

CHAPTER 3
CLEANING OF REAL PROPERTY

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4-3-1: **PURPOSE:** The purpose of this chapter is to provide for the cleaning of real property and the control of weeds in a way that will:

- A. Prevent fire hazards;
- B. Prevent insect and rodent harborages;
- C. Prevent the spread of vegetation not conducive to the public health, safety or welfare;
- D. Eliminate the presence of public nuisances, eyesores, and other objects, structures or refuse not conducive to the public health, safety and welfare;
- E. Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair or cleaning. (Ord. 2007-10, 1-8-2007)

4-3-2: **DEFINITIONS:** For the purpose of this chapter, the following terms shall have the meanings set forth below:

INSPECTOR: An individual appointed by the city council to the office of inspector and charged with administering the provisions of this chapter. For purposes of this chapter, the term "inspector" may also refer to the authorized representatives of the aforementioned appointed individual.

JUNK VEHICLES: Any licensed or unlicensed motor vehicle of any kind or part thereof that is in a wrecked, junked, partially dismantled, inoperative, or abandoned condition.

OWNER: Any person who, alone or jointly or severally with others:

A. Has the legal title to any real property, premises, dwelling or dwelling unit, with or without actual possession thereof; or

B. Has charge, care or control of any real property, premises, dwelling or dwelling unit, as tenant, lessee, legal or equitable owner, or as personal representative, trustee, guardian, agent, or conservator of the person holding legal title.

PERSON: Any individual, public or private corporation, partnership, limited liability company, joint venture, association, firm, trustee, executor of an estate, or other legal entity recognized by law.

REFUSE: Garbage, trash, rubbish, weed or grass clippings, dead animals, sludge, liquid or semiliquid waste, and other discarded materials, or materials stored or accumulated in an unsightly manner for the purpose of eventually discarding or salvaging them, including vehicles, or materials that have served their intended purpose.

WEEDS: Vegetation which is uncultivated, useless, unsightly, or which has become a fire hazard or otherwise determined by the city to be noxious, dangerous or a nuisance, including, but not limited to, poison ivy (*Rhus toxicodendron*) and those plants named in the Utah noxious weed act in title 4 of the Utah Code Annotated, as amended. (Ord. 2007-10, 1-8-2007)

4-3-3: WEED CONTROL:

- A. No owner shall permit weeds on his property to exceed a height of twelve inches (12") at any time.
- B. No owner shall permit poison ivy (*Rhus toxicodendron*), poison oak (*Rhus diversiloba*), or poison sumac (*Rhus vernix*) to grow at any height on his or her property at any time.
- C. Weeds and noxious plants must be eradicated by the application of legally obtained and authorized chemicals, cutting or other acceptable method, and all cuttings or dead remnants shall be promptly cleared and removed from the property.
- D. When an inspector determines that the size, location, accessibility, or other circumstances regarding certain property makes compliance with this section impractical, the inspector may, in his or her sole discretion, issue an order permitting the owner to create fire breaks as required and approved by the appropriate fire authorities, or otherwise exempt the property from the requirements set forth herein as deemed permissible and nonhazardous to the public health and safety. Any such exception or exemption permitted hereunder shall be in writing and issued to the owner of the property.
- E. When an inspector determines that the weeds in a particular area pose a serious fire hazard in view of their density, dryness, proximity to possible sources of ignition, and the effects of prevailing winds and weather, then the owner of the property on which said weeds are present shall be deemed in violation of this section, regardless of the height of such weeds. (Ord. 2007-10, 1-8-2007)

4-3-4: REFUSE CONTROL:

- A. No owner shall permit refuse to remain upon his property for longer than twenty (20) days.

- B. When an inspector determines that a particular deposit of refuse poses a significant health hazard by reason of its potential for the spread of disease, the breeding of worms, insects or rodents, or the contamination of a stream or other body of water, then said inspector may order the owner of the property on which said refuse is deposited, or the person who deposited it there, or both, to remove said refuse within seventy two (72) hours. If seventy two (72) hours pass after the order is issued and such refuse is not removed, the inspector shall issue a notice of violation. In addition, the city may seek a preliminary injunction enjoining continuation of such violation. (Ord. 2007-10, 1-8-2007)

4-3-5: **JUNK VEHICLE CONTROL:**

- A. It shall be unlawful to park, store, or leave, or to permit the parking, storing, or leaving of any "junk vehicle" as defined herein, whether attended or not, upon any private property within the city limits of Fruit Heights City for a period of time in excess of seventy two (72) hours, except that two (2) or less such vehicles may be stored within a building or placed behind an opaque screening fence; and except that said vehicles may be within a junkyard or automobile wrecking yard lawfully established pursuant to the provisions of the zoning ordinances of Fruit Heights City.
- B. The accumulation and storage of more than two (2) such "junk vehicles" as defined above, on private property, except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of the city of Fruit Heights. It shall be the duty of the owner of such "junk vehicles" or the lessee or other person in possession of the private property upon which such "junk vehicles" are located, to remove the same from such property. (Ord. 2007-10, 1-8-2007)

4-3-6: **INSPECTIONS:** An inspector may from time to time enter and inspect real property for violations of this chapter, provided that no entry upon real property shall be made for purposes of inspection unless the inspector first obtains any warrant required by law. (Ord. 2007-10, 1-8-2007)

4-3-7: **NOTICE OF VIOLATION:**

- A. Owners of property on which a violation of this chapter exists shall be served a notice of violation in substantially the following form:

Please take notice that upon real property owned by you a condition exists that is in violation of Title 4 Chapter 3 of the Fruit Heights City Code. This condition is _____ (Here describe the violation and its location).

This condition must be eradicated, destroyed, or removed within _____ days after the date this notice is served; otherwise, you will be guilty of a misdemeanor and the City may remedy this condition at your expense. Questions may be directed to _____, at _____, telephone _____. Served this ____ day of _____, 20__.

Inspector _____.

- B. A reasonable time shall be given for the owner to bring his property into compliance with this chapter which shall not be less than ten (10) days after notice of violation is served, but may be longer, at the inspector's discretion.
- C. A notice of violation shall be served by the inspector or his representative either personally, by leaving the notice with the owner or a person at his residence of suitable age and discretion, or by mailing, postage prepaid, to the owner, addressed to his last known post office address as disclosed by the records of the county assessor, and proof of service shall be made under oath by the inspector serving a notice of violation and filed in the office of the county treasurer. Service made by mailing shall be registered mail, and shall be deemed complete on the date on which a notice thus served is deposited in the United States postal service system.
- D. The notice of violation shall list the person or office from which the owner may obtain further information, and the address and telephone number of such person or office.
- E. The notice of violation shall be signed by the inspector issuing it. (Ord. 2007-10, 1-8-2007)

4-3-8: **MISDEMEANOR:** The failure to control weeds, refuse, or junk vehicles in the manner prescribed in this chapter and within the time set for compliance in a notice of violation shall be a class B misdemeanor, punishable by fine, imprisonment or both, as permitted by the applicable laws of the state of Utah and Fruit Heights City. (Ord. 2007-10, 1-8-2007)

4-3-9: **CITATIONS, INJUNCTIONS AND OTHER RELIEF:**

- A. The city may enforce the provisions of this chapter by issuing a citation as provided by section 77-7-18, Utah Code Annotated.
- B. In addition to the misdemeanor penalty described above, the city may seek and be awarded an injunction or any other remedy available at law or in equity. (Ord. 2007-10, 1-8-2007)

4-3-10: **REMOVAL BY CITY:** If any owner to whom notice of violation has been served does not eradicate, destroy or remove the weeds or refuse causing the violation within the time specified in the notice of violation, the city may, at its discretion, cause such weeds, refuse, or junk vehicles to be removed and destroyed. If the city elects to cause such weeds, refuse, or junk vehicles to be removed and destroyed, it shall prepare an itemized statement of all expenses incurred in its removal and destruction and send a copy thereof by registered mail to the owner's last known address. If the owner fails to make full payment of the amount set forth in said statement within twenty (20) days of the date of mailing the statement, the city may refer the matter to the county treasurer for collection as taxes, as provided in Utah Code Annotated, title 10, chapter 11. If the city elects not to refer the matter to the treasurer, the city may bring suit in an appropriate court of law to recover judgment for all costs incurred by the city under this section, together with attorney fees and court costs. (Ord. 2007-10, 1-8-2007)