

Title 4 – Health, Sanitation & Environmental Concerns

Chapter 1

GARBAGE AND REFUSE

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4-1-1: DEFINITIONS:

The following words and phrases used in this chapter shall have the following meanings, unless a different meaning clearly appears from the context:

CONTAINER: A type of garbage or trash container of galvanized metal or other approved material that has a lid.

GARBAGE: Shall include, but not be limited to, kitchen and table refuse, leavings and offal, swill, and also every accumulation of animal and vegetable and other matter that attends the preparation, consumption, decay of, or dealing in or storage of meats, fish, fowl, fruits and vegetables, or any waste that comes from the preparation, handling, storing, cooking or consumption of food and food products.

REFUSE: Shall include all waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels, or other places of dwelling and from the operation of a business. "Refuse" shall also be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.

WASTE AND WASTE MATTER: Shall include, but not be limited to, crockery, bottles, tin cans, metal vessels, trimmings from lawns and gardens, pasteboard boxes, rags, paper, straw, sawdust, ashes, and similar materials. (1984 Code § 3-1-1)

4-1-2: SERVICE PROVIDED:

- A. The town shall provide a disposal service for all garbage and waste from the premises of residences and commercial businesses within the town. Such service will be at such intervals and times as the Town Council shall from time to time determine and provide for by appropriate resolutions.
- B. The town may contract with any person, partnership or corporation to gather, collect, haul and dispose of refuse. Commercial establishments, public or quasi-public institutions and establishments creating commercial garbage, may remove commercial garbage themselves or may employ the services of authorized contractors to remove commercial garbage for them. Any authorized garbage haulers must apply for and receive permission to do so from the Town Council. Except as otherwise expressly permitted, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the town except by the town or its agent, and except by authorized persons hauling commercial garbage or refuse as herein provided. (1984 Code § 3-1-2)

4-1-3: FEES, CHARGES AND DEPOSITS:

- A. A fee shall be charged for such service by the town and the amount shall be set from time to time by the Town Council. The fee shall be billed to residents and business occupants of the town with the regular billing for water and sewer service. The amount of the fee may be different for different classes of users of the service. (1984 Code § 3-1-2)
- B. The Town Council may, by resolution, require the posting of a deposit in such amount as established in the consolidated fee schedule before restoring utility service to any person, residence or business where utility service was disconnected pursuant to this chapter. Said deposit shall be refunded only upon full payment of all utility and waste disposal service billings for a period of one year after service is reinstated after a discontinuance pursuant to this chapter. (1984 Code § 3-1-3; amd. 2010 Code)
- C. All residences and business establishments within the town limits shall pay the town a garbage service charge as may be set from time to time by resolution of the Town Council. Said charges shall apply to all residences and business establishments regardless of whether or not they have also elected to haul their own garbage or employ the services of authorized garbage haulers. The service charges shall be collected with such frequency and in such a manner as the Town Council shall by resolution provide. (1984 Code § 3-1-4)

4-1-4: USE REQUIRED; EXCEPTIONS:

- A. It shall be presumed that the occupants of all premises or dwellings in the town are utilizing the waste disposal service unless they have made application to and received a permit from the Town Council to remove their own garbage and waste matter. All persons receiving other utility services from the town shall be billed for the waste disposal service unless they have received such a permit.
- B. If any person, residence or business who is presumed to be utilizing the waste disposal service provided by the town and who has not applied for and received a permit as

provided in subsection A of this section, fails or refuses to pay for the waste disposal services, the town may discontinue all other utility services to said person, resident or business. Said utility service shall, at the discretion of the Town Council, not be restored until the entire amount past due has been paid.

- C. These provisions shall not be construed as limiting any other legal remedy which the town might pursue. (1984 Code § 3-1-3)

4-1-5: DISPOSAL WITHIN DESIGNATED SITES:

No person, firm or corporation shall, for the purpose of final disposal thereof, dump, place or bury, or cause to be dumped, placed or buried, in any lot, street, land, alley, or in any water or waterway within the town, any garbage or waste matter or any other refuse or deleterious or offensive substances. All garbage, waste matter and said substances shall be disposed of only at a waste disposal site designated by the Town Council. (1984 Code § 3-1-5)

4-1-6: RULES, REGULATIONS AND UNLAWFUL ACTIVITIES:

- A. Compactible Trash Permitted: Only compactible trash will be placed in the trash bin. (1984 Code § 3-1-2)
- B. Garbage Pick Up: All garbage and refuse must be set out on the day of collection, before the hour of collection, at a pick up point at or near the premises designated from time to time by resolution of the Town Council. All empty, manually transportable containers must be removed from the street as soon as is practicable after the garbage has been collected and in every case, must be removed from the street the same day the container is emptied. (1984 Code § 3-1-6)
- C. Spilling Garbage Unlawful:
 - 1. It shall be unlawful for any person engaged in hauling garbage, waste matter, manure, rubbish, or other refuse or waste material of any kind, to permit, allow, or cause any of said matter to fall and remain in the streets.
 - 2. It shall be unlawful for any person to suffer, permit or allow any vehicle loaded with garbage, waste matter, manure, rubbish, or other refuse or waste material of any kind, to be or remain standing upon any public street within the town any longer than is necessary for the purpose of loading and transporting the same. (1984 Code § 3-1-7)
- D. Accumulation Of Garbage And Waste:
 - 1. No person owning or occupying any building, lot or premises in the town shall suffer, allow or permit to collect and remain upon said lot or premises any garbage for a period of more than one week, or any waste matter for a period of more than two (2) weeks, without the express permission from the department of public safety.

2. The department of public safety officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the public safety officer may designate and under such restrictions as the Town Council may by regulation impose. (1984 Code § 3-1-8)

E. Liquid Garbage: No liquid garbage shall be deposited with any other garbage or other waste matter. All kitchen garbage shall be drained of all moisture and completely wrapped in paper before being placed in the garbage container. (1984 Code § 3-1-10)

4-1-7: BURNING PROHIBITED:

Any and all burning of said garbage and waste shall be expressly prohibited upon punishment and fine as a misdemeanor as set forth more fully in section [4-1-9](#) of this chapter. (1984 Code § 3-1-2)

4-1-8: RECEPTACLES REQUIRED:

Every owner, lessee or occupant of any building, residence or business shall contain garbage in a suitable metal or plastic trash container with a secured lid until it is deposited in a town trash receptacle (dumpster). (2010 Code)

4-1-9: PENALTY:

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction thereof, subject to penalty as provided in section [1-4-1](#) of this code. (1984 Code § 3-1-13; amd. Ord. 87-008, 8-11-1987; 2010 Code)

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Chapter 2

LITTER; HANDBILLS

4-2-1: DEFINITIONS:

4-2-2: LITTERING UNLAWFUL:

4-2-3: COMMERCIAL AND NONCOMMERCIAL HANDBILLS:

4-2-4: HANDBILLS AND POSTERS:

4-2-5: PENALTY:

4-2-1: DEFINITIONS:

The following words and phrases used in this chapter shall have the following meanings, unless a different meaning clearly appears from the context:

AUTHORIZED RECEPTACLES: Public or private litter storage and collection receptacles.

COMMERCIAL HANDBILLS: Any printed or written material, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature which advertises for sale any merchandise, product, commodity or thing, or which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of, directly or indirectly, promoting the interest in sales thereof, or which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any other type for which an admission fee is charged for the purpose of private profit or gain, unless said admission is used to defray expenses resulting from the meeting, theatrical performance, exhibition or event and does not infringe upon the rules of decency, good morals or safety of the public.

LITTER: "Garbage", "refuse" and "rubbish", as defined in this title and chapter, and all other waste material which, if thrown or deposited as prohibited, may create a danger to public health, safety or welfare, or appearance of the town.

NEWSPAPER: Any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

NONCOMMERCIAL HANDBILL: Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a "commercial handbill" or "newspaper".

REFUSE: All putrescible and non-putrescible solid wastes (but not including bodily wastes)

which include, but may not be limited to, garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

RUBBISH: Non-putrescible solid wastes consisting of both combustible and noncombustible wastes which include, but may not be limited to, combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials. (1984 Code § 3-2-1)

4-2-2: LITTERING UNLAWFUL:

- A. No person shall throw or deposit litter in or on any street, sidewalk or other public place within the town except where authorized receptacles have been provided or where there is an official municipal garbage dump or a collection site for the pickup of garbage as authorized by the Town Council.
- B. No private resident, visitor or owner, or manager of a commercial business, shall place litter in an authorized receptacle in such a manner as it may be carried or deposited by the elements on or in any gutter, street, sidewalk, public place or private property. In a similar manner, no one, while a driver or passenger in a vehicle shall throw, deposit or allow to blow from said vehicle any litter which may land on any street or other public place or on private property. (1984 Code § 3-2-2)

4-2-3: COMMERCIAL AND NONCOMMERCIAL HANDBILLS:

- A. Public Places And Vehicles:
 - 1. No person shall throw, place or deposit any commercial or noncommercial handbill in or on any sidewalk, street or other public place. It is unlawful for any person to hand out, distribute or sell any commercial handbill in any public place unless otherwise authorized by the Town Council. It shall not, however, be unlawful for a person to hand out or distribute, without charge to the receiver of the same, any noncommercial handbill as long as the receiver is willing to accept the same.
 - 2. No person shall throw, place or deposit any commercial or non-commercial handbill in or on any vehicle unless otherwise authorized by the Town Council or willingly accepted by the owner or driver of said vehicle. (1984 Code § 3-2-3)
- B. Uninhabited And Inhabited Private Premises:
 - 1. No person shall throw, place or deposit any commercial or noncommercial handbills in or on any private premises which is temporarily or continuously uninhabited or vacant.
 - 2. No person shall throw, place, deposit or distribute any commercial or noncommercial handbills in or on private premises which are inhabited, except where the same are directly handed to the owner, occupant or other person then present on such private premises. (1984 Code § 3-2-4)

4-2-4: HANDBILLS AND POSTERS:

- A. Prohibited Activity; Exceptions: No person or business shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, or upon any sidewalk, curb or any other portion or part of any public way or public place or any lamppost, electric light, telegraph, telephone, or railway structure, hydrant, shade tree or tree box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, the state or the town.
- B. Permit Required: It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in the town any cards, circulars, handbills, samples or merchandise without first having secured a permit from the town clerk/recorder. Said application to distribute shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant, and the name of the manufacturer or distributor of such article or service advertised. (1984 Code § 3-2-5)

4-2-5: PENALTY:

Any person violating any of the provisions of this chapter shall be deemed guilty of a class B misdemeanor and, upon conviction thereof, subject to penalty as provided in section [1-4-1](#) of this code. Each and every day that a violation continues shall be deemed a separate violation. (1984 Code § 3-2-6; amd. Ord. 87-008, 8-11-1987; 2010 Code)

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Chapter 3

NUISANCES

4-3-1: NUISANCE DEFINED:

4-3-2: AUTHOR OF NUISANCE:

4-3-3: DECLARATION OF NUISANCES:

4-3-4: ATTRACTIVE NUISANCES:

4-5-5: EXEMPTIONS

4-3-5: ENFORCEMENT AUTHORITY:

4-3-6: ABATEMENT:

4-3-7: PENALTY:

4-3-1: NUISANCE DEFINED:

A "nuisance" is a crime against the order and economy of the town and consists of unlawfully doing any act or omitting to perform any duty, which act or omission either: a) annoys, injures or endangers the comfort, repose, health or safety of three (3) or more persons; or b) offends public decency; or c) unlawfully interferes with, obstructs or tends to obstruct, or renders property dangerous for passage or public use. An act which affects three (3) or more persons in any of the ways above specified is not less a nuisance because the extent of the annoyance or damage inflicted on individuals is unequal. (1984 Code § 3-3-1)

4-3-2: AUTHOR OF NUISANCE:

When a nuisance exists upon property, and is the outgrowth of the usual, natural or necessary use of the property, the landlord thereof, or his agent, the tenant, or his agent, and all other persons having control of the property on which such nuisance exists, here such nuisance shall arise from the unusual or unnecessary use to which such property may be put, or from business thereon conducted, then the occupants, and all other persons contributing to the contrivance of such nuisance, shall be deemed the authors thereof. All "authors" of nuisances, as defined in this section, are subject to the penalty provided for in this chapter. (1984 Code § 3-3-2)

4-3-3: DECLARATION OF NUISANCES:

It shall be unlawful to cause, create, maintain or otherwise be the author of a nuisance within the town. Nuisances shall include, but not be limited to:

- A. Befouling water in any spring, stream, well or water source supplying water for culinary purposes;
- B. Allowing any privy vault or cesspool to become a menace to health;
- C. Permitting any garbage box or similar receptacle which has become unclean and offensive to remain on the premises; (1984 Code § 3-3-3)
- D. Burning garbage, leaves, grass or other refuse that emits any noxious odors; (1984 Code § 3-3-3; amd. 2010 Code)
- E. Allowing vegetable waste, garbage or refuse of any nature to accumulate;
- F. Permitting the accumulation of manure in any stable, stall, corral or yard;
- G. Permitting any waste, damaged merchandise, leaking barrels or boxes to become putrid or to render the atmosphere impure or unwholesome;
- H. Discharging or placing any offensive water, liquid, waste or refuse of any kind into any street, sidewalk, gutter, stream, natural watercourse or vacant lot, which is offensive or likely to become so;
- I. Permitting, keeping or collecting any stale or putrid grease or other offensive matter;
- J. Having or permitting any fly or mosquito producing condition;
- K. Bathing or washing in or near any public water supply, or to permit any animal to drink therefrom;
- L. Throwing or casting, or having thrown or cast, or allowing to remain upon or in any street, road or ditch, gutter, public place, private premises, vacant lot, watercourse, lake, spring or well, any house refuse, offal, garbage, dead animals, decaying vegetable matter, or organic waste substance of any kind;
- M. Permitting injurious or noxious weeds to grow on any land;
- N. Permitting any lot or excavation to become the repository of stagnant water or decaying substance;
- O. Obstructing the street or sidewalk without proper permit. (1984 Code § 3-3-3)

4-3-4: ATTRACTIVE NUISANCES:

It shall be unlawful to use, create, maintain or otherwise be the author of an attractive nuisance within the town. An "attractive nuisance" is any vacant lot or open area within which any of the following conditions occur and to which the public and particularly children have access:

- A. Ponding of water;

- B. Open pits, shafts, caves or dilapidated non-occupied buildings;
- C. Trash, debris or machinery;
- D. Large piles of loose sand, soil or rocks suitable for tunnelling or digging by children. (1984 Code § 3-3-4)

4-3-5: EXEMPTIONS:

The following uses and activities shall be exempt from nuisance/noise regulations:

- A. Noise of safety signals, warning devices, and emergency pressure relief valves;
- B. Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- C. Noise resulting from lawful emergency work;
- D. Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;
- E. Any noise resulting from activities of temporary nature during periods permitted by law for which a license or permit has been approved by the town;
- F. Any noise resulting from snowmaking and grooming activities at ski areas; and
- G. Any noise resulting from snow plowing or removal services. (amd. 2015 Ord. 15-001, 1-13-2015)

4-3-6: ENFORCEMENT AUTHORITY:

It shall be the duty of the public safety department to ascertain and cause all nuisances declared to be such in this chapter and coming within its t shall have authority in the daytime to enter any house, stable, store, or any building, in order to make an inspection; to enter upon all lots and grounds to cause the same to be cleaned or purified; and all noisome substances to be abated or removed. (1984 Code § 3-3-5)

4-3-7: ABATEMENT:

- A. Notice To Abate Nuisance: Whenever the public safety department shall determine that any nuisance exists, it shall take the following steps to abate the same:
 - 1. It shall ascertain the names of the owners and occupants and other authors of the nuisance and premises where the same exists.

2. Serve notice in writing upon the owner and occupant and other authors, either personally or by mailing notice, postage prepaid, addressed to them at their last known address, requiring the owner, occupant or author, or any or all of them, to eradicate or abate the same within such time as the notice shall provide, but in no case less than ten (10) days from the date of service of the notice.
3. Inform the person to whom such notice is given that in the event that the individual disagrees with the determination of a nuisance, that he may request a hearing before the town manager. If no such request for hearing is made and the nuisance is not abated within the ten (10) day period, official, legal notice shall be served upon the individual requiring his presence in court at a date and time certain.
4. The public safety department shall make proof of service of such notice under oath and file the same in the office of the town clerk/recorder.
5. The hearing before the town manager shall be determinative based upon the facts and circumstances of the case. Any appeal made shall be to the district court. (1984 Code § 3-3-6; amd. 2010 Code)

B. Refusal To Abate Nuisance:

1. If any person, ordered by a notice served under subsection A of this section, and/or by a decision of the town manager, shall fail to conform to the notice and/or order therefrom, the public safety department shall employ all necessary assistance to cause such materials to be removed, destroyed or the nuisance otherwise abated. The public safety department shall prepare an itemized statement of all expenses incurred in the abatement of the nuisance and shall mail a copy thereof to the persons named in the notice demanding payment within twenty (20) days of the date of mailing. Said notice shall be deemed delivered when mailed by registered mail addressed to the person's last known address.
2. In the event that the person so notified fails to make the payment to the town treasurer within the twenty (20) day period, the town May either cause suit to be brought in the appropriate court for collection of the same, or may refer the matter to county authorities for collection by a lien on the property, as provided in Utah Code Annotated title 10, chapter 11, as amended, or both. (1984 Code § 3-3-7; amd. 2010 Code)

4-3-8: PENALTY:

Any author of a nuisance who violates any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction in district court, subject to penalty as provided in section [1-4-1](#) of this code. (1984 Code § 3-3-8; amd. Ord. 87-008, 8-11-1987; 2010 Code)

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Chapter 4

PEST CONTROL

4-4-1: RODENTS:

4-4-2: FLIES AND OTHER INSECTS:

4-4-3: PENALTY:

4-4-1: RODENTS:

Every person owning, occupying or controlling any real property in the town shall prevent the ingress of rats or other rodents thereto, and to this end shall use such materials in construction or repair thereof as are ratproof and rodentproof. All foods, provisions, goods, wares and merchandise shall be so located as to prevent rats and other rodents from gaining access thereto or coming in contact therewith. No garbage, waste matter or other refuse shall be allowed to accumulate so that the same shall or may afford food or a harboring or breeding place for rats or other pests. (1984 Code § 3-4-1)

4-4-2: FLIES AND OTHER INSECTS:

It shall be unlawful for any person to suffer or permit to have on his premises, whether owned or occupied by him, one or more of the following unsanitary conditions: a) any privy vault, cesspool, sink, pit or like place which is not securely protected from flies; b) garbage which is not securely n which flies may breed or multiply. Every person owning, occupying or controlling any premises in the town when evidence of fly or other insect infestation or breeding on the premises is discovered, shall at once take any and every action to eradicate such fly or other insect infestation or breeding and shall make such changes in the conditions on the premises as to prevent the recurrence of the fly or other insect infestation or breeding. (1984 Code § 3-4-2)

4-4-3: PENALTY:

Any person who violates any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction thereof, subject to penalty as provided in section [1-4-1](#) of this code. (1984 Code § 3-4-3; amd. Ord. 87-008, 8-11-1987; 2010 Code)

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Chapter 5

HAZARDOUS VEGETATION REMOVAL

4-5-1: INSPECTION AUTHORITY:

4-5-2: FAILURE TO COMPLY:

4-5-3: ACCOUNTING:

4-5-1: INSPECTION AUTHORITY:

The Fire Chief, or his designee, is authorized to inspect all properties in the town and require any property owner or occupant to clear their property of all hazardous vegetation as set forth in the state adopted fire code. (Ord. 01-004, 7-10-2001; amd. 2010 Code)

4-5-2: FAILURE TO COMPLY:

Any property not brought into compliance shall be brought into compliance shall be brought into compliance by a person hired by the town and the cost of such clearing charged to the owner and put as a lien against the property so cleared, such lien to be paid at the next occurring annual property tax collection date. (Ord. 01-004, 7-10-2001)

4-5-3: ACCOUNTING:

All monies collected as reimbursed expenses are to be put in a separate account to be used for future fire hazard abatement or reforestation only. (Ord. 01-004, 7-10-2001)