

**APPLE VALLEY  
ORDINANCE O-2022-46**

**NOW THEREFORE**, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “6.04.010 Definitions” of the Apple Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

6.04.010 Definitions

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

**ABATEMENT:** The removal, stoppage, prostration or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying or effacing it.

**JUNK:** Any or all worn out, cast off, destroyed or discarded article or material which is ready for destruction or has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered, unchanged and without further reconditioning, can be used for its original purpose as readily as when new and shall not be considered "junk".

**JUNK CARS:** Any used car or motor vehicle not in the process of reconditioning, which has been abandoned for use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days; or portions of junk cars, such as hoods, fenders, radiators, rims, motors, hubcaps, etc., not being immediately utilized in the repair of a motor vehicle.

**NUISANCE:** Any item, thing, manner or condition whatsoever that is dangerous to human life or health, or renders soil, air, water or food impure or unwholesome.

**OWNER:** The person, firm or corporation in whose name said premises are listed in the records of the county recorder's office for Washington County, Utah.

**PROPERTY:** Any real property, premises, structure or location on which a nuisance or public nuisance is alleged to exist.

PUBLIC NUISANCE: Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole or smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, wharf or landing dock; or any lot, land, yard, premises or location which, in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the county in any one or more of the following particulars:

A. By reason of being a menace, threat and/or hazard to the general health and safety of the community.

B. By reason of being a fire hazard.

C. By reason of being unsafe for occupancy or use on, in, upon, about or around the aforesaid property.

D. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

RUBBISH: Means and includes wire, chips, shavings, boxes, barrels, rags, bottles, broken glass, crockery, tin, cast or wooden ware, iron, stumps, tree trunks, paper circulars, handbills, boots, shoes, ashes, trash, or any similar waste material.

## AFTER AMENDMENT

### 6.04.010 Definitions

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

ABATEMENT: The removal, stoppage, prostration or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying or effacing it.

JUNK: Any or all worn out, cast off, destroyed or discarded article or material which is ready for destruction or has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered, unchanged and without further reconditioning, can be used for its original purpose as readily as when new and shall not be considered "junk".

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**NUISANCE:** Any item, thing, manner or condition whatsoever that is dangerous to human life or health, or renders soil, air, water or food impure or unwholesome.

**OWNER:** The person, firm or corporation in whose name said premises are listed in the records of the county recorder's office for Washington County, Utah.

**PROPERTY:** Any real property, premises, structure or location on which a nuisance or public nuisance is alleged to exist.

**PUBLIC NUISANCE:** Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole or smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, wharf or landing dock; or any lot, land, yard, premises or location which, in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the town ~~county~~ in any one or mor of the following particulars:

- A. By reason of being a menace, threat and/or hazard to the general health and safety of the community.
- B. By reason of being a fire hazard.
- C. By reason of being unsafe for occupancy or use on, in, upon, about or around the aforesaid property.
- D. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

**RUBBISH:** Means and includes wire, chips, shavings, boxes, barrels, rags, bottles, broken glass, crockery, tin, cast or wooden ware, iron, stumps, tree trunks, paper circulars, handbills, boots, shoes, ashes, trash, or any similar waste material.

**SECTION 2:**            **AMENDMENT** “6.04.020 Regulations” of the Apple Valley Municipal Code is hereby *amended* as follows:

## BEFORE AMENDMENT

### 6.04.020 Regulations

A. Storage of Rubbish Prohibited: No person, firm or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk, junk cars or rubbish, or cars that are unregistered or cars with expired license plates on his own premises or any premises it or they own or use under his or their control, or in any other place within the county, except as is expressly provided by law.

B. Maintaining a Public Nuisance: No person, firm or corporation shall maintain or commit any nuisance or public nuisance.

## AFTER AMENDMENT

### 6.04.020 Regulations

A. Storage of Rubbish Prohibited: No person, firm or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk, junk cars or rubbish, or cars that are unregistered or cars with expired license plates on his own premises or any premises it or they own or use under his or their control, or in any other place within the ~~town~~ ~~county~~, except as is expressly provided by law.

B. Maintaining a Public Nuisance: No person, firm or corporation shall maintain or commit any nuisance or public nuisance.

**SECTION 3:**        **AMENDMENT** “6.04.030 Examination And Investigation” of the Apple Valley Municipal Code is hereby *amended* as follows:

## BEFORE AMENDMENT

### 6.04.030 Examination And Investigation

The building inspector is authorized to make examination and investigation of all real property in the county to determine whether owners of such property are complying with the provisions of this chapter.

## AFTER AMENDMENT

### 6.04.030 Examination And Investigation

The building inspector is authorized to make examination and investigation of all real property in the ~~town~~ ~~county~~ to determine whether owners of such property are complying with the provisions of this chapter.

**SECTION 4:            REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 5:            SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 6:            EFFECTIVE DATE** This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

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	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor   Frank Lindhardt	_____	_____	_____	_____
Council Member   Andy McGinnis	_____	_____	_____	_____
Council Member   Barratt Nielson	_____	_____	_____	_____
Council Member   Kevin Sair	_____	_____	_____	_____
Council Member   Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

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Frank Lindhardt, Mayor., Apple Valley