

# DELTA CITY, UTAH

## MUNICIPAL CODE

(1981 EDITION)

*CURRENT THROUGH ORDINANCE 15-264 ADOPTED 15 JAN 2015*



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**TITLE 10-000.**  
**FIRE, HEALTH, SAFETY AND WELFARE**

**10-100. FIRES-DEPARTMENT-CODE.**

10-110. DEPARTMENT.

10-111. ESTABLISHMENT OF DEPARTMENT. There is hereby established a fire department to be known as the Delta Fire Department. The department so established shall consist of the Delta Fire Department as presently organized.

10-120. PERSONNEL AND DUTIES.

10-121. CREATION OF POSITION OF CHIEF. There is hereby created the position of Chief of the fire department, which shall be a person appointed by the City Council.

10-122. POWERS AND DUTIES OF CHIEF.

- A. The Chief shall have responsibility for the general supervision of the department.
- B. During a fire, the chief shall have full authority to take all measures as he shall deem necessary, subject to state law, to control and extinguish the fire and for that purpose he is hereby made a special peace officer.
- C. The Chief shall at least annually report to the City Council the condition of the fire equipment, the number of fires and their causes and the estimated loss therefrom together with such other information as the City Council may request or as he shall deem appropriate.
- D. The Chief shall strictly enforce all of the provisions of the ordinances of the City of Delta relating to the protection against and prevention of fire.
- E. The Chief shall maintain the equipment of the department in good repair and order and ready for use.
- F. The Chief, subject to the approval of the Mayor and City Council, shall establish rules and regulations for the operation of the department.
- G. The Chief may delegate his duties to any department personnel, but such delegation shall not relieve the Chief of his responsibility for the performance thereof.
- H. The Chief shall cause all fires to be promptly investigated to determine the cause of the fire and report the cause of the fire, the time originated and such other information as may be relevant to prevent other fires.

10-123. EMPLOYEES. The Chief may make recommendations to the Mayor relating to the employment of firemen and such other personnel as may be necessary to enforce the provisions of this chapter. The Chief may employ such additional personnel as the Mayor and City Council may direct or authorize.

10-130. POWERS OF FIRE DEPARTMENT.

10-131. EMERGENCY VEHICLES. Fire trucks and other motor vehicles used to transport fire equipment or fire personnel and bearing insignia or markings identifying them as such are hereby designated authorized emergency vehicles.

- 10-132. REMOVAL OF OBSTRUCTIONS AT FIRE. The officer in charge at any fire may order the removal or destruction of any fence, building or structure, or that any utility be closed, cut or removed when deemed necessary to control, extinguish or prevent the spread of fire.
- 10-133. CONTROL OF PERSONS. All persons present at a fire shall obey the lawful orders of any firemen.
- 10-134. INTERFERENCE WITH FIREMEN IN DISCHARGE OF DUTIES. Every person at the scene of any fire who willfully disobeys the lawful orders of any public officer or fireman, or offers any resistance to or interference with the efforts of any fireman, or company of firemen to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of an infraction.
- 10-135. UNLAWFUL INTERFERENCE WITH OFFICERS, APPARATUS, WATER, ETC. Any person who shall willfully hinder any officer or fireman in the discharge of his duty at a fire, or in any manner injure, deface or destroy any engine, hose or other fire apparatus belonging to the City of Delta, or who shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or interfere with the water or its source of supply shall be deemed guilty of a class B misdemeanor and shall be punished accordingly.
- 10-136. INVESTIGATION AFTER FIRE REPORT. The Chief or such other persons as he shall designate, shall, after extinguishing a fire, make a prompt and thorough investigation of the cause of the fire, the time the fire began, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information available, and record the same in a record book kept for that purpose in the office of the department and shall report the same to the City Council at such time as it may direct.
- 10-137. RIGHT TO ENTER UPON AND INSPECT PREMISES. The Chief or his deputies, upon presentation of proper credentials shall, have the right to enter upon any premises at all reasonable hours for the purpose of making inspections.
- 10-138. PERSONS PRESENT AT FIRE SUBJECT TO ORDERS. Every capable person eighteen (18) years or older present at a fire shall be subject to the orders of the officer in command and shall render assistance in the manner directed by the officer command.
- 10-139. FALSE ALARM. It shall be unlawful for any person to turn in or report to the fire department a false alarm or report of a fire or to tamper or remove any part of the fire alarm system.
- 10-150. UNIFORM FIRE CODE.
- 10-151. UNIFORM FIRE CODE ADOPTED. There is hereby adopted as the fire code for the City of Delta, for the purpose of prescribing regulations governing conditions hazardous to life and protecting property from fire or explosion, that certain code known as the 1979 edition of the Uniform Fire Code as recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, except to the extent it is hereinafter modified or amended by section 10-156 of this part, three copies of which have been and are now filed in the office of the City Recorder for public use and inspection. Supplements and amendments to the 1979 Uniform Fire Code and future editions of the Uniform Fire Code shall be deemed adopted when at least three copies thereof have been filed in the office of the City Recorder for public use and inspection, unless the City Council by ordinance provides otherwise.
- 10-152. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.
- A. The Uniform Fire Code shall be enforced by the bureau of fire prevention in the Delta City Fire Department, which is hereby established and which shall be operated under the supervision of the chief of the fire department.
  - B. The Chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the Mayor the employment of technical inspectors, who, when such authorization is made, shall be

selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department. Appointments made after examination shall be for an indefinite term, with removal only for cause.

10-153. DEFINITIONS.

- A. The word “jurisdiction” as used in the Uniform Fire Code, shall mean the boundaries of the City of Delta.
- B. The term “corporation counsel” as used in the Uniform Fire Code shall mean the Delta City attorney.

10-154. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE-GROUND TANKS IS TO BE PROHIBITED.

- A. The limits referred to in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established in Appendix \_\_\_\_ to this code.
- B. The limits referred to in Section 15.601 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established in Appendix \_\_\_\_ to this code.

10-155. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in Section 20.105(a) of the Uniform Fire Code, in which the bulk storage of liquefied petroleum gas is restricted, are hereby established in Appendix \_\_\_\_ attached to this code.

10-156. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED. The limits referred to in Section 11.106(b) of the Uniform Fire Code in which the storage of explosives and blasting agents is prohibited, are hereby established in Appendix \_\_\_\_ to this code.

10-157. AMENDMENTS MADE IN THE UNIFORM FIRE CODE. Any amendments or modifications to the Uniform Fire Code as the Code is to be applied in the City of Delta shall be set forth in an appendix to this code. Such amendments shall be deemed effective as against future supplementation of editions of the Uniform Fire Code as provided in § 10-151 above.

10-158. APPEALS. Whenever the Chief shall disapprove an application, refuse to grant a permit for which application has been received, or when it is claimed that the provisions of the fire code do not apply, or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief to the Delta City hearing board within 30 days from the date of such decision.

10-159. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The building inspector and the chief of the bureau of fire protection shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in the fire code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

10-160. PENALTIES.

- A. Any person who shall violate any of the provisions of the Uniform Fire Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved

thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Delta City hearing board or by a court of competent jurisdiction within the time fixed herein shall, severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor punishable by a fine of not more than the maximum fine for a Class "B" misdemeanor as established by state law or by imprisonment of not more than the maximum number of days established by Utah state law for violation of a Class "B" misdemeanor or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit the same to continue. All persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty shall not be held to prevent the enforced removal of the prohibited condition.

10-170. STANDARD FIRE FIGHTING EQUIPMENT.

10-171. EQUIPMENT FOR NEW FIRE PROTECTION SYSTEMS – STANDARD EQUIPMENT. See Utah Code Annotated § 11-4-1 (1953), as amended.

10-172. DUTY OF LOCAL GOVERNING BODY TO MAINTAIN AND COMPLY. See Utah Code Annotated § 11-4-2 (1953), as amended.

10-173. PROHIBITED SALES AND PENALTIES. See Utah Code Annotated §§ 11-4-3 and 11-4-4 (1953), as amended.

**10-200. HEALTH.**

10-210. BOARD OF HEALTH AND HEALTH OFFICER.

10-211. BOARD OF HEALTH ESTABLISHED. A board of health is hereby established to be comprised of members, one of whom, when practicable, shall be a licensed physician. The same member shall also be the health officer for Delta City.

10-212. DUTIES AND POWERS OF BOARD OF HEALTH.

- A. The board of health shall meet as often as it may determine or as the City Council may be resolution require.
- B. The board of health shall adopt such rules and regulations as it shall deem necessary to govern its meetings and conduct.
- C. The board of health shall review and approve all applications for permits to operate any business or engage in any construction for which a permit is required from the board of health pursuant to any ordinances or regulations of the City of Delta.
- D. The board of health shall recommend to the Mayor for promulgation by the City Council such health rules, regulations and ordinances as it deems necessary for the health of the person within the City of Delta.

10-213. PERMITS. It shall be unlawful for any person to engage in any of the following businesses or activities without first obtaining a permit from the board of health:

- A. Handling, selling, offering for sale, preparing or serving any food or food products or beverages or water intended for human consumption.

- B. Operating or permitting public access to any public swimming pool.
- C. Commercially operating any public dump, garbage or refuse collection or disposal facility or place, or slaughterhouse, animal disposal facility, or cleaning out of installing any privy, cesspool or septic tank.
- D. Fumigating or eradicating pests, insects, vermin or any other infestation from any building occupied by humans.

10-214. APPLICATIONS AND FEE.

- A. Applications for a permit from the board of health shall be made in writing to the City Recorder together with an application fee in the amount set by resolution of the City Council. The application fee required by this section shall be non-refundable and; shall be in addition to all other fees, deposit or tax which may be imposed.
- B. The application shall be referred by the City Recorder to the board of health for review and recommendation. The board of health shall then forward the application with its recommendation to the Mayor for approval or disapproval by the City Council.

10-220. HEALTH DIRECTOR.

10-221. POSITION CREATED. There is hereby created the position of health director who shall serve as the chief administrative officer of the board of health.

10-222. POWERS AND DUTIES OF HEALTH DIRECTOR.

- A. The health director may appoint any qualified person to act as his assistant when so authorized by the City Council.
- B. The health director shall:
  1. Be the executive officer of the board of health.
  2. Enforce all ordinances of Delta City and the State of Utah which relate to the health and welfare of the residents of Delta City.
  3. Enforce all rules, regulations and ordinances relating to:
    - a. Plumbing, sanitation, contagious or infectious diseases, quarantine and sewage disposal.
    - b. Producing, storing, keeping and selling meat, dairy or other food or food products.
    - c. The quarantine and disposal of all animals affected with any contagious or infectious diseases.
  4. Have the power to impose and maintain a strict quarantine of all infected persons and premises having contagious or infectious diseases and to require such persons or premises to be disinfected.
  5. Have the right and authority, when he shall deem necessary to secure or preserve the public health, to enter into or upon any premises, building or other places during the daytime, to examine, analyze or test any building, structure, premise, product or good manufactured, stored or kept within Delta City for the purposes of enforcing this chapter.

10-223. UNWHOLESOME FOOD. It is a Class “B” misdemeanor for any person to sell or offer to sell for sale any unwholesome food or beverage which has been condemned by any government food inspector.

10-224. VACATING PREMISES.

- A. It shall be unlawful for any person, upon vacating or moving from any dwelling, storeroom or other building, to fail to remove all garbage, rubbish or ashes from such building or premise and the grounds appurtenant thereto, or to fail to place the same in a thoroughly sanitary condition within 24 hours after the premises are vacated.
- B. In situations where rental property is so vacated, the owner of the property shall be concurrently responsible with the tenant thereof for compliance with this section.

10-225. DISCHARGE OF SEWAGE POLLUTION.

- A. It shall be unlawful for any person to discharge or permit the discharge of any sewage or filth from any premises into and upon any public highway, stream, water course or public place, or into any drain, cesspool or private wastewater disposal system which does not conform to standards established by the state division of health or by Delta City.
- B. The health director may order a connection for sewage disposal to be made with the public sewer system provided by Delta City if such is available, provided that the public sewer system is within 300 feet of the premises.
- C. The health director shall use all due measures to prevent the fouling of any streams, water courses, reservoirs or any other source furnishing water to any of the inhabitants of Delta City.
- D. It shall be unlawful for any person to discharge or permit the discharge of any sewage, refuse or filth from any recreational vehicle, travel trailer or mobile home, as the terms “recreational vehicle,” “travel trailer” and “mobile home” are defined in the Zoning Ordinance of Delta City (Title 12-000) or to discharge any sewage from any source whatsoever upon any public highway or street within the City of Delta or upon any private property or into any canal, irrigation ditch or other waterway or water course which flows into Delta City from any location or into any public health facility owned and maintained by the City of Delta, including, without limitation, the Delta City sanitary sewer system, the Delta City sewage treatment lagoons, the Delta City municipal dump and solid waste management facility or in any other way dispose of sewage discharge except into an approved connection or receptacle connected to and operated as part of the Delta City sanitary sewer system and approved by Delta City for such use. Each unlawful dumping shall constitute a separate offense. In addition to the person or persons committing the unlawful discharge or dumping of sewage, any person providing equipment used in such unlawful dumping that knows or has reason to know that such equipment is used for unlawful dumping of sewage shall be guilty of violating this section. Each violation of this section shall be a Class “B” misdemeanor.

10-226. INADEQUATE PLUMBING. The health director shall have power to require the prompt repair of all leaks or other defects in plumbing throughout Delta City. He shall have power to condemn and abate all plumbing which is deficient under the plumbing ordinances. When, in the opinion of the health officer, a change in occupants, type of business or other cause requires changes in plumbing, he shall have the power to compel the installation of an increased number of plumbing fixtures and a change in their type or capacity, and to make such other alterations or increases as may be necessary for the health and safety of the occupants of the building and of the public generally.

10-240. OFFENSIVE BUSINESS AND FACILITIES.

10-241. COMMENCEMENT OF OFFENSIVE BUSINESS.

- A. No person shall commence or change the location of an offensive business or establishment as defined herein, in or within one mile of the limits of Delta City without first filing an application for a permit to do so with the City Recorder.
- B. Offensive businesses, within the meaning of this part, shall include, but not be limited to, packing houses, dairies, tanneries, canneries, renderers, 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.
- C. 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 will 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.

10-242. ISSUANCE OF PERMITS.

- A. The City Recorder shall cause a study to be made of the proposed business or relocation of any offensive business or establishment by the board of health and by personnel engaged in the inspection 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 conditional use 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. In the event a permit is grant, 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. The City Council shall have power to revoke or modify the permission to operate and maintain the business in such a manner at it deems necessary for the public good.

10-243. EXISTING OFFENSIVE BUSINESS AND FACILITIES.

- A. 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 municipal limits. If the City Council determines that the continuation of the business or facility has become a nuisance to persons situated within the municipal limits or that ample control is not 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 license.
- B. 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 license to engage thereafter in the business or activity.

10-244. CONTROL OF ANIMALS AND FOWL FACILITIES.

- A. 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 Delta 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. 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. 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. After a hearing, the City Council may issue a limited license 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. Upon a determination by the City Council that the business or facility is a nuisance, it shall have power to order the abatement or removal of the facility or establishment. If the owner fails to conform to such order, the governing body shall have power to bring all necessary legal proceedings to force removal, abatement or adherence to standards.

**10-300. NUISANCES.**

10-310. NUISANCES GENERALLY.

10-311. NUISANCES DEFINED. Whatever is dangerous to human life or health and whatever renders soil, air, water or food impure or unwholesome is declared to be a nuisance and unlawful. It shall be unlawful for any person either as an owner, agent or occupant to create or aid in creating or contributing to or maintaining a nuisance.

10-312. AUTHOR OF NUISANCE DEFINED. Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors thereof.

10-313. DECLARATION OF NUISANCE.

- A. Every act or condition made, permitted, allowed or continued in violation of section 10-311 above, is hereby declared to be a nuisance and may be abated and punished as hereinafter provided.
- B. Nuisances include but are not limited to:
  - 1. Befouling any water source supplying water for culinary use.
  - 2. Allowing any privy, vault or cesspool or other individual waste water disposal system to become a menace to health or a source of odors or contamination to air or water.
  - 3. Permitting any garbage container to remain on premises when it has become unclean and offensive.

4. Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area except when it is temporarily deposited for immediate removal.
5. Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard or in any other building or area in which animals are kept.
6. Permitting any slaughter house, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or flies, vermin or rodents breed therein.
7. Discharging or placing any offensive water, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural water course, ditch, canal or any vacant lot or which as the result of continued discharge will render the place of discharge offensive or likely to become so.
8. Keeping or collecting any stale or putrid grease or other offensive matter in quantities sufficient to produce offensive odors or a danger to health.
9. Having or permitting upon any premises conditions providing breeding habitat for flies or mosquitoes without effective measures to control such insect populations.
10. Keeping any drinking vessel for public use without providing a method of decontamination between uses.
11. Permitting or performing any ablutions in or near any public drinking fountain.
12. Failing to furnish any dwelling house, boarding house or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.
13. Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults and cesspools or other individual waste water disposal systems within 20 days after notice from an enforcement officer or official of Delta City.
14. Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
15. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the City Council.

10-314. THE ENUMERATION OF NUISANCES. The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter.

10-315. TOILET OR SEWER FACILITIES. All toilet or sewer facilities shall be constructed and maintained in accordance with Utah law and Delta City ordinances. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed.

10-316. RESTRICTIONS ON BLOCKING WATER.

- A. It shall be unlawful for any person or persons to permit any drainage system, canal, ditch, conduit or other water course of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary.

- B. Maintenance of any such water course in such condition shall constitute a nuisance and the same shall be subject to abatement.

10-320. ABATEMENT OF WEEDS AND DELETERIOUS OBJECTS.

10-321. REAL PROPERTY TO BE KEPT CLEAN. It shall be an infraction for any person owning or occupying real property to allow weeds to grow higher on such property than is permitted by this part or not to remove from such property any cuttings or such weeds or any refuse, unsightly or deleterious objects after having been given notice from the health director as hereinafter provided.

10-322. WEEDS – DEFINED. Weeds shall include any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah Commissioner or Agriculture.

10-323. STANDARD OF WEED CONTROL.

- A. It is hereby declared that the above stated weeds constitute a nuisance when they create a fire hazard, a source of contamination or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to their surroundings.
- B. Weeds cut for removal as required by this paragraph shall be removed from the premises within 48 hours after cutting. Weeds of sufficient height or quantity to constitute a nuisance shall be removed.

10-330. NUISANCES ON PROPERTY.

10-331. DEFINITION OF NUISANCE. For the purpose of this part, the term “nuisance” is defined to mean any condition or use of premises or of building exteriors or of open lots or other space within Delta City which is deleterious or injurious, noxious or unsightly, which includes, but is not limited to any one or more of the following:

- A. Keeping, depositing on or scattering over premises any junk, trash or debris.
- B. Having or keeping abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers on any premises.
- C. Maintaining, keeping or depositing on any premises more than two unregistered motor vehicles or any partially or fully stripped automobiles, any automobile parts and any unused or junked machinery, implements, equipment or other such personal property. As used herein, “partially or fully stripped automobiles” shall mean any automobile from which any equipment or parts are removed that alter the exterior appearance of the automobile or render the automobile inoperable or unlawful for use on public highways. The definition shall not apply to such automobiles as may be fully enclosed within a permanent structure or to removal of equipment or parts incident to repair or restoration of such automobiles if the duration of the fully or partially stripped condition does not exceed 72 hours.

The definition of nuisance shall not include any of the foregoing which is stored on property zoned for such use and is within a lawful fence or other suitable permanent enclosure such that the condition of the property is screened from view from all public rights of way and from adjacent properties, and for which a permit has been obtained pursuant to section 10-336.

10-332. DUTY OF MAINTENANCE OF PRIVATE PROPERTY. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

10-333. STORAGE OF PERSONAL PROPERTY. Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of 30 days or more (except in licensed junk yards) within Delta City, is hereby declared to be a nuisance and dangerous to the public safety.

10-334. ABATEMENT OF NUISANCE BY OWNERS. The owner, owners, tenants, lessees or occupants of any lot within this municipality on which such storage as defined in the foregoing section 10-333 is made, and also the owner, owners or lessees or the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured buildings to be used for such purposes or otherwise remove such property from Delta City.

10-335. ABANDONMENT OF VEHICLES ON PRIVATE PROPERTY. It shall be unlawful for any person to abandon an automobile or other motor vehicle upon private property without the express or implied consent of the owner or person in lawful control of said property. For the purposes of this section, a motor vehicle shall be presumed to be abandoned if it is left unattended on private property without the express or implied consent of the owner or person in lawful possession or control of the property for a period in excess of twenty-four (24) hours. If the owner or person in lawful possession or control of property has reasonable grounds to believe that a vehicle has been abandoned, such person may report the same to the police department. Upon receiving such a report, the police department shall proceed as set out in Section 41-6-116.10 of the Utah Traffic Code, as adopted under section 11-321.A. of these ordinances.

10-336. MAINTENANCE OF JUNKED AUTOMOBILES ON REAL PROPERTY. It shall be unlawful for the owner or person in lawful possession or control of property within the City of Delta to allow, cause or permit more than two unlicensed automobiles or other motor vehicles, or any partially or fully stripped automobiles as defined in section 10-331, or any unsheltered, junked machinery, implements, equipment, scrap, metal or junk to remain on real property or premises unless in connection with a licensed business located in a zone district where such uses are permitted and after obtaining a permit therefor under the following procedure:

- A. The person wishing to conduct such storage shall apply at the City Recorder's office for a salvage storage permit. The application for the permit shall provide at least the following information:
  - 1. The name and address of the applicant.
  - 2. The location for which the storage permit is desired.
  - 3. The time at which the storage is to commence and the time period for which it will continue.
  - 4. The name, address and type of business connected with or used in conjunction with the storage or salvage to be conducted.
  - 5. Whether the applicant holds title to the real property on which the storage is to be conducted, or the authority by which the person making application is deemed to have lawful possession or control of the property.
  - 6. The zone in which the property is located.
  - 7. The means by which the storage area will be shielded or screened from view from public rights-of-way or from adjacent properties (such as a fence or construction of a building).
- B. A permit shall be issued pursuant to application made under this section only upon the following terms and conditions:
  - 1. The activity, business or property use shall not violate the zoning ordinance of Delta City.

2. An application fee of \$25.00 or such other amounts as the City Council may establish by resolution is paid upon filing of an application under this section.
  3. No permit shall be issued until the property has been inspected by the Chief of Police or a person designated by him and the Zoning Officer or a person designated by him to assure compliance with all applicable ordinances and regulations of the City of Delta.
  4. The proposed storage and related activities do not constitute a nuisance as defined under section 10-331 or any other provisions of these ordinances of Delta City.
- C. Any permit issued under this section shall be revoked upon failure by the applicant to comply with the terms and conditions hereof. Any person whose permit is to be revoked under this section shall be entitled to notice and hearing in accordance with the procedures set out in part 1-400 and section 9-119 of these ordinances.

10-340. DANGEROUS BUILDINGS.

10-341. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The "Uniform Code for the Abatement of Dangerous Buildings," 1979 edition, printed as a code in book form by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished), three copies of which have been filed for use and examination by the public in the office of the City Recorder is hereby approved and adopted as the Abatement of Dangerous Buildings Code of the City of Delta. Supplements to the Uniform Code for Abatement of Dangerous Buildings, 1979 Edition, and subsequent editions are hereby adopted at such time as three copies of each supplement or edition are on file for public use and examination in the office of the City Recorder, unless the City Council provides otherwise by ordinance.

10-342. APPLICATIONS. The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may exist or hereafter be constructed in Delta City.

10-343. ALTERATIONS, ADDITIONS AND REPAIRS. All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of subsections (a), (b), (c), (d),(e) and (i) of Section 104 of the Uniform Building Code.

10-344. ABATEMENT OF DANGEROUS BUILDINGS. All buildings or portions thereof which are determined after inspection by the building official to be dangerous, as defined in the Abatement of Dangerous Buildings Code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in section 401 of the Abatement of Dangerous Buildings Code.

10-345. ESTABLISHMENT OF A BOARD OF APPEALS. In order to interpret provisions of the Abatement of Dangerous Buildings Code and to hear appeals provided for thereunder, there is hereby established an abatement of dangerous building board of appeals consisting of five members who shall not be employees of Delta City. The building official shall be an ex-officio member of and shall act as secretary to the board. The board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the applicant with a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in the adopted codes. Copies of all rules and regulations adopted by the board shall be delivered to the building official who shall make them accessible to the public without cost.

10-346. DANGEROUS BUILDINGS – NUISANCES. All dangerous buildings within the terms of this part are hereby declared to be public nuisances and shall be vacated or demolished as hereinbefore and hereinafter provided.

10-350. ADMINISTRATIVE NOTICE – HEARINGS – DISPOSAL OF NUISANCE – LIEN - PENALTY FOR VIOLATION.

10-351. APPOINTMENT AND DUTIES OF INSPECTOR.

- A. There is hereby established the position of nuisance inspector whose duties it shall be to enforce the provisions of this chapter. Until another person is designated, the Delta City zoning enforcement official shall enforce the provisions of this chapter. More than one person may be appointed to act as inspector under this section.
- B. The nuisance inspector is authorized to:
  - 1. Perform all functions necessary to enforce the provisions of the chapter.
  - 2. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.
- C. If the nuisance inspector concludes there exists an objectionable condition in violation of this chapter, he/she shall:
  - 1. Ascertain the names of the owners, occupants or other responsible persons, together with a description of the premises where such objects and conditions constituting a nuisance exist.
  - 2. Serve notice in writing upon the owner, occupant or other responsible person of such premises, either personally or by mailing notice prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the County Assessor or as otherwise ascertained, requiring such owner, occupant or other responsible person, as the case may be, to eradicate or destroy and remove the nuisance within such time as the inspector may designate, provided that any person notified pursuant to this subsection shall be given at least ten but not more than 20 days, as determined by the inspector following the date of service of such notice, to correct the objectionable condition. The notice shall:
    - a. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.
    - b. Inform the owner, occupant or other responsible person that in the event they disagree with the determination of the inspector or that they object to the factual or legal basis for the notice, they may request in writing a hearing before the City Council. The request must be made within ten (10) days from the date notice is served on the owner, occupant or other responsible person. If the nuisance inspector serves notice on the owner, occupant or responsible person by personal service, service shall be deemed complete upon delivery. The owner's, occupant's or other responsible person's written request for a hearing must be served on Delta City, c/o the City Recorder, at its current business address during its regular business hours between 8:00 and 5:00 p.m. If the nuisance inspector serves notice on the owner, occupant or responsible person by mail, service shall be deemed complete upon mailing.
    - c. Inform the owner, occupant or other responsible person that in the event they fail or neglect to correct the objectionable condition, Delta City will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case they will be

assessed such costs, together with reasonable attorney's fees and court costs, or will charge the cost of correcting the violation against the property as a tax.

3. In the event the owner, occupant or other responsible person makes such request for a hearing, the City Council shall set the time and place for hearing objections and the City Recorder shall notify the owner, occupant or other responsible person having an interest in said property in writing of the time and place at which they may appear and be heard. The hearing shall be held not sooner than five (5) days from the date of service or mailing of the notice of hearing.

#### 10-352. HEARING.

- A. At the written request of an owner, occupant or other responsible person having an interest in property which is the subject of a notice to remove or abate weeds, objectionable conditions or objects from the property, the City Council shall conduct an informal hearing (which need not be reported) wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The City Council shall also permit the presentation of evidence and argument by the inspector and other interested parties. The City Council shall over the signature of the Mayor, or such other member of the City Council as it may designate, within ten (10) days from the date of the hearing, render its written decision, a copy of which shall be mailed to or served upon the owner or any other person to whom the original notice was given by the inspector.
- B. In the event the decision of the City Council upholds the determination of the inspector, the notice originally given by the inspector as above provided shall be deemed to be sufficient to require the owner, occupant or other responsible person to remove or abate the objectionable conditions or objects affecting the property, and they shall have either the time remaining on the original notice to cure the objectionable condition or not more than ten days from the date of notice of the City Council's written decision, whichever time is longer, within which to conform thereto, unless additional time is authorized by the inspector.
- C. In the event the decision of the City Council either overrules or modifies the determination of the inspector, the written decision of the City Council shall apprise the owner, occupant or other responsible person of that fact and set forth the details and extent to which they must make removal or other abatement of the objectionable objects or conditions, if any. The owner, occupant or other responsible person shall be required to conform to the decision of the City Council within the time remaining on the original notice to cure the objectionable conditions or not more than ten days after service or mailing of a copy of the City Council's written decision, whichever period is longer, and the decision shall be deemed to be the modified decision of the inspector unless additional time is authorized by the City Council.

10-353. FAILURE TO COMPLY. If any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the abatement or removal of the nuisance, the inspector shall employ all necessary assistance to cause such objectionable conditions or objects to be removed or destroyed at the expense of the owner, occupant, or responsible person.

10-354. ITEMIZED STATEMENT. The nuisance inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall serve upon or mail a copy thereof to the owner, occupant or other responsible persons having an interest in the property, demanding payment within twenty days of the date of service or mailing. The notice shall be deemed delivered when mailed by certified or priority mail addressed to the last known address of the property owner, occupant or persons having an interest in the property.

10-355. FAILURE TO MAKE PAYMENT. In the event the owner, occupant or other person having an interest in the property, fails to make payment of the amount set forth in the statement to the municipal Treasurer

within the 20 days, the inspector may either cause suit to be brought in an appropriate court of law or may refer the matter to the County Treasurer as provided in this chapter.

10-356. **COLLECTION BY LAW SUIT.** In the event collection of expenses of destruction and removal are pursued through the courts, Delta City shall sue for and receive judgment for all of said expenses of destruction and removal, together with reasonable attorneys' fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.

10-357. **COLLECTION THROUGH TAXES.**

A. In the event that the nuisance inspector elects to refer the expenses of abating the nuisance to the County Treasurer for inclusion in the tax notice of the property owner, he/she shall make in triplicate an itemized statement of all expenses incurred in the destruction or removal of the same, and shall deliver the three copies of the statement to the County Treasurer within ten days after the completion of work of abating or removing the nuisance. Thereupon the owner, occupant or other responsible person of the property shall be subject to those statutory provisions governing the collection of property taxes, together with those rules or regulations, if any, promulgated by the Millard County Treasurer's Office for the collection of property taxes.

B. In the event the City Council elects the remedy under this part, the Delta City nuisance inspector shall file the notice and proof of service of said notice in the office of the County Treasurer.

10-358. **CRIMINAL PROCEEDING.** The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

10-359. **PENALTY FOR FAILURE TO COMPLY.**

A. A violation of any provision of this section shall be punishable by a fine, not to exceed the maximum fine under a Class "C" misdemeanor as provided by state law. Each day of continued violation shall constitute a separate offense.

B. Compliance by any owner, occupant or other person to whom a notice has been given subsequent to the commencement of criminal proceedings as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section.

**10-400. GARBAGE AND LITTER.**

10-410. **GARBAGE REGULATION.**

10-411. **DEFINITIONS.**

A. "Garbage" means waste from the preparation, handling, storing, cooking or consumption of food and food products.

B. "Residential garbage" refers to garbage produced in places of private residence and dining halls not open to the public.

C. "Commercial garbage" refers to garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.

D. "Refuse" means 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 not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.

- E. "Community waste" means lawn cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.
- F. "Container" or "regulation container" means a type of garbage or trash container of galvanized metal or other approved material and having a tight fitting lid or properly and sufficiently treated weather resistant paper bag manufactured specifically for use in garbage and refuse collection.

#### 10-412. COLLECTION OF GARBAGE.

- A. Delta City or its licensee shall collect, remove and dispose of all residential, commercial garbage the removal of which is not otherwise provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the City Council may from time to time establish by regulation.
- B. Except as otherwise expressly permitted by this part, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of Delta City except by Delta City, its agent or licensee and except by authorized persons hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, except as permitted in this part, to haul or remove garbage or refuse in Delta City.
- C. 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. Authorized garbage haulers must apply for and receive permission to do so from the City Recorder. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the City Council may from time to time by regulation provide.
- D. Nothing contained in this section shall preclude persons from hauling their own garbage, trash or community waste over the streets and alleys of Delta City in vehicles and containers approved by a sanitary inspector or such other Delta City personnel as the City Council may authorize.
- E. Nothing in this section shall be construed as regulating or eliminating charge made for garbage service.

10-413. NO ACCUMULATION OF GARBAGE. It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in Delta City without express permission from the City health officer. The health 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 health officer may designate and under such restrictions as the City Council may by regulation impose. Additionally, the health officer may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained.

#### 10-414. CONTAINERS.

- A. All garbage and refuse shall be placed in suitable and sufficient garbage receptacles, either receptacles with tight fitting lids or properly and sufficiently treated water resistant bags manufactured specifically for use in garbage and refuse collection.
- B. Containers shall not exceed a 30 gallon capacity for receiving and holding garbage, market waste or other refuse which may accumulate.

- C. Receptacles shall not be filled to exceed 75 pounds in weight including the weight of the receptacle. Metal receptacles shall be provided with handles for convenient lifting.

10-415. **CLOSING OF GARBAGE CONTAINERS REQUIRED.** All garbage and market waste must be placed in rainproof and fly-proof receptacles of the type herein required, and the receptacle shall be tightly closed in such manner as to prevent offensive odors or flies.

10-416. **TIME AND PLACE OF PICKUP.**

- A. All garbage and refuse subject to garbage collection shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the City Council.
- B. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the house of collection.
- C. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents.

10-417. **DISPOSAL OF COMMUNITY WASTE.**

- A. Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the City Council as to the places of disposal and as to the type of vehicle used to avoid spillage upon the public ways of Delta City, hazards to safety and the prevention of nuisances.
- B. The City Council from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with regular garbage, waste collection and disposal service. In the event community waste disposal needs should require a charge to be made by Delta City, the determination of the charge will be made by negotiation with the residents or business enterprises and the residents of business enterprises will be given an opportunity to choose from among services offered.

10-420. **BURNING OF REFUSE PROHIBITED.** It shall be unlawful for any person to burn garbage, market waste, manure or other refuse in the open air or in any furnace or stove within Delta City without prior approval from the fire chief or his designated assistants.

10-421. **DUMPING REFUSE PROHIBITED.** It shall be unlawful for any person to place, deposit or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night soil or any other refuse upon any lot within Delta City whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof or has the same under his jurisdiction and control.

10-422. **LIMITATIONS UPON DUMPING.** Dumping waste and garbage shall be permitted only in such places as are designated by the City Council. Dumping shall be subject to such rules and regulations as may be formulated by the City Council.

10-423. **REGULATIONS.** The City Council may adopt such regulations as in its opinion are necessary to implement this part and its objectives.

10-430. **LITTER – HANDBILLS.**

10-431. **DEFINITIONS.** For the purpose of this part:

- A. “Authorized receptacle” is a public or private litter storage and collection receptacle.
- B. “Commercial handbill” is any printed or written matter, 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:
1. Which advertises for sale any merchandise, product, commodity or thing;
  2. Which directs attention to any business or mercantile of commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;
  3. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, providing that nothing contained in this clause shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of Delta City, or;
  4. Which, while containing reading matter other than advertising matter is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distribution.
- C. “Garbage” means waste from the preparation, cooking or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked and consumed.
- D. “Litter” is “garbage,” “refuse” and “rubbish” as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of Delta City.
- E. “Newspaper” is any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
- F. “Non-Commercial Handbill” is 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 aforesaid definitions of a commercial handbill or newspaper.
- G. “Park” is a park, reservation, playground, beach, recreation center or any other public area in Delta City owned or used by the City of Delta.
- H. “Refuse” is putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.
- I. “Rubbish” is non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

- J. "Vehicle" is every device in, on or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.
- 10-432. LITTER IN PUBLIC PLACES. No person shall throw or deposit litter in or on any street, sidewalk or other public place except:
- A. In authorized receptacles for collection or in official municipal garbage dumps, or
  - B. For collection as authorized by the City Council.
- 10-433. PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING. Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.
- 10-434. SWEEPING LITTER INTO GUTTERS PROHIBITED EXCEPT AS OTHERWISE AUTHORIZED BY THE CITY COUNCIL. No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway except as authorized by the City Council. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- 10-435. MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.
- 10-436. LITTER THROWN BY PERSON IN VEHICLES. No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place or on private property.
- 10-437. TRUCK LOADS CAUSING LITTER. No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.
- 10-438. LITTER IN PARKS. No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
- 10-439. LITTER IN LAKES AND FOUNTAINS. No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within Delta City.
- 10-440. THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES. No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place within Delta City. Unless otherwise authorized by the City Council, it is an infraction for any person to hand out, distribute or sell any commercial handbill in any public place, provided, however, that it shall not be unlawful on any sidewalk, street or other public place for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.
- 10-441. PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES. Unless otherwise authorized by the governing body, no person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

- 10-442. DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES. No person shall throw or deposit any commercial or non-commercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.
- 10-443. PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED. No person shall throw, deposit or distribute any commercial or non-commercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed or to have any such handbills left on such premises.
- 10-444. DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, except by handling or transmitting any such handbill directly to the owner, occupant or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this part, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.
- 10-445. EXEMPTION FOR MAIL AND NEWSPAPERS. The provisions of this part shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk or other public place or on private property.
- 10-446. POSTING NOTICE PROHIBITED. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law.
- 10-447. LITTER ON OCCUPIED PRIVATE PROPERTY. No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property.
- 10-448. LITTER ON VACANT LOTS. No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person.
- 10-449. HANDBILLS AND POSTERS.
- A. No person 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 lamp post, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, 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, or state and the ordinances of Delta City.
  - B. It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in Delta City any cards, circulars, handbills, samples of merchandise, or any advertising matter whatsoever without having first secured a permit therefor. This section shall not be construed to apply to the sale of articles by licensed peddlers.

- C. Applications for such permit shall be made to the city Recorder and 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.
- D. Licenses shall be issued only to persons of good character. The chief of police shall make or cause to be made an investigation into the character of each applicant and shall report the results thereof to the city Recorder before any such license is issued.

**10-500. FIREWORKS.**

10-510. PROVISIONS OF THE UTAH FIREWORKS ACT ADOPTED BY REFERENCE. The Utah Fireworks Act, Chapter 3 of Title 11, U.C.A., and any subsequent amendments thereto, is hereby adopted as a Delta City ordinance. Provided, however, that any provision of the foregoing having a penalty which cannot be imposed for violation of a City Ordinance is not adopted.

10-511. DEFINITIONS.

- 1. "Firework" means any composition or device manufactured or used for the purpose of producing a visible or audible effect by combustion, deflagration or detonation but does not include model rockets, toy pistol caps, emergency signal flares, snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches or class A and B explosives.
- 2. "Ground or hand-held sparkling" device means:
  - a. Any cylindrical tube (cylindrical fountain) not exceeding  $\frac{3}{4}$ " inch inside diameter and containing not more than 75 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition any may whistle or pop;
  - b. Any cardboard or heavy paper cone (cone fountain) containing up to 50 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;
  - c. Any cylindrical tube (illuminating torch) containing up to 100 grams of pyrotechnic composition which produces colored fire upon ignition;
  - d. Any pyrotechnic device (wheel) capable of being attached to a post or tree containing up to six "driver" units or tubes not exceeding  $\frac{1}{2}$ " inch inside diameter that each contain not more than 60 grams of pyrotechnic composition per driver unit which revolves upon ignition producing a shower of color and sparks and sometimes a whistling effect;
  - e. Any device similar in design and effect to a "wheel" capable of being placed on the ground (ground spinner) and ignited; and
  - f. Any narrow paper fuse-less tube (flitter sparkler) filled with pyrotechnic composition that produces color and sparks when the popper at one end of the tube is ignited.
- 3. "Ground audible device" means any paper or cardboard tube containing not more than 50 milligrams of pyrotechnic material that travels along the ground (chaser) upon ignition and often produces a whistling and/or popping effect.
- 4. "Combination fireworks device" means any device containing combinations of two or more of the effects described in Subsections [Subsection] 2 or 3.
- 5. "Trick noisemaker" means:

- a. Any tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke (smoke device) as its primary effect; and
- b. Any device that produces a small report intended to surprise the user, including:
  - i. A “booby trap” which is a small tube with a string protruding from both ends that ignites the friction sensitive composition in the tube when the string is pulled;
  - ii. A “snapper” which is a small paper-wrapped device containing a minute quantity of explosive composition coated on bits of sand which explodes producing a small report;
  - iii. A “trick match” which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited;
  - iv. A “cigarette load” which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited; and
  - v. An “auto burglar alarm” which is a tube which contains pyrotechnic composition that produces a loud whistle and smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams may also be used to produce a small report. A squib is used to ignite the device.

10-512. STATE FIRE PREVENTION BOARD RULES. Rules, specifications, standards or requirements promulgated by the Utah State Fire Prevention Board as permitted or required by the various sections of the Utah Fireworks Act are included and adopted as part of these ordinances.

10-513. PERMIT AND FEE REQUIREMENT. No person shall offer for sale or sell, at retail, any fireworks without a permit countersigned by the Delta City Fire Chief. The fee for a license to sell fireworks shall be as follows:

- (1) Business revenue license for permanent businesses as set forth in Title 9 of the Revised Ordinances of Delta City (1981 edition) as amended, whether indoor sales or outdoor sales of fireworks on said permanent business premises. Provided that: The outdoor sale of fireworks on business premises that would otherwise qualify for a license fee under a permanent business license shall be subject to a temporary business license if such sale of fireworks takes place on other than the seller’s business premises.
- (2) Temporary business - \$50 for purposes of licensing. A temporary business shall mean:
  - a. A business whose principal purpose is to sell fireworks; or
  - b. A permanent business licensed under Title 9 of the Revised Ordinances of Delta City, which business is engaged in the outdoor sales of fireworks on other than permanent business premises.
- (3) Regulatory Fee:
  - a. Indoor sales (permanent businesses located within a building or structure) - \$100.00.
  - b. Outdoor sales (temporary stands and trailers) - \$200.00.

The aforementioned fees for each permit shall be the same for each separate location at which fireworks are to be sold. Each permit shall remain in effect for twelve (12) months from its date of issue unless the permittee violates a provision of this chapter, in which event the permit may be revoked.

10-514. APPLICATION FOR PERMITS. Applications for a permit to sell fireworks shall be in writing and shall:

1. Include the name and address of the person, firm or corporation applying for the permit;
2. Describe the specific location where fireworks will be sold;
3. Include evidence of insurance in an amount not less than ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS because of bodily injury to or death of one person in any one accident and subject to said limit for one person, and in an amount not less than THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS because of bodily injury or death of two or more persons in any one accident. Also, evidence of insurance in an amount not less than FIFTY THOUSAND (\$50,000.00) DOLLARS because of injury to or destruction of property of others in any one accident; and
4. Include any other information reasonably requested by the Delta City Fire Department.

10-515. SALES LOCATIONS.

1. Retail sales of fireworks shall be permitted within a permanent structure in connection with which structure a business license is in effect pursuant to the provisions of Title 9 of these ordinances, or, from a temporary stand or trailer. Retail sales of fireworks shall be allowed only at locations within the following zoned districts.
  - a. Commercial Business.
  - b. Commercial Development.
  - c. Highway Commercial.

Temporary stands or trailers used for the sale of fireworks shall be subject to the following requirements for violation of which a retail sales permit may be refused or canceled:

- a. Temporary stands shall meet the requirements of the latest edition of the Uniform Building Code adopted by Delta City. Each licensee shall pay the inspections fee and shall be inspected prior to any sales.
- b. No fireworks stand or trailer shall be located within twenty-five (25) feet of any other building or within fifty (50) feet of any gasoline pump or dispensing device;
- c. All fireworks stands or trailers shall be erected in a manner that will reasonably assure the safety of attendants and patrons;
- d. Each stand or trailer shall have a minimum of two (2) approved exit doors, which swung out at opposite ends of the stand or trailer. Door locking devices, if any, shall be easily released from the inside of the stand or trailer.
- e. A sign prohibiting the discharge of any fireworks within one hundred (100) feet of the fireworks stand or trailer shall be prominently displayed;
- f. All fireworks retail sales locations shall be under the direct supervision of a responsible person who is eighteen (18) years or age or older. A sales person shall remain at the sales

location at all times unless suitable locking devices are provided to prevent the unauthorized access to the merchandise by others, or the merchandise is removed.

- g. Fireworks stands or trailers shall be removed within seven (7) days after retail sales cease.

#### 10-516. PROHIBITED ACTS.

1. It shall be unlawful to discharge fireworks:
  - a. Within one hundred (100) feet of any place where fireworks are sold or offered for sale;
  - b. Within three hundred (300) feet of any church, hospital, rest home, retirement center, school building or similar institution;
  - c. In such manner that the fireworks project over or onto the property of another person without the consent of the person owning or controlling such property; or
  - d. In any public park.
2. It shall be unlawful to ignite, discharge or throw any fireworks from or into any motor vehicle or at or near any person.
3. It shall be unlawful to make, sale or offer to sale or to discharge any type of homemade fireworks.
4. It shall be unlawful to sale or offer to sale fireworks:
  - a. Without a permit;
  - b. In violation of any requirement of this Chapter or any regulations adopted by the Utah State Fire Prevention Board;
  - c. At a location not specified in the permit application;
  - d. Without the insurance coverage required in the permit application;
  - e. In violation of the requirements of Section 10-515.
5. It is unlawful for any person, firm or corporation, to sale, or offer for retail sale, or discharge in Utah any fireworks other than those defined in Section 10-511.

#### 10-517. ENFORCEMENT – SEIZURE OF FIREWORKS SOLD UNLAWFULLY – REVOCATION OF LICENSE.

1. Every county and municipal officer charged with the enforcement of state and municipal laws including all fire enforcement officials and the Division of Public Safety is charged with responsibility to enforce this ordinance.
2. Fireworks sold or offered for sale in violation of this chapter may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

10-518.1 CONFLICTING PROVISIONS. In the event there should at any time be a conflict between the provisions of this chapter and provisions of the Utah Fireworks Act or rules and regulations adopted pursuant thereto, the latter shall control.

#### 10-600. STREET TREES

10-610. PURPOSE AND INTENT

- 1. PURPOSE. Delta City recognizes and attributes substantial economic, environmental and aesthetic value to the trees and other plantings within the community. It is in the best interests of the citizens and public that a plan be developed to standardize the planting and maintenance of trees within easements, in rights-of-way and all other public places within the City.
- 2. INTENT. It is the intent of the Delta City Council that the terms of this ordinance shall be construed as to promote:
  - a. The planning, planting, maintenance, restoration, protection and survival of desirable trees within the City; and,
  - b. The protection of community residents from personal injury and property damage, and the protection of Delta City from property damage caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within Delta City.

10-611. DEFINITIONS

- 1. "Other Plants or Plantings" shall mean any shrubs, grass or ground cover planted within street rights-of-way or easements or in proximity thereto.
- 2. "Code Enforcement Officer" shall mean the person or designee responsible for maintenance of Street Trees.
- 3. "Responsible Developer" shall mean a Developer who has chosen to install Street Trees in a residential, commercial, industrial or multi-family development.
- 4. "Street Tree" shall mean any tree planted within the City right-of-way on either side of all streets, lanes, trails or ways within the City.
- 5. "Park Tree" shall mean any trees or other woody vegetation in public parks having individual names, and all areas owned by the City, or areas to which the public has free access as a park.
- 6. "Tree Trimming" shall mean the removal of plant parts to control growth and enhance performance or function in the landscape by developing and preserving tree structure and health. The removal of water sprouts, sucker growth, and hanging limbs is not considered tree trimming according to the provisions of this Chapter.

10-612. ORDINANCE ADMINISTRATION

- 1. AUTHORITY. The Code Enforcement Officer, or designee shall be responsible for administering and enforcing the Street Tree Ordinance. He or she shall:
  - a. Have supervision of all trees planted or growing in public rights-of-way or City-owned places within the City.
  - b. Supervise the planting, trimming, spraying, preservation and removal of Street Trees and other plants in public streets, in City parks to promote safety, protect City utilities and preserve the beauty of such public places.

Supervise the maintenance of Street Trees, Park Trees and Other Plants or Plantings consistent with the language of this Section.

10-613. Street Tree Maintenance and Care by the City

1. CARE AND MAINTENANCE. The Code Enforcement Officer, or designee shall initiate and administer a program to encourage the planting, maintenance, care, removal and replacement of Street Trees, consistent with resources available.
2. CITY TREE PLANTING AND MAINTENANCE. The City shall have the right to plant, prune, maintain and remove Street Trees located within the public rights-of-way and without prior notice of adjoining or surrounding property owners.
3. TREE REPLACEMENT. The City may replace Street Trees or Other Plantings which have died or been removed for any reason, or plant additional Street Trees deemed appropriate and consistent with available resources.
4. CITY AUTHORITY. The City may condemn and remove, or order to be removed any tree, tree stump, shrub, or plant upon any of the public owned property within this City where the same is dead, diseased or for any reason whatsoever deemed undesirable or unsafe by the Code Enforcement Officer, or designee.

10-614. STREET TREE MAINTENANCE AND CARE BY CITIZENS

1. TRIMMING. Any person, firm, partnership, corporation or organization of any kind, must obtain approval from the Code Enforcement Officer, or designee prior to trimming any designated street tree. Approval is not required for removing sucker growth, waterspouts, minor limbs causing obstructions, or for removal of less than ten percent (10%) of the tree canopy.
2. ADJACENT PROPERTY OWNERS TO MAINTAIN TREES ON THEIR PROPERTY. Trees and other plantings on adjacent property shall not inappropriately overhang or encroach upon sidewalks, streets, public rights-of-way or other designated pedestrian ways, nor obstruct the view of traffic signs or any street intersection. Trees and other plantings that project over any street or access road that may be used for emergency purposes shall be trimmed to a safe height and shape. Adjacent property owners shall be encouraged to remove all dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a menace to public safety, at their expense; or prune to eliminate encroachment on sidewalks and streets.
3. REMOVING STUMPS. Any tree that shall be removed from any of the public streets or places within the City shall be removed below the surface of the ground so that the top of the stump shall not project above the level of the ground, unless permission to leave a projecting stump is granted by the Public Works Director, or designee.