

TITLE 10 FIRE, HEALTH, SAFETY AND WELFARE.

CHAPTER 10-200. HEALTH.

Part 10-210. Board of Health and Health Officer.

10-211. Board of Health Established. The Bear River District Health Department is hereby designated as the Board of Health of this City.

10-212. Duties and Powers of Board of Health.

(1) The City may contract with the Bear River District Health Department on such terms and conditions as the parties may agree to enforce the provisions of this chapter and such other Ordinances of this City which authorize or require action or impose any duty on the Board of Health.

(2) The Board of Health shall adopt such rules and regulations as it shall deem necessary to govern its meetings and conduct.

(3) The Board of Health shall review and approve all applications for permits to operate any business or engage in any construction for which a permit is required from the Board of Health pursuant to any Ordinances or regulations of this City.

(4) The Board of Health shall recommend to the Mayor for promulgation by the City Council such health rules, regulations, and Ordinances as it deems necessary for the health of the persons within this City.

10-213. Permits. It shall be unlawful for any person to engage in any of the following businesses or activities without first obtaining a permit from the Board of Health.

(1) Handling, selling, offering for sale, preparing or serving any food or food products or beverages or water intended for human consumption.

(2) Operating or permitting public access to any public swimming pool.

(3) Commercially operating any public dump, garbage or refuse collection or disposal facility, or cleaning out or installing any privy, cesspool or septic tank.

(4) Fumigating or eradicating pests, insects, vermin or any other infestation from any building occupied or to be occupied by humans.

10-214. Applications.

(1) Applications for a permit from the Board of Health shall be made in writing to the Recorder.

(2) The application shall be referred by the Recorder to the Board of Health for review and recommendation. The Board of Health shall then forward the application with its recommendation to the Mayor for approval or disapproval by the City Council.

Part 10-220. Health Director.

10-221. Position Created. The Health Director of the Bear River District Health Department is hereby designated as the Health Director of this City.

10-222. Powers and Duties of Health Director.

(1) The Health Director may appoint or designate any qualified person to act as his assistant for the purpose of enforcing the Ordinances of this City.

(2) Subject to the terms and conditions of the contract between the City and the Bear River District Health Department, the Health Director shall:

(a) Be the Executive Officer of the Board of Health.

(b) In conjunction with the Code Enforcement Officer of Tremonton City enforce all Ordinances of this City and the State of Utah which relate to the health and welfare of the residents of this City.

(c) In conjunction with the Code Enforcement Officer of Tremonton City enforce all rules, regulations and Ordinances relating to:

(i) Plumbing, sanitation, contagious infectious diseases, quarantine and sewage disposal.

(ii) Producing, storing, keeping and selling meat, dairy or other foods or food products.

(d) Have the power to impose and maintain a strict quarantine of all infected persons and premises having contagious or infectious diseases, and to require such persons or premises to be disinfected.

(e) Have the right and authority, when they shall deem necessary to secure or preserve the public health, to enter into or upon any premises, building, or other places during the daytime to examine, analyze, or test any building, structure, premise, product or good manufactured, stored, or kept within the City for the purposes of enforcing this chapter.

10-223. Unwholesome Food. Any person who sells or offers for sale any unwholesome food or beverage which has been condemned by any government food inspector shall subject to the fine amount and severity of punishment contained in the City's Consolidated

Bail Schedule, adopted by Resolution of the City Council.

10-224. Vacating Premises.

(1) It shall be unlawful for any person, upon vacating or moving from any dwelling, storeroom, or other building, to fail to remove all garbage, rubbish, or ashes from such building or premise and the grounds appurtenant thereto, or to fail to place the same in a thoroughly sanitary condition within twenty-four (24) hours after the premises are vacated.

(2) In situations where rental property is so vacated, the owner of the property shall be concurrently responsible with the tenant thereof for compliance with this section.

10-225. Discharge of Sewage Pollution.

(1) It shall be unlawful for any person to discharge or permit the discharge of any sewage or filth from any premises into and upon any public highway, stream, water course, or public place, or into any drain, cesspool, or private wastewater disposal system which does not conform to standards established by the State Division of Health or by this City.

(2) The Health Director may order a connection for sewage disposal to be made with the public sewer system provided by the municipality if such is available, provided that the public sewer system is within three hundred feet (300') of the premises.

(3) The Health Director shall use all due measures to prevent the fouling of any streams, water courses, reservoirs, or any source furnishing water to any of the inhabitants of this City.

10-226. Inadequate Plumbing. The Health Director shall have power to require the prompt repair of all leaks or other defects in plumbing throughout the City. He shall have power to condemn and abate all plumbing which is deficient under the Plumbing Ordinances. When, in the opinion of the Health Officer, a change in occupants, type of business or other cause requires changes in plumbing, he shall have the power to compel the installation of an increased number of plumbing fixtures and a change in their type or capacity, and to make such other alterations or increases as may be necessary for the health and safety of the occupants of the building and the public generally.

Part 10-230. Code Enforcement Officer.

10-231. Position Created. The position of Tremonton City Code Enforcement Officer is created. The Code Enforcement Officer shall be appointed and supervised by the Tremonton City Chief of Police

10-232. Powers and Duties of Code Enforcement Officer.

(1) The Code Enforcement Officer shall:

(a) In conjunction with the Health Director, enforce all Ordinances of this City and the State of Utah, which relate to the health and welfare of the residents of this City.

(b) Enforce the nuisance Ordinances of this City.

Part 10-240. Offensive Business and Facilities.

10-241. Commencement of Offensive Business.

(1) No person shall commence or change the location of any offensive business or establishment in or within one (1) mile of the limits of this City without first filing an application for a permit to do so with the Recorder.

(2) Offensive businesses, within the meaning of this part, shall include but not be limited to packing houses, dairies, tanneries, canneries, renderies, junk or salvage yards, bone factories, slaughter house, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, blacksmith shops, or any other enterprise or establishment which creates excessive odors, fumes, smoke, gases, or noises.

(3) The application for a permit shall specify the location at which the business or establishment is to be operated and maintained or the new location to which it is to be moved. The application shall describe the type of activity which will be conducted and describe the manner in which the business or establishment shall eliminate, control or modify the emission by the business of the undesirable odors, fumes, noises, and other noisome features and the manner in which it shall be screened from public view, if its appearance is offensive.

10-242. Issuance of Permits.

(1) The Recorder shall cause a study to be made of the proposed business or relocation of any offensive business or establishment by the Board of Health and by personnel engaged in the inspection of buildings and other facilities. A report and recommendation shall be made to the City Council. The City Council, after review, may grant to the applicant an opportunity to be heard and present additional facts. Thereafter the City Council may:

(a) Deny the application.

(b) Recommend a modification thereof.

(c) Grant a limited permit to enter into a business or make the change of location subject to the requirement that the business facility conform to standards established by

the City Council with reference to controlling the offensive features of the business.

(2) In the event a permit is granted, it shall be subject to revocation either upon failure of the operator or owner to conduct his business in the manner specified by the City Council at the time of granting of the permit, or because a change of circumstances makes the continued operation or maintenance of the business or facility a public nuisance.

(3) The City Council shall have power to revoke or modify the permission to operate and maintain the business in such a manner as it deems necessary for the public good.

10-243. Existing Offensive Business and Facilities.

(1) The City Council may require an investigation of any existing offensive business or facility to determine whether or not it should be permitted to remain in existence in or within one (1) mile of the City limits. If the City Council determines that the continuation of the business or facility has become a nuisance to persons situated within the City limits or that ample control is not being exercised to minimize the creation of excessive odors, fumes, smoke, gases, and noise, it shall notify the owner or operator thereof that the City Council is considering revoking or modifying the operator's license.

(2) If the City Council decides to require a modification of the manner in which the business or facility is to be maintained, it shall specify the standards or specifications to which the enterprise must conform or otherwise lose its license to engage thereafter in the business or activity.

10-244. Control of Animal and Foul Facilities.

(1) The City Council shall have the power to prohibit or control the location and management of any offensive, unwholesome business or establishment in or within one (1) mile of the City and may compel the owner of any pigsty, privy, barn corral, fur-bearing animal farm, feed yard, poultry farm, or other unwholesome or nauseous house or place to cleanse, abate or remove the same.

(2) The City Council may on its own initiative and shall, on complaint of a member of the public, examine the operation, control or location of any business or facility for the purpose of determining whether or not the operation of such business or facility should be improved so as to minimize the offensive and unwholesome characteristics or whether the business or activity should be moved or abated.

(3) In the event that the City Council decides that the business or facility should be abated, removed, or controlled, it shall notify the owner or operator of the business or facility of such fact.

(4) After a hearing, the City Council may issue a limited license wherein it may prescribe the specification and standard which must be followed by the business or facility in order to be permitted to continue in operation.

(5) Upon a determination by the City Council that the business or facility is a nuisance, it shall have power to order the abatement or removal of the facility or establishment. If the owner fails to conform to such order, the City Council shall have power to bring all necessary legal proceeding to force removal, abatement, or adherence to standards.

10-245. Keeping Animals. REPEALED – See Chapter 1.07 of the Tremonton City Land Use Code and Title 13 Animal Offenses of the Tremonton City Revised Ordinances for regulations.

Part 10-260. Hazardous Clean Up.

10-261. This ordinance establishes procedures to recover costs incurred by the City in responding to hazardous materials emergencies, aggravated fire emergencies and aggravated medical emergencies.

10-262. Definitions.

(1) Hazardous Material Emergency means a sudden or unexpected release of any substance or material that, because of its quantity, concentration, or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

(2) Aggravated Fire Emergency means a fire proximately caused by the owner or occupant of a property or a structure, which presents a direct and immediate threat to public safety and requires immediate attention to mitigate the threat and the fire and,

(a) is caused by or contributed to by the failure to comply with a lawful order from any state, county or local agency, department official; or

(b) occurs as a result of any deliberate act in violation of state law or the ordinances or regulation of the city or other local agency; or

(c) is a fire that constitutes arson or reckless burning as defined by Utah Code; or

(d) is an alarm that results in a city or other local fire unit being dispatched, and the person transmitting or causing the transmission of the alarm knows at the time of said transmission that no fire or related fire emergency exists..

10-263. Recovery Authorization and Procedures.

(1) The City is hereby empowered to recover its expenses incurred by virtue of the city's response to hazardous materials emergencies, aggravated fire emergencies or aggravated medical emergencies from any and all persons, corporations, partnerships, and individuals or other entities who caused such an emergency, pursuant to the following procedure:

(2) The Tremonton City Fire Department and/or Police Department representative shall determine responsibility for the emergency or response as defined above and notify the responsible party by mail of the department's determination of responsibility and expenses to be recovered.

(a) Tremonton City shall be responsible for the initial billing and receiving of funds. In the event the billed party fails to submit fees, the City Council may determine if legal action will be used to recover said funds.

(b) The notice shall specify that the determined responsible party may appeal the department's decision to the City Council, by establishing a date by which notice of appeal shall be filed. The appeal date shall be no more than fifteen (15) days from the date of notice.