

TITLE VI

POLICE REGULATIONS

CHAPTER 1

NUISANCES ON PROPERTY

6-1-1: Definition of Nuisance

6-1-2: Duty of Maintenance of Private Property

6-1-3: Inoperable or Abandoned Vehicle

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6-1-5: Abatement of Nuisance by Owners

6-1-1: DEFINITION OF NUISANCE. For the purpose of this part the term "nuisance" is defined to mean any condition or 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. Weeds, lumber, junk, garbage, trash, or debris.
- B. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.
- C. Abandoned or inoperable vehicles, and other unsightly and deleterious objects. (1997)

6-1-2: DUTY OF MAINTENANCE OF PRIVATE PROPERTY. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon. No person shall 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.

It is unlawful for any owner or occupant of any real property or estate therein, or his agent, to cause or permit upon such property, parking space or sidewalk on or adjacent thereto, or after notice as provided hereinafter, to fail to remove, abate or cause the removal or abatement of any injurious weeds, abandoned or inoperable vehicle, scrap metal, junk, tin cans, or other waste materials or products, or unsightly or deleterious objects or structures, or other items listed in 6-1-1. (1997)

6-1-3: INOPERABLE OR ABANDONED VEHICLE. For purposes of this chapter, a motor vehicle shall be deemed inoperable if it is not capable of self-propulsion to the extent and for the uses for which the vehicle was intended, is partially dismantled, wrecked, or

junked. A vehicle shall be deemed abandoned if it is not currently registered, bears an expired certificate of inspection, or has been left unattended for a period of fourteen days or more on any public or private property. This section shall not apply to any abandoned or inoperable motor vehicle stored in a garage or other enclosed building. No more than one inoperable vehicle shall be stored behind a legally constructed visible barrier (such as a fence) which shall shield the vehicle from view from the street and from the adjoining property, or other wise covered in a manner acceptable to the City. (1997)

6-1-4: **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 purpose for which it was manufactured, for a period of 30 days or more (except in licensed junk yards) within this municipality, is hereby declared to be a nuisance and dangerous to the public safety. (1997)

6-1-5: **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 the foregoing section is made, and also the owner, owners or lessees of the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal, where necessary into completely enclosed and secured buildings to be used for such purposes, or otherwise to remove such property from the municipality. (1997)

CHAPTER 2

ADMINISTRATIVE NOTICE - HEARINGS - DISPOSAL OF NUISANCE - LIEN - PENALTY FOR VIOLATION - VIOLATIONS - CITATION FOR VIOLATION - CORRECTION PERIOD - CRIMINAL PENALTIES.

- 6-2-1: Appointment and Duties of Inspector
- 6-2-2: Hearing
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- 6-2-8: Criminal Proceeding
- 6-2-9: Compliance and Re-Inspection and Criminal Proceeding
- 6-2-10: Criminal Penalty for Failure to Comply
- 6-2-1: **APPOINTMENT AND DUTIES OF INSPECTOR.**

- A. There is hereby established the position of Nuisance Inspector whose duties it shall be to enforce the provisions of this chapter. Until another person is designated, the chief of police or other police officer, the city building inspector or other officer approved by the city council by resolution shall enforce the provisions of this chapter. More than one person may be appointed to act as inspector under this situation.
- B. The Nuisance Inspector is authorized to:
 - (1) Perform all functions necessary to enforce the provisions of this chapter.
 - (2) Inspect or cause to be inspected, as often as needed, all buildings, structures, lots, land or places for the purpose of determining whether such are in compliance with the provisions of this chapter.
- C. If he 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 but not more than 60 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 disagrees with the determination of the inspector and does not wish to comply with the provisions of the notice or that he objects to the factual or legal basis for the notice, he 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 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 will be assessed such costs together with reasonable attorneys' fees and court costs, or will charge the costs 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 days from the date of service or mailing of the notice of hearing. (1997)

6-2-2: HEARING

- A. At the written request of an owner, occupant or other person having an interest in property which is the subject of 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 such 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 nor more than ten 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 shall be mailed or served upon the owner or other person to whom 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 shall have up to ten days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed 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 that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decisions of the governing body within ten 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. (1997)

- 6-2-3: 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 condition to be removed or destroyed at the expense of the municipality. (1997)
- 6-2-4: 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 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 person having an interest in the property. (1997)
- 6-2-5: 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 60 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. (1997)
- 6-2-6: COLLECTION BY LAW SUIT.** In the event collection of expenses of destruction and removal are pursued through the courts, the municipality shall sue for and receive judgement for all of said expenses of destruction and removal, together with reasonable attorneys' fees, interest and court costs, and shall execute upon such judgement in the manner provided by law. (1997)
- 6-2-7: 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 shall make in triplicate an itemized statement of all expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver the three copies of the statement to the county treasurer within ten days after the completion of the work destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the cost of the work shall be pursued by the county treasurer in accordance with the provisions of the Utah Code Annotated 1953, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted. (1997)
- 6-2-8: 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 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. (1997)

6-2-9: COMPLIANCE AND RE-INSPECTION AND CRIMINAL PROCEEDING.

- A. In the event that a person complies with the notice of the inspector, the person shall notify the inspector of his or her compliance, the inspector shall again inspect the property.
 - (1) If the property is in compliance with this chapter, the inspector shall notify any other offices or person who have received notice of the citations of that compliance and no criminal action shall be brought.
 - (2) In the event the property still does not comply with the provisions of this chapter, the inspector shall issue another notice, clearly stating the reasons the property is considered to still be in violation of this chapter.
 - (3) In the event that a second citation is issued for the same violation and the person again asks for inspection and the violation is still not corrected to the satisfaction of the inspector, the matter shall be referred to the city attorney for criminal prosecution. (1997)

6-2-10: CRIMINAL 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 subject to a fine of up to \$750.00 for each 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. (1997)

CHAPTER 3

STORAGE, RECORDING AND DISPOSITION OF LOST, STOLEN OR UNCLAIMED PROPERTY

- 6-3-1: Storage of Lost, Stolen, or Unclaimed Property**
- 6-3-2: Disposition of Property Upon Adjudication--Custody of Property if Accused Held for Trial**
- 6-3-3: Sale of Property at Public Auction**
- 6-3-1: STORAGE OF LOST, STOLEN, OR UNCLAIMED PROPERTY.**
All property of money taken from persons under arrest, or taken under suspicion or with knowledge of its having been stolen or feloniously obtained , and all property or money constituting evidence or proceeds of crime, or taken from intoxicated or insane persons, or other persons incapable of taking care of themselves, and all property or money lost or abandoned that may come into the possession of any member of the Police Department , shall be delivered to the Chief Police, who shall enter, or cause to be entered, in a record to be kept by him for that purpose, a detailed description of the same, together with the name of the person, or persons, from whom received, the names of any claimants thereto, the time of the seizure, and the final disposition thereof. (1971)
- 6-3-2: DISPOSITION OF PROPERTY UPON ADJUDICATION--CUSTODY OF PROPERTY IF ACCUSED HELD FOR TRIAL.** When any person arrested shall be adjudged innocent of the offense charged by a court of competent jurisdiction, which shall adjudge that the property or money belongs to such person, the Chief of Police shall thereupon deliver such property or money to him personally, and not to his attorney or agent, and take his receipt therefor. If the accused be held for trial or examination, such money or property shall remain in the custody of the Chief of Police until the discharge or conviction of the person accused, unless prior thereto he has delivered the same to a State or County officer, as provided by law. (1979)
- 6-3-3: SALE OF PROPERTY AT PUBLIC AUCTION.** The City Recorder, or such person as shall be designated by him, may sell at public auction all unclaimed property that has been in custody for a period of six months. He shall fix a day upon which the said sale shall take place, and shall give notice thereof by publication three times in an official newspaper. Said notice shall contain a general description of the property to be sold, or shall refer to a list thereof on file with the City. Said notice shall be signed by the City Recorder or by the person designated by him to conduct such public auction. The proceeds of such sale shall, together with all moneys unclaimed for a period of six months, be paid into the City Treasury. In no case shall any property be sold or disposed of until the necessity for the use thereof as evidence has ceased. Any property so advertised for sale and for which there is no bidder may be junked or otherwise disposed of, as the City Council shall determine. (1979)

CHAPTER 4

CONSTITUTIONAL TAKING ISSUES

6-4-1: Policy Considerations

6-4-2: Definitions

6-4-3: Guidelines Advisory

6-4-4: Review of Decision

6-4-5: Reviewing Guidelines

6-4-6: Results of Review

6-4-1: POLICY CONSIDERATIONS. There is an underlying policy in Syracuse City, strongly favoring the careful consideration of matters involving Constitutional Taking claims, in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending law suits alleging such issues. At the same time, the legitimate role of government in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the Constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a Constitutional Taking. These provisions are to assist governments in considering decisions that may involve Constitutional Takings. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations. This ordinance is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of Syracuse City to lawfully regulate real property and fulfill its other duties and functions. (1997)

6-4-2: DEFINITIONS.

A. "Constitutional Taking" means actions by Syracuse City involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

- (1) The Fifth or Fourteenth Amendment to the Constitution of the United States;
- (2) Article I, Section 22, of the Utah Constitution;
- (3) Any court ruling governing the physical taking or exaction of private real property by a government entity;

B. Actions by Syracuse City involving the physical taking or exaction of private real property is not a Constitutional Taking if the physical taking or exaction:

- (1) Bears an essential nexus to a;
- (2) Legitimate governmental interest; and,

(3) Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimated government interest. (1997)

6-4-3: Guidelines Advisory. The guidelines adopted and decisions rendered pursuant to the provisions of this section are advisory, and shall not be construed to expand or limit the scope of Syracuse City's liability for a Constitutional Taking. The reviewing body or person, shall not be required to make any determination under this ordinance except pursuant to Section IV. (1997)

6-4-4: REVIEW OF DECISION. Any owner of private real property who claims there has been a Constitutional Taking of his/her private real property shall request a review of a final decision of any officer, employee, board, commission, or council. The following are specific procedures established for such a review:

- A. The person requesting a review must have obtained a final and authoritative determination, internally, within Syracuse City, relative to the decision from which they are requesting review.
- B. Within thirty (30) days from the date of the final decision that gave rise to the concern that a constitutional Taking has occurred, the person requesting the review shall file in writing, in the office of the City Recorder, a request for review of that decision. A copy shall also be filed with the City Attorney.
- C. The City Council, or an individual, or body designated by the City Council shall immediately set a time to review the decision that gave rise to the Constitutional Takings claim.
- D. In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:
 - (1) Name of the applicant requesting review;
 - (2) Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners;
 - (3) A detailed description of the grounds for the claim that there has been a Constitutional Taking;
 - (4) A detailed description of the property taken;
 - (5) Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged Constitutional Taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
 - (6) Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;

(7) Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;

(8) All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;

(9) The assessed value of and ad valorem taxes on the property for the previous three years;

(10) All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited, to, right of purchasers to assume the loan;

(11) All listing of the property for sale or rent, price asked and offers received, if any, within the previous three years;

(12) All studies commissioned by the petitioner or agents of the petitioner within the three years concerning feasibility of development or utilization of the property;

(13) For income producing property, itemized income and expense statements from the property for the previous three years;

(14) Information from a title policy or other source showing all recorded lien or encumbrances affecting the property; and

(15) The City Council or their designee may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a Constitutional Taking.

- E. An application shall not be deemed to be "complete" or submitted" until the reviewing body/official certifies to the applicant, that all the materials and information required above. have been received by Syracuse City. The reviewing body/official shall promptly notify the applicant of any incomplete application.
- F. The City Council or an individual or body designated by them, shall hear all the evidence related to and submitted by the applicant, Syracuse City, or any other interested party.
- G. A final decision on the review shall be rendered within fourteen (14) days from the date the complete application for review has been received by the City Recorder. The decision of the City Council regarding the results of the review shall be given in writing to the applicant and the officer, employee, board, commission or council that rendered the final decision that gave rise to the Constitutional Takings claim.
- H. If the City Council fails to hear and decide the review within fourteen (14) days, the decision appealed from shall be presumed to be approved. (1997)

6-4-5:

REVIEWING GUIDELINES. The City Council shall review the facts and information presented by the applicant to determine whether or not the action by Syracuse City constitutes a Constitutional Taking as defined in this chapter. In doing so, they shall consider:

- A. Whether the physical taking or exaction of the private real property bears and essential nexus to a legitimate governmental interest.
- B. Whether a legitimate governmental interest exists for the action taken by Syracuse City.

CHAPTER 6

ANIMAL REGULATIONS

6-6-1: **DAVIS COUNCIL ANIMAL CONTROL ORDINANCE ADOPTED.** The Davis County Comprehensive Animal Control Ordinance currently adopted by Davis County, and as amended or superseded from time to time, is hereby adopted by reference and made part of these revised ordinances as if fully set out at length herein. All laws, rules and regulations contained therein, where applicable and within the jurisdictional authority of Syracuse City, shall be in full force and effect within the limits of the City, except as hereinafter specified. Not less than three copies of said ordinance shall be deposited in the office of the City and be open for public inspection and use.