

ORDINANCE NO. 188-06

AN ORDINANCE OF UINTAH CITY DEFINING NUISANCES RELATED TO REAL PROPERTY, PROVIDING A PROCEDURE FOR ABATING SUCH NUISANCES AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THE ORDINANCE

RECITALS

Uintah City has authority, pursuant to Utah Code Ann. Section 10-8-84 to enact all ordinances which “are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.”

The Uintah City Council finds that overgrown and noxious weeds, the storage of junk, garbage, and solid waste, and other conditions on real property are a nuisance in that they pose a threat to the health, safety, and convenience of the City's inhabitants and a threat to property in the City.

The City Council finds that it is in the interest of the City and its inhabitants to adopt an ordinance regulating nuisances on property within the City.

NOW THEREFORE, be it ordained by the Uintah City Council as follows:

SECTION 1: Ordinance 155-01 is hereby repealed in its entirety.

SECTION 2: The following new Chapters are hereby added to the Uintah Municipal Ordinance Code which shall read as follows:

NUISANCES

CHAPTER 1	FINDINGS AND PURPOSE
CHAPTER 2	DEFINITIONS
CHAPTER 3	JURISDICTION
CHAPTER 4	RESPONSIBILITIES OF ENFORCEMENT OFFICER
CHAPTER 5	SCOPE
CHAPTER 6	CONDITIONS FOR WHICH NOTICE MUST BE PROVIDED PRIOR TO ABATEMENT
CHAPTER 7	UNSIGHTLY OR DELETERIOUS STRUCTURES OR OBJECTS
CHAPTER 8	GRAFFITI
CHAPTER 9	VEHICLE RESTORATION PERMIT
CHAPTER 10	NUISANCES
CHAPTER 11	STANDARDS FOR WEED CONTROL
CHAPTER 12	NOTICE
CHAPTER 13	ABATEMENT BY ENFORCEMENT OFFICER
CHAPTER 14	ALTERNATE METHODS OF COLLECTING PAYMENT
CHAPTER 15	COLLECTION BY LAWSUIT
CHAPTER 16	COLLECTION THROUGH TAXES
CHAPTER 17	RIGHT TO APPEAL
CHAPTER 18	CRIMINAL PROSECUTION

CHAPTER 1 FINDINGS AND PURPOSE.

- A. The Uintah City Council finds that conditions on real property in the City may constitute a nuisance in that these conditions:
 - a. Provide a breeding ground for insects and vermin,
 - b. Provide habitations for insects and vermin,
 - c. Create a fire hazard,
 - d. May attract children to unsafe areas, and
 - e. Detract from the attractiveness of neighborhoods in the City.
- B. Such conditions include:
 - a. The storage of junk, garbage, trash, refuse, and solid waste on real property,
 - b. Allowing weeds and other vegetation to become overgrown or otherwise uncared for; and
 - c. Storing and maintaining inoperable vehicles on real property.
- C. It is the purpose of this Chapter to:
 - a. Prevent fire hazards;
 - b. Prevent insect, rodent, and other vermin infestations;
 - c. Prevent induction of pollens into the air;
 - d. Prevent further spread of vegetation that threatens the public health, safety and welfare;
 - e. Abate the existence of conditions or objects, structures, or solid waste that threaten the public health, safety or welfare, or that create a public nuisance;
 - f. Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair, or cleaning; and
 - g. Enhance the appearance of property and reduce communication between criminal elements by elimination of graffiti on structures within the City.
- D. This Chapter accomplishes its purposes by:
 - a. Identifying conditions on real property which should be considered nuisances,
 - b. Providing a procedure for abating these nuisances; and
 - c. Providing penalties for the violation of this ordinance.

CHAPTER 2 DEFINITIONS.

As used in this chapter, the following words shall have the following meanings, unless clearly indicated otherwise by the context:

- A. **“Abandoned Vehicle”** shall mean any vehicle which is:
 - a. Not inspected and registered within thirty (30) days after the date upon which such registration and inspection is required by law; or
 - b. Inoperable by virtue of being wrecked, dismantled, partially dismantled, or some other condition.
 - c. A vehicle which is kept in an enclosed structure out of sight of the general public shall not be considered abandoned for purposes of this Chapter.
 - d. A vehicle which is being repaired or restored pursuant to a Restoration Permit issued under §14.5-1.-9 shall not be considered an abandoned vehicle.
- B. **“Abate”** shall mean to put an end to a condition which is considered to be a nuisance under the terms of this Chapter.
- C. **“Enforcement Officer”** means the police officer or sheriff’s deputy appointed to enforce the terms of this Chapter.
- D. **“Eradication”** means the destruction of weeds by chemicals, cutting, disking, root removal, rototilling, or any other method approved by the Enforcement Officer.
- E. **“Graffiti”** means the unauthorized spraying of paint or marking of ink, chalk, dye, or other similar substances on private property or private structures. For the purposes of Utah Code Ann. Section 10-11-1, Graffiti is deemed to be deleterious and unsightly.

- F. **“Owner”** means any person, who alone or jointly, or severally with others:
 - a. Has legal title to any real property, premises, dwelling or dwelling unit, with or without accompanying possession; or
 - b. Has charge, care or control of any property, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, as the executor, executrix, administrator, administratrix, or guardian of the estate of the owner, or as trustee of any trust which owns the property.
- G. **“Person”** means an individual, public or private corporation and its officers, partnership, limited liability company, association, firm, trustee, executor or executrix of an estate, administrator or administratrix of an estate, the State of Utah or its departments, institution, bureau, agency, municipal corporation, county, city, political subdivision, or any other entity recognized by law.
- H. **“Property”** means any form of real property, together with all improvements to the real property, such as:
 - a. habitable structures,
 - b. other structures,
 - c. all other items which are appurtenant to the property, and
 - d. visible or tangible objects on the property, such as hedges, other vegetation, and automobiles.
- I. **“Solid Waste”** means:
 - a. Garbage, refuse, trash, rubbish, junk, hazardous waste, dead animals, sludge, liquid or semi-liquid waste;
 - b. Spent, useless, worthless, or discarded materials;
 - c. Material stored or accumulated for the purpose of discarding the materials;
 - d. Materials which have served their original purpose and have become worthless or useless; or
 - e. Waste materials resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational, or community activities.
 - f. The term “solid waste” does not include:
 - i. Solid or dissolved materials in domestic sewage or in irrigation return flows, or discharges for which a permit is required under the Utah Water Quality Act, Utah Code Ann. Section 19-5-101 et. seq., or
 - ii. Materials regulated under the federal Water Pollution Control Act, 33 United States Code Section 1251 et. seq.
- J. **“Structure”** means anything constructed or erected on property which is located above or below ground, specifically including, but not limited to, fences, wells, poles, buildings, homes, dwellings, and sheds.
- K. **“Unightly”** means offensive to the visual senses as reasonably determined by the Enforcement Officer.
- L. **“Weeds”** means
 - a. Vegetation which poses a fire hazard;
 - b. Vegetation that is noxious, a nuisance or dangerous as reasonably determined by the Enforcement Officer;
 - c. Grasses, stubble, brush, tumbleweeds, clippings, and cuttings that endanger the public health and safety by creating:
 - i. A fire hazard,
 - ii. A breeding ground for insects, rodents or other vermin,
 - iii. A habitation for insects, rodents or other vermin, or
 - iv. Another kind of nuisance.
 - d. Poison ivy; or
 - e. Plants specified as noxious weeds in the Utah Noxious Weeds Act, Utah Code Ann. Section 4-17-1 et. seq. and any regulations promulgated under the Utah Noxious Weeds Act.
 - f. Plants which are growing on a hillside with a slope of 25% and which is necessary to stabilize the hillside or to prevent erosion of the hillside shall not be considered weeds

CHAPTER 3 JURISDICTION.

All enforcement of this Chapter, including the issuing of notices and citations and abatement as described in this Chapter shall be subject to the direction and control of the Enforcement Officer. The Enforcement Officer may call upon other City departments and employees in accomplishing the purposes of this Chapter.

CHAPTER 4 RESPONSIBILITIES OF ENFORCEMENT OFFICER.

The Enforcement Officer shall make inspections of property located within the City and may issue notices and citations under this Chapter. The Enforcement Officer may also abate nuisances as described in this Chapter.

- A. Inspections.
 - a. The Enforcement Officer may make inspections on the property with the consent of the owner of property.
 - b. If the owner refuses to consent to an inspection, the Enforcement Officer may observe conditions on the property from a public place or from neighboring property with the consent of the owner of the neighboring property. The Enforcement Officer may issue a notice or a citation under this Chapter based upon his observations from public property or from neighboring property.
 - c. If the owner refuses to consent to an inspection, the Enforcement Officer may obtain an administrative search warrant from an appropriate court to complete the inspection.
- B. The Enforcement Officer shall keep records of all of his enforcement activities and all facts which the Enforcement Officer shall find which relate to whether a particular property is in compliance with the terms of this Chapter.
 - a. During any time that the City contracts with the Weber County Sheriff's Department to enforce the provisions of this Chapter, the Enforcement Officer shall submit his records to the Weber County Sheriff's Department. Property owners desiring copies of the reports may obtain them from the Weber County Sheriff's Department.
 - b. During any period that the City provides its own enforcement, a property owner shall submit a request for records or reports to the Enforcement Officer, who shall provide the owner with a copy of the reports as required by law.

CHAPTER 5 SCOPE.

It shall be unlawful for any person to fail to comply with any rule or regulation in this Chapter, unless the failure is expressly waived by these rules and regulations.

CHAPTER 6 CONDITIONS FOR WHICH NOTICE MUST BE PROVIDED PRIOR TO ABATEMENT.

It shall be unlawful for any owner of property within Uintah City to maintain the following conditions on the owner's property. Before commencing abatement actions for these conditions or issuing a criminal citation pursuant to Chapter 8 Graffiti, the Enforcement Officer shall provide notice pursuant to Chapter 12 Notice.

- A. Weeds on the property (including adjacent park strips, alleys, and street edges) which do not comply with the standards described in Chapter 11, Standards for Weed Control.
- B. Cuttings from weeds left on the property.
- C. Solid waste left on the property.
- D. Vacant structures on the property which have not been secured.
- E. Unsightly or deleterious objects or structures on the property.
- F. Any graffiti on any structure located upon the property which is visible from the street or other public or private property.
- G. Any abandoned vehicles on the property.

CHAPTER 7 UNSIGHTLY OR DELETERIOUS STRUCTURES OR OBJECTS.

- A. Unsightly or deleterious objects or structures on property which may be repaired so that they are no longer unsightly or deleterious shall be repaired or removed from the property. If the owner chooses instead to remove the objects or structures from the property, they shall be lawfully disposed of.
- B. Unsightly or deleterious objects or structures on property which cannot be repaired so that they are no longer unsightly or deleterious shall be removed from the property and lawfully disposed of.

CHAPTER 8 GRAFFITI.

Any graffiti on any structure located upon property which is visible from the street or other public or private property shall be removed or obliterated.

CHAPTER 9 VEHICLE RESTORATION PERMIT.

The City may issue vehicle restoration permits under this section for the purpose of allowing the owner of a vehicle which would otherwise be considered abandoned to repair or restore the vehicle.

- A. A person wishing to obtain a Vehicle Restoration Permit shall apply for a Vehicle Restoration Permit on a form furnished by the City. The person shall pay a non-refundable application fee at the time the person files the application.
- B. The City's staff and the Enforcement Officer shall review the permit and determine whether the permit meets the standards of this section. The staff and the Enforcement Officer shall make a written recommendation to the City Council regarding whether the permit should be approved or denied. The staff and the Enforcement Officer may recommend that the permit be approved, that it be approved with conditions, or that it be denied. If the staff and the Enforcement Officer recommend that it be approved with conditions, they shall include specific recommendations regarding the conditions which should be imposed. After making the written recommendation, the staff and the Enforcement Officer shall refer the permit to the City Council for final action.
- C. In reviewing the permit, the City staff and the Enforcement Officer shall consider:
 - a. The amount of work which needs to be done on the vehicle;
 - b. Whether the applicant has the tools and expertise necessary to perform the repairs, and
 - c. Whether the work can appropriately be performed in the area where the property is located.
- D. The City Council shall review the permit at its next regularly scheduled meeting after it receives the recommendation from the City staff and the Enforcement Officer. The applicant shall be notified of the time, date, and place of the meeting at which the permit will be reviewed.
- E. In reviewing the permit, the City Council shall not be bound by the recommendations of the staff and the Enforcement Officer. The Council may approve the application, deny the application, or approve the applications with conditions. If the Council approves the permit with conditions, it need not impose the same conditions recommended by the staff and the Enforcement Officer.
- F. If the Council approves the permit or approves the permit with conditions, the applicant must pay a permit fee before the permit will be issued. Payment of the permit fee and acceptance of the permit shall be deemed to constitute acceptance of all conditions imposed by the Council.
- G. Vehicle restoration permits are good for 6 months. The holder of a vehicle restoration permit may extend the permit for additional terms of 6 months each by making an application to the City. There shall be no fee for a renewal of a permit.
 - a. The Enforcement Officer shall grant the renewal of the permit if the applicant demonstrates that work is progressing on the vehicle.
 - b. A vehicle which has not been repaired or restored by the expiration of the permit or any extension shall be removed from the property.
- H. Vehicles being repaired or restored under a Vehicle Restoration Permit shall be covered with an appropriate car cover when no work is being performed on the vehicle.
- I. The permit fee described in this section shall be set by resolution of the City Council.

CHAPTER 10 NUISANCES.

The following conditions on real property shall constitute a nuisance under this Chapter and the Enforcement Officer may abate these conditions or issue a criminal citation to the owner under Chapter 18, Criminal Prosecution, with or without providing notice as provided in Chapter 12, Notice:

- A. Vegetation on private property which, due to its proximity to any public property or right of way interferes with the public safety or lawful use of the public property or right of way, or interferes with the City's clear view Ordinance No. 172-04, Title 6, Chapter 29 of the Uintah Municipal Ordinance Code.
- B. Weeds on property (including abutting park strips, alleys, or street edges) which has grown to a height exceeding six inches (6") or which has grown on or over a sidewalk.
- C. An accumulation of weeds, solid waste, structures, or other objects on the property which is detrimental to health.
- D. An accumulation of weeds, solid waste, structures, or other objects on the property which has become a fire hazard.
- E. An accumulation of weeds, solid waste, structures, or other objects on the property which has become a source of contamination or pollution of water, air, soil or property.
- F. An accumulation of weeds, solid waste, structures, or other objects on the property which has become a breeding place or habitation for insects, rodents, or other vermin.
- G. Weeds determined to be especially injurious to public health, crops, animals, land, or other property.

CHAPTER 11 - STANDARDS FOR WEED CONTROL.

Weeds shall be maintained at a height of not more than six inches (6") at all times and cuttings must be promptly cleared and removed from the property.

- A. Weeds must be eradicated by chemicals, cutting or other acceptable means so that they do not exceed six inches (6") in height.
- B. Weeds that are rototilled, disked, or removed by the root must be buried under the soil, removed from the property, or composted.
- C. If the Enforcement Officer determines that the large size of the property makes the eradication of all weeds impractical, the Enforcement Officer may limit the required eradication of weeds to create a firebreak of not less than 25 feet in width around any structures and around the complete perimeter of the property.
- D. Property which is not in close proximity to buildings or does not create a serious nuisance or fire hazard may be exempted by the Enforcement Officer from the weed control requirements described in this Section. The Enforcement Officer shall issue any such exemption in writing and shall review all exemptions under this paragraph annually.

CHAPTER 12 NOTICE.

If the Enforcement Officer has inspected any property and determined that the property is in violation of the standards described in Chapter 6, Conditions for Which Notice Must be Provided Prior to Abatement, or has reasonable grounds to believe that the property is in violation of the standards described in Chapter 6, Conditions for Which Notice Must be Provided Prior to Abatement, he shall give notice of the violation to the owner of the property. If the Enforcement Officer has inspected any property and determined that the property is in violation of the standards described in Chapter 10, Nuisances, or has reasonable grounds to believe that the property is in violation of the standards described in Chapter 10, Nuisances, he may, but shall not be required to, give notice of the violation under this section. For violations of the standards described in Chapter 10, Nuisances, the Enforcement Officer may proceed directly to issue a citation under Chapter 18, Criminal Prosecution, or to the abatement procedures described in Chapter 13, Abatement by Enforcement Officer.

- A. A notice under this Section shall:
 - a. Describe the property by address. If the property has no address, the notice shall describe the property with sufficient specificity to identify the property.
 - b. Describe all violations which the Enforcement Officer found or for which he has reasonable grounds to believe that the violation exists on the property.
 - c. Describe the remedial actions which the owner should take to avoid a citation under Chapter 18, Criminal Prosecution or an abatement under Chapter 13, Abatement by Enforcement Officer.
 - d. Give the owner a reasonable time (which shall be expressed as a number of days from the date of the notice) to address the violations. In the alternative, the notice may state that remedial action should be commenced within a reasonable time (which shall be expressed as a number of days from the date of the notice) and continue without interruption until the work is completed. In the case of graffiti, the owner shall be given no more than ten days from the date of the notice to remove or obliterate the graffiti.
- B. The Enforcement Officer shall serve the notice upon the owner of the property. Service shall be complete if the notice is served in one of the following ways:
 - a. Served on the owner in person;
 - b. Published in a newspaper of general circulation in the City; or
 - c. Sent by mail, postage prepaid, to the last known address of the owner. In determining the last known address of the owner, the Enforcement Officer may rely on the ownership information available from the Weber County Recorder. If the notice is mailed under this paragraph, the owner shall have three additional days to comply with the notice.
 - d. The Enforcement Officer shall not be required to provide an owner more than one notice for the eradication of weeds in any calendar year.

CHAPTER 13 ABATEMENT BY ENFORCEMENT OFFICER.

- A. If a condition exists on property in violation of this Chapter, the Enforcement Officer may, in addition to taking legal action:
 - a. Undertake or cause the eradication and removal of weeds;
 - b. Undertake or cause the removing of solid waste;
 - c. Undertake or cause the securing of any vacant structure;
 - d. Maintain or repair any unsightly, or deleterious objects or structures which may be made not unsightly or deleterious by repair;
 - e. Remove and lawfully dispose of any unsightly or deleterious objects or structures; or
 - f. Cover, clean, remove or obliterate any graffiti.
- B. Before undertaking abatement under this Section for a violation of Chapter 5, Conditions for Which Notice Must be Provided Prior to Abatement, the Enforcement Officer shall provide notice as provided in Chapter 12, Notice. The Enforcement Officer may not commence abatement under this Section until the time described in the notice for the owner to take action on the violations has expired.
- C. In abating any unsightly or deleterious objects or structures under this Section, the Enforcement Officer shall be under no obligation to make repairs if the Enforcement Officer determines that the abatement may be completed more quickly or more cost-effectively by removing and disposing of the structure or object.
- D. Upon completion of abatement under this Section, the Enforcement Officer shall:
 - a. Prepare an itemized statement of all costs, including administrative expenses of the abatement; and
 - b. Serve a copy of the itemized statement on the owner, together with a demand that the owner pay the amount shown on the itemized statement to the City treasurer within 20 days of the date of service.
- E. Service of the itemized statement shall be made in the same way as service of a notice under Chapter 12, Notice.

SECTION 14 ALTERNATE METHODS OF COLLECTING PAYMENT.

If the Enforcement Officer abates a condition on real property under Chapter 13, Abatement by Enforcement Officer, and the owner fails to pay the costs of the abatement, the City may either:

- A. Cause suit to be brought in an appropriate court of law to recover the costs of the abatement; or
- B. Refer the matter to the City Treasurer to include the costs of the abatement in the property taxes pursuant to Utah Code Ann. Section 10-11-4.

CHAPTER 15 COLLECTION BY LAWSUIT.

If the owner fails to pay the expenses of an abatement under Chapter 12, Notice, within 20 days of the demand under Chapter 13, Abatement by Enforcement Officer, the City may file suit in an appropriate court and recover judgment for the costs of the abatement, together with all cost of court, reasonable attorney's fees, other costs of collection and interest. The City may execute on the judgment as provided by law.

CHAPTER 16 COLLECTION THROUGH TAXES.

If the owner fails to pay the expenses of an abatement under Chapter 12, Notice, the City may refer the matter to the City Treasurer for inclusion on the tax notice to the property owner. If the City chooses to pursue collection through the tax notice, the Enforcement Officer shall prepare an itemized statement of all expenses incurred in the abatement action and deliver four copies to the City Treasurer. The City Treasurer shall deliver three copies of the statement to the county treasurer within ten days after the completion of the work for collection by the county treasurer pursuant to state law.

CHAPTER 17 RIGHT TO APPEAL.

Within 10 calendar days of receiving a notice under Section 12, Notice, the owner or any other person aggrieved by the notice may request a hearing before the Board of Adjustment in writing.

- A. At any hearing under this section, the issue shall be whether the Enforcement Officer was justified in issuing the notice. The Board of Adjustment shall sustain the issuance of the notice if it finds, by a preponderance of the evidence, that there was substantial evidence to support the Enforcement Officer's belief that a nuisance which would be regulated under this Chapter existed on the property.
- B. The Board of Adjustment shall hold a hearing on the appeal within thirty (30) days after the request is received. At least ten (10) days before the hearing, the Board of Adjustment shall send notice to the person filing the appeal of the date, time, and place of the hearing.
- C. At the hearing, the Enforcement Officer shall first present the reasons for issuing the notice.
 - a. The Enforcement Officer may testify himself regarding the reasons for the issuance of the notice. As part of his testimony, the Enforcement Officer may present photographs, maps and any other evidence regarding the condition of the property, the existence of nuisances regulated by this Chapter on the property and any other issues relevant to his decision to issue a notice.
 - b. The Enforcement Officer may call additional witnesses regarding the condition of the property and the existence of nuisances regulated by this Chapter on the property.
 - c. In an appropriate case, the Enforcement Officer may be assisted by the City's attorney in the presentation of his arguments in support of the notice.

- D. After the Enforcement Officer has completed his presentation regarding the reason for issuing the notice, the person filing the appeal may present his arguments as to why he feels the notice was not justified.
 - a. The person filing the appeal shall have the right to testify, to present photographs, maps or other documents, and to call witnesses on his own behalf to support his contention that the notice is improper.
 - b. The person filing the appeal may call additional witnesses to support his contentions in the hearing.
 - c. The person filing the appeal shall have the right to be represented by an attorney of the person's choice. Under no circumstances, however, will the City have an obligation to provide counsel for a person filing an appeal under this section.
- E. Following the presentation of the person filing the appeal, the Enforcement Officer shall have an opportunity to present arguments and evidence to rebut anything presented by the person filing the appeal.
- F. During the hearing on the appeal, the Board of Adjustment may visit the property. By filing an appeal under this section, the owner consents to the Board of Adjustment's entry onto the property for the purpose of inspecting the property. The hearing may be temporarily adjourned to facilitate a visit to the property, but no such adjournment may be for longer than ten (10) days without the consent of the person filing the appeal.
- G. The Utah Rules of Evidence shall not apply to any hearing under this section.
 - a. The Board of Adjustment is specifically authorized to accept evidence which would be hearsay under the rules of evidence.
 - b. The Board of Adjustment may reject any evidence which it finds is not relevant to the issues outlined in paragraph A. of this section.
 - c. The Board of Adjustment may reject any evidence if it determines that the evidence's probative value is substantially outweighed by its inflammatory or prejudicial effect.
- H. The Board of Adjustment may make its decision on the appeal at the meeting or it may take the matter under advisement. If the Board of Adjustment makes a decision at the meeting, the decision (including the vote) shall be recorded in the meeting minutes. If the Board of Adjustment takes the matter under advisement, it shall issue a written decision on the matter within ten (10) days following the close of the hearing. The written decision shall become part of the record on the appeal. A copy of the written decision shall be sent to the person filing the appeal and to his attorney, if any.
- I. The Board of Adjustment may sustain, modify, or reverse the decision of the Enforcement Officer and may make amendments to the notice which it finds to be proper.

CHAPTER 18 CRIMINAL PROSECUTION.

A violation of the provisions of this Chapter shall be a Class B misdemeanor.

- A. No criminal action for a violation of Chapter 6, Conditions for Which Notice Must be Provided Prior for Abatement, may be brought until the Enforcement Officer has delivered a notice to the owner of the property under Chapter 12, Notice. A criminal action for a violation of Chapter 10, Nuisances, may be brought without first providing the owner with a notice. For violations of Chapter 10, Nuisances, the Enforcement Officer may provide a notice pursuant to Chapter 12, Notice, but a criminal prosecution may proceed regardless of whether a notice was provided or not.
- B. Each day a violation is committed or permitted to continue shall constitute a separate violation.
- C. The City attorney may initiate legal action, civil or criminal, requested by the Enforcement Officer to abate any condition which exists in violation of these rules and regulations.
- D. In addition to any other penalties the court may impose for a violation of this Chapter, the City shall be entitled to recover the costs of any abatement of conditions on the property.

SECTION 3: This ordinance shall take effect immediately upon passage and posting as required by law.

PASSED and ADOPTED this 4th day of April 2006

MAYOR:

CRAIG KENDELL

ATTEST:

Sherma Mildon, Clerk/Recorder