Ivins City Staff Report
Planning Commission Meeting 10/14/25

Discussion and possible recommendation of code revisions for noxious weed eradication.

Submitted by: Rob Dalley-Building and Zoning Administrator

Recommended Action: Staff recommends approval. This is discussion only at this time.

Background: Bryan Pack has proposed amendments attached with this Staff report regarding a code revision for noxious weed eradication. See exhibits below:

Exhibit A

TITLE 7, CHAPTER 4, WEED CONTROL

7.04.101: REAL PROPERTY TO BE KEPT CLEAN:

It shall be an infraction for any person owning or occupying real property to allow weeds to become a nuisance or not to remove from such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the health director as hereinafter provided.

7.04.102: WEEDS DEFINED:

"Weeds" mean any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah commissioner of agriculture.

7.04.103: STANDARDS OF WEED CONTROL:

(1) It is hereby declared that the above stated weeds constitute a nuisance when they create a fire hazard, a source of contamination or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to their surroundings.

(2) The cut weeds shall be removed from the premises within seventy two (72) hours after cutting.

7.04.104: VIOLATION; PENALTY:

(1) Any owner, occupant or person having an interest in the property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of violation punishable as set out in title 4 of this code.

(2) Compliance by any owner, occupant or person to whom a notice has been given, as provided in this chapter, shall not be admissible in any criminal proceeding brought pursuant to this section.

Exhibit B

TITLE 7, CHAPTER 6, NUISANCES

PART 1. GENERAL PROVISIONS

7.06.101: DEFINITIONS:

AUTHOR OF NUISANCE: Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

NUISANCES: Whatever is dangerous to human life or health and whatever renders soil, air, water or food impure or unwholesome is declared to be a nuisance and unlawful. It is unlawful for any person either as an owner, agent, or occupant to create, or aid in creating or contributing to or maintaining a nuisance.

7.06.102: NUISANCES DESIGNATED:

(1) Every act or condition made, permitted, allowed or continued in violation of section 7.06.101 of this chapter, is declared to be a nuisance and may be abated and punished as hereinafter provided.

(2) Nuisances include, but are not limited to:

(a) Befouling water in any spring, stream, well or water source supplying water for culinary purposes;

(b) Allowing any privy vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors to air or water;

(c) Permitting any garbage container to remain on premises when it has become unclean and offensive;

(d) Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area, except when it is temporarily deposited for immediate removal;

(e) Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard or in any other building or area in which any animals are kept;

(f) Permitting any slaughterhouse, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed;

(g) Discharging or placing any offensive water, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so;

(h) Keeping or collecting any stale or putrid grease or other offensive matter;

(i) Having or permitting upon any premises any fly or mosquito producing condition;

(j) Keeping any drinking vessel for public use without providing a method of decontamination between uses;

(k) Permitting or performing any ablutions in or near any public drinking fountain;

(l) Failing to furnish any dwelling house, boarding house or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required, to maintain the same in sanitary condition;

(m) Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults and cesspools or other individual wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the municipality;

(n) Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances;

(o) Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the governing body.

(3) The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter.

7.06.103: TOILET OR SEWER FACILITIES:

All toilet or sewer facilities shall be constructed and maintained in accordance with the ordinances of the municipality. All such facilities that do not comply with such provisions are declared to be a nuisance and are subject to abatement as herein prescribed.

7.06.104: RESTRICTIONS ON BLOCKING WATER:

(1) It is unlawful for any person or persons to permit any drainage system, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary.

(2) Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement.

PART 2. PROPERTY NUISANCES

7.06.201: DEFINITION OF NUISANCE:

For the purpose of this chapter, the term "nuisance" means any condition of use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on, or scattering over the premises any of the following:

(1) Lumber, junk, trash or debris;

(2) Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.

7.06.202: PRIVATE PROPERTY; DUTY OF MAINTENANCE:

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

7.06.203: STORAGE OF PERSONAL PROPERTY:

(1) Definitions:

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.

PERSON: Any individual or any type of business entity.

PERSONAL PROPERTY: Any property owned by 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.

PRIVATE PROPERTY: Any property not owned by a governmental entity.

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 this Code and design guidelines and approved by the building official; however, any existing use of the invasive plant Arundo donax, sometimes referred to as giant cane, Carrizo, arundo, Spanish cane, Colorado River reed, wild cane, giant reed and/or simply "bamboo" (collectively referred to as "bamboo") may be allowed to continue to exist so long as it does not spread (as opposed to naturally filling along an existing boundary), does not encroach into or onto public rights-of-way, shall not be permitted to be replaced or to regrow in areas where it has been removed or destroyed by any means, and shall not be allowed within fifty feet (50') of any structure in order to provide a defensible space due to its proven flammability. The foregoing exception for existing bamboo notwithstanding, any property owner who continues to use existing bamboo shall be responsible for immediate cleanup of any bamboo debris in the public rights-of-way, or shall pay the costs of the City cleaning up such debris, and may be liable for damages that may be caused by such bamboo, whether due to fire, flooding or otherwise.

STRIPPED AND JUNKED VEHICLE: Any vehicle that is dismantled, wrecked, or otherwise inoperable.

UNLICENSED VEHICLE: Any vehicle not licensed for a period exceeding one hundred twenty (120) days.

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.

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.

VEHICLE ACCESSORIES: Any part of any vehicle.

(2) Unlawful To Store: 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.

7.06.204: ABATEMENT OF NUISANCE BY OWNER:

The owner, owners, tenants, lessees or occupants of any lot within this municipality on which such "storage", as defined in section 7.06.203 of this chapter, is made, and also the owner, owners or lessees of the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured buildings to be used for such purposes, or otherwise to remove such property from the municipality.

PART 3. NUISANCE ABATEMENT AND PENALTY FOR VIOLATION (Rep. by Ord. 2014-16, 2014)

PART 4. PUBLIC NUISANCES

7.06.401: PUBLIC NUISANCE DEFINED:

(1) A public nuisance is a crime against the public order and economy of this municipality and consists in unlawfully doing any act or omitting to perform any duty, which act or omission, either:

(a) Annoys, injures or endangers the comfort, repose, health or safety of three (3) or more persons; or

(b) Offends public decency; or

(c) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, stream, canal or basin, or any public park, square, street or highway; or

(d) In any way renders three (3) or more persons insecure in life or the use of property.

(2) An act which affects three (3) or more persons in any of the ways specified in this section is still a nuisance regardless of whether the extent of annoyance or damage inflicted on individuals is unequal. (Prior code § 13-1083)

7.06.402: MAINTAINING, COMMITTING OR FAILING TO REMOVE PUBLIC NUISANCE; CLASSIFICATION OF OFFENSE:

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who wilfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class B misdemeanor. (Prior code § 13-1084)

7.06.403: CARCASS OR OFFAL; PROHIBITIONS RELATING TO DISPOSAL; CLASSIFICATION OF OFFENSE:

Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral or butcher shop into any river, creek, pond, street, alley or public highway or road in common use or who attempts to destroy it by fire, within one-fourth (1/4) of a mile of this municipality, is guilty of a class B misdemeanor. (Prior code § 13-1085)

7.06.404: CHAPTER PROVISIONS NOT EXCLUSIVE:

Nothing contained in this chapter shall affect any other provisions of city ordinances, rules or regulations which regulate, prohibit or affect nuisances or public nuisances. (Prior code § 13-1086)

7.06.405: ABATEMENT OF PUBLIC NUISANCES; AUTHORITY:

The city attorney is empowered to institute an action in the name of this municipality to abate a public nuisance. (Prior code § 13-1087)

PART 5. MISCELLANEOUS

7.06.501: NUISANCE DEFINED; VIOLATION; CLASSIFICATION OF OFFENSE:

(1) A "nuisance" is 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.

(2) Any person, whether as owner, agent or occupant, who creates, aids in creating or contributes to a nuisance, or who supports, continues or retains a nuisance, is guilty of a class B misdemeanor. (Prior code § 13-1081)

7.06.502: BEFOULING WATERS:

A person is guilty of a class B misdemeanor if he:

(1) Constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop or other offensive yard or outhouse where the waste or drainage therefrom shall flow directly into the waters of any stream, well or spring of water used for domestic purposes; or

(2) Deposits, piles, unloads or leaves any manure heap, offensive rubbish or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well or spring of water used for domestic purposes; or

(3) Dips or washes sheep in any stream or constructs, maintains or uses any pool or dipping vat for dipping or washing sheep in such close proximity to any stream located within this municipality or over which this municipality may exercise its jurisdiction and used by the inhabitants of this municipality for domestic purposes as to make the waters thereof impure or unwholesome; or

(4) Constructs or maintains any corral, yard or vat to be used for the purpose of shearing or dipping sheep within twelve (12) miles of the municipality, where the refuse or filth from the corral or yard would naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes; or

(5) Establishes and maintains any corral, camp or bedding place for the purpose of herding, holding or keeping any cattle, horses, sheep, goats or hogs, within seven (7) miles of this municipality, where the refuse or filth from the corral, camp or bedding place will naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes. (Prior code § 13-1082)

Exhibit C

TITLE 16, CHAPTER 11, GENERAL DEVELOPMENT STANDARDS

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16.11.139: REQUIRED PROPERTY MAINTENANCE:

All buildings, uses, lots and parcels located within the city shall be maintained and operated in a manner to enhance community pride and beautification. No junk, rubbish, weeds or other unsightly material or conditions shall be permitted on any lot, right of way or easement, or as part of any building or use.

16.11.140: NOXIOUS WEEDS:

All property owners shall comply with the requirements of the Utah noxious weeds act, Utah Code Annotated, as amended.

SUPPORT MATERIALS:

- Draft Ordinance

Respectfully submitted:

Rob Dalley

Rob Dalley, Building and Zoning Administrator