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CHAPTER 1

**NUISANCES**

SECTION:

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4-1-8: Personal Property Offered for Sale

4-1-9: Violation; Penalty

4-1-1: **DEFINITIONS**: For the purposes of this chapter, the words set out in this section shall be defined as follows:

NUISANCE: Anything which is injurious to the health, safety or welfare of individuals, or is offensive to the senses of individuals, or is an obstruction of
 the free use of property, so as to interfere with
 the comfortable enjoyment of life or property.

PUBLIC A nuisance which affects at the same time an NUISANCE: entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (2025 Code)

4-1-2: **EXAMPLES**: Examples of public nuisances representing a serious hazard to the public health, safety and
 welfare include, but are not limited to:

A. Deposits of any offensive, unwholesome, noxious or
 injurious substances including paper, litter of any kind,

 garbage, trash, ashes, rubbish, debris, carcasses, animal
 feces or any other waste material anywhere within the city;

B. Abandoned, unattended or discarded iceboxes, refrigerators or other containers which have a door or lid, snap lock or other locking device which may not be released from the inside, left outside of a building, dwelling or other structure or within any unoccupied or abandoned building, dwelling or other structure in a place accessible to children; the nuisance may be remedied by removing the door or lid, snap lock or other locking device or by first fastening, bolting or locking the same in a manner which would make the inside inaccessible to children;

C. Accumulations of weeds, grasses and other vegetable growth, which are deleterious, unsightly or injurious to the public or to neighboring residents or owners of property within
 the city; such growths must be removed, mowed or maintained
 at a maximum height of six inches (6");

D. Accumulations of junk of any kind, including used merchandise, building materials and automobile parts in any area unfenced and unscreened from public view;

E. Junked, abandoned or partially dismantled vehicles, whether licensed or unlicensed, in any area of the city, without permit, with the exception of vehicles at commercial repair shops and wrecking yards in areas where such operations are authorized under the applicable zoning ordinance of the city[[1]](#footnote-1);

F. Any building which is so dilapidated or in such condition
 as to menace the public health or safety of persons or property; violations of various building codes adopted by the city related to buildings shall be prima facie evidence that a nuisance is being maintained on the property;

G. Burning rags, leather, hair or other substances of any kind which cause or produce an offensive smell, smoke or odor which annoys or is offensive to persons living in the vicinity or to persons passing on any public thoroughfare;

H. Defecation or urination upon the streets, alleys, public places or other places that may be seen from private

 residences or by any person passing on public
 thoroughfares;

I. Open or unprotected trap doors, cellars, or gratings, including those adjacent to any sidewalk;

J. All yards, grounds, premises, cellars, unprotected foundations for basements, vaults, drains, pools,
 cesspools, privies and sewers, which for any cause have
 become foul, nauseous or injurious to the health, safety or
 welfare of the citizens or which give forth odors which are
 offensive to the general public, adjacent residents or
 persons passing on public thoroughfares;

K. Accumulations of stagnant or impure water, refuse,
 vegetable decay, garbage, or filth of any kind in, or upon
 any yard, lot, place or premises or upon any street or
 sidewalk adjacent to or abutting upon any lot, block, place
 or premises or in any building or shed within the limits of
 the city, so as to cause or create a nuisance or offensive smell, to pollute or to be a breeding ground for rodents or vermin, or render unhealthful the atmosphere or the
 premises or thereby to be, become, cause or create a public
 nuisance;

L. Parties, private gatherings, meetings and socials, whether indoors or out of doors, held between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., where music, laughter, conversation and other noises are loud enough to disturb neighbors, where the failure of participants to respond to reasonable requests to reduce those noise levels shows a lack of cooperation, and where destruction or disturbance of neighboring property by the participants is occurring or has occurred, so as to
 indicate that the party, private gathering, meeting, or
 social is an intentional harassment of the surrounding
 neighborhood. (2025 Code)

4-1-3: **LIABILITY**: It is unlawful for any person to create or
 maintain any nuisance, or cause the same to exist, and for any person to knowingly permit a nuisance to be created, maintained or to exist on premises owned by him or under his control. (2025 Code)

4-1-4: **ABATEMENT BY PROPERTY OWNER**: It shall be the duty of any

 owner of any lot, building or premises where any nuisance exists to remove, abate or destroy the nuisance without delay. (2025 Code)

4-1-5: **CITY ABATEMENT OPTION**: Nuisances which remain unabated
 after notice, may, at the option of the city, be removed, abated or destroyed by the city or its agents, after the following steps have been taken:

A. Notice To Abate: If, after seven (7) calendar days from the date a written notice is personally delivered to the property owner, or mailed to the property owner's address
 as shown in current official Jefferson or Bonneville County assessor records, no abatement of the nuisance has
 occurred, the mayor's designated enforcement officer shall
 provide a second ten (10) day notice to be delivered to the
 property owner by First-Class mail or personal service,
 which shall indicate the following:

 1. If the property owner fails to abate the nuisance, the city shall take steps to abate the same;

 2. The property owner may contract with the city to abate the nuisance and pay costs of the same;

 3. If the city abates the nuisance, all costs and expenses of abatement shall be billed and assessed against the property owner and, if unpaid, shall become collectable as
 a special assessment with property taxes;

 4. The property owner has a right to appear before the city council to show cause as to why he or she should not be forced to abate or pay for abatement of the nuisance; furthermore, that if the property owner desires such a hearing, a request for hearing, in writing, shall be given to the mayor's designated enforcement officer prior to expiration of the ten (10) day notice, and that abatement
 by the city will proceed if the property owner has not exercised this option to request a hearing;

 5. If said notice is returned as undeliverable or is
 unclaimed by the property owner, nothing shall preclude the city from exercising its abatement option as specified herein.

B. Failure To Request Hearing; Abatement By City: When the ten

 (10) day notice has expired without a request for hearing, the mayor's designated enforcement officer is authorized to remove, abate or destroy the nuisance. The mayor's designated enforcement officer is authorized to utilize
 city personnel to abate the nuisance or to contact the
 mayor in regard to contracting for an outside party to
 abate the nuisance.

C. Statement Of Charges: If the city abates any nuisance under the provisions of this chapter, a statement of charges billed to the property owner shall be mailed or personally delivered to the property owner.

D. Failure To Remit Payment; Special Assessment: If payment is not received from the property owner within thirty (30) days, the amount billed shall, in accordance with state
 law, be assessed as a special assessment collectable
 against the subject property as other state, county and
 municipal taxes.

E. Request For Hearing to Show Cause: If the property owner requests a hearing to show cause before the city council, the hearing shall, if feasible, be placed on the agenda of the next regularly scheduled city council meeting. The decision of the city council shall be final. A ten (10) day period shall be given to the property owner after the
 council decision so that the property owner shall have
 additional opportunity to abate the nuisance or to pursue
 any legal remedies or defenses at the district court level.
 (2025 Code)

4-1-6: **MISDEMEANOR CITATION OPTION:** The mayor's enforcement officer or any other authorized city official may issue, or cause to be issued, a misdemeanor citation to any person who maintains, creates, causes to exist or allows the maintenance, creation, or existence of any nuisance. The citation may be issued concurrently with, or in addition to, any other procedures set out in this chapter or any other law or ordinance application within the city limits. (2025 Code)

4-1-7: **YARD SALE EXEMPTION:**

1. Definition: Accumulations of personal property on residential lots constitute yard sales, and are,

therefore,

not nuisances as defined herein, if, and only if:

 1. The personal property consists of surplus household property, regardless of ownership;

 2. The personal property is publicly offered for sale;

 3. The personal property is neatly displayed for sale, either within or without an enclosure;

 4. The personal property is neatly secured within an enclosure during those periods when it is not offered for sale; and

 5. The personal property is offered for sale over a period not longer than five (5) consecutive calendar days;

 6. No property salvaged from any garbage dump, refuse heap, sanitary landfill or other disposal facility shall be included in the definition of surplus personal property, or offered for sale in a yard as defined herein.

B. Number Limited: Nothing herein shall prohibit the owners

 and occupants of residential lots from conducting or
 allowing to be conducted one yard sale during the period
 from January 1 to June 30 and another during the period
 from July 1 to December 31 on said lots. (2025 Code)

4-1-8: **PERSONAL PROPERTY OFFERED FOR SALE:** For the purposes of
 the exceptions to this chapter found in section 4-1-7 of this chapter, personal property is offered for sale through any method of informing or soliciting buyers of goods, including, but not limited to, use of signs, handbills, newspaper advertisements, and direct personal contacts. Nothing in section 4-1-7 of this chapter or this section shall permit the littering of streets and alleys, or the posting of signs on public property, telephone and electric poles, or private property without permission. (2025 Code)

4-1-9: **VIOLATION; PENALTY:**

1. Misdemeanor: Any person, business, agency, or corporation who violates the provisions of this chapter by creating

or maintaining or allowing to be created or maintained any "nuisance" as defined herein, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in section 1-4-1 of this code.

B. Separate Offense: Each day that such violation shall continue shall be deemed to be a separate offense and the penalty may be applied even though steps are being taken by the city to abate the underlying nuisance. (2025 Code)

CHAPTER 2

**AIR QUALITY PROTECTION**

SECTION:

4-2-1: Purpose

4-2-2: Definitions

4-2-3: Regulations For Burning Solid Fuel or Refuse

4-2-4: Solid Fuel Heating Appliance Restrictions and Permits

4-2-5: Adoption Of Air Quality Designations

4-2-6: Burning During Alert

4-2-7: Exemptions

4-2-8: Appeals

4-2-9: Penalty

4-2-1: **PURPOSE:** The purpose of this chapter is to protect
 air quality resources vital to the public health, safety and welfare of the citizens of the city by controlling emissions from solid fuel and refuse burning. (2024 Code)

4-2-2: **DEFINITIONS:** For purposes of this chapter, the following terms and phrases shall have the meanings given herein. The word "shall" is always mandatory and not merely directive.

AIR The presence in the outdoor atmosphere of POLLUTION: any contaminant or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, or as would be an unreasonable interference with the enjoyment of life or property.

BUILDING: Any structure, dwelling, office, industrial plant, garage, bar and the like, whether publicly or privately owned, or any other structure as defined by the international building code.

BURN DOWN: That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any

 outdoor fires or other burning or incineration.

CLEAN A solid fuel heating appliance that has been

BURNING certified as a clean burning appliance by either APPLIANCE: the Idaho department of environmental quality or the United States environmental protection agency.

FIREPLACE: A residential solid fuel burning device with an air to fuel ratio of greater than thirty to one (30:1) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing fireplace opening is not included in this definition.

REFUSE: All solid waste, garbage and rubbish, including, but not limited to, cardboard, plastic, rubber, Styrofoam, petroleum products, foodstuff, Christmas trees, yard debris or chemically treated wood.

REFUSE Any device designed or operated to reduce the INCINERATOR: volume of refuse through burning or incineration. Natural gas fired pathological incinerators are excluded.

SOLE SOURCE A heating device which by itself, or in combination OF HEAT: with other(s) of the same type, serves as the only
 source of heat in a building for the purpose of
 space heating. No solid fuel heating device(s)
 shall be considered the sole source of heat if the
 building is equipped with a permanently installed
 furnace or heating system utilizing oil, natural
 gas, electricity or propane, designed to heat the
 building, whether such system is connected,
 unconnected or removed from its energy source.

SOLID FUEL: Non-liquid combustible material including wood, coal, pressed logs, pellet fuel, but excluding items defined as "refuse" herein.

SOLID FUEL An enclosed device designed for solid fuel

HEATING combustion that meets all of the following APPLIANCE: criteria:

 A. An air to fuel ratio averaging less than thirty-
 five to one (35:1);

B. Firebox volume less than twenty (20) cubic
 feet;

C. Minimum burn rate less than five kilograms (5
 kg) per hour; and

D. Maximum weight of less than eight hundred
 kilograms (800 kg).

Specifically excluded are furnaces, boilers, cook stoves and fireplaces. (2025 Code)

4-2-3: **REGULATIONS FOR BURNING SOLID FUEL OR REFUSE:**

A. Prohibited: No person shall cause or allow refuse or coal
 to be burned in a solid fuel heating appliance designed for wood fuel.

B. Operation Contrary to Design, Specifications Or Manufacturer's Instructions: No person shall cause or allow a refuse incinerator to be operated contrary to the design, specifications or manufacturer's instructions.

C. Materials Treated with Carcinogens: No person shall cause
 or allow to be burned any railroad ties, treated wood, carcinogens or any materials treated with carcinogens.

D. Visible Emissions: No person shall operate a residential solid fuel burning device or fireplace if the visible emissions exceed twenty percent (20%) opacity as measured
 by EPA method 9, except as follows:

 1. During an initial fifteen (15) minute start up period.

 2. During refueling operations which may not exceed a fifteen (15) minute period in any three (3) hour period. (2025 Code)

4-2-4: **SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS:**

A. Sale Of Appliances Not Listed and Certified By EPA: From
 and after December 1, 1993, no person may sell or offer for
 sale within the city limits any solid fuel heating
 appliance which is not listed and certified by the EPA as a
 clean burning appliance or exempt from such listing
 pursuant to EPA regulations. Any solid fuel burning
 appliance installed prior to December 1, 1993, shall be
 maintained according to minimum standards as set by the
 fire department.

B. Construction Prohibited: From and after December 1, 1993,
 no person shall construct, or attempt to construct, any building for which a solid fuel burning appliance will be the sole source of heat. (2025 Code)

4-2-5: **ADOPTION OF AIR QUALITY DESIGNATIONS:**

A. Adopted: The city hereby adopts the Idaho department of environmental quality's health effect designations for varying levels of particulate matter.

B. Air Quality Alert: When the Idaho department of environmental quality, or its successor division or agency, informs the city that it is declaring an air quality alert and notifies local print, radio and television news media that an air pollution alert is being declared, the prohibitions set forth below shall apply. (2025 Code)

4-2-6: **BURNING DURING ALERT:** Whenever an air quality alert has
 been declared, the following prohibitions on burning shall apply:

A. Solid Fuel Heating Appliance or Fireplace: No person shall operate, or allow to be operated, a solid fuel heating appliance or fireplace.

B. Refuse Incinerator: No person shall operate or allow the operation of a refuse incinerator.

C. Open Burning: No person shall cause, or allow to occur, any open burning of any materials or fuel. (2025 Code)

4-2-7: **EXEMPTIONS:**

A. Clean Burning or Exempted Appliances: All solid fuel
 burning appliances classified by the EPA as a clean burning appliance or specifically exempted pursuant to EPA regulations from such listing may be operated during such alerts.

B. Three Hour Burn Down Period: A three (3) hour burn down period shall be allowed for solid fuel heating appliances
 or fireplaces not so listed whose operation was commenced
 prior to the air quality alert.

C. Sole Source of Heat: Any solid fuel burning device which is the sole source of heat for the building in which it is situated may be operated during air quality alerts
 provided:

 1. The appliance is registered and certified by the fire department as the sole source of heat;

 2. An exemption decal for the appliance is prominently displayed in a place visible from the public right of way
 or other place of public access; and

 3. Using alternative heating would cause unreasonable economic hardship. (2025 Code)

4-2-8: **APPEALS:** Any person denied an exemption decal under this chapter shall be provided, at his option, a hearing before the city council. The decision of the city council on a denial shall be final and conclusive. Any further appeals must be made to the seventh judicial district court of the state. (2025 Code)

4-2-9: **PENALTY:** A violation of any of the provisions of this
 chapter or the failure to perform any duty, or obtain any permit, or otherwise comply with any requirements of this chapter is hereby declared unlawful and punishable as a misdemeanor. (2025 Code)

CHAPTER 3

**PROPERTY MAINTENANCE CODE**

SECTION:

4-3-1: Purpose; Scope

4-3-2: Definitions

4-3-3: Maintenance Of Property and Building Surfaces

4-3-4: Maintenance Of Land/Outdoor Areas

4-3-5: Enforcement And Inspection Authority

4-3-6: Notice Of Violation

4-3-7: Misdemeanor Citations

4-3-8: Additional Remedies

4-3-1: **PURPOSE; SCOPE:** The purpose of this chapter is to promote the health, safety, and welfare of the citizens by protecting neighborhoods against blight and deterioration through the establishment and enforcement of uniform maintenance standards for all structures and land within the city limits. (2025 Code)

4-3-2: **DEFINITIONS:** The following definitions shall apply
 for purposes of this chapter:

ACCUMULATION: A quantity of objects gathered into a pile or strewn about on a premises. In the case of appliances, more than one such item constitutes
 an accumulation.

BLIGHT: A condition characterized by physical deterioration or disrepair resulting in
 unsightly, malodorous, rotting, unhealthy,
 dilapidated, or unsafe structures, property, or
 vegetation, including, but not limited to, the
 presence of debris; dead or damaged landscaping;
 broken, rotted, crumbling, peeling, or rusting
 material, structures, or surfaces; and rotting
 accumulations or piles of garbage or vegetation.

CANOPY: A structure consisting of cloth, metal, fiberglass, or other covering material fastened
 to poles or posts designed to be affixed to or
 placed directly on the ground or onto other

 surface material such as concrete.

DEBRIS: Any substance that is broken or destroyed, discarded, or of little or no apparent economic value whether strewn loosely on an area or piled in one or more spots.

DETERIORATION: A lowering in quality of the condition or appearance of vegetation or of any structure or parts thereof. A state of deterioration may be characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, disease, neglect, lack of maintenance, or any other evidence of
 insufficient or inadequate maintenance.

DRIVEWAY: A prepared surface consisting of concrete,
 gravel, brick or asphalt leading to a street or
 alley by means of an approved approach or curb
 cut, used for parking and/or vehicular movement
 to and from a parcelof land.

FIRE HAZARD: Any thing, condition, or act which increases or may cause an increase of the likelihood of fire
 to a greater degree than that customarily
 recognized as normal by persons in the public
 service regularly engaged in preventing,
 suppressing, or extinguishing fire; or any thing
 or act which may obstruct, delay, hinder, or
 interfere with the operations of the city's fire
 department or the egress of occupants in the
 event of fire.

GARBAGE: Includes all organic and inorganic material that is discarded or unused, including, but not
 limited to, paper, rubbish, refuse or litter,
 unconsumed food and anything else commonly
 referred to or considered as household or
 commercial waste.

HAZARD: A condition presenting a likelihood for causing harm due to incompletion, deterioration, improper construction, breakage, leakage, or exposure.

INFESTATION: The presence of insects, rodents, or animals in such numbers as to result in an unpleasant,

 harmful, damaging, unhealthy, or unsafe
 condition.

LANDSCAPING: Cultivated vegetation including lawn grasses, ornamental or food source plants, shrubs, and trees (excluding plants commonly classified as weeds); or arranged landscaping materials such as rocks, bark, water features, and similar items deliberately placed as part of a decorative scheme.

OCCUPANT: An individual, partnership, corporation or other entity that, through rights of ownership or rental, has the use and enjoyment of the subject real property for residential or commercial purposes.

PREPARED Ground covered by gravel, concrete, or asphalt, SURFACE: specifically excluding bare dirt or vegetative material.

PROPERTY An individual, partnership, corporation or other MANAGER: entity with the authority and ability to make repairs and the authority to oversee and provide for maintenance and general care of the property on behalf of the owner; may also be the owner.

PROPERTY An individual, partnership, corporation or other OWNER: entity listed as owner in the records of the Jefferson or Bonneville County assessor.

SCREENED AREA, An area separated by a sight obscuring permanent EXTERIOR: fence built to the maximum height and standards allowed by the city code for the site.

SOUND Free from decay or defect, or able to support CONDITION: itself under reasonable loading or weather conditions.

STRUCTURE: Anything built or constructed, including, but not limited to, houses, stores, walls, roofs, foundations, fences, retaining walls, canopies,
 or screening walls. (2025 Code)

4-3-3: **MAINTENANCE OF PROPERTY AND BUILDING SURFACES:**

A. General Duty To Maintain Property: Property owners, managers, occupants, and any other persons having lawful control over a structure or parcel of land are hereby required to ensure that all property, structures, and land owned, managed, or occupied by said parties are maintained in good repair and in neat, orderly, and sound condition free from blight or deteriorating conditions, and
 maintained in accordance with standards and regulations
 established in this chapter. Prohibited conditions include,
 but are not limited to, cracked, chipped or peeling paint,
 graffiti, broken windows or doors, deteriorated or missing
 siding, broken or missing shingles, shakes, or stair treads
 or railings, broken or missing fence slats, and the like. Failure to comply with the provisions of this chapter shall be deemed a misdemeanor and punishable as provided by Idaho Code for general misdemeanors.

B. Duty To Finish Exterior Building Surfaces: Property owners are hereby required to ensure that all exterior building surfaces are finished with exterior siding materials appropriate to the surface such as, but not limited to, painted or stained wood, vinyl or aluminum siding, Dryvit, stone, brick, shingles, shakes, or metal roofing. (2025 Code)

4-3-4: **MAINTENANCE OF LAND/OUTDOOR AREAS:** Property owners, managers, and occupants shall ensure that the following
 requirements are met:

A. General Maintenance of Land/Outdoor Areas: All land/outdoor areas shall be kept clean and must be fully landscaped in accordance with city codes except for structures and prepared surfaces used for parking or pedestrian or vehicular travel. Land/outdoor areas must be maintained so as to be free of fire hazards; noxious weeds as set out in the Idaho state code; mold/fungus growths; and blight or deteriorated conditions, including conditions or accumulations of any material which may be conducive to infestations of insects, spiders, reptiles, or rodents. Specifically prohibited items or conditions include, but
 are not limited to, the following: any accumulations of
 litter, garbage, debris, waste material, accumulations of
 appliances and/or furniture, broken glass, piles of mixed

 material, dry vegetation, rags, empty barrels, boxes,
 crates, packing cases, mattresses, bedding, packing straw,
 packing hay, or other packing material, lumber or building
 materials except as provided in this chapter, and anything
 whatsoever in which insects may breed or which provides
 harborage for rodents, snakes, or other harmful
 pests/animals.

B. Maintenance Of Landscaping: All front yards must be covered with healthy vegetative material except where covered by prepared surfaces, landscaping features, or driveways as allowed by this code. Lawn grass shall be kept trimmed so
 to be no higher than six inches (6") above grade. "Noxious weeds", as defined or listed by the Idaho department of agriculture, are prohibited and eradication measures must
 be taken promptly. Other weeds in non-lawn areas (e.g.,
 garden areas, vacant lots) must be kept trimmed so as to be
 no higher than six inches (6") above grade. All non-weed, permitted vegetation must be maintained in a healthy, growing condition or must be removed. The piling of branches, or of dry, dead, or rotting vegetation of any
 kind is specifically prohibited.

C. Storage Of Materials Prohibited:

 1. Blighting Influences: Land shall be maintained free of the following additional blighting influences, including, but not limited to, appliances, broken materials, furniture in disrepair, wood (except neatly stacked firewood), construction materials, piles of landscaping or
 construction materials, scrap metal, or vehicle parts,
 unless the same are kept in a fully enclosed building or
 inside the confines of a properly maintained fence or other
 structure built to a sufficient height, up to the maximum
 allowable, to screen such materials from the public view
 and from the view from abutting properties or existing and
 adjoining residential structures, whether or not such
 property is separated by an alleyway or street.

 2. Recyclable Materials: Recyclable materials may be kept outside but must be neatly stacked and removed weekly.

 3. Materials Used In Connection With Business Or Home Occupation: Also specifically prohibited is the unenclosed storage or placement, on any land on which a residential dwelling is located or which is residentially zoned, of any

 materials used in connection with a business or home

 occupation, whether for the owner or occupant of the dwelling or property, including, but not limited to, building materials, landscaping materials, equipment,
 tools, and vehicle parts, unless the same are permitted
 through a conditional use permit and maintained in
 accordance with the terms of said permit.

 4. Exception: Materials for active, ongoing, on-site construction or landscaping of property may be stored in rear yards of that property for the duration of the construction. Landscaping or construction materials for on-
 site use of the occupant may be stored in front and side yards which are visible from an adjacent public right of
 way for a period no longer than sixty (60) days, provided
 the rear yard is not easily accessible or the materials
 will be used in the front and side yards.

D. Maintenance Of Fences, Retaining Walls, And Screening Structures: All fences, screening walls and retaining walls shall be maintained in a safe, structurally sound
 condition, and shall not be allowed to deteriorate so as to
 constitute a blighting influence.

E. Maintenance Of Detention Areas; Adequate Drainage: All detention areas must be maintained in a neat and
 serviceable condition to prevent the presence of stagnant
 water or blighting conditions. All premises shall be
 maintained to prevent water from stagnating thereon,
 undermining foundations, or causing excessive runoff which
 may be damaging to adjacent property.

F. Provisions For Vehicles or Vehicle Parts: Vehicles may not be parked on lawns/landscaping areas, but must be parked on a driveway constructed in accordance with applicable building codes and city regulations and accessed by an approved approach or curb cut, or, alternatively, may be parked on another prepared surface accessible from a driveway or alleyway. Storage of vehicle parts or inoperative vehicles is allowed only in fully enclosed buildings or as otherwise provided for in title 6, chapter
 4 of this code.

G. Provisions For Canopies: Canopies may be used as carports for the protection of vehicles and must be located on

 lawfully constructed driveways or other prepared surfaces. Specifically prohibited is the use of canopy structures in residential areas for storage of materials except as may be allowed temporarily under subsection C4 of this section. Canopies must meet the same zoning regulations as carports in relation to setbacks, height, and the like. (2025 Code)

4-3-5: **ENFORCEMENT AND INSPECTION AUTHORITY:**

A. Authority To Inspect: The building official, his designated representative, code enforcement officer, law enforcement officer, or any authorized representative thereof (hereinafter referred to as city staff) upon his/her own observation, or upon receipt of a complaint from any
 person, is authorized and directed to make inspections of
 property to determine compliance with this chapter and to
 pursue enforcement of its provisions for noncompliance.

B. Unscreened Exterior Areas: Unscreened exterior areas may be inspected at any time from a public right of way with or without the involvement of the owner or occupant in accordance with legal requirements governing administrative inspections of private property.

C. Screened Exterior Areas: Screened exterior areas may be inspected only during the normal business hours of the city unless otherwise arranged, and only upon invitation or with the concurrence of the owner or occupant or when authorized/ordered by a court.

D. Notice Of Inspection Required: Except in cases of alleged imminent hazards, if the occupant is not the owner of the premises or dwelling unit to be inspected, the building official, his designated representative, code enforcement officer, law enforcement officer, or any authorized representative thereof shall provide notice, in writing, or by telephone to the owner or designated agent as to the
 time and place of inspection which shall be set by the city
 staff member. The owner or designated agent may be present
 for the inspection. (2025 Code)

4-3-6: **NOTICE OF VIOLATION:**

A. Notice Required:

 1. If an authorized city staff member confirms by
 inspection any violation of this chapter, the owner shall
 be notified, in writing, or, if known, the designated
 agent/property manager of the violation and the necessity
 for corrective action. If the property in violation is not
 owner occupied and it contains imminent hazards, the
 official shall also notify occupants of the imminent
 hazards.

 2. If the violation involves the growth of noxious weeds, city staff shall contact Jefferson or Bonneville County officials immediately to enforce state regulations against such weeds.

B. Written Notice Of Violation: The written notice of
 violation shall include the property address, a description
 of the violation, corrective action needed, name, address,
 and phone number of the city staff member to contact in
 regard to the violation, and shall give the owner,
 designated agent, property manager, and/or occupants two
 (2) weeks from the date of the notice to remove, abate, or
 destroy the condition causing the violation, or to file a
 written appeal to the city council. Forms for appeals shall
 be provided by code enforcement officers upon request.
 Completed appeal requests, accompanied by a statement of
 the appellant's plan to correct the violation, must be
 returned by the reinspection date set out in the property
 violation notice. Hearings will take place at the next
 available regularly scheduled meeting of the city council.
 Appeal requests received after the said date shall not
 proceed to hearing.

C. Council Action At Hearing: At the meeting, the council will consider whether the requirements stated in the notice of violation should be modified, withdrawn, or enforced as written, and shall specify a deadline for any corrective action they deem necessary. (2025 Code)

4-3-7: **MISDEMEANOR CITATIONS:** A misdemeanor citation may be
 issued to any owner/occupant/property manager who, after notice and opportunity to correct and appeal, fails to remedy the violation. Issuance of such a citation may be in addition to any civil remedies. (2025 Code)

4-3-8: **ADDITIONAL REMEDIES:** Nothing herein shall be construed

 to prevent the city from initiating civil proceedings to compel compliance with the terms of this chapter in addition to or in concert with criminal proceedings. In any civil proceeding, the city shall request attorney fees and costs including any costs incurred from abatement of the violation by the city. (2025 Code)

CHAPTER 4

**IRRIGATION CANALS**

SECTION:

4-4-1: Definitions

4-4-2: Littering; Throwing Prohibited

4-4-3: Penalty

4-4-1: **DEFINITIONS:** For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words used in the singular number include the plural number; the word "shall" is always mandatory and not merely directory.

GARBAGE: Putrescible animal and vegetable waste resulting
 from the handling, preparation, cooking and
 consumption of food.

IRRIGATION Any and all canals, laterals and ditches used for CANAL, the transportation of irrigation water within the LATERALS confines of the municipal corporation boundaries.

& DITCHES:

LITTER: "Garbage", "refuse" and "rubbish" as defined in this section, and all other waste material which if
 thrown or deposited as prohibited in this chapter,
 tends to create a danger to public health, safety
 and welfare.

REFUSE: All putrescible and non-putrescible solid waste
 (except body waste), including garbage, rubbish,
 ashes, street cleanings, dead animals, abandoned
 automobiles, and solid market and industrial waste.

RUBBISH: Non-putrescible solid waste consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery,
 and similar materials. (2025 Code)

4-4-2: **LITTERING; THROWING PROHIBITED:** No person shall throw or deposit litter, garbage, refuse, or rubbish upon or into the irrigation canals, laterals and ditches within the city. (2025 Code)

4-4-3: **PENALTY:** Violations of this chapter shall constitute a
 misdemeanor. This chapter may also be enforced by initiation of civil legal action to compel compliance with the terms of this chapter or to restrain violation thereof. All costs of civil enforcement shall be borne by the violator. (2025 Code)

1. 1. See also title 6, chapter 4 of this code. [↑](#footnote-ref-1)