

ORDINANCE NO. 21-12

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING TITLES 4 AND 5 OF THE SOUTH OGDEN CITY CODE HAVING TO DO WITH THE REGULATION OF JUNK AND WEEDS; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

SECTION 1 - RECITALS:

WHEREAS, South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds, in concert with recommendations from the Police Department, that changes be made to various sections of the City Code having to do with the regulation of junk and weeds; and,

WHEREAS, the City Council finds that parts of the South Ogden City Code should be amended to align with these recommendations; and,

WHEREAS, the City Council finds that the amendments to the South Ogden City Code should be effective upon passage of this Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code be changed and amended:

AMENDED SECTION:

Upon the adoption of this Ordinance, Titles 4 and 5 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

SECTION II - REPEALER OF CONFLICTING ENACTMENTS:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict,

repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION V - DATE OF EFFECT:

This Ordinance shall be effective on the 19th day of October, 2021, and after publication or posting as required by law.

DATED this 19th day of October, 2021.

SOUTH OGDEN, a municipal corporation

by: _____
Mayor Russell Porter

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 21-12

An Ordinance Of South Ogden City, Utah, Revising And Amending Titles 4 And 5 Of The South Ogden City Code Having To Do With The Regulation Of Junk And Weeds; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

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4-2-1: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ABATE: To put an end to any condition which is a violation of this chapter.

DELETERIOUS: Anything injurious to the health, safety or welfare of any person.

GRAFFITI: "Graffiti" means inscriptions, drawings, paintings or other visual defacing of buildings, structures, roadways or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted pursuant to this chapter.

GRAFFITI INSTRUMENT: "Graffiti instrument" means any tool, instrument, article, substance, solution, or other compound designed or commonly used to paint, write, spray, scratch, affix, inscribe, or otherwise place a mark upon a piece of property.

OWNER: Any person, who alone or with others:

A. Has legal title to any premises or dwelling, with or without accompanying actual possession thereof; or

B. Has charge, care or control of any premises or dwelling, as legal or equitable owner, lessee or is an agent of the owner or the estate of the owner in any manner.

PREMISES IDENTIFICATION: Numbers or addresses placed on or assigned to all new and existing buildings or lots so as to identify any piece or parcel of real property from any other piece or parcel without need for a full title search and legal description.

REFUSE, DEBRIS, GARBAGE, JUNK (Collectively Referred To Throughout This Chapter As JUNK): Includes, but is not limited to, the following: spent, useless, worthless or discarded materials; used tires; parts of vehicles; old and unused machinery and appliances or parts thereof; trash; rubbish; waste plant materials, trimmings, weeds, either growing or dead; litter; scrap building materials; waste food products; dead animals; unused or discarded bicycles, tricycles, or other types of recreational vehicles or parts thereof; scrap metal, wastepaper products or lumber; accumulations of dirt, gravel, ashes or fire remains; or any other waste materials.

WEEDS: Vegetation growing upon any real property within the city which will attain such a growth as to become a fire hazard when dry, or which is otherwise noxious, a nuisance or dangerous, as determined by the fire department, Ordinance Officer or county health department. Weeds shall also include, but shall not necessarily be limited to, the following:

A. Dry grasses, stubble, brush, tumbleweeds and clippings which endanger the public health and safety by creating a fire hazard, insect or rodent harborage, or any other nuisance;

B. Poison ivy, when the public health and safety in residential or other developed and populated areas are affected;

C. Those plants named in the Utah noxious weed act, Utah Code Annotated title 4, chapter 5, and its subsequent regulations and successor sections.

WRECKED, INOPERABLE, OBSOLETE OR ABANDONED VEHICLES: Includes, but is not limited to, the following: A motor vehicle shall be deemed wrecked, inoperable, obsolete, unused or abandoned where:

- A. They are vehicles designed to be used in demolition driving contests or similar events;
- B. They are vehicles without proper and current registration;
- C. The vehicle is or has been made inoperable due to a collision or other event;
- D. It does not bear, or the owner cannot produce for examination, a current and valid certificate of inspection for the vehicle in question;
- E. And if that vehicle has any one of the following characteristics:
 - 1. Is in a state of being, or having been, wrecked, dismantled, either wholly or partially, or is inoperable for any reason, or has not been operated for a period of three hundred sixty five (365) days; or
 - 2. Has a broken fender, door, bumper, hood, door handle, steering wheel, top, trunk handle or tailpipe; or
 - 3. Which, because of its defective or deleterious condition, constitutes a threat to public health or safety. (Ord. 899, 2-4-1997; amd. 2001 Code)

4-2-2-1: PROPERTY MAINTENANCE RESPONSIBILITIES:

- A. It shall be the duty of the owner, agent, occupant or lessee of real property to keep their exterior property free of conditions which violate the provisions of this chapter.
- B. It shall be the duty of the owner, agent, occupant or lessee of real property abutting and bordering on any public street in the city to keep the area between their property line and the curb or edge of the roadway free of conditions which violate the provisions of this chapter. Such area shall include sidewalks, park strips between streets and sidewalks, or other adjacent landscaped or open areas within a dedicated public right of way.
- C. It shall be the duty of the owner, agent, occupant or lessee of real property which faces on an abutter's alley to keep that portion of the alley which is adjacent to such property, free of conditions which violate the provisions of this chapter. If the alley was dedicated for the benefit of real property on both sides of the alley, the duty shall extend to the centerline of the alley. If the alley was dedicated only for the benefit of real property along one side of the alley, the duty shall extend for the entire width. (Ord. 09-13, 9-22-2009, eff. 1-1-2010)
- D. Owners of property, structures, buildings or natural features upon which graffiti has been placed shall promptly remove such graffiti. The owner may object to the required graffiti cleanup by filing an appeal with the city manager or his designee within five (5) days of any notice. If the city manager or his designee finds that the property owner has reasonably

responded to cleaning graffiti from the property on past occasions and has failed to clean the graffiti in the matter at hand primarily due to the cost of repeated cleaning, the property may be cleaned by the city at a reduced charge or no charge.

4-2-12: PROHIBITED ACTIVITIES; PENALTIES:

A. Causing Or Permitting Nuisance; Duty To Abate: It shall be unlawful for any owner, occupant, agent or lessee of real property within the city, to allow, cause or permit the following material or objects to be in or upon any yard, garden, lawn, or outdoor premises of such property: junked, wrecked, dismantled, inoperative, discarded or abandoned vehicles; and refuse, debris, garbage, weeds and junk, as defined in section [4-1-1](#) of this title through section [4-2-2](#) of this chapter, or cause or permit the same to be in or upon any parking space, alley or sidewalk adjoining such yard, lot or piece of property within the city and it shall be the duty of such owner or occupant to abate and remove any such nuisance from such premises.

B. Failure To Abate: It shall be unlawful for any owner or occupant to fail to abate, within the required time period, any nuisance as defined in section [4-1-1](#) of this title through section [4-2-2](#) of this chapter, after service of notice pursuant to section [4-2-4](#) of this chapter.

C. Misdemeanor: Any owners, agents, occupants or lessees violating the provisions of this chapter shall be guilty of a class C misdemeanor, punishable as provided under section [1-4-1](#) of this code. Every day that a violation continues shall be considered a separate offense and shall be punishable as provided herein.

D. City Abatement And Associated Civil Penalties: Litter or other unlawful accumulations or conditions not removed from private property, or adjacent sidewalks, park strips, alleys, or other adjacent areas for which the person is responsible under the provisions of this chapter, may be removed by the city pursuant to the provisions of section [4-3-5](#) of this title, or its successor, with costs and expenses for such cleaning or removal and civil penalties to be assessed in accordance with the provisions of this chapter.

E. Civil Penalties: Owners, agents, occupants or lessees who fail to correct a violation of the provisions of this chapter after notice of violation and expiration of the warning period may, at the option of the city, be subject to the following civil penalties in lieu of the misdemeanor penalty described in subsection C of this section:

1. The first civil citation issued after expiration of the warning period shall subject the responsible party to the initial penalty of one hundred twenty five dollars (\$125.00).

2. The second civil citation issued after expiration of the warning period and the prior imposition of the initial penalty shall subject the responsible party to the intermediate penalty of two hundred fifty dollars (\$250.00).

3. Any subsequent civil citation issued after expiration of the warning period and the prior imposition of the intermediate penalty, or any reoccurring violation under this

section, shall subject the responsible party to the maximum penalty of five hundred dollars (\$500.00).

F. Other Remedies: This chapter may also be enforced by injunction, mandamus, judicial abatement or any other appropriate action in law or equity.

G. Daily Violations: Each day that any violation of this chapter continues shall be considered a separate offense for purposes of the penalties and remedies available to the city.

H. Compliance: Accumulation of penalties for violations, but not the obligation for payment of penalties already accrued, shall stop on correction of the violation.

I. Cumulative: Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce the provisions of this title. (Ord. 13-09, 5-7-2013, eff. 5-7-2013)

J. Lawn Or Landscape Parking Prohibited:

1. Prohibited: It shall be unlawful for any motor vehicle, boat, camper, recreational vehicle, ATV, UTV, or motorcycle to be parked upon any residential property in an area naturally designed to be lawn or landscape. Parking upon residential properties shall conform to residential zoning regulations outlined in Title 10 Chapter 17 of this Code.
2. Exceptions To Lawn Or Landscape Parking: During snow removal from public streets as outlined in 6-1-5(I) of this Code, "Parking During Snowstorms".
3. Penalty: Any person violating this subsection shall be guilty of an infraction. (Ord. 19-05, 4-9-2019, eff. 4-9-2019)

4-3-6 WEED CONTROL:

A. Premises: It is unlawful for any owner, occupant, agent or lessee of real property in the city to fail to maintain the height of weeds and grasses, in the manner provided herein, on such property, or to fail to remove from the property any cuttings from such weeds or grasses.

B. Park Strips: It is unlawful for any owner, occupant, agent or lessee of real property in the city abutting and bordering on any public street, for the distance such property abuts and borders the street, to fail to maintain the height of weeds and grasses, in the manner provided herein, in the area from the property line to the curb line of the street, or to fail to remove from such area any cuttings from such weeds or grasses.

C. Abutter's Alleys: It is unlawful for any owner, occupant, agent or lessee of real property in the city which faces on an abutter's alley for the distance such property abuts and borders, to fail to maintain the height of weeds and grasses, in the manner provided herein, in that portion of the abutter's alley for which the owner, occupant, agent or lessee is responsible.

D. Weed Control Specifications:

1. Except as otherwise provided in subsection D2 of this section, weeds and grasses shall be maintained at a height of not more than six inches (6") at all times, and the cuttings shall be promptly cleared and removed from the premises; provided, however, that this subsection shall not be applicable to any ornamental grass so long as it is used and maintained solely, or in combination with any other ornamental grass or grasses, as a supplement to an overall landscaping plan and does not constitute in square footage more than twenty percent (20%) of the property's overall landscaped area.

2. Weeds and grasses shall be maintained at a height of not more than twelve inches (12") at all times on any of the following properties, and the cuttings shall be promptly cleared and removed from the premises:

- a. Areas zoned as open space zone (O-1) pursuant to Title 15-10 of this code;
- b. Ditches, and ditch rights of way or railroad rights of way; and
- c. Undeveloped property or vacant lots (no buildings or structures).

3. Weeds which are eradicated by chemicals must be done so before their height exceeds the height limits provided herein, or they must be cut at a level not exceeding such height limits.

4. Weeds which are rototilled or removed by the root must be buried under the soil or removed from the property.

5. When, in the opinion of the fire marshal, any assistant fire marshal, or ordinance officer, the large size or terrain of property makes the cutting of all weeds or grasses impractical, the fire marshal, any assistant fire marshal, or ordinance officer may, by written order, allow and limit the required cutting of weeds and grasses to a firebreak of not less than fifteen feet (15') in width cut around the complete perimeter of the property and around any structures existing upon the property, unless the fire marshal, assistant fire marshal, or ordinance officer, determines that a firebreak of a lesser width will provide adequate protection against fire spread at the particular location.

6. The fire marshal or ordinance officer may from time to time exempt from, or limit, in whole or in part, the required cutting of weeds and grasses for property established and maintained as a nature park or wetland mitigation area, if the fire marshal, assistant fire marshal, or ordinance officer determines that such limitation or exemption will not present a potential fire hazard to adjacent properties.

4-3-7 NOXIOUS WEEDS:

It shall be unlawful for the owner or occupant of any real property to allow to grow on such property any noxious weeds or other noxious vegetable growth determined by the

county health department to be especially injurious to public health, crops, livestock, land, or other property.

5-2-12 CRIMINAL DAMAGE TO PROPERTY

A. Acts Constituting Criminal Damage: Whoever commits any of the following acts shall be deemed guilty of a misdemeanor:

1. Knowingly damages any property without the owner's express permission.
2. Recklessly, by means of fire or explosive, damages property of another.
3. Knowingly starts a fire on the land of another without the express permission of the owner.
4. Knowingly injures a domestic animal without the express permission of the owner.
5. Knowingly deposits on land or in any building, without the express permission of the owner, any stink bomb or any offensive smelling compound, and thereby intends to interfere with the use of another of the land or building.
6. Knowingly writes on or defaces any property, by graffiti or other means, without the express permission of the owner.
7. Knowingly possesses any graffiti instrument under circumstances evincing an intent to use the same in order to graffiti the property of another. Possession of a spray paint can in a public building, park, facility, or alley shall be presumptive evidence of intent to use the same in order to damage such property.