



ORDINANCE NO. 19-008

AN ORDINANCE AMENDING THE BRIAN HEAD TOWN CODE, TITLE 4, CHAPTER 3, HEALTH, SANITATION AND ENVIRONMENT, SECTION 3.P, DECLARATION OF NUISANCES FOR NOISE IN SINGLE-FAMILY RESIDENTIAL ZONES.

WHEREAS, the Town Council adopted Title 4, Chapter 3, Nuisances, into the Brian Head Town Code in 2010; and

WHEREAS, the Town Council has reviewed the Nuisance Code and determined a provision for noise in single-family residential zones should be identified in an effort to mitigate noise pollution that may be caused by short term rentals in single-family zones; and

WHEREAS, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF BRIAN HEAD TOWN, UTAH AS FOLLOWS:

SECTION I. TOWN CODE 4-3-3.P (Nuisances, Declaration of Nuisances) is hereby amended to read as follows and be numbered as set forth and incorporated in the Brian Head Town Code:

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;

- 1 G. Permitting any waste, damaged merchandise, leaking barrels or boxes to become putrid
- 2 or to render the atmosphere impure or unwholesome;
- 3 H. Discharging or placing any offensive water, liquid, waste or refuse of any kind into any
- 4 street, sidewalk, gutter, stream, natural watercourse or vacant lot, which is offensive or
- 5 likely to become so;
- 6 I. Permitting, keeping or collecting any stale or putrid grease or other offensive matter;
- 7 J. Having or permitting any fly or mosquito producing condition;
- 8 K. Bathing or washing in or near any public water supply, or to permit any animal to drink
- 9 therefrom;
- 10 L. Throwing or casting, or having thrown or cast, or allowing to remain upon or in any
- 11 street, road or ditch, gutter, public place, private premises, vacant lot, watercourse, lake,
- 12 spring or well, any house refuse, offal, garbage, dead animals, decaying vegetable
- 13 matter, or organic waste substance of any kind;
- 14 M. Permitting injurious or noxious weeds to grow on any land;
- 15 N. Permitting any lot or excavation to become the repository of stagnant water or decaying
- 16 substance;
- 17 O. Obstructing the street or sidewalk without proper permit. (1984 Code § 3-3-3)
- 18 P. Causing any person to complain that their peace has been disturbed by use of loud
- 19 music, vehicle noise, loud speech, or other loud or offensive noise occurring after 10:00
- 20 p.m. or before 7:00 a.m.

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 22 **SECTION II. EFFECTIVE DATE** This Ordinance shall take effect upon passage by a majority
 23 vote of the Brian Head Town Council unless otherwise noted by the Town Council at the time of
 24 adoption.

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 26 **SECTION III. SEVERABILITY CLAUSE.** If any section, subsection, sentence, clause, phrase,
 27 or portion of this Ordinance is for any reason, held invalid or unconstitutional by any court or
 28 competent jurisdiction, such portions shall be deemed a separate, distinct and independent
 29 provision, and such holding shall not affect the validity of the remaining portions of this
 30 Ordinance.

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 32 **SECTION IV. REPEALER.** All provisions of the Brian Head Town Code, town ordinances,
 33 resolutions and policies are in conflict herewith, either in whole or in part, are hereby repealed.

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 36 **PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY,**
 37 **UTAH** this 8th day of July 2019 with the following vote:

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Vote:

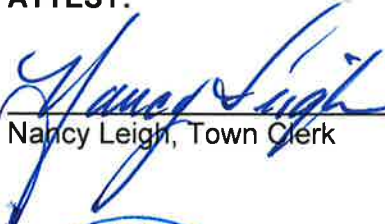
Mayor Clayton Calloway	Aye
Council Member Lynn Mulder	Aye
Council Member Shad Hunter	Aye
Council Member Larry Freeberg	Aye
Council Member Kelly Marshall	Absent

BRIAN HEAD TOWN



 Mayor Clayton Calloway

ATTEST:



 Nancy Leigh, Town Clerk



CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 8th day of July 2019 and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

 Nancy Leigh, Town Clerk

