

!TITLE! 4

HEALTH, SANITATION, PUBLIC SAFETY

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CHAPTER 1

DISASTER RESPONSE AND EMERGENCY MANAGEMENT

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4-1-1: LEGISLATIVE FINDINGS; PURPOSE:

A. Findings: The board of county commissioners find that existing and increasing threats of the occurrence of destructive disasters reacting from attack, internal disturbance, natural phenomena or technological hazard could greatly affect the health, safety and welfare of the people of this county, and it is therefore necessary to grant to the board of county commissioners special emergency disaster authority. Pursuant to Utah Code Annotated title 53, chapter 2a, as amended, the board of county commissioners is authorized to carry out the measures as may be ordered by the governor. (Ord. 04-14, 5-18-2004; amd. 2017 Code)

B. Purpose: It is the purpose of this chapter to assist the commission to effectively provide emergency disaster response and recovery assistance in order to protect the lives and property of the people of this county. (Ord. 04-14, 5-18-2004)

4-1-2: DEFINITIONS:

!DEF! ATTACK: A nuclear, conventional, biological or chemical warfare action against the United States of America, or this state.

DISASTER: A situation causing, or threatening to cause, widespread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomenon or technological hazard.

EMERGENCY OPERATIONS PLAN: The formal plan compiled by the emergency

manager and approved by the commission providing emergency operations procedures to be used during a disaster.

INTERNAL DISTURBANCE: Riot, prison break, disruptive terrorism or strike.

LOCAL EMERGENCY: A condition in any area of the county which requires that emergency assistance be provided by the county or the affected political subdivision to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster.

NATURAL PHENOMENON: Any earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, drought or epidemic.

TECHNOLOGICAL HAZARD: Any hazardous materials accident, mine accident, truck wreck, air crash, radiation incident, pollution, chemical weapons incident, structural fire or explosion. (Ord. 04-14, 5-18-2004) !DEFEND!

4-1-3: EMERGENCY DISASTER COUNCIL CREATED:

A. Created: An emergency disaster council is created to provide advice to the board of county commissioners on matters relating to local government emergency disaster response and recovery actions.

B. Meetings: The council shall meet at the direction of the board of county commissioners.

C. Chairperson: The county director of emergency management shall serve on the emergency disaster council as chairperson.

D. Composition: The emergency disaster council is comprised of the following:

1. County commissioners;
2. Emergency manager;
3. Sheriff;
4. Public works;
5. Tri-County health department representative;
6. County assessor;

7. County recorder;
8. County treasurer;
9. County clerk;
10. Auditor;
11. County building official;
12. Others as appointed by the commission. (Ord. 04-14, 5-18-2004)

4-1-4: LOCAL EMERGENCY DECLARATION:

A. Authorized; Content: A "local emergency declaration" may be declared by the chairperson of the board of county commissioners if the chairperson finds a disaster has occurred or the occurrence or threat of a disaster is imminent in any area of the county in which county government response or recovery is required or assistance is required to supplement the response and recovery of any subdivision of the county. The local emergency declaration shall not be continued or renewed for a period in excess of thirty (30) days except by or with the consent of the board of county commissioners. All declarations or orders issued under this chapter shall include:

1. The nature of the "local emergency";
2. The area or areas being threatened;
3. The conditions creating such an emergency or those conditions allowing termination of the "local emergency";
4. The number or quantity of resources or assistance needed.

B. Filing: Any order or proclamation declaring, continuing or terminating a "local emergency" shall be filed promptly with the county clerk.

C. Operations Plan: When the chairperson of the board of county commissioners or the board of county commissioners declares a disaster or emergency, the county's emergency response will operate as outlined in the county emergency operations plan. (Ord. 04-14, 5-18-2004)

4-1-5: POLITICAL SUBDIVISIONS OF COUNTY; DECLARATION OF LOCAL EMERGENCY:

A. Scope Of Declaration: A declaration of "local emergency" by any political subdivision of the county is official recognition that a disaster situation exists within the affected political subdivision and provides a legal basis for requesting and obtaining state or federal government disaster assistance.

B. Notice Delivered: Notice of any "local emergency" declared by any political subdivision shall be promptly delivered to the county emergency manager, or any member of the board of county commissioners.

C. Assistance: The board of county commissioners shall provide the requested assistance and resources. If the county cannot provide such requested assistance, the county shall declare a "local emergency".

D. Request For Assistance: The county emergency manager shall direct the request for assistance to the state division of emergency services and homeland security, following a county local emergency declaration, coordinate other local agency assistance and available resources.

E. Coordination Of Assistance: During any disaster where local, state or federal assistance is required, the county emergency manager shall direct and coordinate such assistance.

F. Requests For Outside Assistance: All requests for outside assistance and resources shall be coordinated through the emergency manager.

G. Unified Command Committee: If more than one municipality and/or the county declares a local emergency during the same period of time, a "unified command committee" shall be formed. The "unified command committee" shall include a representative from each of the affected jurisdiction they represent. The representatives shall have the authority to make decisions for the jurisdiction they represent. (Ord. 04-14, 5-18-2004)

4-1-6: AUTHORITY OF BOARD OF COUNTY COMMISSIONERS:

The board of county commissioners, during the declared "local emergency", is authorized and empowered to:

A. Enact, Suspend Laws: Enact laws, rules and regulations or suspend any law, rule or regulation when necessary to save human life and protect property;

B. Utilize Resources: Utilize all available resources as reasonably necessary to cope with the emergency;

C. Suspend Rules: Suspend county rules regarding overtime restrictions and personnel use, allowing department heads to utilize personnel as necessary to answer the challenges of the emergency presented to each department;

D. Employ Measures: Employ measures and give direction to county and local officials and agencies which are reasonable and necessary for the purpose of securing compliance with the provisions of this chapter, and with orders, rules and regulations made pursuant to this chapter;

E. Evacuations: Approve and advise the evacuation of all or part of the population from a stricken or threatened area within the county if necessary for the preservation of life;

F. Transportation: Approve routes, modes of transportation and destination in connection with evacuation;

G. Alcohol, Hazardous Materials: In connection with evacuation, suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles, or other hazardous materials;

H. Control Of Area: Control ingress and egress to and from a disaster area, the movement of persons within the area, and approve the occupancy or evacuation of premises in a disaster area;

I. Curfew: Establish curfews for the protection of life and property in the affected areas;

J. Price Freezes: Establish price freezes to prohibit the practice of "price gouging" for items in short supply or high demand in the affected area;

K. Rations: Establish the ration of critical supplies necessary to sustain life;

L. Removal Of Threats: Clear or remove from publicly or privately owned land or water, debris or wreckage which may threaten public health or public safety;

M. Temporary Shelters: Establish temporary shelters for the housing of evacuated persons. (Ord. 04-14, 5-18-2004)

4-1-7: ORDERS, RULES AND REGULATIONS HAVING FORCE OF LAW:

All orders, rules and regulations promulgated by the board of county commissioners shall have the full force and effect of law during the "local emergency", provided a copy thereof is filed with the county clerk. (Ord. 04-14, 5-18-2004)

4-1-8: ACQUISITION OF PROPERTY FOR PUBLIC USE:

A. Included Property: Upon proclamation of the "local emergency", the board of county commissioners may purchase or lease public or private property for public use, including:

1. Food;
2. Medical supplies;
3. Clothing;
4. Shelter;
5. Means of transportation;
6. Fuels and oils;
7. Buildings or land.

B. Use: Such purchases under authority of this section may be used for any purpose to meet the needs of an emergency, including its use to relieve want, distress and disease. (Ord. 04-14, 5-18-2004)

4-1-9: MUTUAL AID AGREEMENTS:

The board of county commissioners is authorized to execute an interlocal agreement or compact on behalf of this county with any county or municipality concerning matters relating to a disaster affecting or likely to affect this county. (Ord. 04-14, 5-18-2004)

CHAPTER 1

DISASTER RESPONSE AND EMERGENCY MANAGEMENT

ARTICLE A. EMERGENCY INTERIM SUCCESSION

SECTION:

4-1A-1: Title

4-1A-2: Definitions

4-1A-3: Emergency Interim Succession Procedure !2R!

4-1A-1: TITLE:

This article shall be known as the *EMERGENCY INTERIM SUCCESSION ACT*.
(Ord. 04-14, 5-18-2004)

4-1A-2: DEFINITIONS:

!DEF! ABSENT: Physically not present or not able to be communicated with; does not include a person who can be reached by telephone, radio or other communications methods.

EMERGENCY INTERIM SUCCESSOR: A person designated by the officer, who in his or her absence, can exercise the powers and discharge the duties of the officer when he or she is absent. (Ord. 04-14, 5-18-2004) !DEFEND!

4-1A-3: EMERGENCY INTERIM SUCCESSION PROCEDURE:

A. On January 1 of each year, each department head, with the exception of the county commissioners, shall:

1. Designate three (3) qualified emergency interim successors from within his or her department who meet the constitutional qualifications for the office, if any;

2. Specify the order of their succession;

3. Provide a list of those designated successors to the emergency manager.

B. If any department head is unavailable following a "disaster" or "local emergency", and if his or her deputy, if any, is not available a designated emergency interim successor shall exercise the powers

and duties of the office according to the order of succession specified by the officer until:

1. The board of county commissioners appoints a successor to fill the position;
2. A permanent successor is appointed or elected by law;
3. The officer, his or her deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise or resume the powers of the office.

C. Emergency interim successors shall exercise the powers of the office which they succeeded only when a disaster has occurred or has been declared.

1. Successors may only serve for thirty (30) days after the date of the local emergency declaration unless approved by the board of county commissions.
2. Extension of emergency powers shall be by the authority of the board of county commissioners and only during the time of the disaster and recovery operations.
3. The chairperson of the board of county commissioners, or his or her successor as set forth in subsection D of this section, shall settle all disputes concerning emergency interim successors. Decisions of the chairperson or his or her successor are final.

D. Emergency succession of the chairperson of the board of county commissioners shall proceed as follows when a disaster response is occurring or imminent:

1. The chairperson shall serve, if available.
2. If the chairperson is unavailable, the designated county commissioner succession shall prevail, i.e., in alphabetical order according to county seat designation, being A, B or C seat.
3. If no commissioner is available, the designated emergency interim successors shall exercise the powers and duties of the office only until:
 - a. The vacancy is filled in accordance with the constitution or statutes; or
 - b. A commissioner or commissioners of office become available to exercise the powers and duties of the office. (Ord. 04-14, 5-18-2004)

CHAPTER 2

NUISANCES

SECTION:

- 4-2--1: Nuisance Defined
- 4-2--2: Illustrative Enumeration
- 4-2--3: Nuisance Prohibited
- 4-2--4: Notice To Abate
- 4-2--5: Contents Of Notice
- 4-2--6: Service Of Notice
- 4-2--7: Procedure
- 4-2--8: Hearing Request
- 4-2--9: Abatement By County
- 4-2-10: Costs Declared Lien
- 4-2-11: Collection Of Lawsuit Expenses
- 4-2-12: Violation; Penalty !2R!

4-2-1: NUISANCE DEFINED:

For the purpose of this chapter, the word "nuisance" is defined as any person doing an unlawful act or omitting to perform a duty, or suffering or permitting a condition or thing to be or exist, which act, omission, condition or thing either:

- A. Injures or endangers the comfort, repose, health or safety of others; or
- B. Offends decency; or
- C. Is offensive to the senses; or
- D. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any public or private street, highway, sidewalk, stream, ditch or drainage; or
- E. In any way renders other persons insecure in life or the use of property. (Ord. 96-12, 12-4-1996)

4-2-2: ILLUSTRATIVE ENUMERATION:

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, that this enumeration

shall not be deemed or construed to be conclusive, limiting or restrictive:

- A. Noxious weeds and other rank vegetation.
- B. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- C. Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located.
- D. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- E. All loud unnecessary or unauthorized noises or annoying vibrations.
- F. All disagreeable or obnoxious odors and stenches, as well as the condition, substances or other causes which give rise to the emission or generation of such odors and stenches, other than reasonable and natural odors arising from agriculture or animal husbandry; provided, that said practices are generally accepted and reasonable within the industry and reasonable effort are made to minimize the escape of odors from the owner's premises.
- G. The carcasses of animals or fowl not disposed of within a reasonable time after death.
- H. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial, wastes or other substances.
- I. Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- J. Dense smoke, noxious fumes, gas or cinders, in unreasonable quantities.
- K. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of the county planning and zoning ordinance, the county subdivision ordinance, the applicable county building codes, or the code of rules

and regulations of the health department of the state of Utah, or any use of land, building or premises in violation of said ordinances or statutes. (Ord. 96-12, 12-4-1996)

4-2-3: NUISANCE PROHIBITED:

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance. "Nuisances", as defined in this chapter, are prohibited and shall be abated. (Ord. 96-12, 12-4-1996)

4-2-4: NOTICE TO ABATE:

Whenever a nuisance is found to exist within the county, the county clerk or some other duly designated officer of the county shall give written notice to the owner and occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. (Ord. 96-12, 12-4-1996)

4-2-5: CONTENTS OF NOTICE:

The notice to abate a nuisance issued under the provisions of this chapter shall contain:

- A. An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.
- B. The location of the nuisance, if the same is stationary.
- C. A description of what constitutes the nuisance.
- D. A statement of acts necessary to abate the nuisance.
- E. A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the county will abate such nuisance and assess the cost thereof against such person. (Ord. 96-12, 12-4-1996)

4-2-6: SERVICE OF NOTICE:

Notice shall be sufficiently given when personally served or when mailed by certified mail, return receipt requested, to the address shown for the property owner on the current tax roles of the county. (Ord. 96-12, 12-4-1996)

4-2-7: PROCEDURE:

The notice shall direct that the nuisance must be abated within not more than sixty (60) days after date of mailing of notice, except in cases where there is an immediate threat to the public health, safety or welfare. In that event, the county commission may direct a shorter time for abatement of the nuisance upon finding that a delay would endanger the public health, safety or welfare. (Ord. 96-12, 12-4-1996)

4-2-8: HEARING REQUEST:

A. Time Limit For Filing: The person receiving notice to abate shall have thirty (30) days in which to file a written request with the county clerk for a hearing. The hearing shall be scheduled within thirty (30) days of receipt of the notice for hearing by the county clerk or such longer period as shall be mutually agreed upon between the county commission and the party.

B. Determination Of County Commission: The county commission shall determine if a nuisance exists as defined by ordinance. The procedures and burden of proof shall be that generally applicable to administrative hearings.

C. Failure To Appear: If the person requesting the hearing fails to appear or present evidence, the commission may enter its ruling by default.

D. Abatement Order: At the hearing, if the commission determines that a "nuisance", as defined by this chapter, does exist, the commission shall order an abatement of the nuisance and establish a time period for the accomplishment of the abatement. (Ord. 96-12, 12-4-1996)

4-2-9: ABATEMENT BY COUNTY:

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, the county clerk or other duly designated officer of the county shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof. (Ord. 96-12, 12-4-1996)

4-2-10: COSTS DECLARED LIEN:

Any and all costs incurred by the county in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied. The county may also collect the expenses of abatement in the same manner established for the collection of judgments. (Ord. 96-12, 12-4-1996)

4-2-11: COLLECTION OF LAWSUIT EXPENSES:

In the event collection of expenses of abatement are pursued through the court, the county shall sue for and receive judgment for all of said expenses of fees, interest and court costs and shall execute upon such judgment in the manner provided by law. (Ord. 96-12, 12-4-1996)

4-2-12: VIOLATION; PENALTY:

A. It is unlawful and a class B misdemeanor violation for any person to maintain or assist in maintaining a nuisance after receiving a notice to abate the same. Notice to abate a nuisance shall be given as a prerequisite to prosecution by delivering a copy of the notice to abate to the offender by personal service in the manner prescribed by the Utah rules of civil procedure or by mailing a copy of the notice to abate to the offending party at the address shown on the property tax rolls of the county, by certified U.S. mail (return receipt requested). The notice to abate should reasonably describe the subject nuisance and the steps necessary to abate the same and shall require abatement to be completed within the time period set forth herein.

B. Failures to abate the nuisance shall constitute a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Each day the nuisance remains unabated shall constitute a new and separate offense. (Ord. 96-12, 12-4-1996; amd. 2017 Code)

CHAPTER 3

WEED CONTROL

SECTION:

- 4-3-1: Definitions
- 4-3-2: Weed Control Board
- 4-3-3: Declaration Of Noxious Weeds
- 4-3-4: Notice And Control Of Noxious Weeds And Public Nuisance
- 4-3-5: Failure To Control; Liability Of Property Owner
- 4-3-6: Hearing And Appeal !2R!

4-3-1: DEFINITIONS:

!DEF! COMMISSION: The Daggett County commission.

COUNTY: Daggett County, Utah.

COUNTY NOXIOUS WEED: Any plant which is not on the state noxious weeds list, but is especially troublesome in Daggett County, and is declared by the Daggett County commission to be a noxious weed within Daggett County.

NOXIOUS WEED: Any plant the state commissioner or Daggett County commissioners, determines to be especially injurious to public health, crops, livestock, land or other property.

REASONABLE NOTICE: Notice given by any means, whether oral or written, that would provide actual notice to the landowner of action to be taken. It is presumed that notice should actually be received three (3) working days after it was sent.

STATE COMMISSIONER: The commissioner of agriculture and food or the commissioner's representative.

TARGETED NOXIOUS WEEDS: Those weeds on the noxious weed list that the Daggett County weed control board has specifically targeted for eradication efforts.

WEED CONTROL BOARD: The Daggett County weed control board. (Ord. 10-18, 6-15-2010) !DEFEND!

4-3-2: WEED CONTROL BOARD:

A. Created: There may be created a weed control board within the

county, consisting of five (5) appointed members. At least two (2) members of the board will be farmers or ranchers whose primary source of income is derived from the production of agriculture within the county. Members will be appointed by the commission for a term of four (4) years. Board members may be reimbursed for expenses as determined by the commission. Members may be removed for cause and any vacancy which occurs on the weed control board shall be filled by appointment for the unexpired term of the vacating member.

B. Responsibilities Of Board:

1. The weed control board is responsible, under the general direction of the commission, for the formulation and implementation of a coordinated noxious weed control program designed to prevent and control noxious weeds within the county. Such a program shall focus on a particular type of noxious weed on a countywide basis or on a specific weed or variety of noxious weeds within a sector of the county.

2. The weed control board is required, under the general direction of the commission, to cooperate with other county weed control boards to prevent and control the spread of noxious weeds.

3. The weed control board may recommend, and the commission may declare, a particular weed or competitive plant, not appearing on the state noxious weed list, a noxious weed within the county. The commission may also petition the state commissioner for removal of a particular noxious weed from the state noxious weed list. The commission may not petition the state commissioner to remove a noxious weed unless it has first conducted a public hearing, after due notice.

C. Alternative: The board of county commission may appoint or contract with an alternative authority to act as the weed control board. (Ord. 10-18, 6-15-2010; amd. 2017 Code)

4-3-3: DECLARATION OF NOXIOUS WEEDS:

In addition to any noxious weeds on the state list, the commission may declare, by ordinance, a particular weed or competitive plant, not appearing on the state noxious weed list, a county noxious weed within the county. (Ord. 10-18, 6-15-2010)

4-3-4: NOTICE AND CONTROL OF NOXIOUS WEEDS AND PUBLIC NUISANCE:

A. General Annual Notice: The weed control board, before May 1 of

each year, shall post a general notice of the noxious weeds and targeted noxious weeds within the county in at least three (3) public places within the county. The same notice shall be published on at least three (3) occasions in a newspaper or other publication of general circulation within the county.

B. Notice To Property Owner: If the weed control board determines that particular property within the county requires prompt and definite attention to prevent or control targeted noxious weeds, it shall serve the owner or the person in possession of the property, personally or by certified mail, a notice specifying when and what action should be taken on the property. Methods of prevention or control may include definite systems of tillage, cropping, use of chemicals, and use of livestock.

C. Public Nuisance Declared: An owner or person in possession of property who, within five (5) days after notice, fails to take action to control or prevent the spread of noxious weeds as specified in the notice or fails to request a hearing or appeal, shall be deemed to be maintaining a public nuisance.

D. Roads Regulated By Public Entities: Control of weeds in rights of ways for class A, class B and class C roads shall be the responsibility of the public entity having jurisdiction over said roads.

E. Exception For Research, Experiment: This chapter is not intended to apply to research labs or experiment stations operated by a governmental agency or educational entity for the study of noxious weeds and the control thereof; provided, that said lab or experiment station has been approved by the weed control board. (Ord. 10-18, 6-15-2010)

4-3-5: FAILURE TO CONTROL; LIABILITY OF PROPERTY OWNER:

A. Abatement By County: If the owner or person in possession of the property fails to take action to control or prevent the spread of noxious weeds within five (5) working days after the property is declared a public nuisance, the weed control supervisor or authorized agent may, after reasonable notification, enter the property, without the consent of the owner or the person in possession, and perform any work necessary, consistent with sound weed prevention and control practices, to control the weeds.

B. Any expense incurred by the county in controlling the noxious weeds shall be paid by the property owner of record or the person in possession of the property, as the case may be, within ninety (90)

days after receipt of the charges incurred by the county. If not paid within ninety (90) days after notice of the charges, the charges, together with interest at the prevailing legal rate, become a lien against the property and are collectible by the county treasurer at the time general property taxes are collected. (Ord. 10-18, 6-15-2010)

4-3-6: HEARING AND APPEAL:

A. Request: Any person served with notice to control noxious weeds may request a hearing to appeal the terms of the notice before the weed control board within five (5) days of receipt of such notice. The weed control board must hold a hearing on the matter within ten (10) days of receipt of the request. The landowner or person in possession who has requested the hearing may appeal the decision of the weed control board to the commission. Said appeal to the commission shall be filed within five (5) days of the date of the weed control board's decision.

B. Further Appeal: Any person served with notice to control noxious weeds who have had a hearing before both the weed control board and the commission may further appeal the decision of the commission by filing written notice of appeal with a court of competent jurisdiction, within thirty (30) days of the commission's decision. (Ord. 10-18, 6-15-2010)

CHAPTER 4

SEWER DISCHARGE AND CONNECTION REQUIREMENTS

SECTION:

- 4-4--1: Plumbing Code Applicability
- 4-4--2: Definitions
- 4-4--3: Discharge Without Suitable Treatment Unlawful
- 4-4--4: Connection Requirements
- 4-4--5: Privies Unlawful
- 4-4--6: Inspection Of Sewer Connection Required
- 4-4--7: Compliance With County Road Cut Rules Required
- 4-4--8: Private Wastewater Disposal Systems
- 4-4--9: Use Of Public Sewer System
- 4-4-10: Fees And Charges
- 4-4-11: Notice Of Violation
- 4-4-12: Penalty; Liability !2R!

4-4-1: PLUMBING CODE APPLICABILITY:

The requirements of the international plumbing code, as adopted by the state, shall apply to the discharge of any sewage, wastewater or other polluted waters in the county except as modified by this chapter. (Ord. 05-04, 4-18-2005; amd. 2017 Code)

4-4-2: DEFINITIONS:

The definitions set forth in the international plumbing code shall apply to this chapter. In addition, the following definitions shall apply:

!DEF! COUNTY: Daggett County.

DISTRICT: Manila town and/or Daggett County water and sewer improvement district. When applied to a particular system, the term "district" refers to the district owning or operating that system. (Ord. 05-04, 4-18-2005; amd. 2017 Code) !DEFEND!

4-4-3: DISCHARGE WITHOUT SUITABLE TREATMENT UNLAWFUL:

It is unlawful to discharge into any natural outlet within the county, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 05-04, 4-18-2005)

4-4-4: CONNECTION REQUIREMENTS:

A. Sewer Connection Facilities Required When: The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the county and abutting on any street alley or right of way in which there is or becomes located a public sanitary or combined sewer is required, at owner's expense, to install suitable facilities therein, and to connect such facilities directly with the nearest public sewer in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice to do so; provided, that the sewer is within three hundred feet (300') of the property line. Single-family dwellings and buildings or structures accessory thereto, existing and connected to an approved private sewage disposal system prior to the time of connecting the premises to public sewer may, when no hazard, nuisance or insanitary condition is evidenced, remain connected to such properly maintained private sewage disposal system when there is insufficient grade or fall to permit drainage to the sewer by gravity; provided, however, the district may extend the time to connect to accommodate county requirements prohibiting road cuts or to meet other such county imposed regulations.

B. Public Sewer Connection Required When: At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in subsection A of this section, a direct connection shall be made to the public sewer within sixty (60) days after notice to so connect, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled. (Ord. 05-04, 4-18-2005)

4-4-5: PRIVIES UNLAWFUL:

Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater in any area served by the public sewer. (Ord. 05-04, 4-18-2005)

4-4-6: INSPECTION OF SEWER CONNECTION REQUIRED:

Any person connecting to the public sewer system shall notify the district which operates that system and allow that district to inspect the connection prior to covering the installed facilities and connection. (Ord. 05-04, 4-18-2005)

4-4-7: COMPLIANCE WITH COUNTY ROAD CUT RULES REQUIRED:

The districts and persons making connection shall comply with the county rules and ordinances regarding road cuts. (Ord. 05-04, 4-18-2005)

4-4-8: PRIVATE WASTEWATER DISPOSAL SYSTEMS:

Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the state code and the wastewater disposal regulations. (Ord. 05-04, 4-18-2005)

4-4-9: USE OF PUBLIC SEWER SYSTEM:

The use of the public sewer system owned or operated by a district shall also be subject to the rules and regulations adopted by that district, including regulations governing fees and type of wastes that may be discharged into the system. (Ord. 05-04, 4-18-2005)

4-4-10: FEES AND CHARGES:

A. Collection Methods For Sewer Connection Fees: The district may make charges for sewer connection fees, sewer services and water services to be billed in a single bill to each customer and the payment of the charge for water is accepted only when the charge for sewer connections, fees and sewer services are paid at the same time. The county or board may suspend water or sewer service or both to any customer who shall become delinquent on any charges due to the district. Any unpaid and delinquent charges for sewer or water services shall be certified by the district to the treasurer or assessor of the county. The amount of delinquent charges, together with the interest and penalties, shall immediately upon certification become a lien on the delinquent premises on a parity with, and collectable at the same time and in the same manner as the general county taxes. The lien shall be held by the entity to whom the fees are owing. All methods of enforcement are available for the collection of the general county taxes, including the sale of delinquent premises and shall be used in the collection of the delinquent sewer charges.

B. Payment Of Connection Fee: Any person required by this chapter to connect to a public sewer, upon proof to the district imposing

the connection fee, of inability to pay the entity's connection fee when connected to the system, shall have no more than three (3) years to pay the connection fee. The person and the district shall sign an agreement designating the amount and number of monthly installments and interest rate which shall be based on the person's financial status and ability to pay for the connection. (Ord. 05-04, 4-18-2005; amd. 2017 Code)

4-4-11: NOTICE OF VIOLATION:

Any person found to be violating any provision of this chapter shall be served by the county or district with written notice stating the nature of the violation and providing reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 05-04, 4-18-2005)

4-4-12: PENALTY; LIABILITY:

A. Any person who shall continue any violation shall be guilty of a class B misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code for each violation. Each day in which any such violation shall continue may be deemed a separate offense. (Ord. 05-04, 4-18-2005; amd. 2017 Code)

B. Any person violating any of the provisions of this chapter shall become liable to the district for any expense, loss or damage occasioned the district by reason of such violation.

C. Any person found to be violating any provision of this chapter may also be sued civilly by the county or district to require specific performance and compliance with this chapter and the fine imposed shall be at least, but not limited to, the amount of the cost of the connection fees or cost of the service provided (if applicable), attorney fees and court costs, to enforce compliance with this chapter. The fines, penalties and judgments may be collected in any manner provided by law for the collection of judgments. (Ord. 05-04, 4-18-2005)

CHAPTER 5

ANIMAL CONTROL

SECTION:

- 4-5-1: Intent
- 4-5-2: Definitions
- 4-5-3: Dog Licensing Requirements
- 4-5-4: Dogs At Large
- 4-5-5: Barking Dogs
- 4-5-6: Dogs Quarantined
- 4-5-7: Entrance Upon Premises For Enforcement
- 4-5-8: Penalty !2R!

4-5-1: INTENT:

It is the intent of this chapter to provide uniform dog control regulations, administration and enforcement. (Ord. 08-24, 12-2-2008)

4-5-2: DEFINITIONS:

As used in this chapter, the following words mean:

!DEF! ANIMAL CONTROL FACILITY: The buildings, kennels and premises operated by Daggett County for the purposes of confining, caring for or disposing of dogs pursuant to this chapter.

AT LARGE: Any dog owned, kept or maintained by such person to be on any public property or private property not owned or controlled by such person within any municipality, without being confined or restrained on a leash at all times.

DOG: Any male or female dog of any age.

NEIGHBOR: Any person residing within five hundred feet (500') of or within one block of the offending animal or animals.

NOISE DISTURBANCE: Any persistent or continuing barking and/or howling that offends or irritates a neighbor.

OWNER: Any person, firm, association or corporation owning, keeping or harboring a dog.

VICIOUS DOG: A dog that chases, harasses or shows aggression toward

any person or animal, or that tries to bite or has bitten a person or animal without provocation. (Ord. 08-24, 12-2-2008) !DEFEND!

4-5-3: DOG LICENSING REQUIREMENTS:

A. License Required: It shall be unlawful for any person, firm or corporation to own, keep, hold or harbor any dog within the county without first obtaining a license from the county so to do.

B. Annual License; Fee: Every dog owner shall annually, during the month of January, secure a license from the county for said dog. A charge as established by the board of county commissioners will be made for this license.

C. New Dogs; Time Limit To Comply: Any person, firm or corporation transporting a dog into the county shall be required to conform with the above regulations within thirty (30) days.

D. Tag: At the time of licensing, a suitable and distinctive collar tag shall be issued to the dog owner, which collar tag shall be affixed to the dog's collar and must be worn at all times.

E. Impound For Unlicensed Dog: Any dog found in the county not licensed and identified as described in the above provisions shall be impounded by the county and such dog shall be held for a period of fourteen (14) days. The dog may be returned to its owner upon proof of ownership, payment of the cost of impounding the dog, at the rate as established by the board of county commissioners, and payment of any fine assessed under the provisions of this chapter, and payment of the license fee.

F. Disposal Of Unclaimed Dog: At the expiration of the fourteen (14) day period, any dog not so claimed by its owner may be disposed of by giving it into the possession of any person willing to pay the cost of impounding and license, or, if not so disposed of, it shall be killed in a humane manner by a peace officer or other designated official. (Ord. 61-3, 12-6-1961; amd. 2017 Code)

4-5-4: DOGS AT LARGE:

A. Prohibition: It shall be unlawful for any person to allow any dog owned, kept or maintained by such person to be on any public property or private property not owned or controlled by such person without being restrained or controlled at all times.

B. Minimum Requirement: It shall not be a violation of this provision

unless there is a complaint of two (2) or more neighbors, or a neighbor and the deputy sheriff responding to the complaint of the neighbor.

C. Penalty: A violation of this section shall be a class B misdemeanor, and the owner shall be subject to penalty as provided in section 4-5-8 of this title.

D. Impoundment Of Dogs At Large:

1. The sheriff's office shall have authority to impound any dog running at large or any vicious dog.

2. The sheriff's office shall keep a record of each dog impounded in the animal control facility. The record will include the following:

a. The date of impoundment.

b. A description of the dog.

c. The date and manner of disposal.

d. The name, address and phone number of the person reclaiming the dog.

e. The amount of fees received or collected from the impoundment.

3. The impoundment fee for a dog shall be as established by the board of county commissioners.

4. Any dog not reclaimed by the owner within fourteen (14) days may be adopted or destroyed in a humane manner. (Ord. 08-24, 12-2-2008; amd. 2017 Code)

4-5-5: BARKING DOGS:

A. First Complaint: Any person owning, keeping, harboring, maintaining or having in their possession any dog or dogs which by frequent barking and/or howling create a noise disturbance shall, upon the complaint of two (2) or more neighbors, or a neighbor and the deputy sheriff responding to the complaint of the neighbor, receive one verbal warning from the responding officer that their dog/dogs are disturbing the surrounding neighbors. (Ord. 08-24, 12-2-2008)

B. Second Complaint: On the second barking dog complaint and subsequent complaints received thereafter concerning the same

address and same dog/dogs, the owner shall be cited with a class B misdemeanor, and subject to penalty as provided in section 4-5-8 of this chapter. (Ord. 08-24, 12-2-2008; amd. 2017 Code)

4-5-6: DOGS QUARANTINED:

Any dog known to have bitten any person or another animal so as to cause an abrasion of the skin, shall be placed in quarantine for observation by the sheriff's office for a period of fourteen (14) days and shall not be killed or released until the observation period concludes that the animal shows no sign of rabies. The owner of said animal is required to pay a fee as established by the board of county commissioners for every day that the animal is quarantined. (Ord. 08-24, 12-2-2008; amd. 2017 Code)

4-5-7: ENTRANCE UPON PREMISES FOR ENFORCEMENT:

In the enforcement of any provision of this chapter, any peace officer or his assistants are authorized to enter the premises of any person to take possession of unlicensed, collarless, fierce, dangerous or vicious dogs when in fresh pursuit of such dog at the time the dog goes onto private property. (Ord. 61-3, 12-6-1961)

4-5-8: PENALTY:

Unless otherwise provided, any person violating any of the provisions of this chapter shall be deemed guilty of a class B misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 08-24, 12-2-2008; amd. 2017 Code)

CHAPTER 6

DROUGHT RESTRICTIONS

SECTION:

- 4-6-1: Applicability
- 4-6-2: Watering Restrictions
- 4-6-3: Fireworks
- 4-6-4: Open Burning
- 4-6-5: Penalty !2R!

4-6-1: APPLICABILITY:

A. At any time when the county commission adopts a resolution that declares that drought conditions exist in the county, the provisions of this chapter shall apply and be in force and effect until the county commission adopts a resolution declaring that the provisions of this chapter are suspended due to improved conditions. (Ord. 02-09B, 10-1-2002)

B. The county hereby adopts the state fire restrictions implemented by the department of natural resources, as they may be amended from time to time, unless or until it is determined that the county has needs which differ from the restrictions set by the state. (Res. 12-17, 9-5-2012)

4-6-2: WATERING RESTRICTIONS:

No individual, business, company or entity shall water yards, gardens, trees, shrubs, flowers or other landscaping around the home or property from the hours of ten o'clock (10:00) A.M. to six o'clock (6:00) P.M. with the exception of those using personal wells or irrigation water. Those using alternate means of watering are required to install a permanent sign indicating such. (Ord. 02-09B, 10-1-2002)

4-6-3: FIREWORKS:

No individual, business, company or entity shall set off or light any fireworks in the county, except as granted permission by the county commission. (Ord. 02-09B, 10-1-2002)

4-6-4: OPEN BURNING:

No individual, business, company or entity shall burn an open fire in the county, except in a fire ring. (Ord. 02-09B, 10-1-2002)

4-6-5: PENALTY:

Any individual, business, company or entity violating the provisions of this chapter shall be guilty of a class B misdemeanor and, upon conviction, shall be subject to penalty as provided in section 1-4-1 of this code. Each day of watering in violation of this chapter shall be a separate offense. Each fire or firework lit or set off shall be a separate offense. (Ord. 02-09B, 10-1-2002; amd. 2017 Code)

CHAPTER 7

DIVING OR JUMPING FROM BRIDGES, CLIFFS AND LEDGES

SECTION:

4-7-1: Prohibitions

4-7-2: Penalty !2R!

4-7-1: PROHIBITIONS:

It is unlawful for any person in the county to dive or jump off of the Cart Creek Bridge or to dive or jump off the rock cliffs or ledges surrounding Flaming Gorge Reservoir, or the Green River. For purposes of this chapter, "cliff" or "ledge" is defined to mean any formation of rock or soil, or combination thereof, having a height of ten feet (10') or more from the surface of any body of water in the county. (Ord. 02-11, 8-6-2002)

4-7-2: PENALTY:

Violation of this chapter shall be a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 02-11, 8-6-2002; amd. 2017 Code)

CHAPTER 8

BOATING AND WATER SAFETY

SECTION:

4-8-1: Adoption Of State Boating And Water Rules And Regulations

4-8-2: Amendments

4-8-3: Citation !2R!

4-8-2: ADOPTION OF STATE BOATING AND WATER RULES AND REGULATIONS:

The rules and regulations contained in Utah Code Annotated title 73, as amended, and the rules promulgated thereunder, are hereby adopted as the boating and water rules and regulations of the county, and by this reference are made a part of this code to the same extent and effect as though said title, chapters, sections and rules were set forth herein in full. Any provisions of Utah Code Annotated title 73 providing a penalty greater than a class B misdemeanor, or not relating to criminal or administrative sanctions, are not incorporated as part of this chapter. (Ord. 06-07, 5-16-2006; amd. 2017 Code)

4-8-2: AMENDMENTS:

In order to assure continuing uniformity between the state boating and water rules and regulations and the county boating and water rules and regulations, as required by Utah Code Annotated section 73-18-17, this chapter will include any and all periodic amendments to the state rules and regulations, Utah Code Annotated title 73, after the effective date hereof, made by the state legislature or by the state department of natural resources. (Ord. 06-07, 5-16-2006; amd. 2017 Code)

4-8-3: CITATION:

This chapter shall be designated as a county ordinance by substituting title 4, chapter 8 for Utah Code Annotated title 73, followed by the appropriate chapter and section numbers of Utah Code Annotated. (Ord. 06-07, 5-16-2006)

CHAPTER 9

WILDLIFE RESOURCES

SECTION:

4-9-1: Adoption Of State Wildlife Resources Code, Rules And Regulations

4-9-2: Amendments

4-9-3: Citation !2R!

4-9-1: ADOPTION OF STATE WILDLIFE RESOURCES CODE, RULES AND REGULATIONS:

The rules and regulations contained in Utah Code Annotated title 23, as amended, and the rules promulgated thereunder, are hereby adopted as the wildlife resources code, rules and regulations of the county, and by this reference are made a part of this code to the same extent and effect as though said title, chapters, sections and rules were set forth herein in full. Any provisions of Utah Code Annotated title 23 providing a penalty greater than a class B misdemeanor, or not relating to criminal or administrative sanctions, are not incorporated as part of this chapter. (Ord. 06-08, 5-16-2006)

4-9-2: AMENDMENTS:

In order to assure continuing uniformity between the state wildlife resources code, rules and regulations, and the county wildlife resources rules and regulations, this chapter will include any and all periodic amendments to the state rules and regulations, Utah Code Annotated title 23, after the effective date hereof, made by the state legislature or by the state department of natural resources. (Ord. 06-08, 5-16-2006; amd. 2017 Code)

4-9-3: CITATION:

This chapter shall be designated as a county ordinance by substituting title 4, chapter 10 for Utah Code Annotated title 23, followed by the appropriate chapter and section numbers of Utah Code Annotated. (Ord. 06-08, 5-16-2006)

CHAPTER 10

WILDLAND URBAN INTERFACE CODE

SECTION:

4-10-1: Adoption Of Wildland Urban Interface Code And Maps !2R!

4-11-1: ADOPTION OF WILDLAND URBAN INTERFACE CODE AND MAPS:

A. The board of commissioners hereby adopts the Utah wildland urban interface code as provided in Utah Code Annotated section 65A-8-201 et seq. (Res. 08-10, 4-15-2008; amd. 2017 Code)

B. The board of commissioners adopts and incorporates the maps of the county indicating the exempt areas, the low fire risk areas, the moderate fire risk areas and the high fire risk areas, subject to modification.

C. The maps representing the exempt areas, the low fire risk areas, the moderate fire risk areas and the high fire risk areas are to be kept with the secretary of the planning and zoning commission and are available for inspection by the public. (Res. 08-10, 4-15-2008)