

Title 10. Public Peace, Safety, Welfare, and Morals

Chapters:

10.01. [Reserved]

10.02. Curfew.

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Chapter 10.01. [Reserved]

Chapter 10.02. Curfew.

10.02.01. Curfew.

1. It is unlawful for any minor to be present in or upon any public street, avenue, highway, road, curb area, alley, park, playground, or other public ground, place, or building, place of amusement or eating place, vacant lot, or unsupervised place during the following hours:
 - a. For a minor under the age of 16, between the hours of 10:00 p.m. on any day and sunrise of the immediately following day; or
 - b. For a minor at least 16 years old but younger than 18 years old:
 - i. on a weekday night, between the hours of 11:00 p.m. and sunrise of the immediately following day; or
 - ii. on a weekend night, between the hours of 12:00 a.m. and sunrise of the immediately following day.
2. The provisions of this Section shall not apply when:
 - a. the minor is accompanied by his or her parent or parents, legal guardian, or other adult person having the lawful care or custody of the minor, or by his or her spouse eighteen years of age or older;
 - b. the minor is upon an errand directed by his or her parent or parents or legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse eighteen years of age or older;
 - c. the minor is attending or going to or returning directly home from a public meeting, or a place of public environment, such as a movie, play, sporting event, dance, or school activity, or traveling from such meeting or place directly to a business establishment in the City or returning directly home after patronizing such business establishment;
 - d. the presence of such minor in said place or places is connected with or required with respect to a business, trade, profession, or occupation in which said minor is lawfully;
 - e. the minor is involved in an emergency such as a fire, natural disaster, automobile accident, a situation requiring immediate action to prevent serious bodily injury or loss of life, or any unforeseen combination of circumstances or the resulting state which calls for immediate action;
 - f. the minor is in a motor vehicle involved in interstate travel; or
 - g. the minor is on the property of or on a sidewalk abutting the minor's residence.

(Ord. 11-16)

10.02.02. Custody of Children; Notification of Parents.

Whenever any Peace Officer of this City arrests or receives custody of any child under the provision of this Chapter, he or she shall forthwith notify the parent, legal guardian, or person having charge or custody of the child and the judge or probation officer of the Juvenile Court, and the child shall be handled as provided by law in such cases.

(Ord. 11-16)

10.02.03. Parents and Guardians Responsibility.

It is unlawful for any parent, guardian, or other person having the legal care and custody of any person under eighteen years of age, to allow or permit any such child, ward, or other person under such age, while in such legal custody, to violate any provisions of this Chapter, unless there exists a reasonable necessity therefore.

(Ord. 11-16)

10.02.04. Violation; Penalty.

Any person violating any of the provision of this Chapter shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished by a fine in any sum not exceeding \$50.00, by imprisonment not exceeding one day, by up to forty-eight hours community service, or by any combination thereof.

(Ord. 11-16)

Chapter 10.03. Graffiti Prohibition and Removal.

Sections:

10.03.01. Purpose and Intent.

10.03.02. Definitions.

10.03.03. Unlawful to Apply Graffiti.

10.03.04. Possession of Graffiti Implements by Minors Prohibited.

10.03.05. Possession of Graffiti Implements Prohibited in Designated Public Places.

10.03.06. Access to Graffiti Implements.

10.03.07. Graffiti Removal Provisions.

10.03.08. Rewards.

10.03.09. Penalties.

10.03.01. Purpose and Intent.

1. The City Council specifically finds that graffiti on public or private property is a blighting factor which not only depreciates the value of property which has been the target of such vandalism but also depreciates the value of the adjacent and surrounding properties so as to create a negative impact upon the entire City.
2. Utah Code § 76-6-107 authorizes the City, under certain circumstances, to provide for the removal of graffiti and other inscribed material from private as well as public property. The Council finds and determines that graffiti is obnoxious and a public nuisance and unless the City causes it to be removed from public and private property, it tends to remain. Other properties then become the target of graffiti with the result that entire neighborhoods are affected and become less desirable places in which to reside or be present. Graffiti also has been found to be a means of identification utilized by gangs and its presence may encourage further gang-related activities.
3. It is the purpose and intent of the City Council, through the adoption of this Chapter, to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement, including the application of graffiti on privately and publicly owned walls and structures. Such acts are inimical to and destructive of the rights and values of private property owners as well as the entire community. It is the further intent of the City Council, through the adoption of this Chapter, to provide notice to all of those who disregard the property rights of others, that the law enforcement agencies of the City, and the City and county prosecutor's office, will strictly enforce the law and vigorously prosecute those persons engaging in the defacement of public and private properties.

(Ord. 11-9; Ord. 08-21)

10.03.02. Definitions.

As used in this Chapter, the following terms are defined:

1. **“Aerosol paint container”** means any aerosol container which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.
2. **“Felt tip marker”** means any tipped style marker or similar implement with a tip which, at its broadest width, is one-eighth inch or greater.
3. **“Graffiti”** means any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted, or otherwise affixed to or on any surface, to the extent the same was not authorized in advance by the owner thereof, or, despite advance authorization, is otherwise deemed by the City Council to be a public nuisance.
4. **“Graffiti implement”** means an aerosol paint container, a felt tip marker, or any other device containing any solution or substance capable of being used to leave a visible mark at least one-eighth of an inch in width upon any surface.

(Ord. 11-9; Ord. 08-21)

10.03.03. Unlawful to Apply Graffiti of Flyers.

It is unlawful for any person to apply graffiti to any trees or structures including any building, wall, fence, pole, and sign (“structure” collectively hereinafter in this Chapter) located within the City. It is also unlawful for any person to apply or affix any adhesive backed label, sticker, bumper sticker, or similar item to any tree or structure not owned or lawfully possessed by such person. This includes the prohibition of posting flyers or similar items to City-owned utility poles or similar structures.

(Ord. 18-29; Ord. 11-9; Ord. 08-21)

10.03.04. Possession of Graffiti Implements by Minors Prohibited.

It is unlawful for any person under the age of eighteen years to have in his or her possession any graffiti implement or other object capable of scribing graffiti while upon public property or upon private property without the consent of the owner of such private property whose consent to such possession and presence is given in writing in advance. This provision shall not apply to the possession of felt tip markers by minors, except under circumstances that indicate an intent to use, or knowledge that some person intends to use, the same in the commission of vandalism or destruction of property.

(Ord. 11-9; Ord. 08-21)

10.03.05. Possession of Graffiti Implements Prohibited in Designated Public Places.

It is unlawful for any person to have in his or her possession any graffiti implement while in any public park, playground, swimming pool, recreational facility, or while in, on, or within ten feet of any infrastructure not normally used by the public, including any underpass, bridge abutment, or storm drain except as may be authorized by the City.

(Ord. 11-9; Ord. 08-21)

10.03.06. Access to Graffiti Implements.

1. It is unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any minor without the consent of the parent or lawful guardian which consent shall be given in advance in writing. This provision shall not apply to the sale or distribution of felt tip markers to minors, except under circumstances that indicate the minor or some other person intends to use the same in the commission of vandalism or destruction of property.
2. No person or business engaged in a commercial enterprise shall display for sale, trade, or exchange, any graffiti implement except in an area from which access by the public is securely precluded without employee assistance. Two such acceptable methods for displaying graffiti implements for sale shall be by containment in:
 - a. a completely enclosed cabinet or other storage device which shall be permanently affixed to a building or structure, and which shall, at all times except during access by authorized representatives, remain securely locked; or
 - b. an enclosed area behind a sales or service counter from which the public is precluded from entry.
3. No person or business engaged in the business of selling, providing, or trading graffiti implements shall store any graffiti implement except in either:
 - a. a completely enclosed room which shall, at all times except during access or actual occupancy by the owner or an authorized adult representative of the owner, remain securely locked; or
 - b. a completely enclosed cabinet or other storage device which shall be permanently affixed to a building or structure, and which shall, at all times except during access by the owner or an authorized adult representative of the owner, remain securely locked. For purposes of this Section, an owner or authorized representative of the owner, shall be deemed to actually occupy a room even during brief periods of absence if the room is contained within a larger structure which is occupied by the owner or representative.

(Ord. 11-9; Ord. 08-21)

10.03.07. Graffiti Removal Provisions.

1. **Right of City to Require Removal.** It is unlawful for any person who is the owner, or who has primary responsibility for control, repair, or maintenance of property (“responsible party” hereinafter in this Section), to permit the property which is defaced with graffiti to remain so defaced for a period of seven or more days after service by the City, by first class mail, of notice of the same, unless:
 - a. the person shall demonstrate by a preponderance of evidence that he or she does not have the financial ability to remove the graffiti; or
 - b. it can be demonstrated that the responsible party has an active program for the removal of graffiti and has scheduled the removal of graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of fifteen or more days after service by first class mail of notice of the same.
2. **Right of City to Remove and Use of Public Funds.** Whenever the City becomes aware, or is notified and determines, that graffiti is so located on public or privately owned property viewable from a public or quasi-public place within the City, the City shall be authorized to use public funds for removal of same, or for the painting or repairing of same, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the City determines that a more extensive area is required to be repainted or repaired in order to avoid aesthetic disfigurement to the neighborhood or community, or unless the City determines that a more extensive area is required to be repainted or repaired in order to avoid aesthetic disfigurement to the neighborhood or community, or unless the responsible party agrees to pay for the costs of repainting or repairing the more extensive area.
3. **Right of Entry on Private Property.**
 - a. **Securing Owner Consent.** Prior to entering upon private property or property owned by a public entity other than the City, for purposes of removal of graffiti, the City shall attempt to secure the consent of the responsible party, and a release of the City from liability for private or public property damage.
 - b. **Failure to Obtain Owner Consent.** If a responsible party fails to remove the offending graffiti within the time herein specified, or if the City has requested consent to remove or paint over the offending graffiti and the responsible party has refused consent for entry on terms acceptable to the City consistent with the terms of this Section, then the City may commence abatement and cost recovery proceedings for the removal of the graffiti which procedures authorize the recovery of all costs incurred by the City in abating graffiti including the recordation of a lien as to affected property.
4. **Ease of Removal Provisions.**
 - a. **Common Utility Colors and Paint-Type.** Any gas, telephone, water, sewer, cable, telephone, and other utility operating in the City shall paint their above-surface metal fixtures which are installed after the effective date of this Chapter, with a uniform paint type or color.
 - b. **Conditions on Encroachment Permits.** Encroachment permits issued by the City may, among other things, be conditioned on:
 - i. the permittee applying an anti-graffiti material to the encroaching object or structure of a type and nature that is acceptable to the City;

- ii. the timely removal by the permittee of any graffiti;
 - iii. the right of the City to remove graffiti or to paint the encroaching object of structure; and
 - iv. the permittee providing the City with sufficient matching paint and anti-graffiti material on demand for use in the painting of the encroaching object or structure containing graffiti.
- c. **Conditions on Discretionary Approvals.** In imposing conditions upon conditional use permits, variances, building permits to the extent permitted by this code, or other similar land use entitlements or development or design applications, the City may impose graffiti removal requirements or any or all of the following conditions, or other similar or related conditions:
- i. **Use of Anti-Graffiti Material.** Applicant shall apply an anti-graffiti material of a type and nature that is acceptable to the City to publicly viewable surfaces to be constructed on the site deemed by the City to be likely to attract graffiti (“graffiti attracting surfaces” hereinafter in this Section);
 - ii. **Right of Access to Remove Graffiti.** Applicant shall grant in writing, the right of entry over and access to such parcels, upon forty-eight hours posted notice, by authorized City employees or agents, for the purpose of removing or painting over graffiti on graffiti attracting surfaces previously designated by the City. Such grant shall be made an express condition of approval and shall be deemed to run with the land;
 - iii. **Supply City with Graffiti-Removal Material.** Applicant, and any and all successors in interest, shall, for a specified period of years after approval, provide the City with sufficient matching paint and anti-graffiti material on demand for use in the painting over or removal of designated graffiti attracting surfaces; and
 - iv. **Owner to Immediately Remove Graffiti.** Persons applying for subdivision maps shall execute a covenant, which covenant shall run with the land, in a form satisfactory to the City, that the owners of the lots shall immediately remove any graffiti placed on any publicly viewable tree or structure thereon.

(Ord. 12-9; Ord. 11-9; Ord. 08-21)

10.03.08. Rewards.

1. The City may, from time to time, offer a reward in an amount and as to such locations, as may be set by resolution of the City Council for information leading to the arrest and conviction of any person for violation, within the City, of Utah Code § 76-6-107 by the use of graffiti. In the event of multiple contributions of information, the reward amount shall be divided by the City in the manner it shall deem appropriate. For the purposes of this Section, diversion of the violator to a community service program, or a plea bargain to a lesser offense, shall constitute a conviction.
2. Claims for rewards under this Section shall be filed with the City. Each claim shall:
 - a. specifically identify the date, location, and type of property damaged or destroyed;

- b. identify by name the person who was convicted;
 - c. identify the court and the date upon which the conviction occurred; and
 - d. be in writing and filed within ninety days of such conviction.
3. No claim for a reward shall be allowed by the City Council unless the City investigates and verifies the accuracy of the claim and determines that the requirements of this Section have been satisfied.
4. The person committing the graffiti-vandalism shall be civilly liable for any reward paid pursuant to this Section.

(Ord. 11-9; Ord. 08-21)

10.03.09. Penalties.

1. **Criminal Penalties.** Violations of section 10-3-03 of this Chapter shall be governed by the provisions and classifications set forth in Utah Code § 76-6-107. Any other violation of this Chapter shall be a class B misdemeanor punishable by any combination of six months in jail, a \$1,000 fine, community service in the form of graffiti cleanup, or payment of restitution to the maximum extent permitted by Utah Code § 76-6-107.
2. **Additional Penalties Available.** Whenever deemed appropriate, the City shall be authorized to petition a sentencing court to impose the following additional penalties upon conviction:
 - a. litter or graffiti cleanup;
 - b. performance of community service, including graffiti removal service by any minor determined to be a ward of the court as a result of committing a vandalism-related offense in the City;
 - c. performance of community service, including graffiti removal service by any minor determined to be a ward of the court as a result of committing a drug related offense in the City.
 - d. payment of law enforcement costs upon conviction of a violation of Utah Code § 76-6-107; and
 - e. payment of restitution to owners and possessors of property damaged by graffiti, law enforcement costs, and costs of graffiti removal and repair of property incurred by the City, as provided in Utah Code § 76-6-107.

(Ord. 11-9; Ord. 08-21)

Chapter 10.04. Battery.

Section 10.04.01. Battery.

1. A person commits battery if he, intentionally or knowingly, without legal justification and by any means:
 - a. causes bodily injury to a person; or
 - b. makes physical contact with another person in a manner that could reasonably be considered offensive, insulting, or provoking.
2. Physical contact in Subsection (1)(b) shall include, but is not limited to, spitting, kissing, pinching, poking, shoving, or intimidating touching.
3. Battery is a class “B” misdemeanor.

(Ord. 11-9; Ord. 09-4)

Chapter 10.05. Schools.

Sections:

10.05.01. Unlawful Acts Around Schools.

1. As used in this Section, “school” means an elementary school, middle school, junior high school, or high school.
2. It is unlawful for any person to:
 - a. annoy, disturb, or otherwise prevent the orderly conduct of the activities, administration, or classes of a school;
 - b. annoy, disturb, assault, or molest any student or employee of a school;
 - c. loiter, idle, wander, stroll, or play in, about, or on any school grounds or building, either on foot or in or on any vehicle, without having lawful business therein or thereabout or in connection with such school or employees thereof;
 - d. conduct himself or herself in a lewd, wanton, or lascivious manner in speech or behavior in, about, or on any school building or grounds; or
 - e. park or move a vehicle in the immediate vicinity of or on the grounds of any school for the purpose of annoying or molesting the students or employees thereof or to induce, entice, or invite students or employees into or on a vehicle for immoral purposes.
3. A violation of this Section is a Class B Misdemeanor, punishable by imprisonment not to exceed six months, or a fine not to exceed \$1,000, or by both the imprisonment and fine.

(Ord. 11-9; Ord. 10-19)

Chapter 10.06. Controlled Substances.

Sections:

10.06.01. Synthetic Cannabinoids and Related Substances.

1. Except as authorized by Utah Code Chapter 58-37, it is unlawful for any person to knowingly and intentionally:
 - a. produce, manufacture, or dispense;
 - b. possess with intent to produce, manufacture, dispense, or sell;
 - c. distribute, or agree, consent, offer, or arrange to distribute;
 - d. possess with the intent to distribute; or
 - e. possess or use synthetic cannabinoids, more specifically identified as follows:
 - i. 1-Pentyl-3-(1-naphthoyl)indole; some trade or other names: JWH-018;
 - ii. 1-Butyl-3-(1-naphthoyl)indole; some trade or other names: JWH-073;
 - iii. N-benzylpiperazine; some trade or other names: BZP;
 - iv. 1-(3-[trifluoromethylphenyl]) piperazine; some trade or other names: TFMPP;
 - v. any structurally-similar analogs of the substances listed above; and
 - vi. any other synthetic cannabinoids.
2. It is not an offense under this Section if the person was acting at the direction of the authorized agent of the City of Saratoga Springs to enforce or ensure compliance with this law prohibiting the sale of the aforementioned intoxicating chemical compound(s).
3. If any of the intoxicating chemical compounds in this Section are found in the possession of any person, the compounds may be confiscated and destroyed by law enforcement officials acting in their lawful capacity.
4. This Section does not apply to drugs or substances lawfully obtained or prescribed, to drugs or substances which have been approved by the Federal Food and Drug Administration (FDA), or to drugs or substances which are specifically permitted by Utah law.
5. If any provision of this Chapter is held invalid, such invalidity shall not affect the remaining provisions of this Chapter, which shall remain effective absent the invalid provision and, to this end, the provisions of this Chapter are declared severable.
6. A violation of this Chapter is a Class B Misdemeanor, punishable by an imprisonment not to exceed six months, or a fine not to exceed \$1,000, or by both the imprisonment and fine.

(Ord.11-9; Ord 10-18)

Chapter 10.07. Lewdness.

Sections:

10.07.01. Elements.

A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, or an attempt to commit any of those offenses, intentionally or knowingly does any of the following acts in a public place or under circumstances which the person should know will likely cause affront or alarm to another who is 14 years of age or older:

1. performs an act of sexual intercourse or sodomy;
2. exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area;
3. masturbates;
4. engages in trespassory voyeurism; or
5. performs any other act of lewdness as defined by State law.

(Ord. 11-9; Ord. 99-1012-01)

10.07.02. Punishment.

Lewdness is a Class B Misdemeanor and shall be punishable as provided under Utah State Law.

(Ord. 11-9; Ord. 99-1012-01)

10.07.03. Breast Feeding.

A woman's breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute an act of lewdness, irrespective of whether or not the breast is covered during or incidental to feeding.

(Ord. 11-9; Ord. 99-1012-01)

Chapter 10.08 Alcoholic Beverages and Tobacco Products

10.08.01. Possession or consumption of alcohol and use of tobacco products in public places.

1. It is unlawful for any person to consume any alcoholic beverage in any street or alley, public place, store, restaurant, hotel, bus or train station or waiting room, or in any public gathering of any kind, unless said premises are properly licensed therefore and the consumption is in accordance with the laws and regulations regarding said licensure.
2. It is unlawful for any person to possess or consume any alcoholic beverage within any public park or to consume any alcoholic beverage upon any public property.
3. It is unlawful for any person to use a tobacco product, including e-cigarettes or any variation of an electronic smoking device, within any public park, public property, public facility or public building, excluding public streets.

(Ord. 21-6; Ord. 11-22)

10.08.02. Under the influence in or about a vehicle.

It is unlawful for any person under the influence of an alcoholic beverage or other impairing substance to be in or about any vehicle with the intention of driving or operating such vehicle. Actual physical control is not an element of this offense.

(Ord. 11-22)

10.08.03. Penalty.

A violation of this Chapter is a Class C misdemeanor, punishable by a fine of up to \$750 and imprisonment not exceeding 90 days.

(Ord. 11-22)

Chapter 10.09. Fireworks Restrictions.

Sections:

- 10.09.01. Fireworks Prohibited—Areas.**
- 10.09.02. Allowed Dates for the Sale of Legal Fireworks**
- 10.09.03. Allowed Dates and Times for Discharge of Legal Fireworks.**
- 10.09.04. State Law Requirements.**
- 10.09.05. City Sponsored Events.**
- 10.09.06. Penalty; Fire Suppression Costs.**

10.09.01. Fireworks Prohibited – Areas

1. As used in this Chapter, “Legal Firework” means any firework or explosive classified as a “Class C common state approved explosive” under Utah Code § 53-7-202(5). Any other firework or explosive is prohibited in the City of Saratoga Springs, Utah, except as otherwise expressly permitted in Utah Code Title 53, Chapter 7, Part 2.
2. Consistent with Utah Code § 53-7-225, any type of Legal Firework is prohibited from being discharged in areas with existing or historical hazardous environmental conditions such as: (a) brush-covered, dry grass-covered, and mountainous areas; (b) within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas; (c) in Wildland-Urban Interface areas in the City; and (d) in limited areas outside the hazardous areas described above to facilitate a readily identifiable closed area. The City Council hereby finds that the map in [Figure 1](#) shows the existing and historical hazardous environmental conditions and that such conditions have existed for at least two of the preceding five years.

(Ord. 23-11, Ord. 22-10; Ord. 21-20; Ord. 17-15; Ord. 11-7)

10.09.02. Allowed Dates for the Sale of Legal Fireworks

A person of business may only sell a Legal Firework in the City of Saratoga Springs, Utah on the following dates and times, which may be amended from time-to-time by Utah Code § 53-7-224;

1. beginning on June 24 and ending on July 25;
2. beginning on December 29 and ending on December 31; and
3. two days before and on the Chinese New Year’s eve.

(Ord. 21-20)

10.09.03. Allowed Dates and Times for Discharge of Legal Fireworks.

In permitted areas with no existing or historical hazardous environmental conditions, a person shall only discharge a Legal Firework in the City of Saratoga Springs, Utah on the following dates and times, which may be amended from time-to-time by Utah Code § 53-7-225:

1. July 2-5 and July 22-25:
 - a. From 11:00 a.m. to 11:00 p.m., except that on July 4 and July 24 from 11:00 a.m. to midnight;

2. December 31:
 - a. From 11:00 a.m. to 1:00 a.m. the following day; or
 - b. If New Year's eve is on a Sunday, from 11:00 a.m. on December 30 until 1:00 a.m. on January 1, but only if Utah County or City determines to celebrate New Year's eve on Saturday, December 30;
3. Chinese New Year:
 - a. From 11:00 a.m. to 1:00 a.m. the following day.

(Ord. 21-20; Ord. 17-15; Ord. 11-7)

10.09.04 State Law Requirements

Fireworks are allowed in other areas only in strict accordance with the requirements of state law.

(Ord. 21-20; Ord. 11-7)

10.09.05 City Sponsored Events

An exception to the restrictions imposed in this Chapter is granted for any city sponsored public display of fireworks where trained personnel set off the fireworks and the fire department is present to immediately extinguish any fire.

(Ord. 21-20; Ord. 11-7)

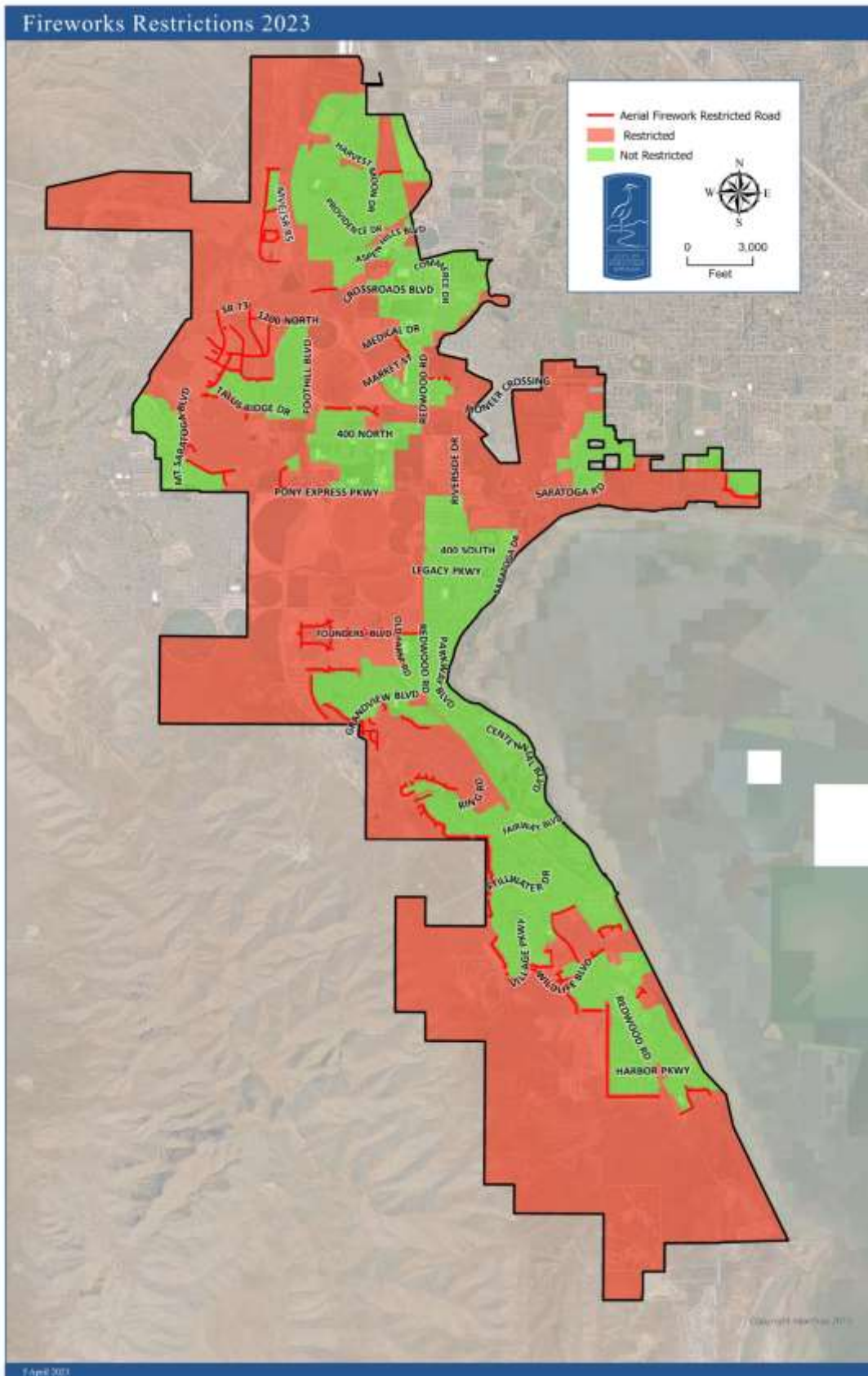
10.09.06 Penalty; Fire Suppression Costs

1. Any person who violates the provisions in this Chapter shall be guilty of an infraction and fine of \$1,000, pursuant to Utah Code § 53-7-225.
2. Any person who causes a fire by using fireworks will be held responsible for all fire suppression costs and damages to persons or property.

(Ord. 21-20; Ord. 17-15; Ord. 11-7)

Figure 1

Map of Areas with existing or Historical Hazardous Environmental Condition



Chapter 10.10 Public Nuisances

10.10.01. Purpose

10.10.02. Definitions

10.10.03. Property Nuisance Described

10.10.04. Firearms

10.10.05. Fugitive Dust

10.10.06. Noise

10.10.07. Mitigating Circumstances

10.10.01. Purpose.

1. The City of Saratoga Springs has a responsibility to its residents and business owners to promote conditions that are beneficial to the health, safety, and welfare of the entire community. The existence of public nuisances have a detrimental effect on residents and property.
2. The purpose of the Chapter is to provide a comprehensive method for the definition and identification of certain public nuisances within the City.
3. The provisions adopted in this Chapter shall not be exclusive but shall be cumulative and complementary to any other provisions of the City Code and County, State, and Federal laws. Nothing in this Chapter shall be read, interpreted, or construed so as to limit any existing right or power of the City to pursue abatement of any and all public nuisances.
4. This Chapter shall apply to any and all properties within the City limits of Saratoga Springs.
5. Abatement of public nuisances under this Chapter shall take place as provided in Title 20.

(Ord. 17-19; Ord. 12-9)

10.10.02. Definitions.

1. **“City”** means the City of Saratoga Springs, Utah.
2. **“Defense Strip”** means an area of land that is bare earth where weeds and other vegetative growth has been cut down to the ground, hauled away, and herbicide has been applied to kill all plant life down to the root.
3. **“Firearm”** means a pistol, revolver, shotgun, sawed-off shotgun, rifle, sawed-off rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
4. **“Inoperative vehicle”** means any motor vehicle which cannot be moved under its own power or cannot be operated lawfully on a Utah public street or highway, due to removal of, damage to, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield or any other part necessary for such movement or lawful operation.

5. **“Nuisance”** means any condition declared by statute of the State of Utah or ordinance of Utah County or the City of Saratoga Springs and includes any of the following:
 - a. any condition potentially detrimental to any member or members of the public including conditions which are unsafe, potentially unsafe, obstruct the free use or enjoyment of public or private property;
 - b. any deviation from the Land Development Code; and
 - c. any condition determined by the Inspector or City Council to be a nuisance.
6. **“Nuisance property”** means the following:
 - a. vehicles, not limited to unregistered, inoperative, or dismantled vehicles or vehicle parts;
 - b. abandoned and broken equipment or machinery or parts thereof;
 - c. building materials not currently being used for the construction of improvements on the site; or
 - d. appliances, household furnishings or equipment, tools, machines, garbage cans, packing boxes, and broken or discarded furniture.
7. **“Person”** means an individual, corporation, Limited Liability Company, partnership, joint venture, association, proprietorship, or any other legal or governmental entity.
8. **“Rubbish”** means waste matter, litter, trash, refuse, debris, dirt, dry grass, dead trees, tin cans, paper, and waste material of every kind or other unsanitary substance, object, or condition which is or when dry may become, a fire hazard or which is or may become a menace to health, safety, or welfare, or which is offensive to the senses.
9. **“Weeds”:**
 - a. means plants, including noxious weeds and injurious weeds, which are unwanted in the location where they are growing and where they are not part of landscaping, xeriscaping, or native plant landscaping;
 - b. “Injurious weeds” means plants of any type growing in an uncultivated state, not used for food, fiber, or ornamentation, extending in height greater than 6 inches above the ground, including, without limitation, tumbleweeds;
 - c. “Noxious weeds” means those plants listed as noxious weeds by the State Commissioner of Agriculture pursuant to Utah Code Section 4-17-103, together with such plants later added to such list. Noxious weeds are injurious weeds for the purposes of this code.
 - d. in addition, the following plants are designated as noxious weeds by the City of Saratoga Springs:
 - i. Kochia-Kochia Scoparia
 - ii. Russian Thistle-Salsola Tragus
 - iii. Jim Hill Mustard-Sisymbrium Altissium
 - iv. Cheatgrass-Bromus Tectorum
 - v. Bur Buttercup-Ceratocephala Testiculata
 - vi. Tansi Mustard

(Ord. 22-55; Ord. 17-19; Ord. 12-9)

10.10.03. Property Nuisance Described.

Following are some examples of situations that constitute a property nuisance. The list shall not be considered exhaustive. Additional situations may be determined to be a public nuisance in the City Code or by a Code Enforcement Officer pursuant to Title 20 of the City Code

1. It shall be unlawful for any person to deposit, drain, wash, allow to run over or upon, divert onto, across or upon any public-use sidewalk, street, alley, storm drain, or sanitary sewer within the City oil, petroleum, gasoline, antifreeze, coolant, vehicular fluid, chemicals, pesticide, herbicide, or any toxic substance.
2. It shall be unlawful for any person to wash or polish any vehicle or part thereof upon any public-use sidewalk, street, or alley in the City when a charge is made for such service, unless permission is obtained from the City.
3. It shall be unlawful for any person to deposit on any public-use sidewalk, street, or alley in the City (a) any material that will cause to crack, break, or collapse or that may be harmful to the pavement thereof, or (b) any waste material, glass, or other articles that may cause injury to any person, animal, or property.
4. It shall be unlawful for any person to repair, grease, or construct any vehicle or any part thereof upon any public sidewalk, street, or alley in the City of Saratoga Springs, provided, however, temporary emergency repairs may be made upon a public street.
5. Trash disposal must be made in an appropriate manner, i.e. through the City's contracted trash pick-up service, self-haul to an approved disposal site, composting in a back yard compost pile, or burning. Burning requires a permit from the Saratoga Springs Fire Department, Utah County Health Department, and State of Utah. Only the following approved combustibles may be burned either in an open burn or in a burn barrel:
 - a. Approved: paper, cardboard, wood, brush, and vegetation
 - b. Prohibited: rubber, tires, asphalt shingles, cloth or upholstery, colored or glossy paper, plastic, tar paper, linoleum, diapers, carpeting, Styrofoam, and other materials not listed as approved.
6. It shall be unlawful to pollute any well, storm drain, detention pond, irrigation pond, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, or other substances, chemicals, or liquids.
7. It shall be unlawful to dispose of the carcass of any animal or fowl in any public place within the City of Saratoga Springs.
8. It shall be unlawful for any person owning, renting, leasing, occupying, managing, or having charge or possession of any real property in this City to maintain premises in such a manner that any of the following conditions are found to exist in a building, structure, or portion thereof which is in a dilapidated or dangerous condition so as to be unfit, unsafe, or unsuitable for human occupancy. Such conditions include but are not limited to:
 - a. inadequate or inoperable mechanical, electrical, plumbing, or sanitation systems or equipment;
 - b. lack of effective exterior walls or roof covering to provide weather protection;
 - c. lack of structural integrity, including deteriorated or inadequate foundations, joints, or vertical or horizontal supports;

- d. broken, missing, or inoperable windows or doors constituting a hazardous condition or a potential attractive nuisance to trespassers; or
 - e. broken, deteriorated, or substantially defaced structures presenting a risk to public safety.
9. An abandoned building or structure such as:
- a. an unoccupied and unsecured building or structure;
 - b. a partially constructed, reconstructed, or demolished building or structure where work is abandoned for 180 consecutive days; or
 - c. a damaged or partially destroyed building or structure not removed or repaired within 180 days after the damage or destruction occurred or, if the removal or repair cannot reasonably be accomplished within 180 days, arrangements have not been made with the City Building Official.
10. Property maintained in a condition so defective or in a state of such deterioration, disrepair, or neglect that it causes a health, safety, or fire hazard or obstructs the free use or enjoyment of public or private property including but not limited to the following:
- a. Storage of personal property (other than items designated for outdoor use) in front, exterior side, or rear yard areas visible to public view, including unregistered, inoperative, or dismantled vehicles or vehicle parts, building materials not currently being used for the construction of improvements on the site, appliances, household furnishings or equipment, tools, machines, garbage cans, packing boxes, debris, rubbish, and broken or discarded furniture.
 - b. Injurious or Noxious weeds located:
 - i. On improved vacant lots or other property;
 - ii. Along a public sidewalk or trail or adjacent to any public street.
 - c. Weeds in any other location which constitutes a fire hazard, including but not limited to, tumbleweeds and weeds reaching a height of six inches or higher.
 - i. Exception: When a parcel of undeveloped property is a size of 5 contiguous acres or larger, weed growth, other than noxious weeds, may be left at a height higher than 6 inches above the ground if the property owner maintains a defense strip of the clearance distance required by the Utah Wildland-Urban Interface Code but no less than 10 feet along every property line abutting developed property and along any roads and sidewalks abutting the property. A defense strip requires continuous attention during the growing season.
 - ii. Property owners are expected to clear and remove tumbleweeds on their property. Tumbleweeds are the result of various plants that have dried out and have broken free of their roots and the soil by the wind. Tumbleweeds present a distinct fire hazard that becomes greater as they dry out and accumulate against structures such as fences, outbuildings, houses, and businesses.
 - d. Abandoned and broken equipment or machinery or parts thereof.
 - e. Fences or walls that: lack structural support because of missing or wet soil, missing or failed footings or missing or failed fastenings; do not stand erect; or are in disrepair due to damage, crumbling mortar, missing bricks or wood, rotted wood, breaks or dents in their structure.

- f. Clothing, linen, towels, laundry, rugs, mattresses, and other similar material hung, placed, or attached to power lines, trees, bushes, fences, buildings, railings, or walls and visible from public property or an area open to the public. Properly installed and maintained clotheslines are permitted.
 - g. Waste matter or personal property placed on rooftops.
 - h. Vehicle or vessel repair that occurs in a residentially-zoned district and is offensive or detrimental to the health, safety, or welfare of other persons or which substantially interferes with the reasonable enjoyment of property by other persons, because of the substances, odors, noise, or visual clutter created by the repair, or because of the items stored in connection with the repair, or because the repair is performed on a vehicle not owned by the occupant of the property.
11. Buildings, structures, or other surfaces upon which graffiti exists as more specifically provided in Chapter 10.03 of the City Code.
 12. Keeping, storing, depositing, or accumulating on the premises dirt, sand, gravel, concrete, or other similar materials or maintenance of such material, unless done so pursuant to a valid and unexpired building permit.
 13. Leaving any garbage can or refuse container in the street except the day before, the day of, and the day, after the collection day.
 14. Any building or structure that is a public nuisance under common or statutory law.

(Ord. 22-55; Ord. 17-19; Ord. 12-9)

10.10.04. Firearms.

1. It shall be unlawful for any person, except peace officers in the pursuit of their lawful duties or private citizens acting in legitimate self-defense or other legally justified defense, to discharge any firearm within the municipal boundaries of the City of Saratoga Springs.
2. This Section shall not prevent the firing of firearms at any rifle, pistol, or shotgun range lawfully designated by the City.

(Ord. 17-19; Ord. 12-9)

10.10.05. Fugitive Dust.

1. It shall be unlawful for any person to cause, suffer, allow, or permit the emission of fugitive particulate matter from any process, including any material handling or storage activity, which is in violation of the fugitive emissions and fugitive dust standards set forth by the Utah Division of Air Quality.
2. It shall be unlawful for any person to cause, suffer, allow, or permit a building or its appurtenances or open areas to be used, constructed, repaired, altered, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering, landscaping, paving, treating, or by other reasonable terms.

3. It shall be unlawful for any person to cause, suffer, allow, or permit the repair, construction, use, or reconstruction of a roadway or an alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other particulate shall be kept to a minimum by employing temporary paving, wetting down, detouring, or by other means. Soil or other material that has been transported onto paved streets by trucking or earth moving equipment shall be promptly removed by sweeping, pressure washing, or by other lawful means.

(Ord. 17-19; Ord. 12-9)

10.10.06. Noise.

1. **Unlawful Noise.** It shall be unlawful for any person or group to cause, permit, maintain, or allow the creation of any noise disturbance including the following situations or conditions:
 - a. Any horn or signaling device sounded on any truck, automobile, or motorcycle except to signal or warn of danger as provided in the Vehicle Code of the State of Utah.
 - b. Any motor vehicle operated without an exhaust system equipped with a muffler or other noise dissipative device.
 - c. Any construction work performed on any construction site in a residential zone, including construction traffic, between the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays. In all other zones, it shall be unlawful to perform or cause to be performed, construction work between the hours of 10 p.m. through 6 a.m. The Building Official or City Engineer may authorize extended hours for the construction operations or procedures that, by their nature, require continuous operation, for public improvement projects, or for projects in isolated areas where the extended hours do not impact upon adjoining property owners.
 - d. Any power equipment operated in residential or commercial zones, including: power saw, sander, lawn mower, garden equipment, or snow removal equipment between the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays.
 - e. Any recreational vehicle, watercraft, or snowmobile operated during the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays.
2. **Noise Levels.** It shall be unlawful for any person to group or cause, permit, maintain, or allow the creation of any noise that is in excess of 65 decibels measured by a sound level meter at a distance of at least twenty-five feet from the source, if upon public property, or twenty-five feet from the property line if the noise is resonating on private property. The following noise shall be exempt from this ordinance:
 - a. Any noise from safety signals or warning devices.
 - b. Any noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency.
 - c. Any noise resulting from any authorized emergency work.
 - d. Any noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday including any City sponsored event.
 - e. Any noise resulting from the maintenance of parks, open space, or yard areas.
 - f. Any noise resulting from snow plowing or removal services.

- g. Any noise resulting from the use of play fields, playground equipment, or similar structures.
3. **Suspending of Noise Restrictions.** Requests for suspending the noise restrictions in this Section may be made and granted by the City Council. Upon the City Council granting relief, any condition outlined and agreed upon shall be complied with by the applicant; otherwise, this Section shall be in full force.
4. **Enforcement of Noise Nuisances.** The City Inspector or law enforcement personnel shall be responsible for the administration of the noise portion of this ordinance.

(Ord. 22-48; Ord. 17-19; Ord. 12-9)

10.10.07. Mitigating Circumstances.

The City Council may approve appropriate deviations from the requirements set forth in this ordinance:

1. if the violation and inability to cure were both caused by an event such as war, act of nature, strike, or civil disturbance;
2. if a change in the actual ownership of the property was recorded in the Utah County Recorder's office after the notice was issued to the prior owner and the new owner is not related by blood, marriage, or common ownership to the prior owner; or
3. such other mitigating circumstances as may be approved by the Council or its designee.

(Ord. 17-19; Ord. 12-9)