

TITLE 7. HEALTH AND SANITATION

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Chapter 7.01. Nuisance Abatement.

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7.01.010. Purpose.

The purpose of this Chapter is to identify with particularity actions constituting a nuisance so that property within the City may be maintained in a manner that:

- (1) Protects public health and safety.
- (2) Fosters neighborhood stability.
- (3) Preserves the appearance, character, and beauty of neighborhoods.
- (4) Reflects community pride and caring.
- (5) Protects the general welfare of its citizens. (Am 1988-30, Am 1990-02, Am 1993-04, Am 1995-71, Rep&ReEn 1999-39)

7.01.020. Nuisances Defined.

It shall be unlawful and declared a public nuisance for any person owning, renting, leasing, occupying, or having charge or possession of any property in the City to allow any of the following conditions to exist on such property:

- (1) A condition that causes visual blight, is offensive to the senses, creates a harborage for rodents or pests, or detrimentally affects property in the surrounding neighborhood or community.
- (2) A condition that impairs the reasonable and lawful use of property.
- (3) A condition that unreasonably or unlawfully affects the health or safety of one or more persons.
- (4) A fire hazard as defined in the Uniform Fire Code.
- (5) Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
- (6) Noxious weeds located on vacant lots or other property, along public sidewalks or outer edge of any public street, or weeds in any other location which constitutes an unreasonable fire hazard or is contrary to the purpose of this Chapter.
- (7) Keeping or storing of any refuse and waste matter which interferes with the reasonable enjoyment of nearby property.
- (8) Polluted or stagnant water which constitutes an unhealthy or unsafe condition.
- (9) Accumulation of soil, litter, debris, plant trimmings, or trash, on sidewalks, in vestibules, doorways, passages, breezeways, parking areas or any public right-of-way or alley.
- (10) Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premises.
- (11) Any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected

household appliances, equipment and machinery, ponds, abandoned foundations or excavations, or improperly maintained pools in violation of Section 14.34.210, Provo City Code.

(12) Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin or other pests.

(13) Any front yard or street side yard area which causes excessive dust due to non-maintenance or other cause, or which contains the accumulation of debris.

(14) The keeping, storing, depositing or accumulating on the premises or in the public right-of-way for an unreasonable period of time dirt, sand, gravel, concrete, or other similar materials, or maintenance of such material on public rights-of-way.

(15) The leaving of any garbage can or refuse container in the street, other than on collection day, for more than twenty four (24) hours after collection day.

(16) Construction equipment or machinery of any type or description parked or stored on property when it is readily visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property, or where the property is zoned for the storage of construction equipment and/or machinery.

(17) Improper maintenance of a sign; or signs which advertise a business that is no longer operating on the property or advertising a product that is no longer sold on the property.

(18) Improper storage of inoperative, unregistered, abandoned, wrecked or dismantled vehicles or vehicle parts, including recreational vehicles.

(19) Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property.

(20) Graffiti which remains on the exterior of any building, fence, sign or other structure and is visible from a public street.

(21) Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to:

(a) Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located;

(b) Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of Title 14, Provo City Code, or any use of land, buildings or premises in violation of Title 15, Provo City Code;

(c) Buildings which are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. An "unreasonable state of partial construction" is defined as any unfinished building or structure where the appearance or other conditions violate conditions as listed in Subsection (1) above;

(d) Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair.

(e) Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass;

(f) Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to violate Subsection (1) above; and

(g) Buildings or conditions that violate any building, electrical, plumbing, fire, housing, or other code adopted by Provo City.

(22) Any violation of the Provo City Code expressly declared to be a public nuisance. (Am 1988-30, Rep&ReEn 1999-39)

7.01.030. Administrative Actions.

Administrative action may be taken to abate a nuisance pursuant to the provisions of Title 17, Provo City Code. (Enacted 1999-39)

7.01.040. Civil Actions.

A civil action to abate or enjoin a nuisance, or for damages for causing or maintaining a nuisance (including the cost, if any, of cleaning the subject property), may be brought by Provo City or by any private person directly affected. (Enacted 1999-39)

7.01.050. Criminal Actions.

It shall be unlawful and a misdemeanor violation for any person to maintain or assist in maintaining a nuisance after receiving notice to abate the same. Notice to abate a nuisance shall be given as a prerequisite to prosecution by delivering a copy of the notice to abate to the offender by personal service in the manner described in the Utah Rules of Civil Procedure, or by mailing a copy of the notice to abate to the offending party by certified U.S. mail, return receipt requested. The notice to abate shall reasonably describe the subject nuisance and the steps necessary to abate the same and shall require abatement to be completed in not less than ten (10) nor more than thirty (30) days. (Enacted 1999-39)

Chapter 7.02. Weed and Refuse Abatement.

- 7.02.010. Purpose - Declaration of Nuisance.
- 7.02.020. Inspection and Administration.
- 7.02.030. Notice to Property Owners.
- 7.02.040. Proof of Service and Election of Remedy.
- 7.02.050. Failure to Comply - Removal of Nuisance.
- 7.02.060. Violations - Remedies.
- 7.02.070. Construction of Chapter.

7.02.010. Purpose - Declaration of Nuisance.

It is the purpose of this Chapter to establish a means whereby Provo City may designate and regulate the abatement of injurious and noxious weeds, garbage, refuse or any unsightly or deleterious objects or structures pursuant to the police power of the City and specific authorization of Chapter 11, Title 10 of the Utah Code.

7.02.020. Inspection and Administration.

For purposes of administration of this Chapter, the City Fire Department and the employees thereof as directed under the Fire Chief are hereby appointed as the City inspectors for the purpose of carrying out the provisions of this Chapter.

7.02.030. Notice to Property Owners.

It shall be the duty of the City inspectors to make careful examination and investigation as may be provided hereunder for the growth and spread of injurious and noxious weeds, and of garbage, refuse or unsightly or deleterious objects or structures; and it shall be the inspectors' duty to ascertain the names of the owners and the descriptions of the premises where such weeds, garbage, refuse, objects or structures exist and to serve notice in writing upon the owner and/or occupant of such land, either personally or by mailing notice, postage prepaid, addressed to the owner or occupant at the last known post office address as disclosed by the records of the county assessor, requiring such owner or occupant, as the case may be, to eradicate, or destroy and remove, the same within such time as the inspector may designate, which shall not be less than ten (10) days from the date of service of such notice. One (1) notice shall be deemed sufficient on any lot or parcel of property for the entire season

of weed growth during that calendar year. The inspectors shall make proof of service of such notice under oath, in the manner hereinafter set forth.

7.02.040. Proof of Service and Election of Remedy.

(1) In the event that the property owner is a resident or can be adequately served in Utah County, both notice of abatement and subsequent legal action shall be through the appropriate court system.

(2) In the event the owner of the property cannot be adequately served within Utah County or in the event that the owner resides outside of Utah County, the inspector shall refer the matter to the County Treasurer for inclusion in the tax notice of the property owner, including all costs associated both with the abatement of the nuisance in the manner anticipated by this Chapter together with administrative expenses in the manner hereafter described. (Am 2006-45)

7.02.050. Failure to Comply - Removal of Nuisance.

The accumulation of injurious or noxious weeds, garbage, excess pet food, refuse or unsightly or deleterious objects or structures when such constitute either a health hazard, a present danger to the citizens of the City, a potential source of contagious disease, a harborage for rats or other rodents, or other carriers of disease, a fire hazard or an attractive nuisance likely to cause damage to small children is hereby declared to be a nuisance, unlawful and shall be abated as herein provided, or under the general nuisance sections of the Provo City Code or other ordinances of the City or statutes of the state, or by a criminal prosecution initiated by the City Attorney. (Am 1995-71)

7.02.060. Violations - Remedies.

(1) It shall be a misdemeanor violation for any owner or occupant of lands described in the notice herein above referred to fail or neglect to conform to the requirements hereof relating to the eradication or destruction or removal of accumulated weeds, garbage, refuse, objects or structures punishable both by the imposition of civil remedies as herein described and by criminal sanctions.

(2) In the event of failure of the owner or occupant of lands to comply with the notice duly given, it shall be the duty of the inspector at the expense of the municipality to employ necessary assistance and cause such weeds, garbage, refuse, objects, or, in the case of a structure to be removed, destroyed, repaired or secured, so as to remedy the hazard or nuisance. The inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of the same and shall mail a copy thereof to the owner demanding payment within twenty (20) days of the date of mailing. Said notice shall be deemed delivered when mailed by certified mail addressed to the property owner's last known address.

(a) In the event the owner is a resident or can be served within the county and fails to make payment of the amount set forth in the statement to the municipal treasurer within twenty (20) days, the inspector on behalf of the municipality may cause suit to be brought in an appropriate court of law.

(b) In the event the owner is not servable or is not a resident within the county, the inspector shall refer the matter to the County Treasurer for inclusion in the tax notice of the property owner. The inspector shall make, in triplicate, an itemized statement of all expenses incurred in the removal and destruction of the same and shall deliver the three (3) copies of said statement to the County Treasurer within ten (10) days after completion of the work of removing such weeds, garbage, refuse, objects or structures in the manner set forth in Sections 10-11-3 and 10-11-4, Utah Code, as amended.

(3) In either event the amount to be collected with an administrative fee as shown on the Consolidated Fee Schedule

adopted by the Municipal Council, together with costs of court and reasonable attorney's fees and interest accrued shall constitute a civil debt owed by the defendant to the City. (Am 2006-15, Am 2006-45)

7.02.070. Construction of Chapter.

Nothing herein shall be construed to prohibit enforcement through the zoning code or any applicable nuisance or statute, nor shall the imposition of any criminal sanction inhibit or prevent the imposition of civil remedies provided for hereunder.

Chapter 7.03. Miscellaneous Sanitary Provisions.

- 7.03.010. Drinking Fountains.
- 7.03.020. Toilet Facilities and Sinks.
- 7.03.030. Stagnant Water and Other Substances or Materials.
- 7.03.040. Clean Structures for Human Occupation.
- 7.03.050. Clean Public Rights of Way and Alleys.
- 7.03.060. Human and Animal Discharges.
- 7.03.070. Septic Tanks and Other Receptacles for Human Waste.
- 7.03.080. Miscellaneous Sanitary Regulations.
- 7.03.090. Distribution of Pills and Medicines.

7.03.010. Drinking Fountains.

It shall be unlawful to expectorate or spit or to wash any part of a human body in any public drinking fountain, or to cause any animal to come into contact with or to drink from a public drinking fountain. (Enacted 1987-22)

7.03.020. Toilet Facilities and Sinks.

It shall be unlawful for the owner of any structure to not equip the same with toilet facilities and sinks as otherwise required by law, and to maintain the same in a sanitary condition. (Enacted 1987-22)

7.03.030. Stagnant Water and Other Substances or Materials.

It shall be unlawful for the owner, tenant or person in control of real property which has become the repository of stagnant water, or other fluids, substances or materials causing an unhealthy condition, to fail to remove the same after notice from the City department. The notice from the City shall state a reasonable time for compliance with the notice. (Enacted 1987-22, Am 2002-55)

7.03.040. Clean Structures for Human Occupation.

It shall be unlawful for any person owning, controlling or operating any structure used for human occupation, to cause or permit the same to be so used while infested with insects or rodents. (Enacted 1987-22)

7.03.050. Clean Public Rights of Way and Alleys.

It shall be unlawful for any person to place, or cause to be placed, any debris, plant trimmings or trash upon any public right of way or alley. (Enacted 1987-22)

7.03.060. Human and Animal Discharges.

It shall be unlawful for any owner, tenant or person in charge of real property, to cause or allow the feces or urine from humans or any species of fowl or animal, to accumulate in any unhealthy, or unsanitary condition upon or under the surface of said property. (Enacted 1987-22)

7.03.070. Septic Tanks and Other Receptacles for Human Waste.

(1) It shall be unlawful to construct or maintain a cesspool, septic tank or other receptacle or depository for human waste, except that a septic tank may be constructed and maintained if, for reasons demonstrated to the City engineer by the applicant, it is not reasonable

or practical to connect to the City sewer system. It shall be presumed that it is both reasonable and practical to connect to a sewer line which is not more than three hundred (300) feet from a proposed residence.

(2) The construction, maintenance, repair, emptying, cleaning or abatement of septic tanks shall conform to the regulations of the Utah County Health Department.

(3) A septic tank may be constructed, maintained, repaired, emptied or cleaned only with a permit from the Utah County Health Department. (Enacted 1987-22, Am 2002-35)

7.03.080. Miscellaneous Sanitary Regulations.

It shall be unlawful and a nuisance to do any of the following:

(1) to place, conduct or discharge into or on any street, alley, sidewalk, gutter, water ditch or canal, or any vacant lot, any rancid fat or grease waste material, any filthy or offensive water, liquid, waste refuse or discharge of any kind which is offensive or likely to become so, or any putrid or unsound meat, fish, hides or skin of any kind, or filth, offal, dead animals, vegetables or any unsound offensive matter whatsoever. Provided, however, that this Section shall not apply to the spreading of manure upon land for the purpose of fertilizing of the soil.

(2) to process dead animals for the manufacture of fertilizing material or other products, or any boiling of offal, fat or grease which shall be done or carried on in an offensive, unclean or defective manner.

(3) to fail to abate any collection of waste, rags, damaged merchandise, wet, broken or leaking barrels, [casks or] boxes, or any materials which are offensive or tend to decay, to become putrid, or to pollute the air.

(4) for the owner or occupant of real property to cause or permit upon said property any of the following unsanitary, fly producing, disease causing conditions:

(a) Manure which is not securely protected from flies.

(b) Any privy, vault, cesspool, sink, pit or like place which is not securely protected from flies.

(c) Garbage which is not securely protected from flies.

(d) Vegetable or animal waste, trash, litter, rags or refuse of any kind, nature or description in which flies may breed or multiply. (Enacted 1987-22)

7.03.090. Distribution of Pills and Medicines.

It shall be unlawful for any person to distribute any samples, packages, parcels, boxes, bottles or other quantity of any pills, medicines or any other material of medicinal or alleged medicinal character, or purporting to be a curative agent, or any article harmful to a human being, by handing, giving or furnishing the same to any person in parks, streets, alleys or the thoroughfares or by leaving, casting or depositing the same in yards or upon the premises of any residence or other private grounds, or upon or about school buildings or grounds within the City limits. (Enacted 1987-22)

Chapter 7.04. Hazardous Materials.

7.04.010. Hazardous Materials Cleanup - Recovery of Costs.

7.04.010. Hazardous Materials Cleanup - Recovery of Costs.

(1) Provo City is authorized, but not required, to clean up or abate the effects of any hazardous material unlawfully released, discharged or deposited upon or into any property or facilities within the City. The following described persons shall be jointly and severally liable to the City for the payment of all costs incurred by the City as a result of such cleanup or abatement activity:

(a) The person or persons whose negligent or wilful act or omission proximately caused such release, discharge or deposit;

(b) The person or persons who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge or deposit, without regard to fault or proximate cause;

(c) The person or persons who owned or had custody or control of the container which held such hazardous waste or substance at the time or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause; and,

(d) The person or persons who owned or controlled the land on which the hazardous material was deposited or from which the hazardous material was released or discharged.

(2) In the event that any person undertakes, either voluntarily or upon order of a City official, to clean up or abate the effects of any hazardous substance or waste unlawfully released, discharged or deposited upon or into any property or facilities within the City, Provo City may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in Subsection (1) of this Section shall be liable to the City for all costs incurred as a result of such supervision or verification.

(3) For purposes of this Section, "hazardous material" means any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

(4) For purposes of this Section, costs incurred by the City shall include, but shall not necessarily be limited to, the following: actual labor costs of City personnel, including benefits and administrative overhead; cost of equipment operation; cost of any contract labor and materials.

(5) The remedies provided by this Section shall be in addition to any other remedies provided by law.

(6) The authority to recover costs under this Section shall not include actual fire suppression services which are normally or usually provided by the fire department.

Chapter 7.05. Prevention and Removal of Graffiti.

- 7.05.010. Title - Purpose.
- 7.05.020. Definitions.
- 7.05.030. Graffiti Prohibited.
- 7.05.040. Declaration of Public Nuisance.
- 7.05.050. Sale of Graffiti Implements.
- 7.05.060. Graffiti Removal.
- 7.05.070. Costs of Cleanup.
- 7.05.080. Appeals - Other Applicable Law.

7.05.010. Title - Purpose.

(1) This Chapter may be referred to as the "Provo City Graffiti Ordinance."

(2) The purpose of this Chapter is to establish a process for abatement of graffiti from public and private property within the City to reduce blight and deterioration caused by graffiti, protect public safety, and expedite removal of graffiti.

(3) The Municipal Council finds:

(a) graffiti on buildings, structures and natural features within the City is a public nuisance and a blight adversely affecting aesthetics of the City and the public's health, safety, and general welfare;

(b) graffiti is often related to criminal activity and the continued existence of graffiti contributes to criminal activity because graffiti is used to mark gang territory which incites retaliation, and

(c) the graffiti enforcement program established by this Chapter will help quickly remove graffiti and will reduce the burden on individual property owners, particularly any owner whose property is subject to repeated graffiti tagging. (Enacted 1995-48, Am 2008-31)

7.05.020. Definitions.

"**Aerosol paint container**" means any aerosol container adapted or made for the purpose of spraying paint.

"**Broad tip marker**" means any marker or similar implement with a writing surface of three-eighths (3/8) inch or greater.

"**Graffiti**" means an inscription, drawing, painting or other visual marking made on a building, structure, fixture, equipment or natural feature, either public or private, without written permission from the property owner or person in control of the property.

"**Graffiti implement**" means an aerosol paint container, a broad tip marker, paint stick, graffiti stick, bleeder, etching instrument, or any other device containing paint, ink, chalk, dye or similar substance which is not water soluble and when used or applied is capable of marking any natural or man-made surface.

"**Paint stick, graffiti stick, or bleeder**" means an implement containing paint, wax, epoxy, or other similar substance.

"**Responsible party**" means the owner or an occupant, lessor, lessee, manager, licensee, or other person having the right to control a particular property. (Enacted 1995-48, Am 2008-31)

7.05.030. Graffiti Prohibited.

(1) It is unlawful for any person to apply graffiti to any public or privately-owned structure, real property, fixture, equipment, or personal property within the City.

(2) It is unlawful for a person to possess a graffiti implement while in or upon any public facility, park, playground, swimming pool, recreational facility, or while within fifty (50) feet of any underpass, bridge, bridge abutment, storm drain, or road sign with the intent to violate the provisions of this Section, except as authorized by the responsible party or as expressly authorized by law.

(3) Violation of this Section is a class B misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the County jail for a period of time not exceeding six (6) months, or by any combination of such fine or imprisonment. (Enacted 1995-48, Am 2006-45, Am 2008-31)

7.05.040. Declaration of Public Nuisance.

Graffiti is hereby declared detrimental to public health, safety, and welfare and is a public nuisance which may be abated as provided in Chapter 7.01, Provo City Code. (Enacted 1995-48, Am 2008-31)

7.05.050. Sale of Graffiti Implements.

Every person who owns, conducts, operates, or manages a business which sells aerosol paint containers or broad tip markers shall place in clear public view a sign, readable at a distance of five (5) feet, at or near the display of such products which states: "Graffiti is against the law. Any person who defaces real or personal property with paint or other liquid or device is guilty of a crime punishable by a fine of up to \$1,000 and/or imprisonment for up to 6 months." (Enacted 1995-48, Am 2008-31)

7.05.060. Graffiti Removal.

(1) The Mayor shall establish:

(a) a program to educate the public, particularly minors, about the detrimental effects of graffiti and methods to reduce its proliferation; and

(b) a procedure whereby City personnel will, at least ninety-five (95) percent of the time, remove graffiti located in the City

within forty-eight (48) hours or sooner after City receipt of a report thereof if:

- (i) the responsible party does not sooner do so, and
- (ii) the responsible party has consented to City clean-up of the graffiti. Consent may be granted on a per incident or calendar year basis.

(2) At the beginning of each calendar quarter the Mayor shall submit a report to the Municipal Council detailing the following activity for the prior quarter:

- (a) number of reported graffiti incidents,
- (b) cost of graffiti removal, and
- (c) educational efforts undertaken. (Enacted 1995-48, Am 2008-31)

7.05.070. Costs of Cleanup.

(1) In any case in which the City removes graffiti the City shall be entitled to recover from the perpetrator reimbursement for all costs associated with such removal. The Mayor may undertake any lawful action necessary to secure such reimbursement.

(2) Any parent or legal guardian having legal or physical custody or control of a minor who violates any provision of this Chapter shall be personally liable for all costs incurred by the City in connection with such violation to the extent authorized by law, including but not limited to graffiti removal and subsequent prevention measures taken in connection with graffiti caused by such minor. Such costs shall include court costs and attorneys' fees payable as a result of civil, criminal, or other enforcement actions undertaken in connection with the acts of the minor. Liability for these costs shall be in addition to any other costs payable by a person responsible for graffiti cleanup. (Enacted 1995-48, Am 2008-31)

7.05.080. Appeals - Other Applicable Law.

(1) Any person, owner, or occupant objecting to an administrative action or decision by the City made pursuant to this Chapter may request an administrative hearing pursuant to Chapter 3.06, Provo City Code.

(2) No provision within this Chapter is intended to prohibit the City from pursuing any other lawful remedy against a person who violates the provisions of this Chapter or person who contributes or assists in the making or promotion of graffiti. (Enacted 2008-31)

Chapter 7.06. Rendering Facilities

- 7.06.010. Purpose.
- 7.06.020. Scope.
- 7.06.030. Definitions.
- 7.06.040. License Required.
- 7.06.050. Bond.
- 7.06.060. Treatment of Dead Animals or Renderable Raw Materials.
- 7.06.070. Records.
- 7.06.080. Rendering Process Operations.
- 7.06.090. Inspections.
- 7.06.100. Existing Businesses—Compliance Time Limits.
- 7.06.110. Violation—License Revocation.
- 7.06.120. Effect of License Revocation.
- 7.06.130. Appeal Procedures.
- 7.06.140. Violation—Penalty—Responsibility.
- 7.06.150. Severability.

7.06.010. Purpose.

The purpose of this Chapter is to ensure that each rendering facility operates so as to not spread disease, vermin, or pests and to not emit offensive or noxious odors that create a nuisance limiting the ability of other persons or entities to enjoy the safe, healthful, and economic use of their property. (Enacted 1999-47)

7.06.020. Scope.

All rendering facilities within Provo City limits and within one mile of Provo City limits shall be subject to the requirements and penalties contained in this Chapter. (Enacted 1999-47)

7.06.030. Definitions.

The following definitions shall apply to this Chapter:

"**Breakdown**" means a sudden failure of any odor control system or ventilation equipment to function as designed as a result of wear, failure to repair, breakage, unavoidable damage, negligence or other unintentional causes.

"**Dead animal**" means the whole or substantially whole carcass of a dead or fallen domestic animal, domesticated wild animal, or wild animal, that was not slaughtered for human consumption.

"**Finished product**" means the resulting products of the rendering process whether those products are ultimately sold for commercial use or disposed of otherwise other than as food for human consumption.

"**Odor control system**" means any machine, equipment, or device used singly or in combination with other machines, equipment, or devices including any associated pipes, tubing, or duct work designed for or intended to reduce odorous emissions from the rendering facility.

"**Rendering process**" means the steps by which dead animals or renderable raw materials are unloaded from trucks and rendered, boiled, processed, or otherwise prepared to obtain a finished product for commercial use or disposition other than as food for human consumption.

"**Rendering facility**" means an establishment or part of an establishment, a plant, or any other premises at which dead animals or renderable raw materials enter the rendering process to obtain a finished product for commercial use or disposition, other than as food for human consumption.

"**Renderable raw material**" means any unprocessed or partially processed material of animal origin, other than a dead animal, that is processed by a rendering facility. The term includes:

- (a) animals, poultry, or fish slaughtered or processed for human consumption but that are unsuitable for that use;
- (b) the inedible products and by-products of animals, poultry, or fish slaughtered or processed for human consumption;
- (c) parts from dead animals;
- (d) whole or partial carcasses of dead poultry or fish; and
- (e) waste cooking greases. (Enacted 1999-47)

7.06.040. License Required.

(1) It shall be unlawful to engage in any transaction as a rendering facility without a business license therefor.

(2) The business license fee for a rendering facility shall be as set forth by the Consolidated Fee Schedule adopted by the Municipal Council. The annual evaluation required in Section 7.06.090, Provo City Code, shall be paid by the City from the proceeds of the license fee. A rendering facility operating with a current business license on the date this ordinance becomes effective shall be required to pay the new license fee upon expiration of the current license. If no annual evaluation is required then the business license fee shall be reduced as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(3) Unless otherwise expressly provided in this Chapter, business licenses shall be administered as provided in Chapter 6.01, Provo City Code. (Enacted 1999-47, Am 2006-15)

7.06.050. Bond.

No business license shall be issued to a rendering facility until the applicant has executed and delivered to the City a bond in the principal amount of ten thousand dollars (\$10,000.00) executed by

a corporate surety authorized to do business in the State of Utah and conditioned upon the faithful performance by the applicant of all the requirements of this Chapter. (Enacted 1999-47)

7.06.060. Treatment of Dead Animals or Renderable Raw Materials.

(1) Dead animals or renderable raw materials received by a rendering facility shall either be immediately placed in the rendering process or stored for not more than twenty four (24) hours before being placed in the rendering process. All storage of dead animals or renderable raw material shall be inside the rendering facility and maintained under negative air pressure at all times during storage. Finished product shall be stored inside the rendering facility.

(2) All finished product shall be kept apart from areas where dead animals or renderable raw materials are kept in a manner that prevents contamination of the finished product.

(3) The dead animal or renderable raw material receiving area shall be totally enclosed and maintained under negative air pressure and the exterior door must be closed when dead animals or renderable raw material are being delivered .

(4) In the event a breakdown or other occurrence prevents the processing of dead animals or renderable raw materials within the time limitations specified in this Section, all incoming dead animals and renderable raw materials shall be diverted elsewhere.

7.06.070. Records.

Each rendering facility shall maintain the following records which shall be kept on site and made available to Provo City upon request during normal business hours.

(1) Daily logs of wind direction and speed and ambient temperature.

(2) Logs detailing the breakdown of the odor control system or ventilation equipment, including what equipment went down, when it occurred, how long the equipment was down, what steps were taken to bring the equipment back into operation, and whether any odors were released into the atmosphere.

(3) Odor complaint log detailing when, from where, and from whom complaints about odor are coming including the name, address, and a return phone number and what remedial actions were taken to reduce or eliminate the odor problem.

(4) Log detailing the training of personnel in the procedures and operations needed to maintain the effectiveness of the odor control system in place. Such training shall be conducted no less than annually.

(5) Daily log of the type of renderable raw material or dead animal and the total weight received. Provo City shall treat this information as confidential business records under the Government Records Access and Management Act. (Enacted 1999-47)

7.06.080. Rendering Process Operations.

Each rendering facility shall comply with the operational requirements set forth in this Section.

(1) All equipment and associated duct work shall be designed and maintained in a leak-free manner to prevent the escape of odorous emissions to the atmosphere.

(2) All emission points for unreasonably offensive or noxious odors shall be vented to the odor control system.

(3) The rendering process shall be totally enclosed and maintained under negative air pressure at all times. The air evacuation rate shall be such that during the months of March through October there are a minimum of twenty five (25) exchanges of building air per hour for all buildings required to be under negative air pressure while the rendering process is in operation and for two (2) hours after the rendering process has ceased to operate. During hours that the rendering process is not in operation and for at least two (2) hours

after the rendering process has ceased to operate, the evacuation rate may be reduced to twelve (12) exchanges of building air per hour. During the months of November through February the air exchange rates required above may be reduced by up to forty percent (40%) provided that such reduction does not result in any increase in unreasonably offensive or noxious odors being detected beyond the property line of the rendering facility.

(4) The rendering facility shall not operate unless the odor control system is operating and in full use.

(5) The odor control system shall operate in such a manner that unreasonably offensive or noxious odors are not detectable beyond the property line of the rendering facility. Complaints of offensive or noxious odors shall be investigated by the Community Development Department. When such investigation determines that a rendering facility emitted unreasonably offensive or noxious odors, the rendering facility shall be served with a notice of violation. Any rendering facility which receives six (6) such notices of violation in any twelve (12) month period shall be subject to license revocation as provided in 7.06.130, Provo City Code, in addition to any penalties resulting from the notices of violation.

(6) The odor control system shall be equipped with an alarm so as to alert personnel of a breakdown.

(7) The Provo City Community Development Department shall be notified within two (2) hours of any breakdown that allows the release of odors to the atmosphere. If any such breakdown occurs on a weekend, holiday, or at night, notification shall then be before 9:00 a.m. on the next business day.

(8) Openings and doors to the rendering facility shall remain closed at all times, except during actual entry or exit of trucks and/or personnel. All doors shall be equipped with closers that will ensure positive door closure.

(9) No gases, vapors or gas-entrained effluents resulting from the rendering process shall be emitted to the atmosphere unless:

(a) (i) Incinerated in such a manner as to ensure that all unreasonably offensive or noxious odors are consumed in the process; and

(ii) Any remaining gases, vapors or gas entrained effluents not consumed by incineration together with all air collected from within the rendering facility shall be processed and treated by a room air scrubber of sufficient capacity to ensure the minimum air exchanges per hour detailed in Section 7.06.080(3), Provo City Code, and to remove all unreasonably offensive or noxious odors; or

(b) Treated by an alternative odor control process that has been formally approved by the Community Development Director and has been shown in other similarly situated rendering facilities to be effective in reducing the emission of unreasonably offensive or noxious odors to a level that would not be detected by reasonable people beyond the property line of the rendering facility. Such alternative odor control system shall include a room air scrubber system of sufficient size to ensure compliance with the foregoing standard. The Director of Community Development shall decide whether to approve such an alternative odor control process based upon findings that such process, including the room air scrubber, has been shown to be effective in reducing the emission of unreasonably offensive or noxious odors to a level that would not be detected by reasonable people beyond the property of the rendering facility. Any such decision may be appealed as provided by Chapter 3.06, Provo City Code.

(10) The rendering facility shall maintain compliance with all other state and federal regulations for air pollution control, waste water discharges, solid and hazardous waste control and disposal.

(11) All delivery trucks, trailers and any attendant containers used to carry renderable raw materials or dead animals shall be covered or

carried within a covered truck or trailer and all dump doors, covers and valves shall be maintained to prevent any water, blood or other material from leaking or escaping in any manner during the transport and/or delivery of raw material. Any trucks, trailers or containers arriving at the rendering facility that are uncovered or leaking shall be immediately dumped and cleaned as provided in this Section and shall not be allowed to return to the rendering facility until repaired and/or operated in compliance with this Subsection.

(12) The rendering process shall be conducted in such a manner that complies with all applicable State and Federal regulations regarding the survival of disease producing organisms in the finished product.

(13) Each rendering facility shall adopt and maintain a detailed operating procedure which shall be followed by all officers and employees of the rendering facility. Such operating procedure shall include but not be limited to the following: daily and periodic cleaning of the facility to minimize the emission of fugitive odors from within the buildings, appearance and cleanliness of the outside of the plant and cleanup of spilled raw material and grease. Each rendering facility shall provide Provo City with a copy of the operating procedures. (Enacted 1999-47)

7.06.090. Inspections.

(1) Provo City may inspect a rendering facility as is reasonably necessary during the normal hours of operation to ensure the rendering facility complies with the requirements of this Chapter. Annually, Provo City shall cause the rendering process for each rendering facility to be evaluated by an independent firm or individual with expertise in the operation and maintenance of rendering facilities. In selecting such independent firm the City shall consult with the owner of the rendering facility to be evaluated. Such evaluation shall be conducted during normal hours of operation.

(2) Following three (3) consecutive annual evaluations that demonstrate compliance with the requirements of this Chapter, further evaluations shall be conducted every two (2) years unless and until an evaluation fails to demonstrate compliance with the requirements of this Chapter. (Enacted 1999-47)

7.06.100. Existing Facilities–Compliance Time Limits.

(1) The provisions of this Chapter shall be applicable to all rendering facilities, regardless of whether the herein described activities were established before or after the effective date of the provisions codified in this Chapter and regardless of whether such rendering facilities are currently licensed to do business. To the extent action is taken to bring an existing rendering facility into compliance with the provisions of this Chapter such action shall not be deemed to be an expansion of a nonconforming use.

(2) An existing rendering facility shall have one hundred eighty (180) days from the effective date of this Chapter to comply with the provisions of this Chapter.

(3) Within thirty (30) days of the effective date of this Chapter, an existing rendering facility shall provide to Provo City a detailed plan describing the actions to be taken to bring the rendering facility into compliance with this Chapter. Such plan shall include:

- (a) A description of modifications to existing buildings to be made or new buildings to be constructed;
- (b) A description of new odor control equipment and intended modifications to the odor control system; and
- (c) The time frame in which compliance is expected.

(4) The Community Development Director or the Director's designee shall grant an extension of the time limits set forth in this Section for no more than ninety (90) days if an owner of a rendering facility proves, to the reasonable satisfaction of the Community Development Director, that before such time limit expires the owner is in substantial compliance but is unable to come into full compliance

with the requirements of this Chapter without the extension. In order to secure an extension of time, a rendering facility owner shall submit to the Community Development Director a written request for an extension forty five (45) calendar days prior to the expiration of the applicable time limit set forth in this Section.

(a) The following information shall accompany an extension request:

(i) A detailed explanation of why the rendering facility is unable to meet the initial date of required compliance and a plan that details how the facility will be brought into compliance by the final date of the requested extension;

(ii) The amount of additional investment that will be required to bring the rendering facility into compliance with the requirements of this Chapter and a statement of how this investment will be funded;

(iii) An assurance that the rendering facility will come into compliance no later than the final date of the requested extension; and

(iv) A description of new equipment or systems that will be necessary to bring the rendering facility into compliance.

(b) Any person aggrieved by the decision of the Community Development Director or the Director's designee pursuant to this Section may appeal such decision in accordance with the administrative hearing procedure set forth in Chapter 3.06, Provo City Code.

(5) Notwithstanding the time limits set forth in this Section, if circumstances occur which are reasonably beyond the control of a rendering facility operator, then the compliance time limits set forth in this Section shall be extended by the amount of time required to resolve such circumstances. However, in no event shall the time for compliance extend beyond an additional one hundred eighty days (180) from the original time compliance deadline. (Enacted 1999-47, Am 2006-45)

7.06.110. Violation–License Revocation.

(1) The City may issue a notice revoking a rendering facility business license if the licensee has:

- (a) Received six (6) notices of violation in any twelve (12) month period;
- (b) Failed to take corrective action required pursuant to a notice of violation;
- (c) Failed to replenish the bond provided for in this Chapter; or
- (d) Given materially false or misleading information in obtaining the license.

(2) Revocation shall take effect within five (5) days of the issuance of notice, unless an appeal is filed as provided by this Chapter. (Enacted 1999-47)

7.06.120. Effect of License Revocation.

When a business license issued pursuant to this Chapter is revoked, the rendering facility shall not operate until repairs, alterations, improvements or modifications have been made to bring the rendering facility into full compliance with the provisions of this Chapter and has paid a reinstatement fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council. (Enacted 1999-47, Am 2006-15)

7.06.130. Appeal Procedures.

The revocation of any license issued pursuant to this Chapter may be appealed as set forth in Chapter 3.06, Provo City Code. (Enacted 1999-47)

7.06.140. Violation–Penalty–Responsibility.

In addition to the revocation of a business license, as provided in this Chapter, each violation of this Chapter shall, upon notice of violation by Provo City, require the rendering facility to pay a civil fee in the amount of five hundred (\$500.00) dollars. Such civil fee shall be administered pursuant to Title 17, Provo City Code and shall be deducted from the bond posted pursuant to this Chapter unless paid within ten (10) days of notice of the fee or the final determination after any appeal. (Enacted 1999-47)

7.06.150. Severability.

If any provision or clause of this Chapter or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof. To this end, the provisions of this Chapter are declared to be severable. (Enacted 1999-47)