

ORDINANCE #2021-O-5

ORDINANCE AMENDING TITLE 5 CHAPTER 04 REGARDING NOXIOUS WEED CONTROL AND ADOPTING 11.06.08.03 REQUIRING POSTING OF WEED ABATEMENT BOND

WHEREAS, Noxious Weeds compete with native species for moisture, sunlight, nutrients, and space. Overall plant diversity can be decreased;

WHEREAS, Noxious Weeds are "invasive" a term which is used for because the species are aggressive. These species grow and reproduce rapidly, causing major disturbance to the areas in which they are present;

WHEREAS, weeds do not recognize land ownership boundaries, and

WHEREAS, the Hideout Town Council has determined it is advisable to adopt an ordinance requiring controlling noxious weeds and posting of a weed abatement bond for subdivision construction permits.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH, THAT:

SECTION I: Amend. Chapter 5.04 NUISANCES, Sections 100 through 120 of the Hideout Town Code is hereby amended as redlined.

5.04.100 NUISANCE CONDITIONS

The following conditions on real property shall constitute a nuisance under this chapter and the ~~e~~Enforcement ~~e~~Officer may abate these conditions, ~~or~~ issue a criminal citation to the owner under HMC 5.04.190, "Criminal Prosecution", with or without providing notice as provided in HMC 5.04.120, "Notice" or issue an administrative citation:

- 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.

5.04.110 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. The Enforcement Officer shall survey properties within the Town and identify those needing abatement and then serve notice in writing upon the owner or occupant my mailing notice, postage prepaid, addressed to the owner or occupant at the last known post office address as indicated by records of the County Assessor. The notice shall require the owner to abate the weeds by a specific time, which shall not be less than ten (10) days from the date of service of such notice. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year.
- D. If any owner of land described in the notice shall fail or neglect to eradicate or destroy and remove weeds, or growth, in accordance with such notice, the Town may employ the necessary assistance and cause such weeds to be removed or destroyed. The Town shall prepare an itemized statement of all expenses incurred in their removal and destruction, and shall mail a copy thereof to the owner demanding payment within twenty (20) days of the date of the mailing. The notice shall be deemed delivered when mailed by registered mail addressed to the property owner's last known address.
- ~~B.E.~~ In the event the owner fails to make payment of the amount set forth in the statement to the Town within the twenty (20) days, the Town may cause suit to be brought in an appropriate court of law. In the event collection of the costs are pursued through the courts, the Town may sue for and receive judgment upon all of the costs of removal and destruction together with reasonable attorney's fees, interest and court costs. The Town may execute on such judgment in the manner provide by law.
- ~~C.F.~~ 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.G.~~ 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.

5.04.120 NOTICE

If the ~~e~~Enforcement ~~e~~Officer has inspected any property and determined that the property is in violation of the standards described in HMC 5.04.060 "Conditions Requiring Notice Prior To Abatement", or has reasonable grounds to believe that the property is in violation of the standards described in HMC 5.04.060 "Conditions Requiring Notice Prior To Abatement", ~~he~~ the Enforcement Officer 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 HMC 5.04.100 "Nuisance Conditions", or has reasonable grounds to believe that the property is in violation of the standards described in HMC 5.04.100 "Nuisance Conditions", ~~he~~ the Enforcement Officer may, but shall not be required to give notice of the violation under this section or HMC 13.04.070 "ADMINISTRATIVE CITATIONS." For violations of the standards described in HMC 5.04.100 "Nuisance Conditions", the ~~E~~enforcement ~~e~~Officer may proceed

directly to issue a citation under HMC 5.04.190 "Criminal Prosecution", or to the abatement procedures described in HMC 5.04.130 "Abatement by Enforcement Officer".

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 HMC 5.04.190 "Criminal Prosecution," [an administrative citation under HMC 13.04.070](#), or an abatement under HMC 5.04.130 "Abatement by Enforcement Officer".
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 Paragraph B,2, 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.

SECTION II: Adopt. Chapter 11.06.08 BONDS GUARANTEEING CONSTRUCTION IMPROVEMENTS, Section 03 of the Hideout Town Code is hereby adopted as follows:

11.06.08.03 NOXIOUS WEED ABATEMENT BOND

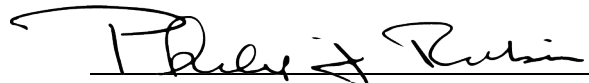
A. All Subdivision Construction Permits require a cash [noxious](#) weed bond. \$500 per acre shall be assessed for the bond. The bond is refundable [the later of](#) a three year period following receipt of a project's final approval or until the Town Engineer approves the bond release. [The Developer shall petition the Town of Hideout for release of the noxious weed abatement bond, or a portion thereof, as applicable.](#)"

B. Applicants of Subdivision Construction Permits and the Town of Hideout will execute a Weed Bond Agreement:

SECTION III: Effective Date. This Ordinance shall take effect upon publication.

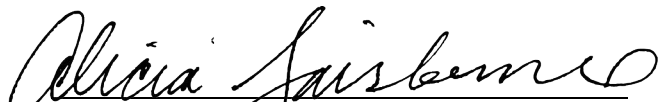
PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 13th day of May
in the year 2021.

TOWN OF HIDEOUT



Phil Rubin, Mayor

ATTEST:



Alicia Fairbourne, Town Clerk

