

CHAPTER 7

OFFENSIVE BUSINESSES AND FACILITIES

SECTION:

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4-7-1: **DEFINED:** Offensive businesses, within the meaning of this Chapter, shall include, but not be limited to, packing houses, dairies, tanneries, canneries, renderies, junk or salvage yards, bone factories, slaughter houses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, blacksmith shops, or any other enterprise or establishment which creates excessive odors, fumes, smoke, gases, or noises. (1977 Code § 10-241B)

4-7-2: **PERMIT REQUIRED:** No person shall commence or change the location of an offensive business or establishment in or within one mile of the limits or the City without first filing an application for a permit to do so with the City Recorder. (1977 Code § 10-241A)

4-7-3: **APPLICATION FOR PERMIT:** The application for a permit shall specify the location at which the business or establishment is to be operated and maintained or the new location to which it is to be moved. The application shall describe the type of activity which will be conducted and describe the manner in which the business or establishment shall eliminate, control, or modify the emission by the business of the undesirable odors, fumes, noises, and other noisome features and the manner in which it shall be screened from public view, if its appearance is offensive. (1977 Code § 10-241C)

4-7-4: ISSUANCE OF PERMIT:

- A. Report and Recommendation: The City Recorder shall cause a study to be made of the proposed business or relocation of any offensive business or establishment by the Bear River District Health Department and by personnel engaged in the inspection of buildings and other facilities. A report and recommendation shall be made to the City Council. The City Council, after review, may grant to the applicant an opportunity to be heard and present additional facts. Thereafter the City Council may:
1. Deny the application.
 2. Recommend a modification thereof.
 3. Grant a limited permit to enter into the business or make the change of location subject to the requirement that the business or facility conform to standards established by the City Council with reference to controlling the offensive features of the business.
- B. Revocation of Permit: In the event a permit is granted, it shall be subject to revocation either upon failure of the operator or owner to conduct his business in the manner specified by the City Council at the time of the granting of the permit, or because a change of circumstances makes the continued operation or maintenance of the business or facility a public nuisance.
- C. Modification of Permit: The City Council shall have the power to revoke or modify the permission to operate and maintain the business in such manner as it deems necessary for the public good. (1977 Code § 10-242; 1998 Code)

4-7-5: CONTROL OF ANIMAL AND FOWL FACILITIES:

- A. Location and Management: The City Council shall have the power to prohibit or control the location and management of any offensive, unwholesome business or establishment in or within one mile of the City and may compel the owner of any pigsty, privy, barn, corral, fur-bearing animal farm, feed yard, poultry farm, or other unwholesome or nauseous house or place to cleanse, abate or remove the same.

- B. Examination of Operation: The City Council may on its own initiative, and shall on complaint of a member of the public, examine the operation, control or location of any business or facility for the purpose of determining whether or not the operation of such business or facility should be improved so as to minimize the offensive and unwholesome characteristics or whether the business or activity should be moved or abated.
- C. Notification: In the event that the City Council decides that the business or facility should be abated, removed, or controlled, it shall notify the owner or operator of the business or facility of such fact.
- D. Hearing; Limited Permit: After a hearing, the City Council may issue a limited permit wherein it may prescribe the specifications and standard which must be followed by the business or facility in order to be permitted to continue in operation.
- E. Abatement or Removal: Upon a determination by the City Council that the business or facility is a nuisance, it shall have the power to order the abatement or removal of the facility or establishment. If the owner fails to conform to such order, the City Council shall have the power to bring all necessary legal proceedings to force removal, abatement, or adherence to standards. (1977 Code § 10-224; 1998 Code)

EXISTING BUSINESSES AND FACILITIES:

- A. Investigation by City Council: The City Council may require an investigation of any existing offensive business or facility to determine whether or not it should be permitted to remain in existence in or within one mile of the City limits. If the City Council determines that the continuation of the business or facility has become a nuisance to persons situated within the City limits or that ample control is not being exercised to minimize the creation of excessive odors, fumes, smoke, gases, and noise, it shall notify the owner or operator thereof that the City Council is considering revoking or modifying the operator's permit.
- B. Conform to Standards and Specifications: If the City Council decides to require a modification of the manner in which the business or facility is to be maintained, it shall specify the standards or specifications to which the enterprise must conform or otherwise lose its permit to engage thereafter in the business or activity. (1977 Code § 10-243; 1998 Code)