal;
5. Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard, or in any other building or area in which animals are kept;
6. Permitting any slaughterhouse, market, meat shop, stable, feed yard, or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed;
7. Discharging or placing any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal, or any vacant lot or which as the result of continued discharge will render the place of discharge offensive or likely to become so;
8. Keeping or collecting any stale or putrid grease or other offensive matter;
9. Having or permitting upon any premises any fly or mosquito producing condition;
10. Keeping any drinking vessel for public use without providing a method of decontamination between uses;
11. Permitting or performing any ablutions in or near any public drinking fountain;
12. Failing to furnish any dwelling house, boardinghouse, or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition;
13. Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults and cesspools or other individual wastewater disposal system within twenty days after notice from an enforcement officer or official of the municipality;
14. Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances;
15. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalk, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the

governing body.

- C. The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter. (Prior code § 10-313, 10-314)

8.16.040 Toilet or sewer facilities.

All toilet or sewer facilities shall be constructed and maintained in accordance with the ordinances of the municipality. All such facilities that do not comply with such provisions are declared to be a nuisance and are subject to abatement as herein prescribed. (Prior code § 10-315)

8.16.050 Obstructing watercourses.

- A. It is unlawful for any person or persons to permit any drainage system, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary.
- B. Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement. (Prior code § 10-316)

8.16.060 Property-Nuisance defined.

For the purpose of Sections 8.16.070 and 8.16.080, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on, or scattering over the premises any of the following:

- A. Lumber, junk, trash or debris;
- B. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers. (Prior code § 10-331)

8.16.070 Property-Maintenance.

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. (Prior code § 10-332)

8.16.080 Property-Storage when unusable.

- A. Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty days or more (except in licensed junkyards) within this municipality, is declared to be a nuisance and dangerous to the public safety.

- B. The owner, owners, tenants, lessees or occupants of any lot within this municipality on which such storage as defined in subsection A of this section is made, and also the owner, owners or lessees of the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured buildings to be used for such purposes, or otherwise to remove such property from the municipality. (Prior code § 10-333, 10-334)

8.16.090 Shafts and wells-Fencing requirements.

Any person who has sunk or shall sink a shaft or well for any purpose shall enclose it with a substantial curb or fence, which shall be at least four and one-half feet high. Any person violating the provisions of this section is guilty of a class B misdemeanor. (Prior code § 13-1041)

8.16.100 Nuisance defined-Violation-Penalty.

- A. A nuisance is any item, thing, manner, condition whatsoever that is dangerous to human life or health or renders soil, air, water or food impure or unwholesome.
- B. Any person, whether as owner, agent or occupant who creates, aids in creating, or contributes to a nuisance, or who supports, continues or retains a nuisance, is guilty of a class B misdemeanor. (Prior code § 13-1081)

8.16.110 Befouling waters.

A person is guilty of a class B misdemeanor if he:

- A. Constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop, or other offensive yard or outhouse where the waste or drainage therefrom flows directly into the waters of any stream, well or spring of water used for domestic purposes; or
- B. Deposits, piles, unloads or leaves any manure heap, offensive rubbish, or the carcasses of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well or spring of water used for domestic purposes; or
- C. Dips or washes sheep in any stream, or constructs, maintains or uses any pool or dipping vat for dipping or washing sheep in such close proximity to any stream located within this municipality or over which this municipality may exercise its jurisdiction and used by the inhabitants of this municipality for domestic purposes as to make the waters thereof impure or unwholesome; or
- D. Constructs or maintains any corral, yard, or vat to be used for the purpose of shearing or dipping sheep within twelve miles of the municipality, where the refuse or filth from the corral or yard would naturally find its way into any stream of

water used by inhabitants of this municipality for domestic purposes; or

- E. Establishes and maintains any corral, camp or bedding place for the purpose of herding, holding or keeping cattle, horses, sheep, goats or hogs, within seven miles of this municipality, where the refuse or filth from the corral, camp or bedding place will naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes. (Prior code § 13-1082)

8.16.120 Public nuisance-Defined.

- A. A "public nuisance" is a crime against the public order and economy of this municipality and consists of unlawfully doing any act or omitting to perform any duty, which act or omission, either:
 - 1. Annoys, injures or endangers the comfort, repose, health or safety of three or more persons; or
 - 2. Offends public decency; or
 - 3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal or basin, or any public park, square, street or highway; or
 - 4. In any way renders three or more persons insecure in life or the use of property.
- B. An act which affects three or more persons in any of the ways specified in this section is still a nuisance regardless of whether the extent of annoyance or damage inflicted on individuals is unequal. (Prior code § 13-1083)

8.16.130 Public nuisance-Maintaining, committing or failing to remove.

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class B misdemeanor. (Prior code § 13-1084)

8.16.140 Carcass or offal-Disposal-Prohibitions.

Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral, or butchershop into any river, creek, pond, street, alley or public highway, or road in common use, or who attempts to destroy it by fire, within one-fourth of a mile of this municipality is guilty of a class B misdemeanor. (Prior code § 13-1085)

8.16.150 Effect on other provisions.

Nothing contained herein shall affect any other provisions of this municipality's ordinances, rules or regulations which regulate, prohibit or effect nuisances or public nuisances. (Prior code § 13-1086)

8.16.160 Authority to institute abatement.

The municipal attorney is empowered to institute an action in the name of this municipality to abate a public nuisance. (Prior code § 13-1087)

Chapter 8.20

WEED CONTROL

Sections:

[8.20.010 Weeds-Defined.](#)

[8.20.020 Real property to be kept clean.](#)

[8.20.030 Standards.](#)

8.20.010 Weeds-Defined.

"Weeds" includes any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah Commissioner of Agriculture. (Prior code § 10-322)

8.20.020 Real property to be kept clean.

It is an infraction for any person owning or occupying real property to allow weeds to grow higher on such property than is permitted by this chapter or not to remove from such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the health director as hereinafter provided. (Prior code § 10-321)

8.20.030 Standards.

- A. It is declared that the above stated weeds constitute a nuisance when they:
 1. Create a fire hazard, a source of contamination, or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to their surroundings.
- B. The cut weeds shall be removed from the premises within seventy-two hours after cutting. (Prior code § 10-323)

Chapter 8.24

ABATEMENT OF NUISANCES

Sections:

- [8.24.010 Nuisance inspector-Position established.](#)
- [8.24.020 Nuisance inspector-Authority.](#)
- [8.24.030 Notice.](#)
- [8.24.040 Hearing-Proceedings.](#)
- [8.24.050 Hearing-Determination.](#)
- [8.24.060 Failure to comply.](#)
- [8.24.070 Abatement by city-Statement of expenses.](#)
- [8.24.080 Abatement by city-Failure to reimburse for expenses.](#)
- [8.24.090 Abatement by city-Collection of expenses by lawsuit.](#)
- [8.24.100 Abatement by city-Collection of expenses through taxes.](#)
- [8.24.110 Criminal proceedings.](#)
- [8.24.120 Violation-Penalty.](#)

8.24.010 Nuisance inspector-Position established.

There is established the position of nuisance inspector whose duties it shall be to enforce the provisions of Chapters 2.44, 8.16, 8.20, 8.24, 10.24 and 15.40. Until another person is designated, the chief of police shall enforce the provisions of Chapters 2.44, 8.16, 8.20, 8.24, 10.24 and 15.40. More than one person may be appointed to act as inspector under this section. (Prior code § 10-351 (A))

8.24.020 Nuisance inspector-Authority.

The nuisance inspector is authorized to:

1. Perform all functions necessary to enforce the provisions of Chapters 2.44, 8.16, 8.20, 8.24, 10.24 and 15.40;
2. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of Chapters 2.44, 8.16, 8.20, 8.24, 10.24 and 15.40. (Prior code § 10-351 (B))

8.24.030 Notice.

If the nuisance inspector concludes there exists an objectionable condition in violation of Chapters 2.44, 8.16, 8.20, 8.24, 10.24 and 15.40, the inspector shall:

1. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist;
2. Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses

as disclosed by the records of the county assessor or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the inspector may designate; provided, that any person notified pursuant to this subsection shall be given at least ten but not more than twenty days, as determined by the inspector following the date of service of such notice, to correct the objectionable condition. The notice shall:

- a. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists,
 - b. Inform the owner, occupant or other person that in the event he disagrees with the determination of the inspector and does not wish to comply with the provisions of the notice or that he objects to the factual or legal basis for the notice, he may request in writing a hearing before the governing body at a time and place to be set by the governing body. A written application for a hearing shall stay the time within which the person must conform to the provisions of the notice,
 - c. Inform the person that in the event he fails or neglects to correct the objectionable condition, the municipality will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he will be assessed such costs together with reasonable attorney's fees and court costs, or will charge the costs of correcting the violation against the property as a tax.
3. In the event the owner or occupant makes such request for a hearing, the governing body shall set the time and place for hearing objections and the recorder/clerk shall notify the owner, occupant, or other persons in writing of the time and place at which they may appear to be heard. The hearing shall not be heard within less than five days from the date of service or mailing of the notice of hearing. (Prior code § 10-351 (C))

8.24.040 Hearing-Proceedings.

At the written request of an owner, occupant or other person having an interest in property which is the subject of a notice to remove or abate weeds, objectionable conditions, or objects from the property, the governing body shall conduct an informal hearing (which need not be reported) wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of Chapters 2.44, 8.16, 8.20, 8.24, 10.24 and 15.40. The

governing body shall also permit the presentation of evidence and argument by the inspector and other interested parties. Thereafter within not less than five nor more than ten days, the governing body shall over the signature of the mayor or such other member of the governing body as it may designate render its written decision, a copy of which shall be mailed to or served upon the owner or other person to whom the original notice was given by the inspector. (Prior code § 10-352 (A))

8.24.050 Hearing-Determination.

- A. In the event the decision of the governing body upholds the determination of the inspector, the notice originally given by the inspector as herein shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty days, is authorized by the inspector.
- B. In the event that the decision of the governing body either overrules or modifies the determination of the inspector, the written decision of the governing body shall apprise the owner or occupant of the fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the governing body within ten days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the inspector unless additional time is authorized by the governing body.
- C. The inspector shall file an amended notice and proof of service of notice and file the same in the office of the county assessor. (Prior code § 10-352 (B), (C), (D))

8.24.060 Failure to comply.

If any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such weeds, garbage, refuse, objects or structures, the inspector shall employ all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed at the expense of the municipality. (Prior code § 10-353)

8.24.070 Abatement by city-Statement of expenses.

The inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant or both

or to persons having an interest in the property, demanding payment within twenty days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner, occupant, or person having an interest in the property. (Prior code § 10-354)

8.24.080 Abatement by city-Failure to reimburse for expenses.

In the event the owner, occupant or person having an interest in the property, fails to make payment of the amount set forth in the statement to the municipal treasurer within the twenty days, the inspector either may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided herein. (Prior code § 10-355)

8.24.090 Abatement by city-Collection of expenses by lawsuit.

In the event collection of expenses of destruction and removal are pursued through the courts, the municipality shall sue for and receive judgment for all of the expenses of destruction and removal, together with reasonable attorney's fees, interest and court costs, and shall execute upon such judgment in the matter provided by law. (Prior code § 10-356)

8.24.100 Abatement by city-Collection of expenses thorough taxes.

In the event that the inspector elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver the three copies of the statement to the county treasurer within ten days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the costs of the work shall be pursued by the county treasurer in accordance with applicable provisions of the state, county and municipal law, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted. (Ord. 93-02 § 1 (part); prior code § 10-357)

8.24.110 Criminal proceedings.

The commencement of criminal proceedings for the purposes of imposing penalties for violations of Chapters 2.44, 8.16, 8.20, 8.24, 10.24 and 15.40 shall not be conditioned upon prior issuance of a notice or the granting to the defendant of an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of Chapters 2.44, 8.16, 8.20, 8.24, 10.24 and 15.40. (Prior code § 10-358)

8.24.120 Violation-Penalty.

A. Any owner, occupant or person having an interest in

the property subject to Chapters 2.44, 8.16, 8.20, 8.24, 10.24 and 15.40 who shall fail to comply with the notice or order given pursuant to Chapters 2.44, 8.16, 8.20, 8.24, 10.24 and 15.40 shall be guilty of a class C misdemeanor for each offense and further sum of ninety-nine dollars for each and every day such failure to comply continues beyond the date fixed for compliance.

- B. Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section. (Prior code § 10-359)

Chapter 8.28

LITTER AND HANDBILLS

Sections:

- [8.28.010 Definitions.](#)
- [8.28.020 Litter-Throwing or depositing](#)
- [8.28.030 Litter-Placement in receptacles to prevent scattering.](#)
- [8.28.040 Litter-Sweeping into gutters, streets or public places.](#)
- [8.28.050 Litter-Merchant's duty to keep sidewalks clean.](#)
- [8.28.060 Litter-Throwing from vehicles.](#)
- [8.28.070 Litter-Vehicles not to cause.](#)
- [8.28.080 Litter-Disposition of in parks.](#)
- [8.28.090 Litter-Depositing in lakes and fountains.](#)
- [8.28.100 Litter-Disposition on occupied property.](#)
- [8.28.110 Litter-Disposition on vacant property.](#)
- [8.28.120 Handbills-Throwing or distributing in public places.](#)
- [8.28.130 Handbills-Placing-Handling to vehicle occupants.](#)
- [8.28.140 Handbills-Placing on vacant premises.](#)
- [8.28.150 Handbills-Distribution](#)
- [8.28.160 Handbills-Distributing at inhabited premises.](#)
- [8.28.170 Exemption-Mail and newspapers.](#)
- [8.28.180 Posting notices-Use of public property prohibited.](#)
- [8.28.190 Unlawful posting of information prohibited.](#)
- [8.28.200 Distribution of advertising-related materials-Permit-Required.](#)
- [8.28.210 Distribution of advertising-related materials-Permit-Application-Content.](#)
- [8.28.220 Distribution of advertising-related materials-Permit-Application-Investigation.](#)

8.28.010 Definitions.

For the purpose of this chapter:

"Authorized receptacle" means a public or private litter storage and collection receptacle.

"Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any printed or otherwise reproduced original or copies of any matter or literature:

1. Which advertises for sale any merchandise, product, commodity or thing;
2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;
3. Which directs attention to or advertises any

meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this municipality; or

4. Which, while containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distribution.

"Garbage" means waste from the preparation, cooking or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.

"Litter" means garbage, refuse and rubbish as defined herein and all waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of the municipality.

"Newspaper" means any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issued per year, and sold to the public.

"Noncommercial handbill" means any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

"Park" means a park, reservation, playground, beach, recreation center or any other public area in the municipality, owned or used by the municipality.

"Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

"Vehicle" means every device in, on, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks. (Prior code § 10-431)

8.28.020 Litter-Throwing or depositing.

No person shall throw or deposit litter in or on any street, sidewalk or other public place except:

- A. In authorized receptacles for collection or in official municipal garbage dumps; or
- B. For collection as authorized by the governing body. (Prior code § 10-432)

8.28.030 Litter-Placement in receptacles to prevent scattering.

Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property. (Prior code § 10-433)

8.28.040 Litter-Sweeping into gutters, streets or public places.

No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (Prior code § 10-434)

8.28.050 Litter-Merchants' duty to keep sidewalks clean.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter. (Prior code § 10-435)

8.28.060 Litter-Throwing from vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property. (Prior code § 10-436)

8.28.070 Litter-Vehicles not to cause.

No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels of tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (Prior code § 10-437)

8.28.080 Litter-Disposition of in parks.

No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Prior code § 10-438)

8.28.090 Litter-Depositing in lakes and fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere. (Prior code § 10-439)

8.28.100 Litter-Disposition on occupied property.

No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property. (Prior code § 10-447)

8.28.110 Litter-Disposition on vacant property.

No person shall throw or deposit on any open or vacant private property whether or not owned by such person. (Prior code § 10-448)

8.28.120 Handbills-Throwing or distributing in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the governing body, it is an infraction for any person to hand out, distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. (Prior code § 10-440)

8.28.130 Handbills-Placing-Handing to vehicle occupants.

Unless otherwise authorized by the governing body, no person shall throw or deposit any commercial or noncommercial

handbill in or on any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle who is willing to accept it. (Prior code § 10-441)

8.28.140 Handbills-Placing on vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant. (Prior code § 10-442)

8.28.150 Handbills-Distribution on premises prohibited where posted or requested by occupant.

No person shall throw, deposit or distribute any commercial or noncommercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of

privacy disturbed or to have any such handbills left on such premise. (Prior code § 10-443)

8.28.160 Handbills-Distributing at inhabited premises.

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or on private premises which are inhabited, except by handling or transmitting any such handbill directly to the owner, occupant, or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations. (Prior code § 10-444)

8.28.170 Exemption-Mail and newspapers.

The provisions of this chapter shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property. (Prior code § 10-445)

8.28.180 Posting notices-Use of public property prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree,

or on any public structure or building, except as may be authorized or required by law. (Prior code § 10-446)

8.28.190 Unlawful posting of information prohibited.

No person or business shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, or upon any sidewalk, curb, or any other portion or part of any public way or public place or any lamp post, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or state, and the ordinances of this municipality. (Prior code § 10-449 (A))

8.28.200 Distribution of advertising-related materials-Permit-Required.

It is unlawful to distribute indiscriminately to the public by leaving at houses or residences in the municipality any cards, circulars, handbills, samples of merchandise, or any advertising matter whatsoever without having first secured a permit therefor. This section shall not be construed to apply to the sale of articles by licensed peddlers. (Prior code § 10-449 (B))

8.28.210 Distribution of advertising-related materials-Permit-Application-Content.

Applications for such permit shall be made to the recorder/clerk and shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant and the name of the manufacturer or distributor of such article or service advertised. (Prior code § 10-449 (C))

8.28.220 Distribution of advertising-related materials-Permit-Application-Investigation.

Licenses shall be issued only to persons of good character. The chief of police shall make or cause to be made an investigation into the character of each applicant and shall report the results thereof to the recorder/clerk before any such license is issued. (Prior code § 10-449 (D))

Chapter 8.32

BURNING RESTRICTIONS

Sections:

- [8.32.010 Compliance with provisions required.](#)
- [8.32.020 Permissible burning-Permit not required.](#)
- [8.32.030 Permissible burning-Permit required.](#)
- [8.32.040 Permit-Issuance authority-Application process and forms.](#)
- [8.32.050 Permit-Fee.](#)
- [8.32.060 Permit-Suspension-Hearing.](#)
- [8.32.070 Unattended and uncontrolled fires prohibited.](#)
- [8.32.080 Burning at Community Waste Sites - Restrictions.](#)
- [8.32.090 Burning on Utah Division of Wildlife Resources lands.](#)
- [8.32.100 Enforcement.](#)
- [8.32.110 Violation-Penalty.](#)

8.32.010 Compliance with provisions required.

No person shall burn any trash, garbage or other waste nor conduct any salvage operations in or at any open fire site except as provided by this chapter. (Ord. 89-05 § 2 (part): prior code § 10-142)

8.32.020 Permissible burning-Permit not required.

- A. Unless prohibited by state statutes or regulations, other city ordinances, applicable declarations of closed fire seasons, or the order of a law enforcement officer, the Hyrum City fire chief or his duly authorized agent, the following types of burning are permitted without a permit:
1. Fires in outdoor grills, fireplaces, or similar devices for the primary purpose of preparing food, provided the devices are not used for the burning of refuse, trash, garbage or other waste in areas where there is a public or duly licensed disposal service available;
 2. Campfires and other recreational fires; provided, that such fires are attended and under the control of a responsible person; and further provided, that no such fire shall be permitted during any closed fire season as declared by the Hyrum City fire chief, notice of which has been published once in a newspaper of general circulation of the city;
 3. Fires in indoor fireplaces or wood or coal stoves;
 4. Burning on the premises of combustible household wastes generated by occupants of dwellings of four-family units or less in

those areas only where no public or duly licensed disposal service is available.

- B. A burning permit is not required for the burning of fence lines or cultivated lands, canals, or irrigation ditches where the burning will not pose a threat to forest, range or watershed lands, provided due care is used in the control of the burning and that the individual notifies the nearest fire department of the approximate time the burning will occur. (Ord. 89-05 § 2 (part): prior code § 10-143)

8.32.030 Permissible burning-Permit required.

- A. Unless prohibited by state statutes or regulations, other city ordinances, applicable declarations of closed fire seasons, or the order of a law enforcement officer, the Hyrum City fire chief or his duly authorized agent, the following types of burning are permitted; provided, that a city permit has first been obtained:
 1. The burning of prunings from trees, bushes and plants, or of dead or diseased trees, bushes and plants, including stubble, incidental to horticultural or agricultural operations;
 2. The controlled heating of orchards or other crops to minimize damage from freezing temperatures; provided, that the emissions from such heating shall not violate any minimum standards established by the State Department of Health;
 3. Open burning of materials or structures when conducted under the control and supervision of the Hyrum City fire chief;
 4. Fires for firemen training purposes when conducted under the direct control and supervision of the Hyrum City fire chief;
 5. Open burning at an approved site of hazardous materials for which there is no practical or reasonable alternative method of disposal; provided, that such burning shall be under the supervision of the Hyrum City fire chief and in accordance with state law;
 6. Other open burning for special purposes or under unique circumstances when approved by the Hyrum City fire chief and the county health department following a formal request therefor;
 7. Fires on any city property including roads, rights-of-way, ditchbanks, river bottomlands, wildlands, or other areas of city domain. (Ord. 89-05 § 2 (part): prior code § 10-144)

8.32.040 Permit-Issuance authority-Application process and forms.

- A. City permits shall be issued by the Hyrum City fire chief who shall be authorized to determine the appropriate application process and forms for the issuance of such permits.
- B. The Hyrum City fire chief or his duly authorized agent is authorized to grant a permit orally to an applicant provided, that the fire chief makes and maintains a written record of the permit including:
 - 1. The name of the applicants;
 - 2. The burning site;
 - 3. The nature, anticipated time, and date of the proposed burning; and
 - 4. The time and date of the granting of the permit. (Ord. 89-05 § 2 (part): prior code § 10-147 (A), (B))

8.32.050 Permit-Fee.

The Hyrum City council may, at its discretion, establish fees by resolution for permits. Until such resolution is adopted, no fees shall be assessed. (Ord. 89-05 § 2 (part): prior code § 10-147 (C))

8.32.060 Permit-Suspension-Hearing.

Whenever there is probable cause to believe that there has been a violation of the provisions of this chapter or state law as to any fire or if circumstances give reasonable concern for the safety of persons or property, the Hyrum City fire chief may, upon notice to any person having a permit, temporarily suspend such permit pending a hearing before the Hyrum City council; provided, that:

- A. The city council shall hold a review hearing, due notice of which has been given to the permittee and the owners of any property affected or likely to be affected by the affirmation, revocation or cancellation of any permit.
- B. At the hearing, the city council, upon formal findings of fact, orders that the permit be modified, revoked or suspended and specify the reasons therefor in writing to the permittee and to the Hyrum City fire chief. (Ord. 89-05 § 2 (part): prior code § 10-147 (D))

8.32.070 Unattended and uncontrolled fires prohibited.

- A. It is unlawful for any person to leave any fire unattended whether on public or private property.
- B. A fire shall be deemed "unattended" when any flame, live coals or embers remain and the person or persons responsible for the fire have left the proximity of the fire either in distance or time that would preclude prompt suppression action by the person or persons.
- C. Any fire on private or public property burning

uncontrolled and without proper and adequate action being taken to prevent its spread is declared a public nuisance.

- D. It is unlawful for any person to maintain or commit any public nuisance. (Ord. 89-05 § 2 (part): prior code § 10-146)

8.32.080 Burning at community waste sites-Restrictions.

No burning shall be done at sites used for the disposal of community trash, garbage or other waste except when authorized for a specific period of time and subject to specific conditions as approved by the Utah Air Conservation Committee in accordance with the Utah Air Conservation Act (UCA 26-13). (Ord. 89-05 § 2 (part): prior code § 10-141)

8.32.090 Burning on Utah Division of Wildlife Resources lands.

The consent of the Utah Division of Wildlife Resources shall be required for any fires on property leased, owned or controlled by that division as wildlands or wildlife habitats. (Ord. 89-05 § 2 (part): prior code § 10-145)

8.32.100 Enforcement.

- A. The responsibility for the enforcement of this chapter shall be primarily in the Hyrum City fire chief or his duly authorized agents or deputies and also in the Cache County sheriff or his duly authorized deputies in conjunction with the Hyrum City fire chief.
- B. If there is reason to believe that any fire presents or is likely to present a danger to persons or property, the above-designated officers or deputies shall have the authority to require the immediate suppression or prohibition of such burning pending further action by the Hyrum City fire chief or city council as the case may require. (Ord. 89-05 § 2 (part): prior code § 10-148)

8.32.110 Violation-Penalty.

- A. Any person who violates or fails to comply with the provisions of this chapter shall, for each day for each violation or noncompliance, be guilty of a separate class B misdemeanor, punishable by a fine not to exceed one thousand dollars or imprisonment for not more than six months or by both such fine and imprisonment for each offense.
- B. Any person responsible for the existence or spread of any uncontrolled or unattended fire, or any other fire, on public or private property, necessitating suppression action by Hyrum City or the state shall be liable to the city or state for payment of all costs therefor. (Ord. 93-02 § 1 (part); Ord. 89-05 § 2 (part): prior code § 10-149)

Chapter 8.36

FIREWORKS

Sections:

[8.36.010 Sale of fireworks or use unlawful.](#)

8.36.010 Sale of fireworks or use unlawful.

It is unlawful for any person, firm, partnership or corporation to offer for sale, expose for sale, sell, possess or use or explode any toy cannon in which explosives are used; the type of balloon which requires fire underneath to propel the same; firecrackers, torpedoes; sky-rockets, Roman candles, bombs, or other fireworks of like construction, or any fireworks containing any explosive or flammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorous or any compound containing any of the same or other explosives or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, other than aviation and railroad signal-light flares, except as in this section provided; provided, further, this section shall not prohibit the use of toy pistols, toy canes, toy guns or sparklers. (Prior code § 13-334)

Chapter 8.40

EXPLOSIVES

Sections:

- [8.40.010 Permit requirements.](#)
- [8.40.020 Transportation or storage-Containers-Marking required.](#)
- [8.40.030 Explosives held for sale or use-Containers-Marking required.](#)
- [8.40.040 Containers-Different dates/reuse prohibited.](#)
- [8.40.050 Powder houses-Location.](#)
- [8.40.060 Infernal machine-Defined.](#)
- [8.40.070 Infernal machine-Delivery to common carrier, mailing or placement on premises.](#)
- [8.40.080 Infernal machine-Construction or possession.](#)

8.40.010 Permit requirements.

- A. Every person who makes or keeps nitroglycerin or other high-explosive substances of five or more pounds of gunpowder within this municipality, or who carries it through the streets hereof, without first obtaining a permit therefor from the recorder/clerk, shall be guilty of a class B misdemeanor.
- B. The recorder/clerk may impose as a condition of receiving and keeping a permit under this section, that the person comply with reasonable safety standards as the chief of police may require. (Prior code § 13-1031)

8.40.020 Transportation or storage-Containers-Marking required.

Every person who knowingly leaves with or delivers to another, or to any express or railway company or other common carrier, or to any warehouse or storehouse, any package containing nitroglycerin, dynamite, guncotton, gunpowder, or other highly explosive compound, or any benzine, gasoline, phosphorous, or other highly inflammable substance or any vitriol, sulphuric, nitric, carbolic, muriatic, or other dangerous acid, chemical or compound, to be handled, stored, shipped or transported, without plainly marking and indicating on such package the name and nature of the contents thereof, is guilty of a class B misdemeanor. (Prior code § 13-1032)

8.40.030 Explosives held for sale or use-Containers-Marking required.

It is a class B misdemeanor to sell or offer for sale or take or solicit orders of sale, or purchase or use, or have on hand or in store for the purpose of sale or use, any Giant, Hercules, Atlas, Venture or any other high explosive containing nitroglycerin, unless on each box or package and wrapper containing any such high explosive there shall be plainly stamped or printed the name and place of business of

the person, partnership or corporation by whom or by which it was manufactured, and the exact and true date of its manufacture, and the percentage of nitroglycerin or other high explosive contained therein. (Prior code § 13-1034)

8.40.040 Containers-Different dates/reuse prohibited.

It is a class B misdemeanor for any person or persons, partnership or corporation to have two or more different dates on any box or package containing Giant, Hercules, Atlas, Venture or any other high explosive containing nitroglycerin. It shall further be unlawful to use any box, package, or wrapper formerly used by any other person or persons, partnership or corporation in the packing of giant, hercules, atlas, venture or other high explosive containing nitroglycerin, and the name and date on the box or package shall be the same as on the wrapper containing the giant, hercules, atlas, venture or other explosive containing nitroglycerin. (Prior code § 13-1035)

8.40.050 Powder houses-Location.

Every person who builds, constructs, or uses within three hundred feet of any residence or traveled county road any powderhouse, magazine, or building in which powder, dynamite or other explosive is kept in quantities exceeding five hundred pounds is guilty of a class B misdemeanor; provided, that this section shall not apply to any magazine maintained at any mine or stone quarry. (Ord. 93-02 § 1 (part): prior code § 13-1033)

8.40.060 Infernal machine-Defined.

An infernal machine is any box, package, contrivance, bomb or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical or compound, or knife, loaded pistol or gun, or other dangerous or harmful weapon or thing, constructed, contrived or arranged so as to explode, ignite or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled or opened, or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb or property. (Prior code § 13-1036)

8.40.070 Infernal machine-Delivery to common carrier, mailing or placement on premises.

Every person who delivers or causes to be delivered to any express or railway company or other common carrier, or to any person, any infernal machine, knowing it to be such, without informing the common carrier or person of the nature thereof, or sends it through the mail, or throws or places it on or about the premises or property of another, or in any place where another may be injured thereby in his person or property, is guilty of a class B misdemeanor. (Prior code § 13-1037)

8.40.080 Infernal machine-Construction or possession.

Every person who knowingly constructs or contrives any infernal machine, or with intent to injure another in his person or property, has any infernal machine in his possession is guilty of a class B misdemeanor. (Prior code § 13-1038)

Chapter 8.44

FIRE DISTRICTS AND ZONES

Sections:

[8.44.010 Established.](#)

8.44.010 Established.

The areas described in Exhibit 8.44.010 are established as fire districts or zones. (Prior code § 9-533)

Exhibit 8.44.010 FIRE DISTRICTS OR ZONES

SECTION 1. FIRE DISTRICTS OR ZONES REFERENCED.

This is the Exhibit referenced in Section 8.44.010 of this code in which fire districts or zones are described.

SECTION 2. ENTIRE MUNICIPALITY DESIGNATED FIRE DISTRICT. The entire municipality is declared to be and hereby is designated a fire zone for the purposes of the Uniform Building Code and any ordinances of the municipality relating to building and fire prevention.

SECTION 3. FIRE DISTRICT NUMBER ONE.

Fire district number one shall include the following described areas:

- A. None
- B.
- C.

SECTION 4. FIRE DISTRICT NUMBER TWO.

Fire district number two shall include all of those areas of the municipality located in areas zoned commercial or industrial by the zoning ordinances of the municipality, except the areas above described in Section 3.

SECTION 5. FIRE DISTRICT NUMBER 3.

Fire district number three shall include all areas of the municipality not included in fire districts one or two.

Note:

Fire District Number One. Fire district number one is heavily concentrated buildings in large downtown cities. Examples include downtown Salt Lake City, Provo, Logan, St. George, Cedar City, Price and Brigham City. Most towns and small cities would not have a fire district number one. Only limited areas of most downtown small cities would be designated to this classification. In this district the opportunity for fire spreading to other buildings is great.

Fire District Number Two. Fire district number two is less concentrated commercial and industrial areas. Fire district

number two is characterized by commercial and industrial buildings having minimum set backs of 20 feet from side (sometimes front) property lines.

Fire District Number Three. Fire district number three is characterized by residential zoning and buildings. Generally, in district three, there is little risk of fire spreading to adjacent buildings.

It is recommended that your building inspector or fire inspector be consulted for the purposes of describing the fire districts.

It is important that the descriptions of districts one and two be accurate. You may describe the districts by blocks or feet. Many municipalities describe their fire districts by both blocks and feet. For example: 150 feet west of State street and 250 feet east of State street from First North to Seventh South.

Chapter 8.48

FALLOUT SHELTERS

Sections:

[8.48.010 Family fallout shelter defined.](#)

[8.48.020 Exemption from building code requirements.](#)

[8.48.030 Administrative application of building code.](#)

[8.48.040 Design.](#)

[8.48.050 Construction and structural stability.](#)

8.48.010 Family fallout shelter defined.

For the purpose of this chapter, a "family fallout shelter" is a structure designed and constructed for emergency use only, to afford minimum protection from nuclear radiation, commonly known as fallout, resulting from a nuclear incident which recently has been or is likely to be of catastrophic proportions. (Prior code § 9-662)

8.48.020 Exemption from building code requirements.

Due to the specialized purpose and emergency nature for which family fallout shelters are designed, any such shelter which complies with the provisions of this chapter is hereby exempt from the provisions of the building code, except as otherwise provided herein. (Prior code § 9-661)

8.48.030 Administrative application of building code.

Notwithstanding the provisions set out in this chapter, the provisions contained in the building code relating to administration, permits and inspections shall be applicable to family fallout shelters. (Prior code § 9-665)

8.48.040 Design.

A family fallout shelter shall be of a design conforming to that recommended or accepted by the Federal Department of Defense, Office of Civil Defense. (Prior code § 9-663)

8.48.050 Construction and structural stability.

A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to design loads and general building requirements specified in the Uniform Building Code. (Prior code § 9-664)

Chapter 8.52

HAZARDOUS MATERIALS

Sections:

[8.52.010 Definitions.](#)

[8.52.020 Cost Recovery.](#)

8.52.010 Definitions.

- A. "Disaster" or "emergency" means any situation causing, or threatening to cause, widespread damage, social disruption, personal injury, loss of life or property resulting from attack, internal disturbance, natural phenomena, or technological hazard.
- B. "Hazardous materials disaster or emergency" means a sudden and unexpected release of any substance that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, presents a direct and immediate threat to public safety or to the environment and requires immediate action to mitigate the threat.
- C. "Technological disaster or emergency" means any hazardous materials accident, mine accident, train derailment, air crash, radiation incident, pollution, structural fire, or explosion.
- D. "Expenses" means actual labor costs of the City and voluntary personnel (including workers compensation and other benefits), administrative overhead, costs of equipment and operation, costs of materials, and the costs of any contract labor and materials. (Ord. 99-21)

8.52.020 Cost Recovery.

The Mayor is authorized and directed to take all necessary action to recover, on behalf of Hyrum City, from those persons whose negligent actions caused a hazardous materials or technological disaster or emergency, such expenses as may be incurred by the City directly associated with a response to such disaster or emergency. (Ord. 99-21)

