ORDINANCE NO. 2025-__

AN ORDINANCE OF IVINS CITY, UTAH, REMOVING ARUNDO DONAX AS AN ALLOWED SCREEN FOR STORAGE OF PERSONAL PROPERTY

WHEREAS the city council for Ivins City (the "City Council") is authorized by law to exercise its legislative powers through ordinances as are necessary for carrying into effect the duties and powers of the City Council and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of Ivins City and its inhabitants, and for the protection of property in Ivins City;

WHEREAS before the City Council can pass an ordinance regulating land use the planning commission for Ivins City (the "Planning Commission") must consider the regulation and conduct a public meeting regarding the proposed land use regulation;

WHEREAS after conducting a public meeting regarding this ordinance on _____ the Planning Commission recommended that the City Council approve this ordinance;

WHEREAS the City Council has investigated and considered whether Arundo donax is appropriate to screen the storage of personal property when it has been determined to be a noxious weed by the Utah Department of Agriculture;

WHEREAS the City Council finds that removing Arundo donax as a screen for the storage of personal property is appropriate to conform to the State of Utah designation of noxious weeds.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Ivins City as follows:

Section 1. Amendment to Title 7 Chapter 4 and Section 7.06.203 of the Ivins City Code. Title 7, Chapter 4, and Section 7.06.203 of the Ivins City Code are hereby amended as follows:

See Exhibit A attached hereto

Section 2. 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.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2025, BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Kevin Smith	_____	_____	_____	_____
Sharon Barton	_____	_____	_____	_____

Sharon Gillespie	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder

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.

(3) Any weed clearing method that involves grading, disking, use of a backhoe or other similar mechanical method shall employ erosion and dust control measures.

(4) In accordance with Title 11, Chapter 5 of the City Code, mechanical disturbance of areas greater than one acre requires a grading permit.

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.

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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.