ORDINANCE NO. 2014-16

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING SECTION 7.06.203 OF THE IVINS CITY CODE ENTITLED "STORAGE OF PERSONAL PROPERTY" AND REPEALING PART 3 OF CHAPTER 7.06 OF THE IVINS CITY CODE

WHEREAS, the City Council desires to amend Section 7.06.203 of the Ivins City Code entitled "Storage of Personal Property and to repeal Part 3 of Chapter 7.06 of the Ivins City Code;"

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH:

SECTION 1. Section 7.06.203 of the Ivins City Code entitled "Nuisances" is hereby amended as follows:

CHAPTER 7.06

NUISANCES

* * *

PART 2

PROPERTY NUISANCES

* * *

7.06.203 STORAGE OF PERSONAL PROPERTY:

(1) Definitions:

(a) Inoperable Vehicle: As used in this section, this term shall mean any vehicle that cannot either legally or safely be operated on a public street.

(b) Person: Includes any individual or any type of business entity.

(c) Personal Property: Any property owned by the any person who is the owner, tenant or resident of the real property on which the property is found that is not attached to the real property in such a manner as to be considered by legal definition real property.

(d) Private Property: Any property not owned by a governmental entity.

(e) Screened from View: Screened by either: a solid six foot (6') high wall/fence, vegetation (other than any vegetation that is defined by the State of Utah as a noxious, toxic or invasive plant) that is at least six feet (6') in height, or stored in an approved enclosed structure, whereby the personal property is not visible from either a public street/place or from adjoining private property. All materials used to screen personal property from view must be

in compliance with city code and design guidelines and approved by the building official. The foregoing notwithstanding, however, any existing use of "bamboo" (which is in violation of the State's list) may be allowed to continue to exist so long as it does not spread (as opposed to naturally filling in along an existing boundary) and shall not be permitted to be replaced in the event of removal or destruction by any means.

(f) Stripped and Junked Vehicle: Any vehicle that is dismantled, wrecked, or otherwise inoperable.

(g) Unlicensed Vehicle: Any vehicle not licensed for a period exceeding one hundred twenty (120) days.

(h) Unsheltered Storage: Personal property that is not screened from view and is capable of being viewed from: a public street or other public place; or from adjoining private property. This term shall also include personal property which is covered by a tarp, blanket, plastic, or other similar covering.

(i) Vehicle: Any vehicle which can be used for towing or transporting people or materials, including but not limited to, automobiles, trucks, buses, motorcycles, scooters, or recreational vehicles.

(j) Vehicle Accessories: Any part of any vehicle.

(2) It shall be unlawful to store:

(a) stripped and junked vehicles, inoperable vehicles, vehicle accessories, or personal property of any kind not screened from view.

(b) trash/refuse/recycling containers in the front yard setback except on the day of trash pick up at the street or the evening immediately prior to such street pick up.

(c) construction, farm or other large vehicle or equipment that is not permitted in the zone where it is located.

(3) Enforcement. Any violation of this section may be enforced either criminally or through a civil code enforcement action. The city may be the sole complainant for unsheltered storage of personal property that is visible from a public street or place. Any action alleging the unsheltered storage of personal property that is visible only from adjoining private property shall require a complaint from the owner, tenant or resident of the adjoining private property who is willing to testify and provide evidence of the unsheltered storage of personal property. (Ord. 2014-16, 2014)

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SECTION 2. Part 3 of Chapter 7.06 of the Ivins City Code entitled "Nuisance abatement and Penalty for Violation" is hereby repealed.

SECTION 3. Severability. If any section, clause or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Effective Date: This Ordinance shall become effective immediately upon adoption by the City Council.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF SEPTEMBER, 2014 BY THE FOLLOWING VOTE:

	AYE	**NAY**	**ABSTAIN**	**ABSENT**
George E. Elwell, Jr.	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Lesley Mendenhall	_____	_____	_____	_____
Steven Roberts	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder