

ORDINANCE NO. 19-12

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

AN ORDINANCE DELETING IN ITS ENTIRETY THE CURRENT SMITHFIELD CITY MUNICIPAL CODE TITLE 8 “HEALTH AND SAFETY”, SECTION 8.28 “NUISANCES” AND ADDING IN ITS ENTIRETY A NEW SECTION 8.28 “NUISANCES” INCLUDING SECTIONS 8.28.000 “PURPOSE”, 8.28.010 “NUISANCES GENERALLY; DEFINITION”, 8.28.020 “RESPONSIBLE PARTY/PARTIES”, 8.28.030 “DECLARATION OF NUISANCE”, 8.28.040 “CODE ENFORCEMENT OFFICIAL”, 8.28.050 “ABATEMENT” AND 8.28.060 “PENALTY”.

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The following sections shall be amended as indicated. Those portions which are struck out shall be deleted and those that are highlighted in yellow shall be added.

8.28.010 NUISANCES GENERALLY; DEFINITION

~~For the purposes of this chapter:~~

~~**NUISANCE:** Whatever is dangerous to human life or health and whatever renders soil, air, water or food impure or unwholesome is declared to be a nuisance and unlawful. It is unlawful for any person either as an owner, agent or occupant to create, or aid in creating or contributing to or maintaining a nuisance.~~

~~Further, a nuisance is any item, thing, manner, condition whatsoever that is dangerous to human life or health or renders soil, air, water or food impure or unwholesome.~~

~~Any person, whether as owner, agent or occupant who creates, aids in creating or contributes to a nuisance, or who supports, continues or retains a nuisance is guilty of a class B misdemeanor.~~

~~**PUBLIC NUISANCE:** A crime against the public order and economy of this municipality and consists in unlawfully doing any act or omitting to perform any duty, which act or omission, either:~~

- ~~1. Annoys, injures or endangers the comfort, repose, health or safety of three (3) or more persons;~~
- ~~2. Offends public decency;~~
- ~~3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, stream, canal or basin, or any public park, square, street or highway; or~~

~~4. In any way renders three (3) or more persons insecure in life or the use of property.~~

~~An act which affects three (3) or more persons in any of the ways specified in this definition is still a nuisance regardless of whether the extent of annoyance or damage inflicted on individuals is unequal.~~

8.28.020 NUISANCES GENERALLY; 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 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 and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.~~

8.28.030 NUISANCES GENERALLY; DECLARATION OF NUISANCE

- ~~1. Every act or condition made, permitted, allowed or continued in violation of SMC 8.28.010 of this chapter is declared to be a nuisance and may be abated and punished as provided in this chapter.~~
- ~~2. Nuisances include, but are not limited to:
 - ~~1. Befouling water in any spring, stream, well or water source supplying water for culinary purposes;~~
 - ~~2. Allowing any privy, vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors to air or water;~~
 - ~~3. Permitting any garbage container to remain on premises when it has become unclean and offensive;~~
 - ~~4. Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area except when it is temporarily deposited for immediate removal;~~
 - ~~5. Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard or in any other building or area in which any animals are kept;~~
 - ~~6. Permitting any slaughter house, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed;~~
 - ~~7. Discharging or placing any offensive water, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot or which as the result of continued discharge will render the place of discharge offensive or likely to become so;~~
 - ~~8. Keeping or collecting any stale or putrid grease or other offensive matter;~~
 - ~~9. Having or permitting upon any premises any fly or mosquito producing condition;~~
 - ~~10. Keeping any drinking vessel for public use without providing a method of decontamination between uses;~~
 - ~~11. Permitting or performing any ablutions in or near any public drinking fountain;~~~~

12. Failing to furnish any dwelling house, boarding house or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition;
13. Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults and cesspools or other individual wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the municipality;
14. Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances;
15. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the governing body.

8.28.040 NUISANCES GENERALLY; ENUMERATION OF NUISANCES

The types of nuisances stated in SMC 8.28.030 of this chapter shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter.

8.28.050 NUISANCES GENERALLY; TOILET OR SEWER FACILITIES

All toilet or sewer facilities shall be constructed and maintained in accordance with the ordinances of the municipality. All such facilities that do not comply with such provisions are declared to be a nuisance and are subject to abatement as prescribed in this chapter.

8.28.060 NUISANCES GENERALLY; RESTRICTIONS ON BLOCKING WATER

1. It is unlawful for any person or persons to permit any drainage system, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary.
2. Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement.

8.28.070 NUISANCES GENERALLY; BEFOULING WATERS

A person is guilty of a class B misdemeanor if he:

1. Constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop or other offensive yard or outhouse where the waste or drainage therefrom shall flow directly into the waters of any stream, well or spring of water used for domestic purposes;
2. Deposits, piles, unloads or leaves any manure heap, offensive rubbish or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well or spring of water used for domestic purposes;
3. Dips or washes sheep in any stream, or constructs, maintains, or uses any pool or dipping vat for dipping or washing sheep in such close proximity to any stream located within this municipality or over which this municipality may exercise its jurisdiction and used by the inhabitants of this municipality for domestic purposes as to make the waters thereof impure or unwholesome;
4. Constructs or maintains any corral, yard or vat to be used for the purpose of shearing or dipping sheep within twelve (12) miles of the municipality, where the refuse or filth from

~~the corral or yard would naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes; or~~

- ~~5. Establishes and maintains any corral, camp or bedding place for the purpose of herding, holding or keeping any cattle, horses, sheep, goats or hogs, within seven (7) miles of this municipality, where the refuse or filth from the corral, camp or bedding place will naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes.~~

8.28.080 NUISANCES ON PROPERTY; DEFINITION OF NUISANCE

1. ~~Definitions:~~

~~**ABANDON OR ABANDONED:** Property left unattended and unused for a period in excess _____ of _____ three _____ (3) _____ months.~~

~~**DEBRIS:** Includes, but is not limited to, trash or waste products, inert construction materials, disassembled parts, deposits of materials or objects which have been demolished.~~

~~**DISCARDED:** The abandonment or rejection of any object, debris, equipment, personal property, or vehicle as being spent, useless, worthless, or unwanted.~~

~~**INOPERABLE:** Any equipment, personal property, or vehicle which is nonfunctioning for any reason, or cannot be used as designed by the manufacturer.~~

~~**JUNK:** Old or scrap copper, brass, rope, rags, batteries, plastic, paper, trash, rubber, waste, or like materials, junked, dismantled, or wrecked vehicle or its parts, and iron, steel, or other old or scrap ferrous or nonferrous material, or secondhand or castoff materials.~~

~~**UNUSED:** Any object, debris, equipment, personal property, or unlicensed or unregistered vehicle which has not been utilized or applied to or operated for its manufactured purpose, or stored in such a manner that would be contrary to that which a reasonable or prudent person _____ would _____ accept _____ or _____ approve.~~

~~**VEHICLE:** A device, in, on, or by which a person or property is or may be transported or drawn _____ on _____ a _____ highway.~~

~~**WASTE:** Any substance, object, debris, or personal property which is destructive or injurious, or which would, could, or does mar or impair the scenic aspect or beauty of the property, or dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, trash or garbage, discarded glass, nails, wires, cans, barbed wire, boards, paper or paper products, munitions, chemical waste, biological materials, radioactive materials, wrecked, abandoned, or discarded equipment, rock, sand, dirt, and industrial and agricultural waste.~~

2. ~~**Nuisance Definition:** For the purpose of sections SMC 8.28.090, 8.28.100 and 8.28.110 of this chapter, "nuisance" means any condition of use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly which includes, but is not limited to, keeping or depositing on, or scattering over the premises any of the following:~~

1. ~~Lumber, junk, waste, trash or debris;~~

2. ~~Abandoned, discarded or unused objects or equipment such as, but not limited to, furniture, stoves, refrigerators, freezers, washers, dryers, tires, cans or containers;~~

3. ~~Notwithstanding any other provision of this code, it shall be permissible for any person to keep not more than two (2) inoperable, junked, wrecked, unused, or unregistered vehicles on his or her property, but only so long as such vehicles are kept behind and are surrounded by a six foot (6') opaque fence or structure which~~

shall block the view of such vehicles from the public and private property; and provided further that such vehicles are in the process of being restored to an operable and/or exhibition condition by the owners thereof.

8.28.090 NUISANCES ON PROPERTY; DUTY OF MAINTENANCE OF PRIVATE PROPERTY

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

8.28.100 NUISANCES ON PROPERTY; STORAGE OF PERSONAL PROPERTY

Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely useable for the purposes of which it was manufactured, for a period of thirty (30) days or more (except in licensed junkyards) within this municipality, is declared to be a nuisance and dangerous to the public safety.

8.28.110 NUISANCES ON PROPERTY; ABATEMENT OF NUISANCE BY OWNERS

The owner, owners, tenants, lessees or occupants of any lot within this municipality on which such storage as defined in SMC 8.28.100 of this chapter is made, and also the owner, owners or lessees of the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured buildings to be used for such purposes, or otherwise to remove such property from the municipality.

8.28.120 APPOINTMENT AND DUTIES OF INSPECTOR

1. There is established the position of nuisance inspector whose duties it shall be to enforce the provisions of this chapter. Until another person is designated, the chief of police shall enforce the provisions of this chapter. More than one person may be appointed to act as inspector under this section.
2. The nuisance inspector is authorized to:
 1. Perform all functions necessary to enforce the provisions of the chapter;
 2. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.
3. If he concludes there exists an objectionable condition in violation of this chapter, the inspector shall:
 1. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist;
 2. Serve notice in writing upon the owner and occupant of such premises, either 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 may designate, provided that any person notified pursuant to

~~this subsection shall be given at least ten (10) but not more than twenty (20) days, as determined by the inspector following the date of service of such notice, to correct the objectionable condition. The notice shall:~~

- ~~1. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists;~~
- ~~2. Inform the owner, occupant or other person that in the event he disagrees with the determination of the inspector and does not wish to comply with the provisions of the notice or that he objects to the factual or legal basis for the notice, 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 stay the time within which the person must conform to the provisions of the notice;~~
- ~~3. Inform the person that in the event he fails or neglects to correct the objectionable condition, the municipality will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he will be assessed such costs together with reasonable attorney fees and court costs, or will charge the cost of correcting the violation against the property as a tax;~~
- ~~3. In the event the owner or occupant makes such request for a hearing, the governing body shall set the time and place for hearing objections and the recorder/clerk shall notify the owner, occupant or other persons in writing of the time and place at which they may appear and be heard. The hearing shall not be heard within less than five (5) days from the date of service or mailing of the notice of hearing.~~

8.28.130 HEARING

- ~~1. At the written request of an owner, occupant or other person having an interest in property which is the subject of a notice to remove or abate weeds, objectionable conditions or objects from the property, the governing body shall conduct an informal hearing (which need not be reported) wherein such person may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The governing body shall also permit the presentation of evidence and argument by the inspector and other interested parties. Thereafter, within not less than five (5) nor more than ten (10) days, the governing body shall, over the signature of the mayor or such other member of the governing body as it may designate, render its written decision, a copy of which shall be mailed to or served upon the owner or other person to whom the original notice was given by the inspector.~~
- ~~2. In the event the decision of the governing body upholds the determination of the inspector, the notice originally given by the inspector as provided in this section shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable 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, unless additional time, not to exceed thirty (30) days, is authorized by the inspector.~~
- ~~3. 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 the owner or occupant of that fact and set forth the details and extent to which the owner or~~

~~occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the governing body within ten (10) days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the inspector unless additional time is authorized by the governing body.~~

- ~~4. The inspector shall file an amended notice and proof of service of notice and file the same in the office of the county treasurer.~~

8.28.140 FAILURE TO COMPLY

~~If any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such weeds, garbage, refuse, objects or structures, the inspector shall employ all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed at the expense of the municipality.~~

8.28.150 ITEMIZED STATEMENT

~~The inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner, occupant or persons having an interest in the property.~~

8.28.160 FAILURE TO MAKE PAYMENT

~~In the event the owner, occupant or person having an interest in the property fails to make payment of the amount set forth in the statement to the municipal treasurer within the 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.~~

8.28.170 COLLECTION BY LAW SUIT

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

8.28.180 COLLECTION THROUGH TAXES

~~In the event that the inspector elects to refer the expenses of destruction or 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 (3) copies of the statement to the county treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the cost of the work shall be pursued by the county treasurer in accordance with the applicable provisions of the 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.~~

8.28.190 CRIMINAL PROCEEDING

The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant of an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

8.28.200 PENALTY FOR FAILURE TO COMPLY

1. Any owner, occupant or person having an interest in the property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of a class C misdemeanor for each offense and further sum of up to ninety nine dollars (\$99.00) for each and every day such failure to comply continues beyond the date fixed for compliance. The fine stated shall be the only punishment and no imprisonment shall be imposed.
2. Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section.

8.28.210 MAINTAINING, COMMITTING OR FAILING TO REMOVE PUBLIC NUISANCE; CLASSIFICATION OF OFFENSE

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who wilfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class C misdemeanor. No imprisonment shall be imposed for nuisance ordinance violations.

8.28.220 CARCASS OR OFFAL; PROHIBITIONS RELATING TO DISPOSAL; CLASSIFICATION OF OFFENSE

Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral or butcher shop into any river, creek, pond, street, alley or public highway, or road in common use or who attempts to destroy it by fire, within one fourth (1/4) of a mile of this municipality is guilty of a class B misdemeanor.

8.28.230 CHAPTER NOT TO AFFECT OTHER PROVISIONS OF MUNICIPAL ORDINANCES

Nothing contained in this chapter shall affect any other provisions of this municipality's ordinances, rules or regulations which regulate, prohibit or effect nuisances or public nuisances.

8.28.240 ACTION FOR ABATEMENT OF PUBLIC NUISANCES

The municipal attorney is empowered to institute an action in the name of this municipality to abate a public nuisance.

8.28 Nuisances

- 8.28.000 Purpose
- 8.28.010 Nuisances Generally; Definition
- 8.28.020 Responsible Party/Parties

8.28.030	Declaration Of Nuisance
8.28.040	Code Enforcement Official
8.28.050	Abatement
8.28.060	Penalty

8.28.000 PURPOSE

Smithfield City has a vested interest in seeing that properties within its municipal boundaries are maintained free from conditions which may pose a threat to the health, safety and welfare of its residents. It is therefore in the interest of Smithfield City to outline the conditions that constitute a nuisance within Smithfield City and to outline procedures by which said nuisances may be remedied and penalties for non-compliance.

8.28.010 DEFINITIONS

For the purposes of this chapter, the following terms shall have their accompanying meanings:

- A. **ABANDON OR ABANDONED:** Property left unattended and unused for a period in excess of three (3) months.
- B. **DEBRIS:** Includes, but is not limited to, trash or waste products, inert construction materials, disassembled parts, deposits of materials or objects which have been demolished.
- C. **DISCARDED:** The abandonment or rejection of any object, debris, equipment, personal property, or vehicle as being spent, useless, worthless, or unwanted.
- D. **INOPERABLE:** Any equipment, personal property, or vehicle which is nonfunctioning for any reason, or cannot be used as designed by the manufacturer.
- E. **JUNK:** Old or scrap copper, brass, rope, rags, batteries, plastic, paper, trash, rubber, waste, or like materials, junked, dismantled, or wrecked vehicle or its parts, and iron, steel, or other old or scrap ferrous or nonferrous material, or secondhand or castoff materials.
- F. **NUISANCE:** Any condition of use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly or which is dangerous to human life or health and whatever renders soil, air, water or food impure or unwholesome is declared to be a nuisance and unlawful. It is unlawful for any person either as an owner, agent or occupant to create, or aid in creating or contributing to or maintaining a nuisance.
- G. **PUBLIC NUISANCE:** A crime against the public order and economy of this municipality and consists in unlawfully doing any act or omitting to perform any duty, which act or omission, either:
 1. Annoys, injures or endangers the comfort, repose, health or safety of three (3) or more persons;
 2. Offends public decency;

3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, stream, canal or basin, or any public park, square, street or highway; or
4. In any way renders three (3) or more persons insecure in life or the use of property.

H. **UNUSED:** Any object, debris, equipment, personal property, or unlicensed or unregistered vehicle which has not been utilized or applied to or operated for its manufactured purpose, or stored in such a manner that would be contrary to that which a reasonable or prudent person would accept or approve.

I. **VEHICLE:** A device, in, on, or by which a person or property is or may be transported or drawn on a highway.

J. **WASTE:** Any substance, object, debris, or personal property which is destructive or injurious, or which would, could, or does mar or impair the scenic aspect or beauty of the property, or dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, trash or garbage, discarded glass, nails, wires, cans, barbed wire, boards, paper or paper products, munitions, chemical waste, biological materials, radioactive materials, wrecked, abandoned, or discarded equipment, rock, sand, dirt, and industrial and agricultural waste.

8.28.020 RESPONSIBLE PARTY/PARTIES

A. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

B. Where a nuisance exists upon property the landlord 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 and responsible.

8.28.030 DECLARATION OF NUISANCE

A. Every act or condition made, permitted, allowed or continued in violation of SMC 8.28.010 of this chapter is declared to be a nuisance and may be abated and punished as provided in this chapter. The nuisances outlined in this Section are not an exhaustive list and Smithfield City may determine that such other conditions exist which constitute a nuisance.

B. Nuisances include, but are not limited to:

1. By any action, befouling water in any spring, stream, well or water source supplying water for culinary or other domestic purposes;
2. Allowing any privy, vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors to air or water;

3. Permitting any garbage container to remain on premises when it has become unclean and offensive;
4. Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area except when it is temporarily deposited for immediate removal;
5. Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard or in any other building or area in which any animals are kept;
6. Constructing or maintaining any corral, pen, stable, coop or other facility designed to keep animals where the drainage from such facility does or may flow directly into the waters of any stream, well or spring of water used or designed for domestic purposes.
7. Permitting any slaughterhouse, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed;
8. Discharging or placing any offensive water, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot or which as the result of continued discharge will render the place of discharge offensive or likely to become so;
9. Keeping or collecting any stale or putrid grease or other offensive matter;
10. Having or permitting upon any premises any fly or mosquito producing condition;
11. Keeping any drinking vessel for public use without providing a method of decontamination between uses;
12. Permitting or performing any ablutions in or near any public drinking fountain;
13. Failing to furnish any dwelling house, boarding house or factory or other place of employment with such sewer facilities, toilets, privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition;

14. Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults and cesspools or other individual wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the municipality;
15. Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances;
16. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the governing body.
17. Permitting any drainage system, canal, ditch, conduit or other watercourse of any kind, whether natural or artificial, to become obstructed so as to cause the water to back up and overflow therefrom, or to become unsanitary.
18. Keeping or depositing on, or scattering over the premises any of the following:
 - a) Lumber, junk, waste, trash or debris;
 - b) Abandoned, discarded or unused objects or equipment such as, but not limited to, furniture, stoves, refrigerators, freezers, washers, dryers, tires, cans or containers;
19. Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely useable for the purposes of which it was manufactured.
20. Parking, keeping or otherwise placing vehicles which are inoperable, whether temporary or permanent, on the premises for a period of more than fourteen (14) days. This includes vehicles which are raised on cinderblocks or other devices designed for lifting vehicles.
21. Placing, or allowing to be placed, the carcass of any dead animal, or the offal from any slaughter pen, corral or butcher shop into any river, creek, pond, street, alley or public highway, or road in common use or who attempts to destroy it by fire

8.28.40 CODE ENFORCEMENT OFFICIAL

There is hereby created the position of Code Enforcement officer, whose duty it shall be to act as an agent for Smithfield City in monitoring and enforcing the provisions of this Chapter. The Code Enforcement officer shall be an employee of Smithfield City or the Smithfield City Police Department.

8.28.50 ABATEMENT OF NUISANCES

Upon inspection and determination by Smithfield City that a nuisance exists, the following procedure shall be followed for the abatement and removal of said nuisance:

- A. The Code Enforcement Officer shall notify the owner and/or tenant of the property of the nuisance(s) located on the property and shall issue a verbal warning, with as much specificity as reasonably possible, provide information to said owner and/or tenant about the conditions creating the nuisance and the steps needed to remedy the nuisance(s). The verbal warning shall be documented and shall give the owner and/or tenant thirty (30) days with which to remedy the nuisance.
- B. If, after 30 days, the nuisance(s) has not been remedied, then the Code Enforcement Officer may issue a formal written warning, granting the owner and/or tenant an additional fourteen (14) days with which to remedy the nuisance(s).
- C. If, after the deadline of the written warning has passed, the nuisance(s) has not been remedied, the Code Enforcement Officer shall issue a citation for the violation and the matter shall be referred to the Smithfield City Justice Court for prosecution and remedy.
- D. Smithfield City may, at its discretion, and upon a determination by the Smithfield City Police Department that the nuisance constitutes a clear and immediate threat to the health, welfare and safety of its residents, enter onto a property and remedy the nuisance. Any and all costs incurred in Smithfield City's efforts to remedy said nuisance shall be paid by the property owner. Costs for labor shall be at the rate prescribed by the most current Smithfield City prevailing fee schedule.
 1. Failure by the property to pay said costs within ninety (90) days of the issuance of an invoice by Smithfield City shall result in Smithfield City filing a suit in the appropriate court of jurisdiction and shall further result in Smithfield City filing a lien against the property.

8.28.60 PENALTY

Each violation of this section shall be a Class C misdemeanor, with such penalties as may be allowed by Utah Code Annotated 76-3-301, "Fines of Individuals".

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This ordinance shall become effective after the required public hearing and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 23rd day of October, 2019

SMITHFIELD CITY CORPORATION

Jeffrey H. Barnes, Mayor

ATTEST:

Justin B. Lewis, City Recorder