

## CHAPTER 90: HEALTH AND SANITATION; NUISANCES

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### Section

#### *Noxious Weeds*

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### NOXIOUS WEEDS

#### § 90.001 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABATEMENT.** The removal and stoppage of the spread of such noxious weeds, as defined under the state's Noxious Weed Act, UCA Title 4, Ch. 17, as amended, the administrative rules promulgated under that code, or any noxious weed as defined by the county's Weed Control Board, consistent with UCA Title 4, Ch. 17, § 107.

**NOXIOUS WEED.** Any such noxious weed, as defined under the state's Noxious Weed Act, UCA Title 4, Ch. 17, as amended, the administrative rules promulgated under that code, or any noxious weed as defined by the county's Weed Control Board, consistent with UCA Title 4, Ch. 17, § 107.

**NUISANCE.** The presence of any such noxious weed, as defined under the state's Noxious Weed Act, UCA Title 4, Ch. 17, as amended, the administrative rules promulgated under that code, or any noxious weed as defined by the county's Weed Control Board, consistent with UCA Title 4, Ch. 17, § 107.

**OCCUPANT.** Any person who has, or has a right to, the physical occupancy or use of property.

**OWNER.** The person, firm or corporation in whose name property is listed in the records of the County Recorder's office.

**PERSON.** An individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission or political subdivision of a state.

**PROPERTY.** Any real property, premises or location on which noxious weeds are alleged to exist.

(Ord. 07, passed 4-7-2020)

#### § 90.002 VIOLATION.

Any person, whether as owner or occupant, who creates, maintains, allows or aids in creating, maintaining or allowing, or otherwise contributes to, the nuisance of the presence of any noxious weed, is in violation of this subchapter.

(Ord. 07, passed 4-7-2020) Penalty, see § 10.999

### **§ 90.003 ENFORCEMENT; ABATEMENT; NOTICE OF COMPLAINT.**

(A) (1) Upon the receipt of any complaint received by the Weed Control Board regarding the existence of a nuisance caused by presence of any noxious weed upon a property in the county, through the Weed Control Board, will provide notice to the owner and occupant and inspect the property for the presence of a noxious weed.

(2) If the presence of a noxious weed is confirmed in accordance with UCA Title 4, Ch. 17, § 108, the county, through the Weed Control Board, will provide written notice to the owner and occupant that, within five days, the nuisance shall be removed from the property by the owner or occupant.

(B) If the nuisance is not removed within five days, consistent with UCA Title 4, Ch. 17, § 110, the county will provide reasonable notice that the county will remove the noxious weed(s) from the property, at the owner or occupant's expense, and that the county will provide a bill for reimbursement within 30 days of the removal of the nuisance. Any such bill shall be paid by the owner or occupant within 90 days.

(C) If payment is not received within 90 days, a lien for payment against the property, on behalf of the county, will be attached to the property and the outstanding amount owed will be collected through property taxation.

(Ord. 07, passed 4-7-2020)

### **§ 90.004 RIGHT TO A HEARING.**

Consistent with UCA Title 4, Ch. 17, § 111, any person receiving notice of a complaint may request a hearing to the Weed Control Board (or to the Administrative Law Judge, if there is not a standing Weed Control Board) by filing a request, in writing, with the County Administrator within ten days of receiving notice of the complaint from the county. Appeals from a decision from the Weed Control Board shall be consistent with UCA Title 4, Ch. 17, § 111.

(Ord. 07, passed 4-7-2020; Ord. 2023-03, passed 5-16-2023)

### **§ 90.005 WEED CONTROL BOARD; AUTHORITY.**

In accordance with UCA Title 4, Ch. 17, § 107, the county authorizes the Weed Control Board to administer the Weed Control Program for the county, consistent with the duties, powers and limitation of UCA Title 4, Ch. 17.

(Ord. 07, passed 4-7-2020)