

ORDINANCE #2023-O-03

ORDINANCE AMENDING TITLE 5, CHAPTER 4, SECTION 110 “STANDARDS FOR WEED CONTROL” TO REQUIRE PROPERTY OWNERS TO REPORT INSPECTION AND REMOVAL OF NOXIOUS WEEDS

WHEREAS, the Hideout Council (“Council”) previously enacted ordinances to control noxious weeds and vegetation throughout in the municipality; and

WHEREAS, Hideout continues to experience significant growth of noxious weeds when all property owners do not control noxious weeds; and

WHEREAS, inspecting and abating all properties within Hideout uses significant personnel time and resources and has not been effective in mitigating noxious weeds in Hideout.

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

SECTION I: Amendment. Title 5, Chapter 4, Section 110 “Standards for Weed Control” of the Hideout Code is hereby amended as redlined (Exhibit 1).


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

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 9th day of March in the year 2023.

TOWN OF HIDEOUT

  
\_\_\_\_\_  
Phil Rubin, Mayor

ATTEST:

  
\_\_\_\_\_  
Alicia Fairbourne, Recorder for Hideout



## EXHIBIT 1

### 5.04.110 STANDARDS FOR WEED CONTROL

~~The preservation of natural and native vegetation is strongly encouraged for all residential and commercial properties, other than approved landscaping. 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.~~

1. ~~Noxious~~ Weeds must be eradicated by chemicals, removing and disposing the entire root system and plant before the flowers bloom, cutting or other acceptable means ~~so that they do not exceed six inches (6") in height.~~
2. ~~Throughout the growing season lot owners are responsible for evaluating their lot(s) and/or parcel(s) for Noxious Weeds as published by the Wasatch County Weed Control Board required by the Utah Noxious Weed Act, Utah Code Title 4, Chapter 17, Section 109 and Utah Administrative Code Rule R68-09. Weeds that are rototilled, disked, or removed by the root must be buried under the soil, removed from the property, or composted.~~
3. ~~Lot owners must report to the Enforcement Officer in writing by no later than May 15<sup>th</sup> (unless otherwise notified) annually the following:~~
  1. ~~The presence or absence of the noxious weed condition of their lot(s) and/or parcels, and~~
  2. ~~The measures taken to abate the noxious weeds~~
- ~~2.4.~~Noxious weeds that continue to emerge during the growing season must be treated or removed as described in Section 5.04.110.A and treatment/removal reported to the Enforcement Officer.
- ~~3.5.~~After the reporting deadline, theThe 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 noxious 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.
- ~~4.6.~~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.
- ~~5.7.~~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

## EXHIBIT 1

with reasonable attorney's fees, interest and court costs. The Town may execute on such judgment in the manner provide by law.

~~6.8.~~ 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. Weeds shall be maintained at a height of not more than six inches (6") at all times in the firebreak and cuttings must be promptly cleared and removed from the property.

~~9.~~ 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.

~~7.10.~~ Individual home owners whose property is located in common area and the common area is owned and managed by the Home Owners Association are exempted from this section. The Home Owners Association is responsible for abiding by this section.