

Chapter 2

Abatement of weeds, Unlicensed Motor Vehicles, Garbage,
Refuse or any Unightly or Deleterious Objects or Structure

Enacted 7-18-84 by Ordinance 84-11

(Title 12, Chapter 2 adopted by ordinance 2014-25, effective October 7, 2014)

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Section 12-2-1. Purpose - definition.

It is the purpose of this Chapter to establish a means whereby this municipality may remove or abate or cause the removal or abatement of injurious and noxious weeds, unlicensed motor vehicles as hereafter defined and garbage, refuse, or unsightly or deleterious objects or structures pursuant to the powers granted to it by Chapter 11 of Title 10, of the Utah Code, as amended, and pursuant to its general power to abate nuisance. It is also the purpose of this Chapter to provide criminal penalties for those who fail to abate a nuisance when requested to do so by the City. For the proposed of this Chapter weeds, garbage, refuse, unsightly or deleterious objects or structures shall constitute a nuisance when they create a fire hazard, a source on contamination, or pollution of water, air or property, are a danger to health, a breeding place or habitation for insects or rodents or other forms of life, deleterious to human habitation or are unsightly or deleterious to their surroundings. Unlicensed motor vehicles are defined as vehicles which are normally required to be licensed under the laws of the State of Utah, but which have remained unlicensed or inoperable for more than thirty days. Except as excluded hereafter all unlicensed motor vehicles shall constitute a nuisance within Grantsville City. Unlicensed motor vehicles shall not include which are entirely enclosed within a structure, or are located within an authorized impound lot or at a commercial storage facility. Also unlicensed motor vehicles shall not include up to two vehicles when stored on any one lot, if said vehicles are being stored to the rear of any residence located on said lot and are being actively restored or are covered by a ground length cover at all times. *Amended 3-6-91 by Ordinance 91-3.

Section 12-2-2. Inspector.

The office of Inspector is hereby created for the purpose of administering the provisions of this ordinance and the powers delegated to this municipality by said statutes subject to

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control and review as the City Council may from time to time direct. Until such time as the City Council may otherwise appoint an Inspector by resolution, the Building Inspector shall perform the functions of Inspector. The City Council may appoint such assistant inspectors and delegate to them such powers and duties as it may from time to time determine by resolution. The powers and duties of the assistants shall be the same as those of the Inspector, unless otherwise so specified by resolution.

Section 12-2-3. Duties.

The Inspector is hereby authorized and directed to inspect and examine real property situated within the municipality for the purpose of determining whether or not it contains injurious or noxious weeds, garbage, unlicensed motor vehicles, refuse or unsightly or deleterious objects or structures, and for the purpose of determining whether or not the existence of said weeds or objects creates a fire hazard or constitutes a source of contamination or other danger to health and safety, or otherwise creates nuisances, as above declared.

If the inspector concluded that such conditions exist in whole or in part, he shall:

- a. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.
- b. Serve notice in writing upon the owner and occupant of such land, whether 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 has designated, which shall not be less than ten (10) days from the date of service of such notice.
- c. Inform the owner or occupant or both by means of said notice or an attached document that if the event he disagrees with the determination of the inspector and does not wish to remove said objects or objectionable conditions, 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 state the time within which the owner or occupant must conform to the decision of the inspector.

In the event the owner or occupant makes such request for a hearing, the governing body shall state the time and place for hearing said objections and the City Recorder shall notify said owner or occupant in writing of the time and place at which he may appear and be heard. Said hearing shall not be heard within less than five (5) days from the date of service or mailing of said notice.

Section 12-2-4. Proof of service.

One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. The inspector shall make proof of service of such notice under oath, and file the same in the office of the County Treasurer.

Section 12-2-5. Hearing.

At the written request of an owner or occupant ordered to removed or abate said weeds, objectionable conditions, unlicensed motor vehicles, or objects from his real property, the

governing body shall conduct an informal hearing (which need not be reported) wherein said owner or occupant may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of said objects or conditions is properly within the purview of this ordinance. The board shall also permit the presentation of evidence and argument by the Inspector and other interested parties. Thereafter within not more than ten (10) days the governing body shall over the signature of the Mayor or such of their member of the governing body as it may designate by resolution render its written decision, a copy of which shall be mailed to or served upon the owner or occupant by the Inspector.

In the event the decision of the governing body upholds the determination of the Inspector, the notice originally given by the Inspector as above or occupant to remove or abate said objects or conditions and he shall have up to ten (10) days from the date of notice of the decision within which to conform thereto.

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 his of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the said objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the governing body with ten (10) days after service or mailing of a copy of said decision and said decision shall be deemed to be the modified decision of the Inspector.

The Inspector shall file an amended notice and proof of service of said notice and files the same in the office of the County Treasurer.

Section 12-2-6. Failure to comply - criminal penalties.

If any owner or occupant of lands described in such notice or decision shall fail or neglect to comply with the requirements thereof relating to the abatement, eradication or removal of such weeds, unlicensed motor vehicles, garbage, refuse, objects or structures, the Inspector or other officer or employee of the City shall employ all necessary assistance or cause such materials to be removed or destroyed at the expense of the municipality and the responsible party shall be guilty of an Infraction.*Amended 3-6-91 by Ordinance 91-3.

Section 12-2-7. Itemized statement.

The Inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of said materials and shall mail a copy thereof to the owner or occupant, or both, demanding payment within twenty (20) 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 in this chapter.

Section 12-2-8. Failure to make payment.

In the event the owner or occupant fails to make payment of the amount set forth in said statement to the municipal treasurer within said twenty (20) days of the date of mailing. Said notice shall be deemed delivered when mailed by registered mail addressed to the property owners' or occupants' last known address.

Section 12-2-9. Collection by law suit.

In the event collection of expenses of destruction and removal are pursued through the courts, the City shall sue for and receive judgment for all of said expenses of destruction and removal, together with reasonable Attorney's fees, interest and court costs and shall execute upon such judgment in the manner provided by law.

Section 12-2-10 Collection through taxes.

In the event that the Inspector elects to refer the expenses of destruction of 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 said statement of the county treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, unlicensed motor vehicles, refuse, garbage, objects, or structures. Thereupon the costs of said work shall be pursued by the county treasurer in accordance with the provisions of Section 10-11-4, Utah Code Annotated, 1953, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

Section 12-2-11. Emergency declared.

In the opinion of the City Council, it is necessary to the peace, health and safety of the inhabitants of Grantsville City, Utah, that this ordinance becomes effective immediately.