

TITLE 4

HEALTH AND SANITATION

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CHAPTER 1

AGRICULTURAL OPERATIONS

Section

- 4.01.101: PURPOSE
- 4.01.102: NUISANCE LIABILITY
- 4.01.103: DISPOSAL, DUMPING OR DISCHARGING ONTO AGRICULTURAL LANDS

4.01.101: PURPOSE:

It shall be the policy of the town to assist in the conservation of natural resources and scenic beauty, and to encourage the development and improvement of agricultural lands within its boundaries, for the production of food and other agricultural products. The town recognizes the important balance that must be maintained between interests in agricultural land and other competing land uses. It shall be the purpose of this chapter to provide, to the extent possible, for the reasonable protection of agricultural uses, specifically those aspects of an agricultural use, that tend to offend the senses, to the extent, the agricultural use is reasonably maintained according to sound agricultural practices, and conforms to federal, state and local ordinances and regulations.

4.01.102: NUISANCE LIABILITY:

A. Agricultural operations that are consistent with sound agricultural practices are presumed to be reasonable and do not constitute a nuisance under this title, or a private nuisance, unless the agricultural operation has a substantial adverse effect on the public health and safety.

B. Agricultural operations undertaken in conformity with federal, state and town laws and regulations, including the town's zoning ordinances, are presumed to be operating within sound agricultural practices.

C. As used in this chapter, "agricultural operation" means any facility for the production for commercial purposes of crops, livestock, poultry, livestock products or poultry products.

4.01.103: DISPOSAL, DUMPING OR DISCHARGING ONTO AGRICULTURAL LANDS:

A. For the purpose of this section, "agricultural lands" shall mean those lands upon which a bona fide agricultural operation exists, or areas of vacant ground consisting of five (5) or more contiguous acres of land.

B. It shall be unlawful for any person to dump, discharge or dispose of any materials, including, but not limited to, garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi-liquid waste, grasses, stubble, brush, tumble weeds, clippings and cuttings, vegetative waste, litter, filth, or refuse of any nature, kind or description, and to leave the same upon agricultural land.

C. Any person who is found guilty of violating this section, shall be guilty of a class B misdemeanor, and subject to the penalty therefor. Each day such violation is committed or permitted to continue, shall constitute a separate violation.

D. The town attorney may initiate legal action, civil or criminal, to abate any condition that exists in violation of this section.

E. In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating this section shall be liable for all expenses incurred by the town in removing or abating the nuisance and/or source of filth.

CHAPTER 2 NUISANCES

Section

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- 4.02.118: RIGHT TO APPEAL
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4.02.101: FINDINGS AND PURPOSE:

A. The Town of Hideout council finds that conditions on real property in the town may constitute a nuisance in that these conditions:

1. Provide a breeding ground for insects and vermin;
2. Provide habitations for insects and vermin;
3. Create a fire hazard;
4. May attract children to unsafe areas; and
5. Detract from the attractiveness of neighborhoods in the town.

B. Such conditions include:

1. Storing of junk, garbage, trash, refuse, and solid waste on real property;
2. Allowing weeds and other vegetation to become overgrown or otherwise uncared for; and
3. Storing and maintaining abandoned or unsightly vehicles on real property.

C. It is the purpose of this chapter to:

1. Prevent fire hazards;
2. Prevent insect, rodent, and other vermin infestations;
3. Prevent induction of pollens into the air;
4. Prevent further spread of vegetation that threatens the public health, safety and welfare;
5. Abate the existence of conditions or objects, structures, or solid waste that threaten the public health, safety or welfare, or that create a public nuisance;
6. Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair, or cleaning; and
7. Enhance the appearance of property and reduce communication between criminal elements by elimination of graffiti on structures within the town.

D. This chapter accomplishes its purposes by:

1. Identifying conditions on real property which are considered nuisances;
2. Providing a procedure for abating these nuisances; and
3. Providing penalties for the violation of this chapter.

4.02.102: DEFINITIONS:

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

**ABANDONED OR UNSIGHTLY
VEHICLE:**

A. Any vehicle which is inoperable by virtue of being wrecked, dismantled, partially dismantled or some similar condition.

B. A vehicle which is kept in an enclosed structure out of sight of the general public shall not be considered abandoned for purposes of this chapter. For the purpose of this chapter, enclosed structure shall be a structure with four (4) walls and a roof and shall not include any type of fenced area.

C. A vehicle which is being repaired or restored pursuant to a restoration permit issued under this code shall not be considered abandoned for purposes of this chapter. An abandoned or unsightly vehicle shall not include a vehicle that is properly located in an approved area of a business engaged in the sale, repair or restoration of vehicles, provided such approval is granted as part of a conditional use permit with site plan approval of the planning commission and town council. A vehicle used in a lawful agricultural use shall not be considered abandoned or unsightly under this chapter. Where the status of the vehicle is in question, the enforcement officer shall make the determination.

ABATE:

To put an end to a condition which is considered to be a nuisance under the terms of this chapter.

ENFORCEMENT OFFICER:

The Mayor, the Mayor's designee, or enforcement officer or sheriff's deputy appointed to enforce the terms of this chapter.

ERADICATION:

The destruction of weeds by chemicals, cutting, disking, root removal, rototilling, or any other method approved by the enforcement officer.

GRAFFITI:

The unauthorized spraying of paint or marking of ink, chalk, dye, or other similar substances on public or private property or

structures. For the purposes of Utah Code Annotated section 10-11-1, graffiti is deemed to be deleterious and unsightly.

OWNER:

Any person who, alone or jointly or severally with others:

A. Has legal title to any real property, premises, dwelling or dwelling unit, with or without accompanying possession; or

B. Has charge, care or control of any property, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, as the executor, executrix, administrator, administratrix or guardian of the estate of the owner, or as trustee of any trust which owns the property.

PERSON:

An individual, public or private corporation and its officers, partnership, limited liability company, association, firm, trustee, executor or executrix of an estate, administrator or administratrix of an estate, the state of Utah or its departments, institution, bureau, agency, municipal corporation, county, town, political subdivision, or any other entity recognized by law.

PROPERTY:

Any form of real property, together with all improvements to the real property, such as:

A. Habitable structures,

B. Other structures,

C. All other items which are appurtenant to the property,

D. Visible or tangible objects on the property, such as hedges, other vegetation, and automobiles, and

E. Park strip contiguous to a parcel of property.

SOLID WASTE:

A. Garbage, refuse, trash, rubbish, junk, hazardous waste, dead animals, sludge, liquid or semi-liquid waste;

B. Spent, useless, worthless, or discarded materials;

C. Material stored or accumulated for the purpose of discarding the materials;

D. Materials which have served their original purpose and have become worthless or useless; or

E. Waste materials resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational, or community activities.

F. The term "solid waste" does not include:

1. Solid or dissolved materials in domestic sewage or in irrigation return flows, or discharges for which a permit is required under the Utah water quality act, Utah Code Annotated section 19-5-101 et seq.,
- or 2. Materials regulated under the federal water pollution control act, 33 United States Code section 1251 et seq.

G. Animal waste.

STRUCTURE:

Anything constructed or erected on property which is located above or below ground, specifically including, but not limited to, fences, wells, poles, buildings, homes, dwellings, and sheds.

UNSIGHTLY:

Dilapidated, ill-kept, or in disrepair to the extent that it is offensive to the visual sense to a reasonable person, in accordance with the findings and purposes of this chapter.

WEEDS:

- A. Vegetation which poses a fire hazard;
- B. Vegetation that is noxious, a nuisance or dangerous as reasonably determined by the enforcement officer;
- C. Grasses, stubble, brush, tumbleweeds, clippings, and cuttings that endanger the public health and safety by creating:
 - 1. A fire hazard,
 - 2. A breeding ground for insects, rodents or other vermin, or
 - 3. A habitation for insects, rodents or other vermin;
- D. Poison ivy; or
- E. Plants specified as noxious weeds in the Utah noxious weed act, Utah Code Annotated section 4-17-1 et seq., and any regulations promulgated under the Utah Noxious Weed Act.
- F. Plants which are growing on a hillside with a slope of twenty five percent (25%) and which are necessary to stabilize the hillside or to prevent erosion of the hillside shall not be considered weeds.

4.02.103: JURISDICTION:

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

4.02.104: RESPONSIBILITIES OF ENFORCEMENT OFFICER:

The enforcement officer shall make inspections of property located within the town and may issue notices and citations under this chapter. The enforcement officer may also abate nuisances as described in this chapter.

A. Inspections:

1. The enforcement officer may make inspections on the property with the consent of the owner of property.
2. If the owner refuses to consent to an inspection, the enforcement officer may observe conditions on the property from a public place or from neighboring property with the consent of the owner of the neighboring property. The enforcement officer may issue a notice or a citation under this chapter based upon his observations from public property or from neighboring property.
3. If the owner refuses to consent to an inspection, the enforcement officer may obtain an administrative search warrant from an appropriate court to complete the inspection.

B. Records: The enforcement officer shall keep records of all of his enforcement activities and all facts which the enforcement officer shall find which relate to whether a particular property is in compliance with the terms of this chapter. During any period that the town provides its own enforcement, a property owner shall submit a request for records or reports to the enforcement officer, who shall provide the owner with a copy of the reports as required by law.

4.02.105: SCOPE:

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

4.02.106: CONDITIONS REQUIRING NOTICE PRIOR TO ABATEMENT:

It shall be unlawful for any owner of property within the town to maintain the following conditions on the owner's property. Before commencing abatement actions for these conditions or issuing a criminal citation pursuant to section 4.02.108, "Graffiti", of this chapter, the enforcement officer shall provide notice pursuant to section 4.02.112, "Notice", of this chapter.

- A. Weeds on the property (including adjacent park strips, alleys, and street edges) which do not comply with the standards described in section 4.02.111, "Standards for Weed Control", of this chapter.
- B. Cuttings from weeds left on the property.
- C. Solid waste left on the property.
- D. Vacant structures on the property which have not been secured.
- E. Unsightly or deleterious objects or structures on the property.

F. Any graffiti on any structure located upon the property which is visible from the street or other public or private property.

G. Any abandoned or unsightly vehicles on the property. Abandoned or unsightly vehicles located on public property or in the public right of way shall not be subject to any notice requirement, but may be removed immediately by the town.

4.02.107: UNSIGHTLY OR DELETERIOUS STRUCTURES OR OBJECTS:

A. Unsightly or deleterious objects or structures on property which may be repaired so that they are no longer unsightly or deleterious shall be repaired or removed from the property. If the owner chooses instead to remove the objects or structures from the property, they shall be lawfully disposed of.

B. Unsightly or deleterious objects or structures on property which cannot be repaired so that they are no longer unsightly or deleterious shall be removed from the property and lawfully disposed of.

4.02.108: GRAFFITI:

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

4.02.109: VEHICLE RESTORATION PERMIT:

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

A. A person wishing to obtain a vehicle restoration permit shall apply for a vehicle restoration permit on a form furnished by the town. The person shall pay a nonrefundable application fee at the time the person files the application as provided in the town's consolidated fee schedule.

B. The town's staff and the enforcement officer shall review the permit and determine whether the permit meets the standards of this section. The staff and the enforcement officer shall make a written recommendation to the town council regarding whether the permit should be approved or denied. The staff and the enforcement officer may recommend that the permit be approved, that it be approved with conditions, or that it be denied. If the staff and the enforcement officer recommend that it be approved with conditions, they shall include specific recommendations regarding the conditions which should be imposed. After making the written recommendation, the staff and the enforcement officer shall refer the permit to the town council for final action.

C. In reviewing the permit, the town staff and the enforcement officer shall consider:

1. The amount of work which needs to be done on the vehicle;
2. Whether the applicant has the tools and expertise necessary to perform the repairs; and
3. Whether the work can appropriately be performed in the area where the property is located. If the property is a rental property, the property owner must also agree to the terms of, and sign the permit.

D. The town council shall review the permit at its next regularly scheduled meeting after it receives the recommendation from the town staff and the enforcement officer. The applicant shall be notified of the time, date, and place of the meeting at which the permit will be reviewed.

E. In reviewing the permit, the town council shall not be bound by the recommendations of the staff and the enforcement officer. The council may approve the application, deny the application, or approve the application with conditions. If the council approves the permit with conditions, it need not impose the same conditions recommended by the staff and the enforcement officer.

F. Vehicle restoration permits are good for six (6) months. The holder of a vehicle restoration permit may extend the permit for additional terms of six (6) months each by making an application to the town. Only two (2) permits per household, per year may be obtained. Additional extensions may be granted as required to complete the restoration, by making application to the town.

1. The enforcement officer shall grant the renewal of the permit if the applicant demonstrates that work is progressing on the vehicle.
2. A vehicle which has not been repaired or restored by the expiration of the permit or any extension shall be removed from the property, stored in a covered area or be operable with current registration and inspection.
3. Permit shall extend only to the vehicle listed in the permit.
4. The permit must be placed in a clear and visible location on the vehicle being restored.

G. Vehicles being repaired or restored under a vehicle restoration permit shall be:

1. Covered with an appropriate car cover when no work is being performed on the vehicle.
2. Parked on an approved hard surface.
3. Placed such that no parts from the vehicle may be stored in the yard except where they originated, in or on the vehicle itself.

4. Repaired or stored but in no case shall sanding or body painting be allowed at a residence.

H. The permit fee described in this section shall be set by resolution of the town council.

4.02.110: NUISANCE CONDITIONS:

The following conditions on real property shall constitute a nuisance under this chapter and the enforcement officer may abate these conditions or issue a criminal citation to the owner under section 4.02.119, "Criminal Prosecution", of this chapter with or without providing notice as provided in section 4.02.112, "Notice", of this chapter:

A. Vegetation on private property which, due to its proximity to any public property or right of way interferes with the public safety or lawful use of the public property or right of way, or interferes with the town's clear view as defined in this code.

B. Weeds on property (including abutting park strips, alleys, or street edges) which have grown to a height exceeding six inches (6") or which have grown on or over a sidewalk.

C. An accumulation of weeds, solid waste, structures, or other objects on the property which is detrimental to health.

D. An accumulation of weeds, solid waste, structures, or other objects on the property which has become a fire hazard.

E. An accumulation of weeds, solid waste, structures, or other objects on the property which has become a source of contamination or pollution of water, air, soil or property.

F. An accumulation of weeds, solid waste, structures, or other objects on the property which has become a breeding place or habitation for insects, rodents, or other vermin.

G. Weeds determined to be especially injurious to public health, crops, animals, land, or other property.

4.02.111: STANDARDS FOR WEED CONTROL:

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

A. Weeds must be eradicated by chemicals, cutting or other acceptable means so that they do not exceed six inches (6") in height.

B. Weeds that are rototilled, disked, or removed by the root must be buried under the soil, removed from the property, or composted.

C. If the enforcement officer determines that the large size of the property makes the eradication of all weeds impractical, the enforcement officer may limit the required eradication of weeds to create a firebreak of not less than twenty five feet (25') in width around any structures and around the complete perimeter of the property.

D. Property which is not in close proximity to buildings or does not create a serious nuisance or fire hazard may be exempted by the enforcement officer from the weed control requirements described in this section. The enforcement officer shall issue any such exemption in writing and shall review all exemptions under this subsection annually.

4.02.112: NOTICE:

If the enforcement officer has inspected any property and determined that the property is in violation of the standards described in section 4.02.106, "Conditions Requiring Notice Prior To Abatement", of this chapter or has reasonable grounds to believe that the property is in violation of the standards described in section 4.02.106, "Conditions Requiring Notice Prior To Abatement", of this chapter, he shall give notice of the violation to the owner of the property. If the enforcement officer has inspected any property and determined that the property is in violation of the standards described in section 4.02.110, "Nuisance Conditions", of this chapter, or has reasonable grounds to believe that the property is in violation of the standards described in section 4.02.110, "Nuisance Conditions", of this chapter, he may, but shall not be required to, give notice of the violation under this section. For violations of the standards described in section 4.02.110, "Nuisance Conditions", of this chapter, the enforcement officer may proceed directly to issue a citation under section 4.02.119, "Criminal Prosecution", of this chapter or to the abatement procedures described in section 4.02.113, "Abatement by Enforcement Officer", of this chapter.

A. A notice under this section shall:

1. Describe the property by address. If the property has no address, the notice shall describe the property with sufficient specificity to identify the property.
2. Describe all violations which the enforcement officer found or for which he has reasonable grounds to believe that the violation exists on the property.
3. Describe the remedial actions which the owner should take to avoid a citation under section 4.02.119, "Criminal Prosecution", of this chapter or an abatement under section 4.02.113, "Abatement by Enforcement Officer", of this chapter.
4. Give the owner a reasonable time (which shall be expressed as a number of days from the date of the notice) to address the violations. In the alternative, the notice may state that remedial action should be commenced within a reasonable time (which shall be

expressed as a number of days from the date of the notice) and continue without interruption until the work is completed. In the case of graffiti, the owner shall be given no more than ten (10) days from the date of the notice to remove or obliterate the graffiti.

B. The enforcement officer shall serve the notice upon the owner of the property. Service shall be complete if the notice is served in one of the following ways:

1. Served on the owner in person; or
2. Sent by mail, postage prepaid, to the last known address of the owner. In determining the last known address of the owner, the enforcement officer may rely on the ownership information available from the Wasatch County recorder. If the notice is mailed under this subsection B2, the owner shall have three (3) additional days to comply with the notice.
3. The enforcement officer shall not be required to provide an owner more than one notice for the eradication of weeds in any calendar year.

4.02.113: ABATEMENT BY ENFORCEMENT OFFICER:

A. If a condition exists on property in violation of this chapter, the enforcement officer may, in addition to taking legal action:

1. Undertake or cause the eradication and removal of weeds;
2. Undertake or cause the removing of solid waste;
3. Undertake or cause the securing of any vacant structure;
4. Maintain or repair any unsightly or deleterious objects or structures which may be made not unsightly or deleterious by repair;
5. Remove and lawfully dispose of any unsightly or deleterious objects or structures;
6. Cover, clean, remove or obliterate any graffiti; or
7. Undertake or cause the removal of any abandoned or unsightly vehicle.

B. Before undertaking abatement under this section for a violation of section 4.02.106, "Conditions Requiring Notice Prior to Abatement", of this chapter, the enforcement officer shall provide notice as provided in section 4.02.112, "Notice", of this chapter. The enforcement officer may not commence abatement under this section until the time described in the notice for the owner to take action on the violations has expired.

C. In abating any unsightly or deleterious objects or structures under this section, the enforcement officer shall be under no obligation to make repairs if the enforcement officer determines that the abatement may be completed more quickly or more cost effectively by removing and disposing of the structure or object.

D. Upon completion of abatement under this section, the enforcement officer shall:

1. Prepare an itemized statement of all costs, including administrative expenses of the abatement; and
2. Serve a copy of the itemized statement on the owner, together with a demand that the owner pay the amount shown on the itemized statement to the town within twenty (20) days of the date of service.

E. Service of the itemized statement shall be made in the same way as service of a notice under section 4.02.112, "Notice", of this chapter.

4.02.114: AGRICULTURAL USES:

A lawful agricultural use, located in a zone allowing for such use, may be exempt from the requirements of this chapter where the use does not create a health or safety hazard as determined by the ordinance enforcement officer.

4.02.115: ALTERNATE METHODS OF COLLECTING PAYMENT:

If the enforcement officer abates a condition on real property under section 4.02.113, "Abatement by Enforcement Officer", of this chapter and the owner fails to pay the costs of the abatement, the town may either:

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

4.02.116: COLLECTION BY LAWSUIT:

If the owner fails to pay the expenses of an abatement under section 4.02.112, "Notice", of this chapter, within twenty (20) days of the demand under section 4.02.113, "Abatement By Enforcement Officer", of this chapter, the town may file suit in an appropriate court and recover judgment for the costs of the abatement, together with all cost of court, reasonable attorney fees, other costs of collection and interest. The town may execute on the judgment as provided by law.

4.02.117: COLLECTION THROUGH TAXES:

If the owner fails to pay the expenses of an abatement under section 4.02.112, "Notice", of this chapter, the town may refer the matter to the county treasurer for inclusion on the tax notice to the property owner. If the town chooses to pursue collection through the tax notice, the enforcement officer shall prepare an itemized statement of all expenses incurred in the abatement action and deliver four (4) copies to the county treasurer. The code enforcement officer shall deliver three (3) copies of the statement to the county treasurer within ten (10) days after the expiration of the twenty (20) day notice provided for in section 4.02.113 of this chapter, for collection by the county treasurer pursuant to state law.

4.02.118: RIGHT TO APPEAL:

Within ten (10) calendar days of receiving a notice under section 4.02.112, "Notice", of this chapter, the owner or any other person aggrieved by the notice may request a hearing before the board of adjustment in writing.

A. At any hearing under this section, the issue shall be whether the enforcement officer was justified in issuing the notice. The board of adjustment shall sustain the issuance of the notice if it finds, by a preponderance of the evidence, that there was substantial evidence to support the enforcement officer's belief that a nuisance which would be regulated under this chapter existed on the property.

B. The board of adjustment shall hold a hearing on the appeal within thirty (30) days after the request is received. At least ten (10) days before the hearing, the board of adjustment shall send notice to the person filing the appeal of the date, time, and place of the hearing.

C. At the hearing, the enforcement officer shall first present the reasons for issuing the notice.

1. The enforcement officer may testify himself regarding the reasons for the issuance of the notice. As part of his testimony, the enforcement officer may present photographs, maps and any other evidence regarding the condition of the property, the existence of nuisances regulated by this chapter on the property and any other issues relevant to his decision to issue a notice.

2. The enforcement officer may call additional witnesses regarding the condition of the property and the existence of nuisances regulated by this chapter on the property.

3. In an appropriate case, the enforcement officer may be assisted by the town's attorney in the presentation of his arguments in support of the notice.

D. After the enforcement officer has completed his presentation regarding the reason for issuing the notice, the person filing the appeal may present his arguments as to why he feels the notice was not justified.

1. The person filing the appeal shall have the right to testify, to present photographs, maps or other documents, and to call witnesses on his own behalf to support his contention that the notice is improper.

2. The person filing the appeal may call additional witnesses to support his contentions in the hearing.

3. The person filing the appeal shall have the right to be represented by an attorney of the person's choice. Under no circumstances, however, will the town have an obligation to provide counsel for a person filing an appeal under this section.

E. Following the presentation of the person filing the appeal, the enforcement officer shall have an opportunity to present arguments and evidence to rebut anything presented by the person filing the appeal.

F. During the hearing on the appeal, the board of adjustment may visit the property. By filing an appeal under this section, the owner consents to the board of adjustment's entry onto the property for the purpose of inspecting the property. The hearing may be temporarily adjourned to facilitate a visit to the property, but no such adjournment may be for longer than ten (10) days without the consent of the person filing the appeal.

G. The Utah rules of evidence shall not apply to any hearing under this section.

1. The board of adjustment is specifically authorized to accept evidence which would be hearsay under the rules of evidence.

2. The board of adjustment may reject any evidence which it finds is not relevant to the issues outlined in subsection A of this section.

3. The board of adjustment may reject any evidence if it determines that the evidence's probative value is substantially outweighed by its inflammatory or prejudicial effect.

H. The board of adjustment may make its decision on the appeal at the meeting or it may take the matter under advisement. If the board of adjustment makes a decision at the meeting, the decision (including the vote) shall be recorded in the meeting minutes. If the board of adjustment takes the matter under advisement, it shall issue a written decision on the matter within ten (10) days following the close of the hearing. The written decision shall become part of the record on the appeal. A copy of the written decision shall be sent to the person filing the appeal and to his attorney, if any.

I. The board of adjustment may sustain, modify, or reverse the decision of the enforcement officer and may make amendments to the notice which it finds to be proper.

J. An appeal from a decision of the board of adjustment may be made within thirty (30) days to the district court.

4.02.119: CRIMINAL PROSECUTION:

A violation of the provisions of this chapter shall be a class B misdemeanor.

A. No criminal action for a violation of section 4.02.106, "Conditions Requiring Notice Prior to Abatement", of this chapter, may be brought until the enforcement officer has delivered a notice to the owner of the property under section 4.02.112, "Notice", of this chapter. A criminal action for a violation of section 4.02.110, "Nuisance Conditions", of this chapter, may be brought without first providing the owner with a notice. For violations of section 4.02.110, "Nuisance Conditions", of this chapter, the enforcement officer may provide a notice pursuant to section 4.02.112, "Notice", of this chapter, but a criminal prosecution may proceed regardless of whether a notice was provided or not.

B. Each day a violation is committed or permitted to continue shall constitute a separate violation.

C. The town attorney may initiate legal action, civil or criminal, requested by the enforcement officer to abate any condition which exists in violation of these rules and regulations.

D. In addition to any other penalties the court may impose for a violation of this chapter, the town shall be entitled to recover the costs of any abatement of conditions on the property.