

## **ANNABELLA NUISANCE ORDINANCE**

### **ORDINANCE #2010-01**

AN ORDINANCE REPEALING ORDINANCE 1997-1 AND ADOPTING AN ORDINANCE PROVIDING A PROCEDURE FOR MANAGEMENT, CONTROL AND SUPERVISION OF NUISANCE WITHIN ANNABELLA TOWN.

WHEREAS; it is the purpose of this ordinance to encourage property owners in Annabella Town to maintain their properties so that they are free from weeds, garbage, refuse, unsightly objects and structures.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNABELLA, SEVIER COUNTY, STATE OF UTAH:

#### Property Maintenance and Noise

It is declared in this ordinance that the following list, or any other conditions which threaten the health, safety and well being of Annabella Town residents, are considered nuisances and violate this ordinance.

1. Rank or noxious weeds at any state of maturity.
2. Buildings or structures, which have been abandoned, partially destroyed, improperly maintained or partially constructed.
3. Dead, decayed, or diseased vegetation.
4. Abandoned, inoperative or other dilapidated or unsightly motor vehicles, trailers, campers, boats, RVs or other mobile equipment stored so as to be visible from the public streets or stored upon public streets.
5. Attractive nuisances dangerous to children.
6. Discarded or stored furniture, cartons, or other unsightly items visible from public streets.
7. Garbage cans or containers stored in front yards except on the days of collection.
8. Maintenance of premises in such condition as to be detrimental to public health, safety or general welfare or in such a manner as to constitute a public nuisance.

9. Property, building exteriors or equipment, unsightly or in such condition of deterioration or disrepair that the same causes diminution of property values of neighboring properties.
10. Any distinctly excessive and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value.

The above identified violations and the degree of severity thereof shall be evaluated and determined in light of the types of adjacent properties and the general standards of upkeep of such adjacent properties.

#### Responsibilities of the Council

1. The Mayor shall appoint with the approval of the Council one or more members of the Planning Commission as needed whose duty it shall be to report to the Council as a result of citizen complaint or routine inspection any alleged violation of this ordinance which may be considered a nuisance as previously defined.
2. The Council shall review the alleged violations as a committee of the whole and determine what action, if any, will be taken as provided for in this ordinance.
3. If upon review the Council determines that the reported condition is in violation of this ordinance, the Council may direct the appointed Planning Commission member to follow one of the enforcement procedures explained in the Enforcement section of this ordinance.

#### ENFORCEMENT

The ordinance shall be enforced through one or both of the following actions, as determined by the council.

**INFORMAL NOTICE**-The Planning Commission member or his designee shall contact the property owner and/or occupant of the premises where the violation is occurring and encourage cooperation in removing the objectionable condition. A suggested time limit of not less than ten days but not more than twenty days shall be included in the request for corrective action.

**FORMAL NOTICE**-The Planning Commission member or his designee shall serve notice to the property owner and/or occupant of the premises where the violation is occurring in writing by registered letter that a violation is occurring. The property owner and/or occupant of the premises shall be given at least ten days and not more than twenty days as determined by the inspector to take corrective action. The formal notice shall:

1. Describe the specific premises on which the violation exists, explain the specific nature of the violation and state the corrective action that is needed.
2. Inform the property owner and/or occupant that if there are any objections to the notice

or its provisions, a hearing with the city council may be requested in writing at a time and place to be set by the council. At the time the property owner and/or occupant applies for a hearing he shall be informed as to the time limit for conforming to the original notice.

3. Inform the property owner and/or occupant that failure to correct the objectionable condition will result in the city correcting the problem and costs incurred will be collected from the property owner and/or occupant either by requesting payment or by charging the costs against the property as a tax.

#### HEARINGS-

1. In the event that the property owner and/or occupant of the premises where the violation is occurring requests a hearing, the Mayor or his designee shall set the time and place for a hearing and the property owner and/or occupant shall be notified in writing. The hearing shall not be held within less than five days of serving or mailing the notice.

2. The Council shall conduct an informal hearing. The property owner and/or occupant may discuss objections to the formal notice and present such information as is pertinent to determining if the objectionable condition does indeed constitute a nuisance. The Planning Commission and other interested persons may also present pertinent information.

3. If the Council decides that the property owner and/or occupant is in violation of this ordinance, the original notice shall stand and the property owner and/or occupant shall have ten days from the mailing date of the decision notice to correct the condition. The Mayor or his designee may allow additional time, or litigation may be commenced to secure payment of the costs of removal, together with interest, court costs and reasonable attorney fees.

4. If the council overrules or modifies the original notice, the Council's written decision shall explain what corrective action, if any, is needed. The property owner and/or occupant shall have ten days from the mailing date of the decision notice to correct the condition. The mayor or his designee may allow additional time.

#### FAILURE TO COMPLY-

1. If any property owner and/or occupant to whom formal notice was previously served shall fail to take the required corrective action, the Council shall employ the necessary assistance to correct the nuisance at the city's expense.

2. An itemized statement of the charges for the corrective action taken including a service charge of not less than \$100, depending on the costs of the work performed, shall be mailed to the property owner and/or occupant. Payment will be required within twenty days of the date of mailing by registered letter.

3. If the expenses are not paid, the statement may be reported to the County Treasurer for inclusion in the property's tax notice.

**ACKNOWLEDGMENT OF COMPLIANCE-** When a property owner and/or occupant complies with the notice of violation by completing the required corrective action, that property owner and/or occupant shall be notified in writing that the property is no longer in violation of this ordinance and shall be thanked for complying with the Town's ordinance.