

ORDINANCE NO. 12-8-93

ABATEMENT OF WEEDS, GARBAGE, REFUSE AND UNSIGHTLY OBJECTS

BE IT ORDAINED by the City Council of Castle Dale City as follows:

1 **INTENT**

It is the purpose of this Ordinance to establish a means whereby the city council, in the interest of the health, safety and welfare of the community, may remove or abate or cause the removal or abatement of injurious and noxious weeds, garbage, refuse or unsightly or deleterious objects or structures within the City of Castle Dale.

2 **NOXIOUS WEEDS~ GARBAGE OR DELETERIOUS OBJECTS WHICH CREATE A NUISANCE ARE PROHIBITED**

Pursuant to the powers granted it by 10-11-1 et seq UCA (1953) as amended, the City Council may designate and regulate the abatement of injurious and noxious weeds, unsightly or deleterious objects or structures. It is hereby declared that the above listed weeds, objects, and structures shall constitute a nuisance when they create a fire hazard, source of contamination or pollution of water, air or property, 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 surrounds. The use of city streets, sidewalks or other public or private property for the deposit or growth of the above named and described nuisances is hereby prohibited.

3. **ADMINISTRATION**

A. **Appointment of an Inspector or Inspectors to Enforce the Ordinance.**

There is hereby established the office of Inspector(s). To carry out the provisions of this ordinance. The Mayor, by and with the consent of the City Council, shall appoint an individual or individuals to serve as the Inspector or Inspectors, hereafter referred to in the singular as inspector.

B **Duties**

It shall be the duty of the Inspector to carefully examine and investigate real property situated within the City to determine whether it contains injurious or noxious weeds, garbage, refuse or unsightly or deleterious objects or structures which constitute a source of danger to health and safety, or otherwise create a nuisance as above declared (UCA 10-11-2), and to enforce this ordinance.

4 **NOTICE TO CORRECT - PROOF OF NOTICE TO BE FILED**

A. Notice to Correct

If the Inspector concludes that a nuisance exists, the Inspector shall ascertain the names of the owners and occupants and description of the premises where such objects or conditions exist, and shall serve notice in writing upon the owner or occupant of such land 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, which shall not be less than ten days from the date of service of such notice. Notice shall be served either personally or by mailing notice, postage prepaid and by registered mail, addressed to the owner or occupant at their last known post office addresses, as disclosed by the records of the County Assessor, or as otherwise ascertained. (UCA 10-11-2)

B. Proof of Service

The Inspector shall make a proof of service of such notice under oath, and file the same with the Castle Dale City Recorder. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. (UCA 10-11-2)

C Violations

A violation of this ordinance will occur and a citation will be issued when the above paragraphs A and B in this section have been complied with by the inspector and the land owner of occupant fails or neglects to conform to the inspector's requirements as provided this ordinance.

5. OWNER MAY APPEAL

The Inspector shall inform the owner or occupant or both by means of said notice or any attached document that in the event he/she disagrees with the determination of the Inspector and does not wish to remove said objects or correct the objectionable conditions, he/she may request in writing a hearing before the City Council. 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 a request for a hearing, the City Council shall set the time and place for hearing said objections and the 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 less than five days from the date of service or mailing of such notice.

6. APPEALS HEARING BY THE CITY COUNCIL

Upon receipt of a written request of any owner or occupant ordered to remove or abate said weeds, objectionable conditions or objects from his real property, the City Council shall conduct an informal hearing (which need not be reported) wherein said owner or occupant may present such evidence and arguments as is pertinent to the question of whether or not the removal or abatement of said objects or condition is properly within the purview of this Ordinance. The Council shall also permit the presentation of evidence and argument by the Inspector and other interested parties. Within not more than ten days the Council shall render its written decision, a copy of which shall be mailed to or served upon the owner or occupant by the Inspector.

7. DECISION OF COUNCIL MODIFYING INSPECTOR'S DETERMINATION

A. Decision Upholds Inspector's Original Determination

In the event the decision of the council upholds the determination of the Inspector, the

notice originally given by the Inspector as provided in Section 3 above shall be deemed to be sufficient to require the owner or occupant to remove or abate said objects or conditions and he/she shall have up to ten days from the date of notice of the decision within which to conform thereto.

B Modification Of The Inspector's Determination

In the event that the decision of the Council either overrules or modifies the determination of the Inspector, the written decision of the Council shall appraise him of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of said objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the Council within ten days after service of mailing a copy of said decision, and said decision shall be deemed to be the modified decision of the Inspector.

C Proof of Service

_____ Upon receipt of the decision of the council, the Inspector shall promptly prepare an amended notice and proof of service of said notice and file the same with the Castle Dale City Recorder.

8 REMOVAL OF MATERIALS BY CITY PERMITTED OWNER TO PAY COSTS

A If the owner or occupant of the property described in the notice or decision provided for under Sections 3 or 7 above shall fail or neglect to conform to the requirements of such notice or decision relating to the eradication or destruction or removal of such weeds, garbage, refuse, objects or structures, the Inspector shall employ all necessary means to cause such materials to be removed, or destroyed at the expense of the City (UCA 10-11-3)

B City to Prepare Statements of Expense Notify Owner

_____ The Inspector shall prepare an itemized statement of all expenses incurred by the City in the removal and destruction of said materials and shall mail a copy thereof, by registered mail, to the owner or occupant, or both, demanding payment within twenty days of the date of mailing. Said notice shall be deemed delivered when mailed by registered mail addressed to the property owner's or occupant's last known address. (UCA 10-11-3)

C Failure to Pay

In the event the owner or occupant fails to make payment of the amount set forth in said statement of expenses to the City within the twenty-day period, the Inspector either may cause suit to be brought in an appropriate court or refer the matter to the County Treasurer for collection hereinafter provided. (UCA 10-11-3)

9 COLLECTIONS OF COSTS THROUGH SUIT OR TAXES

A Collection by Suit

In the event collection of expenses of destruction and removal are pursued through the courts, the City shall sue for and receive judgement for all of said expenses of destruction and removal, together with reasonable attorney's fees, interest and costs of courts, and shall execute on such judgment in the manner provided by law (UCA 10-11-3)

B Collection Through Taxes

In the event that the matter is referred to the County Treasurer for the inclusion in the tax notice of the property owner, the Inspector shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same and deliver three copies of said

statement to the county Treasurer within ten days after the expiration of the twenty-day period in which the owner or occupant may pay voluntarily. Thereupon the cost of said work shall be pursued by the County Treasurer in accordance with the provision of 10-11-4 UCA 1953, as amended, and the owner or occupant shall have such rights and shall be subject to such powers as are granted therein. (UCA 10-11-3)

10 ENFORCEMENT

The City may enforce this ordinance by injunction. In addition to civil remedies, violation of this ordinance shall be a Class C Misdemeanor. In the opinion of the City council, it is necessary to the peace, health and safety of the inhabitants of Castle Dale City that the above Ordinance take effect immediately upon the adoption and publication of said Ordinance. Should any portion of this Ordinance be found invalid by any Court of competent jurisdiction, the remainder of this Ordinance shall not be effected thereby and shall remain in full force an effect.

Passed, adopted and ordered published by the City Council of Castle Dale this 8th day of December 1993