

**MILLVILLE CITY CODE
TITLE 8 - HEALTH AND SAFETY
CHAPTER 8.12 - NUISANCE ABATEMENT**

[8.12.010: APPOINTMENT AND DUTIES OF INSPECTOR](#)

[8.12.020: HEARING](#)

[8.12.030: FAILURE TO COMPLY](#)

[8.12.040: ITEMIZED STATEMENT](#)

[8.12.050: FAILURE TO MAKE PAYMENT](#)

[8.12.060: COLLECTION BY LAWSUIT](#)

[8.12.070: COLLECTION THROUGH TAXES](#)

[8.12.080: CRIMINAL PROCEEDING](#)

[8.12.090: PENALTY FOR FAILURE TO COMPLY](#)

8.12.010: APPOINTMENT AND DUTIES OF INSPECTOR

- A. There is established the position of nuisance inspector whose duties it shall be to enforce the provisions of this chapter. Until another person is designated, the mayor 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 perform all functions necessary to enforce the provisions of this chapter.
- C. If he or she concludes there exists an objectionable condition in violation of this chapter, the inspector shall:
 - 1. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist;

2. Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice, postage 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 or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the inspector may designate, provided that any person notified pursuant to this subsection shall be given at least ten (10) but not more than twenty (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 person that in the event he or she disagrees with the determination of the inspector and does not wish to comply with the provisions of the notice or that he or she objects to the factual or legal basis for the notice, he or she may request in writing a hearing before the governing body at a time and place to be set by the governing body. A written application for a hearing shall state the time within which the person must conform to the provisions of the notice.
 - c. Inform the person that in the event he or she fails or neglects to correct the objectionable condition, the municipality will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he or she will be assessed such costs together with reasonable attorney 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 or occupant makes such request for a hearing, the governing body shall set the time and place for hearing objections and the recorder shall notify the owner, occupant, or other persons in writing of the time and place at which they may appear and be heard. The hearing shall not be heard within less than five (5) days from the date of service or mailing of the notice of hearing. (Ord. 2000-7 § 2: prior code § 10-351)

8.12.020: HEARING

- A. At the written request of an owner, occupant or other person having an interest in property which is subject of a notice to remove or abate weeds, objectionable conditions,

or objects from the property, the governing body shall conduct an informal hearing (which need not be reported) wherein such persons may present 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 governing body shall also permit the presentation of evidence and argument by the inspector and other interested parties. Thereafter within not less than five (5) days, nor more than thirty (30) days, the governing body shall, over the signature of the mayor or such other member of the governing body as it may designate, render its written decision, a copy of which should be mailed to or served upon the owner or other person to whom the original notice was given by the inspector.

- B. In the event the decision of the governing body 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 or occupant to remove or abate the objectionable objects or conditions, and he or she shall have up to thirty (30) days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty (30) days, is authorized by the inspector.
- C. In the event that the decision of the governing body either overrules or modifies the determination of the inspector, the written decision of the governing body shall apprise the owner or occupant of the fact and set forth the details and extent to which the owner or occupant must make removal or any other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the governing body within thirty (30) days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the inspector unless additional time is authorized by the governing body.
- D. The inspector shall file an amended notice and proof of service of notice and file the same in the office of the county treasurer. (Ord. 99-7, 1999: prior code § 10-352)

8.12.030: 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 eradication, destruction or removal of such weeds, garbage, refuse, objects, or structures, the inspector shall employ all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed at the expense of the municipality. (Prior code § 10-353)

8.12.040: ITEMIZED STATEMENT

The inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner, occupant, or persons having an interest in the property. (Prior code § 10-354)

8.12.050: FAILURE TO MAKE PAYMENT

In the event the owner, occupant or 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 twenty (20) days, the inspector either may 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. (Prior code § 10-355)

8.12.060: COLLECTION BY LAWSUIT

In the event collection of expenses of destruction and removal are pursued through the courts, the municipality shall sue for and receive judgment for all of the expenses of destruction and removal, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law. (Prior code § 10-356)

8.12.070: COLLECTION THROUGH TAXES

In the event that the inspector elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he or she shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver the three (3) copies of the statement to the county treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects, or structures. Thereupon, the costs of the work shall be pursued by the county treasurer in accordance with the provisions of the Utah code as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted. (Ord. 2000-7 § 2)

8.12.080: 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 of 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. (Prior code § 10-358)

8.12.090: PENALTY FOR FAILURE TO COMPLY

- A. Any owner, occupant or person having an interest in the property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of a class C misdemeanor for each offense and further sum to be set by resolution and every day such failure to comply continues beyond the date fixed for compliance.
- B. Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section. (Prior code § 10-359)