

**TITLE 8. SOLID WASTE AND SANITATION.**

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**Chapter 8.04. Solid Wastes.**

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**8.04.010. Purposes.**

This chapter is enacted for the following purposes:

1. To promote the health, safety and welfare of the citizens of the City of Spanish Fork, by providing for the efficient, safe, and environmentally sound collection, transporting and disposal of solid waste.

2. To implement the Utah Solid Waste Management Act.

**8.04.020. Responsibility for System and its Regulation.**

The City of Spanish Fork is hereby charged with the responsibility of ensuring that all residential, educational, multiple-dwelling and commercial/industrial premises within the city are serviced by a solid waste collection, transport and disposal system. The city may perform the service or may require the property owner and/or tenant to provide or otherwise contract for the services. Before any entity, other than the city, operates as a solid waste contractor, it shall obtain a business license from the city as set forth in this title.

**8.04.030. Definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

**"Allowable Solid Waste Contractor Operating Hours"** shall mean the hours between 6:00 a.m. and 8:00 p.m. Monday through Saturday except those holidays specified in §8.04.130.

**"Barrel"** shall mean any drum made of metal, plastic, wood or other material of any size or description, not including receptacles.

**"Bulky Waste"** shall mean stoves, refrigerators, water tanks, washing machines, furniture, large concrete and asphalt chunks and other waste materials, with weights and volumes greater than those allowed for containers or receptacles designated for use at any given premise.

**"Commercial/Industrial Premises"** shall mean all buildings and structures, including the lots on which they are located, which are not included in the definition of residential premises, education premises or multiple-dwelling premises.

**"Container"** shall mean any large type of solid waste depository normally used in the collection of solid waste from educational and commercial/industrial premises. It shall include dumpsters, front-end containers, roll-off containers, and compaction units. When used in reference to a solid waste vehicle, "container" shall mean that part of such solid waste vehicle into which solid waste is emptied for transport and disposal purposes.

**"Educational Premises"** shall mean educational buildings and structures, including the lots on which they are located.

**"Garbage"** shall mean every waste accumulation of animal, fruit or vegetable matter, or food, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fruit, vegetables or edible materials.

**"Multiple-dwelling Premises"** shall mean a building comprising three (3) or more dwelling units designed for separate housekeeping tenements, including the lot on which they are located and where no business of any kind is conducted except such home occupations as are permitted pursuant to city ordinances.

**"Normal Business Hours"** shall mean the hours from 8:00 a.m. to 6:00 p.m., Monday through Friday except those holidays specified in §8.04.130.

**"Person"** is any person, firm, partnership, association, corporation, company or organization of any kind.

**"Receptacle"** shall mean a ninety (90) gallon plastic, solid waste depository designed and manufactured for automated collection of solid waste.

**"Recyclable Material"** shall mean aluminum, glass, plastic, paper, cardboard, or other material which may be reused in a valuable form following a re-manufacturing process.

**"Refuse"** shall mean waste material and rubbish of every character collected or accumulated within the City, except garbage, and shall include but shall not be limited to grass, leaves, sticks, bottles, tin cans, pasteboard boxes, rags, paper, sawdust, shavings, packing material and other

recyclable materials, but shall not include hazardous waste (as defined by appropriate federal, state and local authorities), dangerous or corrosive chemicals, explosives, highly flammable material, dead animals, poisons, heavy metals or metal parts, ashes, or bulky waste.

"**Residential Premises**" shall mean buildings and dwellings, including the lots on which they are located, comprising not more than two (2) dwelling units designed for separate housekeeping tenements and where no business of any kind is conducted except such home occupations as are permitted pursuant to City ordinance.

"**Solid Waste**" shall mean garbage and refuse, both collectively and separately, and shall not include hazardous or toxic wastes of any description.

"**Solid Waste Contractor**" shall mean any person engaged in the business of collecting, hauling or transporting through the streets of the City any solid waste for disposal or for any other purpose.

"**Solid Waste Vehicle**" shall mean any vehicle specifically designed and manufactured for the purpose of collecting, transporting or disposing of solid waste.  
(Ord. No. 06-00, Amended, 06/06/2000)

#### **8.04.04. Categories of Collection Service.**

To provide for the safe, sanitary and efficient collection, transportation and disposal of solid waste within the city, the city council hereby establishes the following categories of solid waste collection:

1. Container service. This category shall include all solid waste disposal wherein solid waste is placed in a container.

2. Receptacle service. This category shall include all solid waste collection services where the solid waste is placed in a receptacle.

3. Recyclable Service. This category shall include all solid waste, placed in bins provided for that purpose, which is intended to be recycled and reused.  
(Ord. No. 06-00, Enacted (3), 06/06/2000)

#### **8.04.05. Classification of Services; Fees.**

A. The city shall classify the solid waste collection service to be furnished each premise within the city as either a container service or a receptacle service. The city shall be the sole judge of the category of solid waste collection service to be provided to the premises. The city shall also have the right to require any reasonable size or type of container to be used at the premises classified for container service and to prescribe the frequency of pick-up. Classification shall be made before service is initiated. From time to time, the city shall review such service classifications and shall make whatever adjustments are necessary to carry out the intent and purpose of the city's classification system. Notwithstanding the City's classification of solid waste collection, each premises within the City may choose to participate in recycling solid waste. Only recyclable materials, as designated by a service provider, are subject to this election. Unless specifically modified, all of the requirements of Title 8, Chapters 4, 8, 12, and 16 are

applicable to recyclable service.

B. Any person may, in writing, request that the city review the classification of his or her premises. Upon receiving such a request, an authorized city representative shall make findings as to the nature of premises served, the type of service required to accomplish the intent and purposes of this Chapter, and such other information as the city may request. The city representative shall submit the findings to the city manager who will make a final determination of the appropriate service classification.

C. Each person receiving the services described herein from the city shall pay such fees, based on the classification of services provided, as are established from time to time by resolution of the city council. Such fees shall be deemed a civil debt owing to the city from the person receiving the services. The person receiving the services shall be deemed to be the owner of the property and any tenants of the property. Nothing in this section shall relieve any owner or occupant from criminal prosecution for any violation of this chapter or other provisions of State Law or of the Spanish Fork City Municipal Ordinances.  
(Ord. No. 06-00, Amended (A), 06/06/2000)

#### **8.04.06. Solid Waste Service Providers.**

A. Solid waste contractors providing service must have a business license.  
(Ord. No. 09-95, Amended, 06/07/1995)

#### **8.04.07. Regulations Authorized.**

The city may, by resolution, establish such additional regulations concerning the collection, transport and disposal of solid waste as it deems necessary.

#### **8.04.08. Unauthorized Collection of Solid Waste.**

It shall be unlawful for any person other than a licensed solid waste contractor or the City to collect, remove or dispose of solid waste on a commercial basis for hire. Any person performing such unlawful collection, transport or disposal of solid waste shall be guilty of a class C misdemeanor.

#### **8.04.09. Penalties.**

Any person violating any provision of this Title is guilty of committing a class C misdemeanor. A separate offense shall be deemed committed on each day during or which such a violation occurs or continues.

#### **8.04.10. Termination of the Right to Do Business as a Solid Waste Contractor.**

A. A solid waste business license issued pursuant to this Title may be suspended or revoked for the violation by the solid waste contractor of any provision in this Title, following a full and complete hearing as described below in subsection (b).

B. The city council shall hear and determine all suspensions and revocations of licenses. No license shall be suspended or revoked until a show-cause hearing shall have been held by the council. Written notice of such hearing shall

be served at least ten (10) days prior to the date thereof upon the contractor or his/her agent. The notice shall state the grounds for the complaint against the contractor and the time and place where the hearing shall be held.

**8.04.110. Title to Solid Waste.**

A. The generator of any solid waste may reclaim materials placed in a container or reciprocal at any time prior to its collection.

(Ord. No. 09-95, Repealed & Reenacted, 06/07/1995)

**8.04.120. Exception for Transporting Collectors.**

These provisions shall not prohibit any person transporting solid waste collected outside the corporate city limits from transporting such solid waste over city streets, provided such collectors comply with §8.12.070 and §8.12.080 below.

**8.04.130. Holidays.**

Solid waste collection shall be suspended on those holidays observed by the South Utah Valley Solid Waste Disposal District Transfer Station.

(Ord. No. 09-95, Amended, 06/07/1995)

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**Chapter 8.08. Duties and Responsibilities of Solid Waste Generators and/or the Public.**

**8.08.010. Type and Ownership of Receptacles.**

**8.08.020. Use of Receptacles and Containers; Area Around Receptacles and Containers.**

**8.08.030. Condition of Receptacles and Containers; Abuse of Receptacles and Containers Prohibited.**

**8.08.040. Placement or Location of Receptacles and Containers; Spillage.**

**8.08.050. Matter Not to be Placed in Receptacles or Containers, or Set out for Collection.**

**8.08.080. Accumulation Prohibited.**

**8.08.090. Dumping Prohibited.**

**8.08.100. Hazardous Waste Prohibited.**

**8.08.110. Responsibility for Compliance; Unlawful Deposits.**

**8.08.120. Inspections; Notice; Correction.**

**8.08.010. Type and Ownership of Receptacles.**

Where premises are classified for receptacle service, all receptacles used shall be ninety (90) gallon, automated refuse collection receptacles. Spanish Fork City shall provide and maintain ownership of the receptacles. Each receptacle shall be numbered and recorded with the address of the customer.

**8.08.020. Use of Receptacles and Containers; Area Around Receptacles and Containers.**

A. All solid waste, shall be placed in approved containers or receptacles as described herein, and shall be completely contained within the receptacles or containers.

B. It shall be the responsibility of users of all receptacles or containers to see that the area around such is kept neat, clean and sanitary at all times.

**8.08.030. Condition of Receptacles and Containers; Abuse of Receptacles and Containers Prohibited.**

A. All containers shall be kept in a safe, clean and sanitary condition by the person using them. Containers which have deteriorated or have been damaged to the extent that the covers will not fit securely or those having jagged or sharp edges capable of causing injury to persons whose duty it is to handle the containers are declared a nuisance and shall be properly tagged and noted by authorized representatives of the city. Such containers shall be replaced by the solid waste contractor supplying the container. If such containers are not removed within one (1) week, after written notice of such defective conditions to the solid waste contractor. Said contractor shall be guilty of a class C misdemeanor for each day the violation continues.

B. All receptacles shall be kept in a safe, clean, and sanitary condition by the person using them. Any damage caused by improper use, or loss of the receptacle shall be the

responsibility of the person using them.

C. It shall be unlawful for any person to willfully break, deface or injure any receptacle or container.

**8.08.040. Placement or Location of Receptacles and Containers; Spillage.**

A. Receptacles containing solid waste shall be set out for collection at the front curb line of the premises using such receptacles, or at a location indicated by the city. Receptacles shall be set out on the day of collection by seven (7:00) a.m. All empty receptacles must be removed from the curb as soon as practicable after being emptied and, in every case, must be removed from the curb the same day they are emptied.

B. All containers shall be located at appropriate places so as to be readily accessible for emptying and so as not to constitute a nuisance or hazard. No container shall be permanently placed on a city street, right-of-way, or sidewalk.

C. Solid waste vehicle operators shall not be required to pick up any solid waste that has been spilled, or that is laying outside the receptacle or container unless the vehicle operators are responsible for the spillage.

**8.08.050. Matter Not to be Placed in Receptacles or Containers, or Set out for Collection.**

A. It shall be unlawful for any person to place materials excluded from the definition of garbage or refuse into receptacles or containers or to set such materials out for collection. Such items shall be disposed of as directed by the city and at the owner's expense.

B. It shall be unlawful for any person to place materials of any kind into a receptacle or container that is not owned, or assigned to that specific person.

**8.08.080. Accumulation Prohibited.**

A. It shall be unlawful for any person owning and/or occupying any premise or lot in the city to permit to collect or remain upon such premise or lot any garbage for a period of more than one (1) week, or any refuse for a period of more than one (1) month, unless written approval is granted by the city. Accumulations of leaves and grass used to produce mulch are excluded from the requirements of this section.

B. It shall also be unlawful to accumulate any of the materials specifically excluded from the definitions of refuse, garbage, or solid waste herein. It shall be the responsibility of the owner of the property to have all such materials removed within a reasonable time depending upon the type of the materials, but in no event shall the materials be allowed to accumulate for more than thirty (30) days.

**8.08.090. Dumping Prohibited.**

Except as provided by the terms of this Title, it shall be unlawful for any person to place, deposit, bury or dump upon any lot, street, alley, or into any water, waterway or container not intended for his or her use, within the corporate city limits, any solid waste or other matter constituting a nuisance.

**8.08.100. Hazardous Waste Prohibited.**

A. Except as otherwise provided herein, no person shall knowingly collect or dispose of:

1. Any unmarked sealed barrel for any reason;
2. Any sealed or unsealed barrel upon suspicion of hazardous waste content;
3. Any hazardous waste of any description.

B. Subsection "A" above, shall not apply to persons licensed pursuant to federal and state law to dispose of hazardous wastes.

C. A violation of this section is a class B misdemeanor, and shall be imposed in addition to Federal or State penalties which may also be imposed. A violation by a solid waste contractor or any person employed by a solid waste contractor shall be grounds for suspension or revocation of the license and permit granted to the contractor.

**8.08.110. Responsibility for Compliance; Unlawful Deposits.**

The occupant of any premises within the city shall be primarily responsible for the sanitary condition of the premises. The owner of any unoccupied property shall be primarily responsible for the sanitary condition of the property. It shall be unlawful for any person to place, deposit, or allow to be placed or deposited on his/her premises or property any solid waste, except as permitted by the terms of this title.

**8.08.120. Inspections; Notice; Correction.**

Authorized city representatives may, with a proper warrant or with the consent of the owner or occupant of the premises, inspect any premises or lots within the corporate city limits from time to time in order to examine the sanitary conditions of the property and to determine whether the property is in compliance with all applicable provisions contained in this chapter. All persons shall, within three (3) days after written notice of any violation, comply with all applicable city ordinances and regulations.

**Chapter 8.12. Duties and Responsibilities of Service Providers.****8.12.010. Allowable Solid Waste Contractor Operating Hours.****8.12.020. Solid Waste Collection Schedule.****8.12.030. Furnishing of and Design of Containers.****8.12.040. Additional Container Pick-ups.****8.12.050. Frequency of Collection.****8.12.060. Solid Waste Vehicle Requirements.****8.12.070. Requirements While Transporting.****8.12.080. Parking of Solid Waste Vehicles.****8.12.090. Disposal of Solid Waste.****8.12.010. Allowable Solid Waste Contractor Operating Hours.**

No solid waste container pick-ups shall take place outside the allowable operating hours as defined in this Title. Solid waste contractors shall schedule container pick-ups for containers neighboring residential areas at the least disruptive time possible.

**8.12.020. Solid Waste Collection Schedule.**

The solid waste contractor shall collect solid waste from each customer in accordance with a schedule established by the customer and the solid waste contractor. The solid waste contractor shall supply the city with a copy of all such schedules (containing names of accounts, pick-up schedule and route) upon request.

**8.12.030. Furnishing of and Design of Containers.**

Educational premises and commercial/industrial premises shall be supplied with containers by the authorized collector servicing such premises unless the premises are classified for receptacle service, or, unless the customer owns approved container(s). All containers shall be so constructed as to be capable of pick-up and emptying by solid waste vehicles designed for that purpose and shall be so constructed as to prevent the spillage or loss of any solid waste during the loading or transportation of solid waste. All containers shall have the name and telephone number of the authorized collector which services them printed or displayed on the container in legible, four (4) inch high letters. Such information shall be put in a location on the container so that the information is easily visible. All containers must be in such condition and repair as to ensure safe operation. They shall be kept in a neat, clean, and sanitary condition.

**8.12.040. Additional Container Pick-ups.**

Additional container pick-ups shall be provided within four (4) normal business hours upon such request from the customer to the solid waste contractor.

**8.12.050. Frequency of Collection.**

To prevent any nuisances or health hazards, removal of solid waste shall be provided at least once a week from all residential premises and as frequently as the city may order from all other premises.

**8.12.060. Solid Waste Vehicle Requirements.**

It shall be unlawful for any person or governmental entity to operate any solid waste vehicle within the corporate city limits unless the solid waste vehicle shall conform to the following minimum requirements:

1. The solid waste vehicle body, container and associated equipment must be in such condition and repair as to ensure their safe operation.

2. The container of the solid waste vehicle must be metal lined with steel or other suitable metal to the full length, width and height of the container, and must be welded at all seams so as to prevent the escape of any solid or liquid waste. The container shall be so constructed as to prevent the spillage or loss of any solid or liquid waste during the loading or transportation of the solid waste.

3. The name and telephone number of the solid waste vehicle owner (either the City or the solid waste contractor operating the solid waste vehicle) shall be displayed on both sides of the solid waste vehicle in legible letters and numbers at least four (4) inches in height.

4. Each solid waste vehicle shall display an identification number and tag, on both sides of the solid waste vehicle in legible numbers at least four (4) inches in height.

5. All solid waste vehicles shall be kept in a neat and clean condition while operating within the corporate city limits.

(Ord. No. 09-95, Amended, 06/07/1995)

**8.12.070. Requirements While Transporting.**

It shall be unlawful for any person to transport upon the streets within the city any waste of any kind, unless the same is completely contained in a solid waste vehicle or is covered sufficiently to prevent the spillage or blowing of the waste, or the escape of noxious or offensive odors, from the solid waste vehicle. If a solid waste contractor causes solid waste to be deposited and remain on the streets of the city, the contractor shall be responsible to clean up the material. If he or she fails to do so, the city may do it and charge the solid waste contractor the reasonable cost incurred.

**8.12.080. Parking of Solid Waste Vehicles.**

It shall be unlawful for any person to permit, suffer, allow or cause any solid waste vehicle controlled by him or her which is loaded with waste of any kind to be or remain standing on any street within the city longer than is necessary for the purpose of loading the solid waste vehicle or moving the same to its destination in accordance with applicable traffic laws and regulations.

**8.12.090. Disposal of Solid Waste.**

All solid waste collected within the City shall be disposed of at a disposal site specified by the City, except for recyclable material, which may be taken to a facility of the service provider's choosing for purposes of being recycled.

(Ord. No. 06-00, Amended, 06/06/2000)

**Chapter 8.16. Requirements to Commence.**

**8.16.010. Solid Waste Vehicle Inspection Requirement.**

**8.16.020. Permit Requirement.**

**8.16.010. Solid Waste Vehicle Inspection Requirement.**

All solid waste contractors, prior to making application for the business license required below, shall cause all vehicles to be properly registered with the State of Utah and Utah County, including compliance with any safety inspections, emissions testing, and such other rules and regulations as may be required by the state or by the county. Proof of compliance shall be provided upon demand.

**8.16.020. Permit Requirement.**

It shall be unlawful for any solid waste contractor to collect, transport or dispose of any solid waste within the corporate city limits without first obtaining a valid business license. This permit shall not constitute a grant of franchise nor shall it confer any vested rights but shall be a license to perform the services specified in this chapter subject to the restrictions and limitations contained herein. The license shall be nontransferable and shall be valid for a period of one (1) year.

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**Chapter 8.20. Abatement of Weeds, Garbage, and Refuse.**

**8.20.010. Purpose, Inspection, and notice.**

**8.20.020. Abatement by City.**

**8.20.030. Inspector.**

**8.20.040. Governmental Immunity.**

**8.20.010. Purpose, Inspection, and notice.**

It is the purpose of this chapter to establish a means whereby Spanish Fork City may remove or abate or cause the removal or abatement of injurious and noxious weeds and of garbage, refuse or unsightly and deleterious objects or structures pursuant to the powers granted to it by Utah Code Annotated Title 10, Chapter 11. It is declared that any lot or parcel of property which contains weeds, objects, or structures constitute a nuisance when such weeds, objects, or structures create a fire hazard, a source of contamination or pollution of water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to human habitation or are unsightly or deleterious to their surroundings. The weeds, objects, or structures shall be abated by the owner or occupant of the property.

Weed abatement compliance shall be accomplished by discing, plowing, or mowing weeds within six (6) inches of the ground. Weeds are to be maintained less than six (6) inches in height throughout the growing season. The property between the sidewalk and curb (parking strip) shall be maintained by the owner or occupant.

The City may inspect properties within the city and identify those needing weed, garbage, refuse, unsightly and deleterious object abatement and then serve notice in writing upon the owner and/or occupant of such land in person or by mailing notice, postage prepaid, addressed to the owner and/or occupant at the last known post office address as indicated by the records of the Utah County Recorder. The notice shall require the owner and/or occupant, as the case may be, to abate the weeds, garbage, refuse, unsightly and deleterious objects 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 year.

**8.20.020. Abatement by City.**

If any owner and/or occupant of land described in the notice issued pursuant to Section 8.20.010 shall fail or neglect to eradicate or destroy and remove weeds, garbage, refuse, or unsightly and deleterious objects, in accordance with such notice, the City may cause such weeds, garbage, refuse, or unsightly and deleterious objects to be removed or destroyed. The City shall comply with the provisions of Utah Code Annotated Title 10, Chapter 11 in recovering abatement costs. Both the owner and occupant shall be responsible and

liable for the costs incurred by the City in cleaning up the property.

**8.20.030. Inspector.**

The City may appoint a weed abatement inspector for the purpose of administering the provisions of this chapter and the powers delegated to the City by state statutes subject to such control and review as the city council may from time to time direct. The City weed abatement inspector shall be appointed by and act under the direction of the public safety director. The City weed abatement inspector shall be granted the discretion to determine whether weeds are unsightly, create a fire hazard, source of contamination, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to human habitation. Any public safety officer or code enforcement officer may also enforce the provisions of this Chapter or of state law.

**8.20.040. Governmental Immunity.**

Spanish Fork City, the department of public safety, the weed abatement inspector, or any city employee working under the direction of either the city weed abatement inspector or the public safety department, shall be immune from any liability by reason of the city's removal of any nuisances identified herein, after following the procedures set forth in Utah Code Annotated Title 10 Chapter 11.

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**Chapter 8.24. Nuisances.****8.24.010. Nuisance.****8.24.020. Definition of Nuisance.****8.24.030. Duty of Maintenance of Private Property.****8.24.040. Storage of Personal Property.****8.24.050. Notice.****8.24.010. Nuisance.**

The city hereby incorporates as though fully set forth herein, the provisions of Utah Code Annotated §76-10-801 et seq. to define, control, eliminate, and set the punishment for any nuisance offense occurring within the city.

**8.24.020. Definition of Nuisance.**

Notwithstanding any provisions of state law, a nuisance is also defined to mean any condition or use of premises or of building exteriors which are deleterious or injurious, obnoxious or unsightly which include, but is not limited to keeping nor depositing on, or scattering over the premises;

- a. Lumber, junk, trash, or debris;
- b. Abandoned, discarded, or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, or other items.

**8.24.030. Duty of Maintenance of Private Property.**

No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person 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 located.

Violation of this section is a class C misdemeanor.

**8.24.040. Storage of Personal Property.**

Unsheltered storage of old, unused, stripped machinery, junk machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured or intended for a period of thirty (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.

A violation of this section is a class C misdemeanor.

**8.24.050. Notice.**

Prior to bringing any criminal action for violating any of the sections under this chapter, the city shall first cause a notice to be sent to the person, owning, leasing, occupying, or having charge of the premises directing the clean-up to be completed and allowing thirty (30) days for the same to be accomplished.

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**Chapter 8.28. Fire Code.****8.28.010. Uniform Fire Code Adopted.****8.28.020. Penalty - False Alarms.****8.28.030. Violations.****8.28.040. Outdoor Burning.****8.28.050. Penalty.****8.28.010. Uniform Fire Code Adopted.**

The city adopts by reference thereto the Uniform Fire Code published by the International Conference of Building Officials and the Western Fire Chiefs Association, as it may from time to time be amended. No fewer than three (3) copies of said Uniform Fire Code shall be filed in the office of the city building inspector for the public's inspection and use. The provisions of said code are adopted as fully as if set out at length in this chapter, and said provisions thereof shall be controlling within the corporate limits of the city.

**8.28.020. Penalty - False Alarms.**

Any person, who without cause, gives an alarm of fire by outcry or ringing of bells or otherwise is guilty of a class B misdemeanor.

**8.28.030. Violations.**

Except where otherwise specifically provided, any person violating any provision of the Uniform Fire Code as adopted herein is guilty of a class C misdemeanor.

**8.28.040. Outdoor Burning.**

A. The city hereby expressly prohibits outdoor burning with the exceptions identified hereafter and in Utah Code Annotated §11-7-1(2)(a).

B. Open burning shall be permitted in the following instances:

- i. In devices for the primary purpose of preparing foods such as outdoor grills, fireplaces, dutch ovens, and barbeque pits, provided any device used for the preparation of food must meet the minimum requirements as set forth in the Uniform Fire Code and the Utah State Division of Air Quality Regulations, and provided further that no commercial barbeque pits may be located in any of the residential zones of the City;
- ii. Campfires and fires used solely for recreational purposes when such fires are under the control of a responsible person;
- iii. In indoor fireplaces;
- iv. Properly operated industrial flares for the combustion of flammable gasses.

In the event that the Spanish Fork City Fire Department receives a complaint of violation of any of the above instances, and an investigation by the Fire Department determines that there is a violation, the Fire Department may extinguish any such blaze or fire.

C. Open burning is allowed of clippings, bushes, plants, and pruning from trees incident to property clean-up activities

provided that the following conditions have been met:

- i. A city permit is obtained with conditions imposed by the public safety department.
- ii. The burning occurs within the thirty (30) day burning period as established by the Utah County Fire Marshall between March 30th and May 30th in compliance with state law in setting said burning period;
- iii. Materials to be burned are thoroughly dry;
- iv. No trash, rubbish, tires, or petroleum products are used to start fires or are included in the material to be burned.

D. Other burning is permitted only upon the obtaining of a special burn permit from the Utah County Health Department and a permit or other permission is obtained from the Air Conservation Committee of the Utah State Department of Health. Such burning shall be permitted only within the parameters of the respective permits.

(Ord. No. 12-94, Amended, 04/06/1994); (Ord. No. 17-99, Amended [B], 12/07/1999)

**8.28.050. Penalty.**

A person found guilty of violating the open burn provisions of this chapter is guilty of a class C misdemeanor.

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**Chapter 8.32. Flood Control**

- 8.32.010. Statement of Purpose.**
- 8.32.020. Methods of Reducing Flood Losses.**
- 8.32.030. Definitions.**
- 8.32.040. Lands to Which this Chapter Applies.**
- 8.32.050. Compliance.**
- 8.32.060. Abrogation and Greater Restrictions.**
- 8.32.070. Interpretation.**
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**8.32.010. Statement of Purpose.**

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditures of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- F. To help maintain a stable tax base by minimizing future flood blight areas;
- G. To ensure that those who occupy the flood-prone areas assume responsibility for their actions.

**8.32.020. Methods of Reducing Flood Losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwater;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwater or which may increase flood hazards in other areas.

**8.32.030. Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter

its most reasonable applications.

"**Base Flood**" means the flood having a one-percent chance of being equalled or exceeded in any given year.

"**Development**" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"**Flood**" or "**Flooding**" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"**Mobile Home**" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

"**Structure**" means a walled and roofed building or mobile home that is principally above ground.

**"Substantial Improvement"**

1. "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- a. Before the improvement or repair is started; or
  - b. If the structure has been damaged, and is being restored, before the damage occurred.
- For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

2. The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

**8.32.040. Lands to Which this Chapter Applies.**

This chapter shall apply to all areas within the jurisdiction of the City of Spanish Fork.

**8.32.050. Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms to this chapter and other applicable regulations.

**8.32.060. Abrogation and Greater Restrictions.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions; provided, however, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**8.32.070. Interpretation.**

A. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

B. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

**8.32.080. Establishment of Development Permit.**

A development permit shall be obtained before construction or development begins within the community. Application for a development permit shall be made on forms furnished by the city engineer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the areas in question; existing or proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing.

**8.32.090. Designation of the City Engineer.**

The city engineer is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

**Chapter 8.36. Hazardous Materials.****8.36.010. Hazardous Materials; Unlawful Acts.****8.36.020. Hazardous Materials Cleanup; Recovery of the Costs.****8.36.010. Hazardous Materials; Unlawful Acts.**

A. It shall be unlawful for any person or entity to release, discharge, deposit, or cause to be released, discharged, or deposited any hazardous substance, material or waste upon or into any property or facility within the City or into any of the airways, watercourses, pipelines, or other means of conduit which may flow into the City.

B. "Hazardous Substance, Materials, or Waste" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human or animal health and safety or to the environment if released into the work place or environment.

C. "Hazardous Substance, Materials, or Waste" shall also include any substance declared hazardous by the Public Safety Director in an effort to protect the health and safety of the residents of the city.

(Ord. No. 10-93, Enacted, 12/15/1993)

**8.36.020. Hazardous Materials Cleanup; Recovery of the Costs.**

A. The city is authorized, but not required, to clean up or to abate the effects of any hazardous material, substance, or waste unlawfully released, discharged, or deposited upon or into any property, or facilities within the city, or into any of the airways, watercourses, pipelines or other means of conduit which flow into the city. The following described persons or entities shall be jointly and severally liable to the city for the payment of all costs incurred by the city as a result of such cleanup or abatement activity;

1. The person, persons, entity or entities whose negligent or wilful act or omission proximately caused such release, discharge, or deposit;
2. The persons, persons, entity or entities who own or had custody or control of the hazardous material, substance or waste at the time of such release, discharge, or deposit, without regard to fault or proximate cause; and
3. The person, persons, entity or entities, who own or had custody or control of the container which held such hazardous material, substance or waste at the time or immediately prior to such release, discharge, or deposit, without regard to fault or proximate cause.

B. In the event that any person undertakes, either voluntarily or upon order of a city official, to clean up or to abate the effects of any hazardous material, substance, or waste unlawfully released, discharged, or deposited upon or into property or facilities within the city, or into the airways, watercourses, pipelines, or other means of conduit which

flow into the city, the city may take such action as is necessary to supervise or to verify the adequacy of the cleanup or abatement. Persons described in subsection (A) of this section shall be liable to the city for all costs incurred as a result of such supervision or verification.

C. For purposes of this section, costs incurred by the city shall include, but shall not necessarily be limited to, the following: actual labor costs of city personnel, including benefits and administrative overhead; costs of the equipment operation; costs of any contract labor and materials.

D. The remedies provided for by this section shall be in addition to any other remedies provided by law.

E. The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the fire department of the city.

(Ord. No. 10-93, Enacted, 12/15/1993)

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