

MILLVILLE CITY CODE
TITLE 8 - HEALTH AND SAFETY
CHAPTER 8.08 - NUISANCES

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8.08.010: 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 is unlawful for any person either as an owner, agent, or occupant to create, or aid in creating or contributing to or maintaining a nuisance. (Prior code § 10-311)

8.08.020: 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 or her agent, the tenant or his or her 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. (Prior code § 10-312)

8.08.030: DECLARATION OF NUISANCE

- A. Every act or condition made, permitted, allowed or continued in violation of section 8.08.010 of this chapter, is declared to be a nuisance and may be abated and punished as hereinafter provided.
- B. Nuisances include, but are not limited to:
 - 1. Befouling water in any spring, stream, well, or water source supplying water for culinary purposes;
 - 2. Allowing any privy, vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors 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 any animals are kept;
6. Permitting any slaughterhouse, 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 in which flies or rodents breed;
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;
9. Having or permitting upon any premises any fly or mosquito producing condition;
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 wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the municipality;
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 system, canal or basin, or any public park without first obtaining the written permission of the governing body. (Prior code § 10-313)

8.08.040: 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. (Prior code § 10-314)

8.08.050: TOILET OR SEWER FACILITIES

All toilet or sewer facilities shall be constructed and maintained in accordance with the ordinances of the municipality. All such facilities that do not comply with such provisions are declared to be a nuisance and are subject to abatement as herein prescribed. (Prior code § 10-315)

8.08.060: RESTRICTIONS ON BLOCKING WATER

- A. It is unlawful for any person or persons to permit any drainage system, canal, ditch, conduit or other watercourse 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 watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement. (Prior code § 10-316)

8.08.070: ABATEMENT OF WEEDS AND DELETERIOUS OBJECTS; REAL PROPERTY TO BE KEPT CLEAN

It is an infraction for any person owning or occupying real property to allow weeds to grow higher on such property than is permitted by this chapter or not to remove from such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the health director as hereinafter provided. (Prior code § 10-320)

8.08.080: 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 of agriculture. (Prior code § 10-322)

8.08.090: STANDARDS OF WEED CONTROL

The city shall enforce weed control ordinances and provisions uniform with the state and Cache County. (Prior code § 10-323)

8.08.100: DEFINITION OF NUISANCE

For the purpose of this chapter the term "nuisance" is defined to mean any condition of use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly which includes, but is not limited to, keeping or depositing on, or scattering over the premises any of the following:

- A. Lumber, junk, trash, or debris;
- B. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers, cars. (Prior code § 10-331)

8.08.110: 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. (Prior code § 10-332)

8.08.120: 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 thirty (30) days or more (except in licensed junkyards) within this municipality, is declared to be a nuisance and dangerous to the public safety. (Prior code § 10-333)

8.08.130: 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 section 8.08.120 of this chapter, is made, and also the owner lessors or lessees of the above described personal property involved 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 to remove such property from the municipality. (Prior code § 10-334)

8.08.140: BEFOULING WATERS

A person is guilty of a class B misdemeanor if he or she:

- A. Constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop, or other offensive yard or outhouse where the waste of drainage therefrom shall flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or
- B. Deposits, piles, unloads, or leaves any manure heap, offensive rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or
- C. Dips or washes sheep in any stream, or constructs, maintains, or uses any pool or dipping vat for dipping or washing sheep in such close proximity to any stream located within this municipality or over which this municipality may exercise its jurisdiction and used by the inhabitants of this municipality for domestic purposes as to make the waters thereof impure or unwholesome; or
- D. Constructs or maintains any corral, yard, or vat to be used for the purpose of shearing or dipping sheep, where the refuse or filth from the corral or yard would naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes; or
- E. Establishes and maintains any corral camp, or bedding place for the purpose of herding, holding, or keeping any cattle, horses, sheep, goats, or hogs, where the refuse or filth from the corral, camp, or bedding place will naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes. (Ord. 2000-10 § 2: prior code § 13-1082)

8.08.150: PUBLIC NUISANCE DEFINED

- A. A public nuisance is a crime against the public order and economy of this municipality and consists in unlawfully doing any act or omitting to perform any duty, which act or omission either:
1. Annoys, injures, or endangers the comfort, repose, health or safety of three (3) or more persons; or
 2. Offends public decency; or
 3. Unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
 4. In any way renders three (3) or more persons insecure in life or the use of property.
- B. An act which affects three (3) or more persons in any of the ways specified in this section is still a nuisance regardless of whether the extent of annoyance or damage inflicted on individuals is unequal. (Prior code § 13-1083)

8.08.160: MAINTAINING, COMMITTING OR FAILING TO REMOVE PUBLIC NUISANCE; CLASSIFICATION OF OFFENSE

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who wilfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class B misdemeanor. (Prior code § 13-1084)

8.08.170: CARCASS OR OFFAL; PROHIBITIONS RELATING TO DISPOSAL; CLASSIFICATION OF OFFENSE

Every person who puts the carcass of any dead animal or the offal from any slaughter pen, corral, or butcher shop into any river, creek, pond, street, alley, or public highway, or road in common use, or who attempts to destroy it by fire, within one mile of this municipality is guilty of a class B misdemeanor. (Ord. 2000-10 § 2)

8.08.180: NOT TO AFFECT OTHER PROVISIONS OF MUNICIPAL ORDINANCES

Nothing contained in this municipal criminal code shall affect any other provisions of this municipality's ordinances, rules or regulations which regulate, prohibit or effect nuisances or public nuisances. (Prior code § 13-1086)

8.08.190: ACTION FOR ABATEMENT OF PUBLIC NUISANCES

The municipal attorney is empowered to institute an action in the name of this municipality to abate a public nuisance. (Prior code § 13-1087)