

Chapter 14 Nuisance

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Section 14-1. Nuisance defined.

Whatever is dangerous to human life or health, and whatever renders soil, air, water or food impure or unwholesome, are declared to be nuisances and to be illegal, and every person, either owner, agent or occupant, having aided in creating or contributing to the same, or who may support, continue or retain any of them, is guilty of a misdemeanor. (R.O. 1955, Section 11-1).

Notwithstanding any provision in this Chapter to the contrary, agriculture production, which means the production of crops, livestock and livestock products, conducted according to sound agricultural practices, shall not constitute a nuisance within the meaning of the provisions of this Chapter, and provided said agricultural activities are not in violation of any other federal, state, or local laws or regulations.

Section 14-2. Public nuisance defined.

A public nuisance is a crime against the order and economy of the state, and consists in unlawfully doing any act, or omitting to perform any duty, which act or omission either:

- a. Annoys, injures or endangers the comfort, repose, health or safety of three or more persons; or Offends public decency; or
- b. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, stream, canal or basin, or any public park, square, or highway; or
- c. In any way renders three or more persons insecure in life or the use of property. (R.O. 1955, Section 11-2)

2. See U.C.A., 1953,
Section 76-43-3.

Section 14-3. "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 thereof, 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 therefor, but where any such nuisance shall arise from the unusual or unnecessary use to which such property may be put, or from business thereon conducted, then the occupants, and all other persons contributing to the continuance of such nuisance shall be deemed the authors thereof. (R.O. 1955, Section 11-3).

Section 14-4. Nuisance declared.

The following are hereby declared to be nuisances:

- a. Befouling water in any spring, stream, well or water source supplying water for culinary purposes.
- b. To allow any privy, vaults or cesspool to become a menace to health.
- c. To permit the yard or premises of any slaughterhouse, market, meat shop, etc., to remain unclean or in any condition detrimental to health.
- d. To permit any garbage box or similar receptacle to remain on premises which has become unclean and offensive.
- e. To allow vegetable waste, garbage or refuse of any nature to accumulate.
- f. To permit the accumulation of manure in any stable, stall, corral, yard, etc., in which any animal shall be kept.
- g. To permit any waste, damaged merchandise, leaking barrels, casks, or boxes to become putrid or to render the atmosphere impure or unwholesome.
- h. To conduct any business of bone crushing, etc., or the making of glue, or manufacturer of fertilizing material in an offensive or unclean manner.
- i. To permit any sap factory, glue factory, packinghouse, laundry, etc., to remain unclean.
- j. To discharge or place any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash or natural water course or vacant lot, which is offensive or liable to become so.
- k. To permit to be kept or collected any stale or putrid grease or other offensive matter.
 - l. To have or permit upon any premises any fly-producing condition.
- m. To keep and drinking vessel for public use.
- n. To permit or perform any ablution in or near any public drinking fountain.
- o. To fail to keep alleyways clean and free from rubbish of any and all kinds.
- p. To fail to furnish any dwelling house, boarding house, or factory with such privy vaults, water closets and sinks and may be required to maintain the same in a sanitary condition.
- q. To display inside or outside any meat, meat, food products or any other article of feed intended for human consumption, except citrus fruits of vegetables whose rind or skin must be removed before eating, unless they be covered or protect them from any forms of contamination.
- r. To sweep any street or sidewalk without first sprinkling it with some substance to prevents the raising of dust.
- s. To neglect or refuse to discontinue the use of, clean out, disinfect and fill all privy vaults and cesspools within twenty days after notice from the board of health of this city.
- t. To permit any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
- u. To obstruct the streets and/or sidewalks without the permission of the city council.
- v. To allow snow and ice to accumulate on any paved sidewalk, abutting the property of any owner, occupant, or lessor. (R.O. 1955, Section 11-4).

Section 14-5. Notice To Abate Nuisance.

In order to better carry out the provisions of this Chapter, the Board of Health, the City Marshal, or any city officer may cause to be served a notice in writing upon the owner,

occupant or agent of any lot, building, or premises in or upon which any nuisance may be found, or upon him who may be the cause of such nuisance, requiring him to abate the same in such manner as the Board of Health may direct, and within a reasonable time, to be fixed in the notice. Failure to give a notice as provided herein shall not relieve the author of any nuisance from the obligation to abate such nuisance, or from the penalty provided for the maintenance thereof. It shall be unlawful for any person so served as herein provided to fail, refuse or neglect to comply with such notice within the time therein prescribed. (R.O. 1955, Section 11-6).

Section 14-6. City police officer to abate. (3)

In case of neglect or refusal of any person to abate any nuisance defined by this chapter, after notice in writing has been served upon his as provided in these ordinances and within the time specified in said notice, it is hereby made the duty of such board of health, city marshal or officer to abate or procure the abatement thereof, and the expense of such abatement shall be collected from the person so offending. (R.O. 1955, Section 11-7).

2 See U.C.A., 1953, Section 10-6-68.

Section 14-7. Duty and power of the board of health.

It shall be the duty of the board of health to ascertain and cause all nuisance declared to be such in this chapter to be abated, and said board shall have authority in the day time to enter any house, stable, store or any building, in order to make a thorough examination of cellars, vaults, sinks or drains; to enter upon all lots and grounds and cause all stagnant waters to be drained off and pools, sinks, vaults, drains, holes or low grounds to be cleaned, filled up or otherwise purified, and to cause all noisome substances to be abated or removed. (R.O. 1955, Section 11-5).

Section 14-8. Disorderly houses. 4

All bawdy and other disorderly houses, houses of ill fame, assignation houses kept by, maintained for or resorted to or used by one or more females for lewdness or prostitution or houses where intoxicating liquors are sold, served, bartered, kept, stored, given away or used in violation of law, or where persons are permitted to resort for the drinking of intoxicating liquors as a beverage, or where intoxicating liquors are kept for sue, sale, barter or delivery in violation of law within the limits of Grantsville City or within three miles of the outer boundaries thereof, are declared to be public nuisance. Any wagering, or gambling, any device used in connection with such gambling or wagering, and any person engaged in or contributing to such gambling or wagering as those terms are defined by the ordinances of Grantsville City shall be and are hereby declared to be nuisances. (R.O. 1955, Section 11-8). 4 See U.C.A., 1953, Section 47-1-1.

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