

**Salt Lake Valley Health Department
Health Regulation**

#7

**GENERAL SANITATION
REGULATION**

**Adopted by the Salt Lake Valley Board of Health
September 7, 1989**

**Amended
March 1, 2007**

**Under Authority of Section 26A-1-114
Utah Code Annotated, 1953, as amended**

1. PURPOSE AND APPLICABILITY OF REGULATION.

- 1.1. The purpose of this regulation is to set forth minimum standards and requirements to protect the public health; prevent the spread of disease, nuisance, and injury to humans; manage the accumulation, storage and transportation of solid waste so the public health, safety, and welfare are protected;
- 1.2. Unless otherwise provided for or waived by this regulation or the Director, it shall be unlawful for any person not to comply with this regulation.

2. DEFINITIONS

For the purposes of these regulations, the following terms, phrases, and words shall have the meanings herein expressed:

- 2.1. “Abate” shall mean to reduce in amount, number, or intensity to a level the Director deems acceptable.
- 2.2. “Agricultural waste” shall mean the manure or crop residues from various agricultural pursuits including but not limited to dairies and the raising of livestock or poultry.
- 2.3. “Animal” shall mean any member of the kingdom Animalia other than a human being.
- 2.4. “Animal services agency” shall mean the Salt Lake County Division of Animal Services or the appropriate division of animal control within a municipality of Salt Lake County.
- 2.5. “Beehive” shall mean a man-made structure designed to provide shelter for bees with movable frames that allows access to all internal sections.
- 2.6. “Cage” shall mean a structure or enclosure that confines an animal.
- 2.7. “Compost” shall mean organic waste material that has biologically decomposed or is in the process of biologically decomposing under controlled conditions.
- 2.8. “Construction and demolition waste” shall mean solid waste resulting from the construction, remodeling, repair and demolition of structures, or from road building and land clearing. Such waste includes but is not limited to bricks, concrete and other masonry materials, soil, rock, wall coverings, plaster, drywall, and other inert material, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a way that conceals other wastes, wood, and metals that are incidental to any of the above. Solid waste that is not construction and demolition waste (even if resulting from the construction, remodeling, repair and demolition of structures, and from road building and land clearing) includes but is not limited to asbestos waste, garbage, fluorescent electrical fixtures and transformers containing polychlorinated biphenyls, tires, drums and containers with liquid or unrecognizable wastes, and fuel

tanks. Specifically excluded from the definition of construction and demolition waste is solid waste that has been rendered unrecognizable by a process such as pulverizing or shredding or other similar process.

- 2.9. “Controlled exercise periods” shall mean those periods not more than twice per day while domestic pigeons are flying and not more than thirty minutes after alighting from flight.
- 2.10. “Department” shall mean the Salt Lake Valley Health Department.
- 2.11. “Director” shall mean the Director of the Salt Lake Valley Health Department or his or her designated representative.
- 2.12. “Dry waste” shall mean solid waste that has minimal potential for environmental contamination and leachate production.
- 2.13. “Dwelling” shall mean a building or structure that is intended or designed to be used, rented, leased, let or hired out for human habitation.
- 2.14. “Encampment” shall mean an illegally established camping site used for eating, sleeping, and living activities.
- 2.15. “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparing, cooking, or serving of food.
- 2.16. “Hauler” shall mean a person engaged in the off-site collection and transportation of solid waste by vehicle. Hauler shall include, but not be limited to, waste haulers, liquid waste haulers, waste tire haulers, and infectious waste haulers
- 2.17. “Incineration” shall mean controlled combustion whose primary purpose is to thermally break down solid, liquid, or gaseous combustible wastes to an ash residue that contains little or no combustible materials.
- 2.18. “Infestation” shall mean the presence of vermin that are harmful or injurious to human health.
- 2.19. “Junk” shall mean old, used, worn, or discarded material that has served its original intended purpose and can no longer be used as originally intended.
- 2.20. “Kennel” shall mean a premises on which three or more dogs and/or three or more cats older than four months are fed and given shelter.
- 2.21. “Leachate” shall mean liquid that has passed through, contacted, or emerged from solid waste and contains any dissolved, suspended, or miscible materials, chemicals, or microbial waste products removed from the solid waste.

- 2.22. "Liquid waste" shall mean any solid waste material that contains "free liquids" as defined by Method 9095 (Paint Filter Liquids Test) which is described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA pub. no. SOLID WASTE-846 latest edition).
- 2.23. "Municipality" shall mean a county, town, city, district, or designated agency thereof.
- 2.24. "Nuisance" shall mean unlawfully doing any act or omitting to perform any duty, which act or omission either:
- 2.24.1. seriously annoys, injures, or endangers the comfort, repose, health, or safety of any person; or
- 2.24.2. seriously renders a person insecure in life or the use of property.
- 2.25. "Occupant" shall mean the person who uses or occupies any house, building, or structure, or part thereof, whether as the actual owner or tenant. For the purpose of this regulation, the owner, agent, or custodian of a vacant building or vacant portion thereof, shall have the responsibility of an occupant.
- 2.26. "Operator" shall mean any person who owns, leases, operates, or manages a site or facility, business, or other operation governed by this regulation.
- 2.27. "Owner" shall mean any person who alone, jointly, or severally with others: has legal title to any site or facility, business or process with or without accompanying actual possession thereof; or has charge, care, or control of any property, site, facility, business, or process as legal or equitable owner, agent of the owner, lessor, lessee, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.
- 2.28. "Person" shall mean any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State, its departments, institutions, bureaus, or agencies; any municipal corporation; county; city; political subdivision; or any legal entity recognized by law.
- 2.29. "Pigeon" shall mean any bird belonging to the family *columbidae*, except those species whose taking or keeping is subject to regulation by the federal government or the Utah Division of Wildlife Resources.
- 2.30. "Pigeon loft" shall mean any structure, building, or facility used to keep, house, raise, breed, care for, or maintain pigeons
- 2.31. "Premises" shall mean any lot, parcel, or plot of land including any building or structures thereon.

- 2.32. "Refuse" shall mean trash, including but not limited to paper, newspapers, cartons, boxes, barrels, wood, tree branches, yard trimmings, furniture, bedding, metal cans, metal furniture, small quantities of rock and pieces of concrete, glass, and other mineral wastes.
- 2.33. "Rodent" shall mean a non-domestic commensal species of rat or mouse, including but not limited to the Norway rat and House mouse.
- 2.34. "Rodent harborage" shall mean any condition or place where rodents may live, nest, or seek shelter.
- 2.35. "Run" shall mean an outdoor enclosed structure capable of containing an animal.
- 2.36. "Sewage" shall mean human or animal wastes carried from a premises in sewers by water or other liquid.
- 2.37. "Sludge" shall mean any semi-solid or liquid waste generated from a municipal, commercial, or industrial process; or from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; or any other waste having similar characteristics and effect. Sludge does not include industrial discharges that are point sources subject to permits under the Utah Water Pollution Control Regulations.
- 2.38. "Solid waste container" shall mean any portable device in which solid waste is stored, transported, treated, disposed, or otherwise handled.
- 2.39. "Vermin" shall mean rats, mice, cockroaches, bedbugs, flies, mosquitoes or any other pest as determined by the Director to be harmful to the life, health, or welfare of the public.
- 2.40. "Weeds" shall mean vegetation determined by the Director to be undesirable, noxious, a nuisance, or dangerous.
- 2.41. "Zoonoses" shall mean diseases transmissible from animals to humans.

3. GENERAL PROVISIONS

3.1. Jurisdiction of the Department.

- 3.1.1. This regulation is promulgated by the Salt Lake Valley Board of Health as authorized by Section 26A-1-121(1), Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances.
- 3.1.2. The Department is empowered to enforce this regulation as authorized by Section 26A-1-114(1)(a), in all incorporated and unincorporated areas served by the Department, Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances.

- 3.2. It shall be unlawful for any person not to comply with any regulation promulgated by the Department unless granted an express variance by the Salt Lake Valley Board of Health.
- 3.3. Compliance with this regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.
- 3.4. Legal action taken by the Department under this Regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.
- 3.5. Nothing in this regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Salt Lake County or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental regulations supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.
- 3.6. Verbal or contractual obligations shall not diminish or remove the owner's or other responsible person's obligation to comply with this regulation.
- 3.7. **Severance.** If any section, subsection, sentence, clause, or phrase of this regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this regulation.

4. SUBSTANTIVE PROVISIONS

4.1. Accumulation of Solid Waste.

- 4.1.1. **Accumulation of Solid Waste Prohibited.** It shall be unlawful for any person to accumulate solid waste, or to cause or allow any person to accumulate solid waste on any public or private property except for:
 - (i) Waste properly disposed in containers meeting the requirements of this regulation;
 - (ii) Spreading of manure or other materials upon the land for fertilizing or conditioning the soil if a nuisance or health hazard is not created; and
 - (iii) Solid waste temporarily accumulated as approved by the Director.
 - (iv) This part does not preclude the construction or operation of a compost pile as provided in part 4.1.5 of this regulation.

- 4.1.2. **Cleaning Required for Vacated Premises.** When the Department has identified a vacant premises as posing a significant public health hazard the health hazard shall be remediated within a time period determined by the Department.
- 4.1.3. **Removal of Dead Animals.** No person shall knowingly allow any dead animal or animal parts to remain upon his or her premises unless properly disposed or buried.
- 4.1.4. **Slaughtering Prohibited.** The slaughtering and cleaning of wild game, livestock, rabbits, or poultry in a non-agricultural zoned area is prohibited. This provision does not apply to businesses lawfully zoned and regulated by the Utah State Department of Agriculture.
- 4.1.5. **Compost.** Compost may be maintained on private residential or commercial property if:
- (i) The compost is located and maintained in a defined space and managed in a way that prevents the spread of disease, the propagation or harborage of insects or rodents, the creation of any nuisance, offensive odor at the property line, or any other condition that might adversely affect public health and
 - (ii) The compost is not used or sold as a commercial product.
- 4.1.6. **Solid Waste Containers Required.** An owner or operator of a facility which welcomes the public is responsible for providing adequate solid waste containers conveniently located on their premises to contain litter and other solid waste.
- 4.1.7. **Construction and Demolition Projects.**
- (i) It shall be the duty of an owner, agent, or contractor of a construction or demolition site to control solid waste at the site and to make appropriate arrangements for its timely collection and final disposition at a Department approved facility.
 - (ii) The owner, agent, or contractor of a construction or demolition site may be required by the Department to show proof of appropriate collection, or if solid waste is personally transported, of final disposition of solid waste at a Department-approved facility.
- 4.1.8. **Keeping Property Clean.** The owner or occupant whose property abuts public sidewalks, alley ways, parking strips or similar properties shall be responsible for keeping those sidewalks, alley ways, and strips free of solid waste. It shall be unlawful to sweep or place solid waste from sidewalks, steps, or other locations into streets.

4.2. Temporary Storage of Solid Waste.

4.2.1. **Temporary Storage of Solid Waste.** The owner, occupant, or agent of any premises shall ensure that all solid waste generated on the premises is stored to prevent attraction, harborage, or breeding of vermin and shall eliminate conditions harmful to public health or that create a safety hazard, odor, or nuisance.

4.2.2. **Sufficient Containers Required.** The owner or occupant premises shall provide a sufficient number of containers meeting the requirements in parts 4.2.3 – 4.2.5 and 4.3 of this regulation and suitable for the type of material accumulated. The containers shall be sufficient to prevent overflowing and to accommodate all waste accumulated between scheduled collections.

4.2.3. Solid Waste Container Identification & Maintenance.

- (i) Solid waste haulers shall supply customers with solid waste storage containers that meet the requirements of this regulation.
- (ii) The name and telephone number of the solid waste hauler shall be legibly written on the front or side of each container in letters at least 1 inch high. Containers provided to dwellings as part of a municipality-wide service may instead use an identification code. This includes containers placed by tenants for collection by the property owner or business owner.
- (iii) Solid waste containers provided by a solid waste hauler shall be maintained reasonably clean and in good repair. The solid waste hauler shall have, or contract for, the proper facilities and equipment to clean and repair the solid waste containers.
- (iv) Solid waste containers that are broken, worn out, rusted, or that have jagged edges, or any other defect capable of causing injury, or that otherwise fail to meet the requirements of this regulation shall not be used.

4.2.4. **Containers To Be Kept Closed.** Exterior solid waste containers that may create a nuisance or health hazard shall have lids, and shall be kept closed at all times except when placing waste in or emptying waste from the container.

4.2.5. Solid Waste Disposal Containers.

- (i) Reusable containers used for the disposal of solid waste shall be constructed of durable material, insect and rodent resistant, water resistant, and capable of being completely emptied without the solid waste collector coming into physical contact with the waste.
- (ii) Non-reusable containers shall be durable enough to hold the contents, contain only dry waste, kept dry during storage, and discarded with the

contents. Broken glass, plastic, or any other sharp object shall not be placed in any plastic bag unless such waste is contained in a puncture resistant container.

- 4.2.6. **Storage of Large Solid Waste.** Solid waste too large or otherwise unsuitable for disposal containers may be stored temporarily on the premises if the storage of the waste does not create a health or safety hazard, nuisance, fire hazard, or rodent harborage.
 - 4.2.7. **Storage of Agricultural Waste.** Agricultural waste shall be stored and maintained in a way that prevents run-off and leachate from entering surface water, groundwater, or from flowing onto other properties. Agricultural waste shall be stored, treated, or removed as often as necessary to minimize insect and rodent harborage, the potential for disease transmission, or the creation of offensive odors or a nuisance.
 - 4.2.8. **Solid Waste Storage rooms.** Solid waste storage rooms shall be rodent and insect proof, adequately ventilated, easily cleanable, properly drained, and maintained to prevent any nuisance or unsanitary conditions.
 - 4.2.9. **Location of Solid Waste Containers.** Solid waste containers shall be stored at least 3 feet from the property line and placed where they do not create adverse health or nuisance conditions.
 - 4.2.10. **Unauthorized Use of Solid Waste Container.** No person shall deposit solid waste into or remove solid waste from any container not provided and/or intended for his or her use.
- 4.3. **Collection and Transportation of Solid Waste.** Solid waste shall be collected, transported, and disposed in a way that prevents public health and safety hazards, unsanitary conditions, and nuisances.
- 4.3.1. **Frequency of Collection.**
 - (i) Solid waste shall be removed from the storage containers on residential premises and properly disposed at least once a week.
 - (ii) Solid waste shall be removed from storage containers on non-residential premises and disposed as often as necessary to prevent adverse health or nuisance conditions.
 - (iii) Garbage shall be removed from all premises at least once a week or more often as necessary to prevent adverse health or nuisance conditions.
 - (iv) Solid waste shall not be placed on any curbside or roadside for special neighborhood clean-up programs earlier than 2 weeks before the

scheduled pickup as published by the municipal or county collection agency. The time and placement of the waste material shall follow the requirements of the governmental entity.

4.3.2. **Placement of Solid Waste Containers for Collection.** Solid waste containers shall not be set out on the street prior to the evening of the day before the scheduled collection. All containers shall be removed from the street the same day they are emptied.

4.3.3. **Burning, Hot, or Unauthorized Wastes.**

- (i) Smoking, smoldering, burning, or unauthorized waste shall not be placed in a solid waste container for collection, and the solid waste hauler shall not provide service if waste materials are unauthorized or show evidence of smoking, smoldering, or burning.
- (ii) Waste in transit that must be dumped in an emergency because it is smoking, smoldering, or burning shall be cleaned up by the solid waste hauler. The solid waste hauler shall immediately notify the police and fire department having jurisdiction.

4.3.4. **Spillage From Container.**

- (i) Solid waste hauler shall not permit, allow, or cause any solid waste to fall and remain on any public or private property. If solid waste spillage occurs during collection or transport, it shall be picked up immediately by the solid waste collector and returned to the vehicle or container.
- (ii) If solid waste was not properly contained and is spilled prior to collection, it shall be cleaned up by the person responsible for the improper containerization of the waste.

4.3.5. **Transporting Waste Material.** The solid waste hauler shall be responsible for the satisfactory transportation of all solid waste to a site or facility approved by the Department. Solid waste hauler shall not:

- (i) Permit or allow any vehicle or trailer loaded with garbage, manure, refuse, or other solid waste to remain standing upon any premises, street, road, or highway any longer than necessary for loading and transporting; except that solid waste may remain for a longer period of time in an emergency;
- (ii) Haul, convey, or transport any garbage, manure, tree limbs, brush, clippings, or other solid waste in an open truck, transfer vehicle, open trailer, or other open conveyance for a distance of 5 blocks or more without making a waste collection stop, unless covered completely or

secured. The duties and responsibilities imposed by this part 4.3.5 shall be applicable to both the owner of the vehicle and the operator;

- (iii) Operate any solid waste collection vehicle or trailer in a way that contents fall, leak, or spill; or
- (iv) Convey, transport, or haul any garbage, sewage, sludge, fecal material, or other similar solid waste, except in a sanitary receptacle, vehicle, or trailer especially constructed for that purpose and with a valid permit from the Department.

4.4. **Vehicles and Scrap Metal.** Where the Department has identified a public health risk or that a nuisance has been created, it shall be unlawful for any person to cause or permit or any junked or wrecked vehicle or vehicle parts to remain on any premises except for legal business purposes. A waiver to this provision may be granted if an inoperable vehicle is being repaired-and a nuisance or health hazard is not created.

4.5. **Appliances.** No person shall store or leave outdoors any discarded refrigerator, freezer, or other similar appliance without first sealing it or removing any door or latch attached thereto or otherwise preventing it from presenting an entrapment hazard.

4.6. **Requirements for Rodent and Vermin Control.**

4.6.1. All buildings and premises shall be maintained in a condition that minimizes and controls the presence of rodents and other vermin.

4.6.2. **Outdoor Rodent Food Sources Prohibited.** Owners, occupants, or other persons shall not allow ground accumulation of fruit, vegetables, bird seed, or other organic material at any location that may provide food for rodents.

4.6.3. **Storage of Loose Materials.**

- (i) Owners, occupants, or other persons shall not accumulate solid materials on any premises, unless the materials are placed on racks elevated at least 18 inches above the ground and with a clean, intervening space underneath; except when stored directly on a concrete slab, asphalt, or other surface approved by the Director.
- (ii) Owners, occupant, or other responsible persons shall not store materials in a way that allows the accumulation of water that may become a breeding place for mosquitoes or a source of water for other vermin.

4.6.4. **Vegetation Management for Rodent Control.** Owners, occupants, or other responsible persons of any premises shall not allow weeds to grow taller than 6 inches to minimize rodent harborage.

- 4.6.5. **Trapping and Poisoning Rodents.** The Director may require the owner, occupant, or reasonable person of any premises to abate a rodent infestation by poisoning, trapping, or other means approved by the Department. If poisons are used to abate rodents, all Federal and State requirements for poison application shall be strictly followed.
 - 4.6.6. **Demolition Prohibited Without Prior Abatement.** It shall be unlawful for any person to demolish any infested building or structure unless provisions are made and carried out to abate rodents and vermin infestations prior to demolition.
 - 4.6.7. **Department May Require Professional Pest Control.** The Director may require that a landlord or tenant obtain professional pest control if the Director determines a professional is required because of the extent or complexity of infestation, lack of knowledge of control procedures, or other justifiable reason.
- 4.7. **Fly and Mosquito Control.** Owners or occupants of any premises shall not permit storage, accumulation, or stockpiling of manure, other organic fertilizer, or any other material in which flies can breed for a period longer than 7 days unless the same is treated at regular intervals in a way that the breeding of flies is effectively controlled. Owners or occupants of any premises shall not allow water in any receptacle to become a breeding place for mosquitoes. The owner of any property where stagnant water collects shall drain or employ other acceptable methods to prevent mosquito breeding.
- 4.8. **General Requirements for the Keeping of Animals.**
- 4.8.1. Any person harboring any animal shall remove the animal feces, and other wastes from the premises at least every 7 days or as often as necessary to prevent insect breeding, vermin attraction, offensive odor, or any other nuisance.
 - 4.8.2. A person harboring an animal shall immediately remove the animal's fecal matter if deposited on property other than their own.
 - 4.8.3. Except for agricultural uses, animal food storage and feeding areas shall be secure from insect, rodent, and other vermin attraction and harborage.
 - 4.8.4. **Petting Zoos.** The owner or operator of any petting zoo or animal exhibit where direct contact between animals and people is allowed shall provide adequate hand washing facilities with potable water, soap, and single use towels.
- 4.9. **General Health and Sanitation Requirements for Commercial Kennels and Grooming Facilities.**
- 4.9.1. All parts of a kennel and/or grooming facility shall be maintained clean and in good repair.

- 4.9.2. Noise beyond the property line of any kennel and/or groomery facility shall not exceed legal limits established in the Department's Health Regulation #21, Noise Control, part 4.5.1, entitled Noise Restrictions on Animals. The Department may require a dog to be enclosed in a building between the hours of 10:00 pm and 7:00 am the following day if there are repeated violations of the noise regulations.
- 4.9.3. **Bedding.** Materials that absorb moisture shall be replaced as needed and the areas underneath such materials shall be cleaned and disinfected daily.
- 4.9.4. **Cleaning.**
- (i) Towels or rugs used in bathing or cage areas shall be kept clean and sanitary.
 - (ii) Prior to the introduction of an animal into any cage or run previously occupied by another animal, such cage or run shall be cleaned and disinfected.
- 4.9.5. **Food and Feeding.** All feeding receptacles shall be routinely cleaned to prevent the transmission of disease.
- 4.9.6. **Drinking Water.** Animals within cages or runs shall have drinking water available at all times.
- 4.9.7. **Animal Care.** Animals at a kennel and/or grooming facility shall be observed daily by the care taker. Sick or diseased animals shall be properly isolated from other animals and the public and provided with proper veterinary care. When a care taker suspects an animal of being rabid, he or she shall immediately notify the Animal Services Agency and the Department.

4.10. Zoonoses Control.

- 4.10.1. A person harboring a ferret, cat, or dog four months of age or older shall have the animal vaccinated against rabies and shall thereafter ensure that the animal is revaccinated as often as required to maintain the rabies vaccination status as current. Any person permitting any animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for the vaccinations of the animal.
- 4.10.2. Unvaccinated ferrets, dogs, or cats over four months of age acquired by the owner or moved into the jurisdiction must be vaccinated within thirty days of acquisition or arrival. Local animal services agencies shall maintain records of the vaccination status of animals licensed in their jurisdictions.
- 4.10.3. If an owner of a domesticated animal is aware that his or her animal has been bitten by a dog, cat, ferret, wild carnivore, or bat; or has otherwise been exposed

to rabies; or has bit a human being; the owner of the rabies-exposed animal or animal that bit a human being shall report the incident to the local animal services agency, the Department, or the Utah State Department of Health.

4.10.4. Veterinarians, groomers, kennel operators, animal day cares, and others accommodating animals from multiple families at the same time shall be responsible for determining that dogs, cats, and ferrets are currently vaccinated for rabies prior to accepting the animal from their owners or caretakers for temporary housing, grooming, or other care on their premises.

4.11. **Physical Facilities for Kennels and Grooming Facilities.** Properly installed hot and cold potable water shall be available for proper sanitation.

4.12. **Requirements for Honeybee Management.**

4.12.1. It shall be unlawful for any person to maintain or locate a beehive on any property in a way that threatens public health or safety, or creates a nuisance. In a residential area, an apiary is not to exceed three stacks of five boxes each or an equivalent capacity.

4.12.2. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals on adjacent property or areas of public access.

4.12.3. A hive shall be supplied with adequate accessible fresh water continuously between March 1 and October 31 of each year. The water shall be in a location minimizing the nuisance created by bees seeking water on neighboring property.

4.12.4. A hive shall be located so the bees' flight pattern is six feet or more above frequently used areas of public access.

4.12.5. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

4.13. **Pigeon Loft Maintenance.**

4.13.1. Each domestic pigeon loft shall be operated and maintained clean and sanitary to prevent insect and/or rodent propagation, odors, nuisances, or conditions for the transmission of disease.

4.13.2. Domestic pigeons shall be confined to an approved pigeon loft except during controlled exercise periods.

4.14. **Wild Pigeon and Starling Control.** It shall be unlawful for the owner of any property to permit wild pigeons or starlings to roost or harbor in any area if a nuisance or odor is

created or the public health is threatened. Property shall be cleaned and maintained to abate the accumulation of feces or the creation of an odor.

4.15. Water and Sewage Discharge.

4.15.1. The owner, occupant, or person responsible for any premises shall not discharge, allow the discharge, or allow the existence of any wastewater, or liquid waste into or on any premises.

4.15.2. The owner, occupant, or person responsible for property shall prevent any leaking or defective water pipe, sewer pipe, hydrant, sprinkler systems, well, gutter, drain, rain gutter, or any seepage in or about any building or structure used for human occupancy, from creating a nuisance or public health hazard.

4.16. Public Buildings.

4.16.1. Buildings and businesses which welcome the public shall be clean, sanitary, and free of public health hazards.

4.16.2. **Public Toilet Facilities.** Any toilet facility or privy provided for or used by the public or employees shall be maintained clean, sanitary, in good repair, vented to the outside and provided with adequate toilet paper. Toilet facilities, except portable toilets and privies, shall be provided with running water, handwashing facilities, and hand drying equipment.

4.17. **Nuisance Remediation.** The owner, occupant, or person responsible for any premises shall effectively secure or make safe any vacant building, structure, storage tank, machinery, vehicle, trench, pit, shaft, well; or remove any other deleterious object, condition, material that is a nuisance or significant threat to public health.

4.18. Closing Unfit Properties.

4.18.1. Any building or premises which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates or may create a hazard to the health or safety of the occupants or of the public may be deemed unfit for use, closed to occupancy and posted with a placard by the Director. Lack of electricity, potable water, heating facilities during cold weather, or sewer service may be considered prima facie evidence of a health or safety hazard sufficient to require closure.

4.18.2. **Vacating Required Upon Closing to Occupancy.** Any building or premises which is closed to occupancy shall be vacated within a reasonable time as ordered by the Director.

4.18.3. **Closed-to-Occupancy Placard.** Closed-to-occupancy placards shall be conspicuously posted on entryways to the respective building or premises. The placard shall state the address of the property, the date of closure, and phone

number of the Department, and may denote the hours of permitted entry of authorized persons for the express purpose of abating noted violations.

4.18.4. **Tampering with Placard Prohibited.** No unauthorized person shall deface or remove a closed-to-occupancy placard.

4.18.5. **Approval Required Prior to Occupancy of Closed Building or Premises.** It shall be unlawful for any person to occupy any building or premises that has been closed to occupancy until approval of the Director is given and all placards are removed.

4.18.6. **Securing of Unoccupied Structures.** If a vacant building or any part of a building has become a nuisance or unfit for use, the Director may require that the premises be properly secured to prevent entry by unauthorized persons. The owner, lessee, or occupant shall be given notice to secure, close, or make safe the building or premises within a reasonable time. If the owner, lessee, or occupant fails to secure the building as required, the Director may proceed to secure it and charge the costs against the owner, lessee, or occupant.

4.18.7. **Occupying Closed Dwelling Unlawful.** It shall be unlawful for any person to occupy any building or premises that is currently closed to occupancy.

4.19. **Encampments Prohibited.** No person shall establish an encampment on private or public property not licensed and zoned for overnight camping.

4.20. **Temporary Outdoor Businesses.** Any person conducting or operating a temporary outdoor business shall provide Department approved toilet facilities for employees and shall remove all solid waste within one calendar day of vacating the lot.

4.21. **Use or Sale of Materials.** It shall be unlawful for any person or business:

4.21.1. To use, sell, offer for sale, or distribute any clothing, toy, article, goods, commodities, or other material that is contaminated with any toxic substance or that is a health hazard; or

4.21.2. To offer to the public for sale or otherwise, any second-hand clothing, wig, bedding, or mattress without adequately cleaning and sanitizing such items to make them free of any condition conducive to the transmission of disease.

5. RESERVED

6. INSPECTIONS & INVESTIGATIONS

6.1. To ensure compliance, the Department has the authority to investigate or inspect goods, commodities, or other materials for sale, intended for sale, or distributed for public use that may be a threat to public health or a nuisance; and remove or cause the removal

from sale or distribution those goods, commodities, or materials that are a threat to public health or a nuisance.

6.2. Authority for Department to Enter Premises.

6.2.1. **Regulated Commercial Premises.** Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to insure compliance with rules, standards, regulations, and ordinances adopted by the Department, the Departments of Health & Environmental Quality, county or municipal governing bodies, or the division of Occupational and Professional Licensing.

6.2.2. **Unregulated Commercial Premises.** The Department may enter upon the premises of unregulated commercial properties upon the consent of the owner or otherwise responsible party or upon a warrant issued by a court.

6.2.3. **Private Dwellings.** Inspections of private dwellings are made by consent of owner or otherwise responsible party or upon a warrant issued by a court.

6.2.4. **Consent by License or Permit:** The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

6.3. The owner or other responsible person may request information gathered by the Department during an investigation, inspection or review as authorized by the Government Records Access and Management Act, §§ 63-2-101 to 63-2-1001 Utah Code Ann., 1953 as amended.

7. ENFORCEMENT MECHANISMS. If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this regulation or the Department has other reasonable grounds to believe that there has been a violation of any part of this regulation or that the property owner or otherwise responsible party is not in compliance with this regulation, the Department may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges.

7.1. **Criminal Enforcement Actions.** The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department

of Justice, or other enforcement entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors.

- 7.1.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or environment;
 - 7.1.2. The degree to which the violation was designed to provide economic gain or cost avoidance or it involved a pattern of conduct or a common attitude of illegal conduct;
 - 7.1.3. The degree to which the offender is a known violator and has avoided prior actions by the department;
 - 7.1.4. The degree to which prosecution might deter future violations;
 - 7.1.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;
 - 7.1.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
 - 7.1.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and
 - 7.1.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.
- 7.2. **Civil Enforcement Actions.** The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.
- 7.3. **Administrative Actions.**
- 7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).
 - 7.3.2. **Service of NOV.** The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via first class mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.
 - 7.3.3. **Contents of NOV.** The NOV shall:

- (i) Describe the property and the persons believed to be in violation;
- (ii) Describe the violation;
- (iii) Describe remedial action that will comply with the provisions of this regulation;
- (iv) Set a reasonable time for the performance of any required remedial action(s);
- (v) Describe the procedure to contest the NOV and the time limits for such a contest; and
- (vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

7.3.4. **Challenging an NOV.** As detailed in the SLVHD's Adjudicative Hearing Procedures, a party aggrieved by an NOV may request a departmental conference, departmental hearing, or departmental appeal in writing within ten (10) days of the date of the NOV.

7.3.5. **Departmental Conference, Settlement Agreements, and Stipulations & Orders.**

- (i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department and its legal counsel. No hearing officer will be present. The process of requesting a Departmental Conference are more fully described in the SLVHD's Adjudicative Hearing Procedures.
- (ii) If the parties agree to a settlement, the Department Will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation & Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time subsequent to the Departmental Conference. After signing a Settlement Agreement or Stipulation & Consent Decree, the parties waive all rights to further department and court hearings or appeals. Settlement Agreements or Stipulation & Consent orders may be enforced in state courts.

7.3.6. **Hearings & Appeals.** Parties Aggrieved by an NOV may also request a Departmental Hearing or a Departmental Appeal. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the SLVHD's Adjudicative

Hearing Procedures. Departmental Hearing Orders and Departmental Appeal Orders may be appealed to the entities and within the time limits set out in the SLVHD's Adjudicatory Hearing Procedures.

- 7.3.7. **Failing to respond to an NOV.** If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.

7.4. **Additional Administrative Enforcement Authority.**

- 7.4.1. The Department may declare unsanitary conditions a nuisance and cause every nuisance affecting the public health to be abated.
- 7.4.2. Any variances allowed by the Department to the requirements of this regulation shall be only by written approval of the Board.
- 7.4.3. **Exercise of Physical Control.** The Department may establish, maintain, and exercise physical control over property and over individuals as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it.
- 7.4.4. **Emergency Enforcement.** If the Director finds that an emergency exists that requires immediate action to protect the public health, he or she may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the nuisance immediately; but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

8. **CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES**

8.4. **Criminal Penalties.**

- 8.4.1. Any person who is found guilty by a court of violating any of the provisions of this regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.
- 8.4.2. Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 8.4.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

8.5. Civil & Administrative Penalties.

- 8.5.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may be assessed according to the following factors:
 - (i) The violator’s history of compliance or non-compliance;
 - (ii) The violator’s economic benefit of non-compliance;
 - (iii) The documented costs associated with environmental or health damage;
 - (iv) The violator’s degree of willfulness or negligence; and
 - (v) The violator’s good faith efforts to comply and cooperate.
- 8.5.2. The Director may multiply the penalty by the number of days the violation occurred

8.6. Recovery of Investigation & Abatement Costs

- 8.6.1. The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.
- 8.6.2. The Department may record a judgment lien on a violator’s property to recover its expenses and costs.

9. EFFECTIVE DATE

- 9.1. This Regulation shall become effective 15 days after its enactment by the Salt Lake Valley Board of Health.

APPROVED AND ADOPTED this _____ day of _____, 2007.

SALT LAKE VALLEY BOARD OF HEALTH

By: _____
JOANN B. SEGHINI, Ph.D.
Chairperson

ATTEST:

By: _____
GARY L. EDWARDS, M.S.
Executive Director
Salt Lake Valley Health Department