

CHAPTER 7-06: CLEANING OF REAL PROPERTY

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7-06-010. Purpose.

The purpose of this Chapter is to provide for the cleaning of real property, including the control of weeds and removal of graffiti from property located within the City, in order to:

- (a) Prevent fire hazards;
- (b) Prevent the spread of vegetation not conducive to the public health, safety or welfare;
- (c) Eliminate the presence of public nuisances, eyesores, and other objects, structures or refuse not conducive to the public health, safety and welfare;
- (d) Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair or cleaning; and
- (e) Prevent the unsightly effect of graffiti within the City and to discourage its continued application.

7-06-020. Definitions.

For the purpose of this Chapter, the following terms shall have the meanings set forth below:

- (a) "Graffiti" means any form of unauthorized painting, writing, spraying, scratching, affixing, marking or inscribing on the property of another, whether public or private, regardless of the content or nature of the material used in the commission of the act.
- (b) "Inspector" means the Woods Cross City Administrator, Planning Director, or the Davis County Health Department Director of Health, or the South Davis County Fire District Fire Chief, or their authorized representatives.
- (c) "Owner" means any person who, alone or jointly or severally with others:
 - (1) Has the legal title to any real property, premises, dwelling or dwelling unit, with or without actual possession thereof; or
 - (2) Has charge, care or control of any real property, premises, dwelling or dwelling unit, as tenant, lessee, legal or equitable owner, or as personal representative, trustee, guardian, agent, or conservator of the person holding legal title.
- (d) "Person" means any individual, public or private corporation, partnership, limited liability company, joint venture, association, firm, trustee, executor of an estate, or other legal entity recognized by law.

(e) "Refuse" means garbage, trash, rubbish, weed or grass clippings, dead animals, sludge, liquid or semi-liquid waste, and other discarded materials, or materials stored or accumulated in an unsightly manner for the purpose of eventually discarding or salvaging them, including unregistered and/or junk vehicles, or materials that have served their intended purpose.

(f) "Weeds" means vegetation which is uncultivated, useless, unsightly, or which has become a fire hazard or otherwise determined by the City to be noxious, dangerous or a nuisance, including, but not limited to poison ivy (*rhus toxicodendron*) and those plants named in the Utah Noxious Weed Act in Title 4 of the *Utah Code Annotated*, as amended.

7-06-030. Weed Control.

(a) No owner shall permit weeds on his property to exceed a height of six inches at any time.

(b) No owner shall permit poison ivy (*rhus toxicodendron*), poison oak (*rhus diversiloba*), or poison sumac (*rhus vernix*) to grow at any height on his or her property at any time.

(c) Weeds and noxious plants must be eradicated by chemicals, cutting or other acceptable method, and all cuttings or dead remnants shall be promptly cleared and removed from the property.

(d) When an Inspector determines that the size, location, accessibility, or other circumstances regarding certain property makes compliance with this Section impractical, the Inspector may, in his or her sole discretion, issue an order permitting the owner to create fire breaks as required and approved by South Davis County District, or otherwise exempt the property from the requirements set forth herein as deemed permissible and nonhazardous to the public health and safety. Any such exception or exemption permitted hereunder shall be in writing and issued to the owner of the property.

(e) When an Inspector determines that the weeds in a particular area pose a serious fire hazard in view of their density, dryness, proximity to possible sources of ignition, and the effects of prevailing winds and weather, then the owner of the property on which said weeds are present shall be deemed in violation of this Section, regardless of the height of such weeds.

7-06-040. Refuse Control.

(a) No owner shall permit refuse to remain upon his property for longer than twenty (20) days.

(b) When an Inspector determines that a particular deposit of refuse poses a significant health hazard by reason of its potential for the spread of disease, the breeding of worms, insects or rodents, or the contamination of a stream or other body of water, then said Inspector may order the owner of the property on which said refuse is deposited, or the person who deposited it there, or both, to remove said refuse within twenty-four (24) hours. If twenty-four (24) hours pass after the order is issued and such refuse is not removed, the Inspector shall issue a Notice of Violation. In addition, the City Attorney may seek a preliminary injunction enjoining continuation of such violation.

7-06-050. Graffiti Control.

(a) Reporting. City employees shall report graffiti as part of their job responsibilities. Residents may also report graffiti within the City. Any person spotting graffiti within the City may report the sighting to the Community Development Department, the City Police Department, or any City employee. Any sighting not reported directly to the Community Development Department shall thereafter be reported to the Community Development Department for enforcement and tracking purposes. Any graffiti reports or photos prepared by the Community Development Department shall be forwarded to the City Police Department for possible criminal prosecution and/or intelligence functions.

(b) Removal Required. In order to prevent the unsightly and dangerous effects of vandalism and graffiti, it shall be the duty of every owner of property within Woods Cross City to keep his or her property free from graffiti and evidence of vandalism. No owner of property in the City shall permit such graffiti or evidence of vandalism to remain on his or her property after receiving written notice from the City requesting removal.

7-06-060. Inspections.

An Inspector may from time-to-time enter and inspect real property for violations of this Chapter in accordance with any warrant procedures required by law.

7-06-070. Notice of Violation.

(a) Owners of property on which a violation of this Chapter exists shall be served a Notice of Violation in substantially the following form:

Please take notice that upon real property owned by you a condition exists which is in violation of Title 7 Chapter 6 of the Woods Cross Municipal Code. This condition is _____ (Here describe the violation and its location).

This condition must be eradicated, destroyed, or removed within _____ days after the date this notice is served; otherwise, you will be guilty of a misdemeanor and the City may remedy this condition at your expense. Questions may be directed to _____, at _____, telephone _____. Served this _____ day of _____, 20____.

Inspector _____.

(b) A reasonable time shall be given for the owner to bring his property into compliance with this Chapter which shall not be less than ten days after Notice of Violation is served, but may be longer, at the Inspector's discretion.

(c) A Notice of Violation shall be served by the Inspector or his representative either personally, by leaving the notice with the owner or a person at his residence of suitable age and discretion, or by mailing, postage prepaid, to the owner, addressed to his last known post office address as disclosed by the records of the Davis County Assessor, and proof of service shall be made under oath by the Inspector serving a Notice of Violation and filed in the office of the Davis County Treasurer. Service made by mailing shall be registered mail, and shall be deemed complete on the date on which a notice thus served is deposited in the United States Postal Service system.

(d) The Notice of Violation shall list the person or office from which the owner may obtain further information, and the address and telephone number of such person or office.

(e) The Notice of Violation shall be signed by the Inspector issuing it.

7-06-080. Misdemeanor.

The failure to control weeds, refuse or graffiti in the manner prescribed in this Chapter and within the time set for compliance in a Notice of Violation shall be a Class C misdemeanor, punishable by fine, imprisonment or both, as permitted by the applicable laws of the State of Utah and Woods Cross City.

7-06-090. Citations, Injunctions and Other Relief.

(a) The City may enforce the provisions of this Chapter by issuing a citation as provided by *Utah Code Ann. § 77-7-18*, as amended.

(b) In addition to the misdemeanor penalty described above, the City may seek and be awarded injunctive or any other remedy available at law or in equity.

7-06-100. Removal by City.

If any owner to whom Notice of Violation has been served does not eradicate, destroy or remove the weeds, refuse or graffiti causing the violation within the time specified in the Notice of Violation, the City Administrator may, at his discretion, cause such weeds, refuse or graffiti to be removed and destroyed. If the City Administrator elects to cause such weeds, refuse or graffiti to be removed and destroyed, he shall prepare an itemized statement of all expenses incurred in their removal and destruction and send a copy thereof by registered mail to the owner's last known address. If the owner fails to make full payment of the amount set forth in said statement within twenty (20) days of the date of mailing the statement, the City Administrator or his designee may refer the matter to the Davis County Treasurer for collection as taxes, as provided in *Utah Code Annotated*, Title 10, Chapter 11, as amended. If the City Administrator does not refer the matter to the Davis County Treasurer, the City Attorney may bring suit in an appropriate court of law to recover judgment for all costs incurred by the City under this Section, together with attorney's fees and court costs.

