

Chapter 7-13 CLEANING OF REAL PROPERTY

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Section 7-13-010. Purpose of Provisions. It shall be the purpose of this Chapter to provide for the cleaning of real property and the control of weeds in a way that will:

- (a) prevent fire hazards;
- (b) prevent insect and rodent harborages;
- (c) prevent the induction of hazardous pollens in the air;
- (d) prevent further spreading of vegetation that threatens the public health, safety or welfare;
- (e) abate the existence of objects, structures or solid waste that threaten the public health, safety and welfare; and
- (f) protect and promote the public health and safety of the community by preventing or abating conditions of real property or the structures thereon which create or maintain public nuisances.

Section 7-13-020 Definitions. For the purpose of this Chapter, the following terms, phrases and words shall have the meanings:

- (a) “Department” means the Draper City Community Development Department or the County Health Department.
- (b) “Eradication” means the complete destruction of weeds by chemicals, removal by root, or any other method approved by the Department.

(c) “Inspector” means authorized inspectors and peace officers of Draper City and the County Health Department Director of Health, or their authorized representatives. The Director of Health and designated representatives are hereby appointed City inspectors authorized by Utah Code Annotated Section 10-11-1, or its successor.

(d) “Owner” means any person who, alone, jointly or severally with others:

(1) shall have the legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) shall have charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner or agent of such owner, or an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

(e) “Solid waste” means garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi-liquid waste, and other discarded materials, or materials stored or accumulated for the purpose of discarding or salvage, or materials that have served their original intended purpose, or waste material resulting from construction, industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational or community activities.

(f) “Weeds” means vegetation growing upon any real property within Draper 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 Department. Weeds shall also include, but shall not necessarily be limited to, the following:

(1) 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;

(2) poison ivy, when the public health and safety in residential or other developed and populated areas are affected; and

(3) those plants named in the Utah Noxious Weed Act, Title 4, Chapter 5, *Utah Code Annotated*, and its subsequent regulations and successor sections.

Section 7-13-030 Real Property to be Kept Clean and Secured. It is unlawful for any person, corporation, partnership or other legal entity owning or occupying real property in the City:

(a) to fail to maintain the height of weeds on such property as provided in section 7-13-040 of this Code;

(b) to fail to remove from such property any cuttings from such weeds;

(c) to fail to maintain all parkstrip landscaping abutting such property;

- (d) to fail to keep the parkstrip free from trash, debris, or noxious weeds;
- (e) to fail to remove any junk, garbage, trash, debris, or inoperable, abandoned or unused equipment, appliances, furniture or other tangible personal property from such property;
- (f) to fail to effectively secure or remove any vacant structure after having been given written notice from any authorized inspector;
- (g) to fail to remove all hail, snow or sleet from the entire length and breadth of the sidewalk abutting such property within 24 hours after it has ceased falling;
- (h) to place or deposit snow, ice or any other material upon any City street in such a manner as to interfere with the proper use of the street, to obstruct travel, or to endanger property or persons; or
- (i) to fail to maintain a three-foot clear space around the circumference of fire hydrants, including the removal of trees, shrubs, trash or snow.

Section 7-13-040 Weed Control Specifications

- (a) Weeds shall be maintained at a height of not more than six inches at all times, and the cuttings shall be promptly cleared and removed from the premises.
- (b) Weeds which are eradicated by chemicals must be done so before their height exceeds six inches or they must be cut at a level not exceeding six inches in height.
- (c) Weeds which are rototilled or removed by the root must be buried under the soil or removed from the property.
- (d) When, in the opinion of the inspector, the large size of property makes the cutting of all weeds impractical, the inspector may, by written order, allow and limit the required cutting of weeds to a firebreak of not less than 15 feet in width cut around the complete perimeter of the property and around any structures existing upon the property.

Section 7-13-050 Notice of Violation and Corrective Measures

- (a) Owners or occupants of the property upon which a violation exists shall be served a written notice stating the violation, location of violation, date of notice, corrective measures to be taken, a reasonable time period to comply, which shall be not less than ten days from the date of the service of the order, and the Department's power to cause, at the property owner's expense, the cutting or eradicating of weeds, the cleaning and removing of weeds, junk, garbage, trash, debris, or inoperable, abandoned or unused equipment, appliances, furniture or other tangible personal property or the securing of any vacant structures.

(b) Any administrative appeal to such notice must be filed with the issuing department within ten days of service of the notice, and is subject to review by the City Community Development Director or the Director of Health. Once notice has been served during any calendar year directing the cutting and removing of weeds, no further notice need be served upon the same owner or occupant to compel such weed cutting and removing during such calendar year.

(c) Such written notice issued by the inspector shall be deemed sufficient and complete when served upon the owner or occupant:

(1) personally by the inspector; or

(2) mailing, postage prepaid, addressed to the owner or occupant at the last known post office address appearing on the records of the County Assessor.

(d) The inspector shall make proof of service of such notice under oath, and file the same in the office of the County Treasurer.

Section 7-13-060 City to Clean or Secure Property When – Costs

(a) Upon the owner's or occupant's failure to cut or eradicate the weeds, remove the cuttings, junk, garbage, trash, debris, or inoperable, abandoned or unused equipment, appliances, furniture or other tangible personal property, or failure to secure any vacant structure in accordance with the notice issued, the Department shall have the authority to cause such cutting, removing or securing, including the power to enter on the property in violation for such cutting, removing or securing, or to authorize others to enter on such property and cause such cutting, removing or securing.

(b) The inspector, upon approved completion of the work, shall prepare an itemized statement of all costs, including administrative expenses incurred by the Department, which shall be a minimum of not less than \$100.00, plus the cost of cutting, eradicating, removing or securing the property. The inspector shall mail a copy of such statement to the owner or occupant demanding reimbursement to the Department of such costs by payment to the City Treasurer within 20 days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner or occupant according to the records of the County Assessor.

Section 7-13-070 Costs – Collection Methods Authorized. If within twenty days of the date of mailing the owner fails to make payment of the amount set forth in such statement to the City Treasurer, the inspector may either cause suit to be brought in an appropriate court of law, or refer the matter to the County Treasurer, as provided in this Chapter.

Section 7-13-080 Costs – Collection by Lawsuit. In the event collection of expenses of cutting, eradicating, removing of weeds, junk, garbage, trash, debris, or inoperable, abandoned or unused equipment, appliances, furniture or other tangible personal property, or the securing of any vacant structure is pursued through the court, the City shall sue for and receive judgment for all expenses of cutting, eradicating, removing, or securing of any structure, together with

reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.

Section 7-13-090 Costs – Collection through Taxes. In the event that the inspector elects to refer the expenses of cutting, eradicating, removing of weeds, junk, garbage, trash, debris, or inoperable, abandoned or unused equipment, appliances, furniture or other tangible personal property, or the securing of any structure to the County Treasurer for inclusion in the tax notice of the property owner, the inspector shall make in triplicate an itemized statement of all expenses, including such administrative expenses incurred, and shall deliver three copies of the statement to the County Treasurer within ten days after the completion of the work.

Section 7-13-100 Tax Notice – Removal Costs to be Shown

(a) Upon receipt of the itemized statement of the costs of cutting or eradicating, removing of weeds, junk, garbage, trash, debris, or inoperable, abandoned or unused equipment, appliances, furniture or other tangible personal property, or the securing of any structure, the County Treasurer shall forthwith mail one copy to the owner of the land from which the same were cut, eradicated, removed or secured, together with a notice that objection in writing to the Board of County Commissioners may be made within thirty days to the whole or any part of the statement so filed. The County Treasurer shall, at the same time, deliver a copy of the statement to the clerk of the Board of County Commissioners.

(b) If objections to any statement are filed with the Board, the Board shall set a date for hearing, giving notice thereof, to the party objecting, the inspector, the Department and the City Attorney's office and, upon the hearing of the matter, determine and fix the actual cost of cutting, eradicating, removing or securing, including administrative expenses, reporting the findings to the County Treasurer.

(c) If no objections to the items of the account are made within 30 days of the date of mailing such statement, the County Treasurer shall certify and enter the amount of such statement on the assessment rolls of the County in the column prepared for that purpose. Otherwise, the Treasurer shall, within ten days of the date of the action of the Board of County Commissioners, upon any objections filed, enter in the prepared column upon the tax rolls the amount found and certified by the Board to be the cost of cutting, eradicating, removing or securing.

(d) If current tax notices have been mailed, the taxes so incurred may be carried over the rolls to the following year. After the entry by the County Treasurer of the certified costs of such work, the amount so entered shall have the force and effect of a valid judgment of the District Court, and shall be a lien upon the lands upon which the work was performed, and shall be collected by the County Treasurer at the time of and in the manner provided for the payment of general taxes. The County Treasurer shall send a copy of the certification to the City Treasurer's office. Thereafter, upon payment, a receipt shall be acknowledged upon the general tax receipt issued by the County Treasurer and the collected funds shall be reimbursed to the applicable abatement fund.

Section 7-13-110 Property Examination – Enforcement Authority. The inspector is hereby authorized to make examinations and investigations of all real property in the City to determine whether the owners of such property are complying with the provisions of this chapter, and to enforce the provisions thereof.

Section 7-13-120 Violation – Penalty. Any party who shall fail to do those acts required in this chapter, and any party who shall do or cause those acts prohibited by this chapter to be done shall be guilty of a class B misdemeanor. If the violator is a corporation, partnership or entity other than an individual, such violator may be fined up to one thousand dollars. Each and every day that a violation of this chapter continues shall constitute a separate offense.

Section 7-13-130 Duty of Owners, Occupants or Agents. It shall be the duty of every owner or occupant, or the agent of the owner or occupant, of land abutting and bordering on any public street in the City, for the distance such land abuts and borders, to remove from alongside the street in front of such land all weeds and noxious vegetation, from the property line to the curb line of the street.

Section 7-13-140 Examination of Streets. It shall be the duty of any authorized City inspector to make examinations and investigations of the areas of streets referred to in Section 7-13-130 to determine whether the persons referred to in that section are complying with the provisions of this chapter.

Section 7-13-150 Notice to Remove. Upon a determination by the inspector that the provisions of Section 7-13-130 are not being complied with, the inspector shall ascertain the name of the owner or occupant, or the agent of the owner or occupant, of the land abutting and bordering a public street failing to comply with the provisions of this chapter, and shall serve notice in writing upon such owner or occupant, or agent of the owner or occupant, either personally or by mail, addressed to the last known address as disclosed by the records of the county assessor, requiring such owner or occupant, or agent of the owner or occupant, to remove the weeds, junk, garbage, trash, debris, or inoperable, abandoned or unused equipment, appliances, furniture or other tangible personal property within such time as the inspector shall designate, which shall be not less than ten days from the date of service of such notice. It shall be the duty of the person so served with notice to comply therewith.

Title 7 Chapter 13 Code Amendments

7-13-030 amended	per Ordinance No. 739	01/23/2007
7-13-030 amended	per Ordinance No. 877	01/20/2009
7-13 amended	per Ordinance No. 1041	01/22/2013