



## Ordinance No. 2020-01

### Nuisance

WHEREAS, the Town of Dutch John needs the ability to abate nuisances in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the Town and its citizens, businesses and visitors; and

WHEREAS, 78-38-1, Utah Code Annotated, sets forth the State Code in this area.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Dutch John, the following Nuisance Ordinance.

For the purpose of this Ordinance, the word "nuisance" shall mean any act, thing, occupation, condition or use of property which shall be of such a nature and shall continue for such length of time as to do any of the following:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or themselves;
2. Greatly offend the public morals or decency;
3. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage on any street, alley, highway, navigable body of water, ditch, drainage canals or other public way.

#### Enumeration:

The maintaining, using, placing, depositing, leaving or permitting to be or remain on an public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

1. Because we live in a Wildland/Urban Fire Interface area, vegetation which is:
  - 1.1. More than eight (8) inches tall;
  - 1.2. Within thirty (30) feet of a structure;
  - 1.3. Within ten (10) feet of the outer edge of any public street;
  - 1.4. Or in any other location which constitutes an unreasonable fire hazard;
  - 1.5. Intentional grasses and bushes that are landscaped and maintained are acceptable;
2. Accumulation of rubbish, trash, refuse, junk, metals and other materials, which are flammable, potentially dangerous, or injurious to residents
3. Unmaintained vacant lots;
4. Vegetation or trees allowed to grow in such a way as to cause damage to sidewalks, curbs, gutter, or streets;
5. Any inoperable, unlicensed or abandoned vehicle which is stored on the street, except at a place of business licensed to store junk vehicles.  
"Inoperable vehicle" shall mean any vehicle not in working order or that lacks current legal registration;
6. Any building, structure, or property which is in such a dilapidated condition or kept in such an unsanitary condition that it is a menace to the health or people residing in the vicinity, or presents a more than ordinarily dangerous hazard in the vicinity where it is located;
7. All loud unnecessary or unauthorized noises or annoying vibrations between the hours of 11:00 p.m. and 7:00 a.m.;
8. The carcasses of animals or fowl not disposed of within a reasonable time after death;

#### Notice of Violations; Remedies; Abatement:

Any individual who believes a nuisance exists shall present to the Town Council in written form, a document that includes:

1. Specifically description of the nuisance;
2. Its location;
3. The duration of its existence;
4. The name of the perpetrator of such nuisance;

5. Any attempts made by the individual, if any, to abate the nuisance;
6. A request that Town Council investigate, evaluate and make a determination as to the validity of the nuisance.

If the Town Council determines that a nuisance does exist it will take steps to abate the nuisance. If the nuisance is found to require immediate abatement, the Town will take action at the expense of the perpetrator.

On a case-by-case basis, non-compliance with this Ordinance shall be dealt with as follows:

1. Town will notify the responsible party (person, firm or corporation, principal agent) by letter informing them of the nuisance and a timeline for abatement;
2. If non-compliance continues within the time frame identified in the first letter, a second letter will be sent by certified mail, return receipt requested;
3. If still non-compliant a citation for infraction of Ordinance will be issued with imposition of a fine of One Hundred Dollars (\$100.00) to be paid to the Town of Dutch John;
4. If citation for Class "C" or "B" misdemeanor becomes necessary, they will be heard by Daggett County Justice Court and fines will be imposed by the Judge according to Utah Law as it is stipulated at that time. Any and all costs incurred shall be borne by the person perpetuating the nuisance. If it becomes necessary, these costs may constitute a lien against the property and will be collected for as provided by law.

Ordinance 2020-01 is passed and approved this 27<sup>th</sup> day of July, 2020.

Sandy Kunkel

Sandy Kunkel, Mayor

Attest:

Harriet Dickerson

Harriet Dickerson, Clerk/Recorder



Certificate of Posting and Publication

I, Harriet Dickerson, the duly appointed an acting recorder for the Town of Dutch John, Utah, hereby certify that a copy of the Ordinance No. 2020-01 was posted in three public places within the town on this 28<sup>th</sup> day of July, 2020.

Harriet Dickerson

Harriet Dickerson