

CHAPTER 8

NUISANCES

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8-1. Purpose.

This chapter is established for the following purposes:

(1) to regulate and mitigate certain uses that may create an encroachment on the property rights of the community and therefore threaten the health, safety, comfort, convenience, order, prosperity and welfare of the inhabitants of Tooele County;

(2) to permit potential nuisances to be measured factually and objectively in terms of the potential nuisance itself;

(3) to ensure that all uses will provide necessary control methods for protection from hazards and nuisance elimination; and

(4) to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

8-2. General provisions.

(1) No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise

objectionable fire, explosive, or other hazard; vibration, smoke, dust, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbance; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining premises. The foregoing is hereinafter referred to as "dangerous or objectionable elements".

(2) No use shall be undertaken or maintained unless it conforms to the regulations of this Chapter in addition to the regulations set forth for the zoning district in which such use is situated.

8-3. Nuisance and abatement.

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this chapter, and/or any use of land or premise established, conducted or maintained contrary to provisions of this chapter shall be, and the same is hereby declared to be unlawful and a public nuisance. The county attorney may, upon request of the zoning administrator, at once commence action or proceedings for abatement and removal or enjoinder thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, or use, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this chapter. The remedies provided for herein shall be cumulative and not exclusive.

8-4. Performance standards procedure.

The zoning administrator may require performance standards review for any use in any district when there is reason to believe that such use or the manner of its operation will not or may not conform to the performance standards of this chapter.

8-5. Enforcement provisions applicable to all uses.

Initial and continued compliance with performance standards is required of every use. Provisions for enforcement of continued compliance with said standards shall be invoked by the zoning administrator against any use if there are reasonable grounds that the

performance standards are being violated by such use.

8-6. Exemptions from public nuisance for agricultural practices in an agricultural protection zone.

No public nuisance definition or prohibition shall include any agricultural activity or operation conducted using sound agricultural practices unless that activity or operation bears a direct relationship to public health or safety.

8-7. Locations where determinations are to be made for enforcement.

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

- (1) in any zoning district except a MD and MG districts, at the lot line of the establishment or use; and
- (2) in an MD and MG zoning districts, at one or more points 500 feet from the establishment or use, or at the boundary or boundaries of the district, if closer to the establishment or use, or at the closest point within an adjacent district other than an MD and MG districts.

8-8. Dangerous and objectionable elements.

(1) No vibration other than from transportation facilities or temporary construction work shall be permitted which is discernible without instruments at the points of measurements specified in Section 8 - 6.

(2) All activities and storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion.

(3) No activities shall be permitted which emit dangerous radioactive or electrical disturbance that adversely affect the operation of any equipment other than that of the creator of such disturbance.

(4) No emission shall be permitted except in accordance with air pollution provisions of the Utah State Department of Environmental Quality.

(5) No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the Utah State Department of

Environmental Quality or standards equivalent to those approved by such department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces.

(6) Any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

8-9. Junk, disposal, dumping, display, collection and storage.

No person, firm or corporation shall place, store, maintain, dump, discard, toss, dispose of, scrap or locate solid waste or "junk" in any zoning district except at the Tooele County Solid Waste Disposal Facility or at a location that is licensed and in business to landfill, store, recycle or handle "junk" which is located in a zoning district where it is a permitted or conditional use. Any display, accumulation, or collection of discarded, worn out, or abandoned material which may or may not be put to some use or have some value, which may or may not be offered for sale, trade in whole or part or kept for storage shall conform to the regulations of the zoning district in which it is located, as well as all applicable state and federal laws and shall be maintained in an area surrounded by a view obscuring fence.

8-10. Storage of unlicensed or inoperative vehicles and "junk yards."

(1) No person, firm or corporation shall keep, place, store, locate, maintain, discard, dispose of, or scrap more than two unlicensed and/or inoperative motor vehicles located outside of an enclosed structure upon any property in any zoning district unless it is a permitted or conditional use as a "Junk Yard" operation. An unlicensed or inoperable vehicle may be stored by covering it completely with a weather resistant material and placing it in a side yard, except a side yard which faces on a street, or a rear yard of the property for a period not to exceed two years.

(2) Any vehicle or portion thereof, which is used as a storage building must be placed, altered or constructed by obtaining a building permit and the removal of all running gear, axles, fuel tanks, engines, drive train components, seats, and instrumentation.

(3) Operation of a "junk yard", military surplus or vehicle recycling and storage shall conform to all zoning district requirements and be fully surrounded by a view obscuring fence at a height equal to the height of the materials stored within.

8-11. Agricultural, commercial, mining or specialized equipment storage, maintenance, placement, location, and disposal.

Equipment that is designed for commercial use in construction, mining, agricultural or specialized uses shall not be maintained, placed, stored, located, disposed of or discarded except in a zoning district in which it is a permitted or conditional use. Commercial, mining or specialized equipment may be located in an area that is used for a listed approved or a permitted conditional use while the project is on-going.

8-12. Storage of explosives and hazardous materials.

No person, firm or corporation shall keep, place, store, locate, maintain, discard, dispose of, or scrap any Class A, B or C explosives or any material which is classified as Hazardous Material according to SARA Title 3 that exceeds the Threshold Planning Quantity except in a zoning district where it is a conditional use. The person firm or corporation shall obtain all required permits and report the name, quantity and storage site of the materials stored to the Department of Engineering, Tooele County Health Department and Tooele County Emergency Management as well as comply with all federal and state reporting requirements. (See SARA Title III, Sections 302 and 313).

8-13. On site lighting.

(1) All outdoor lighting devices or fixtures shall be shielded in such a manner that light rays emitted by the device or fixture, whether directly from the lamp or indirectly from the fixture, are restricted to regions below an angle 15 degrees beneath the horizontal plane running through the lowest point on the fixture where light is emitted. No significant intensity of light shall be emitted from the fixture horizontally, nor above the horizon, nor above the region defined above. All outdoor lighting shall be downward directed except where specified otherwise in this chapter. Luminaries meeting restricted emission requirements are sometimes described commercially as hooded, shielded, or full cut-off fixtures; however, not all luminaries so designated meet the above angular requirement.

(2) On-site lighting shall not penetrate beyond the property line in such a manner as to annoy or interfere with the use of adjacent properties. If a light is determined to be in violation, the owner shall take appropriate corrective action to assure compliance.

(3) All outdoor light fixtures maintained on public or private property shall be turned off between 11:00 PM local time and sunrise except when used for:

- (a) commercial and industrial uses such as sales, assembly and repair areas where business is conducted after 11:00 PM, but only while the business is open to the public;
- (b) illuminated advertising signs on the premises of a business while it is open to the public;
- (c) lighting necessary for security purposes or to illuminate walkways or roadways;
- (d) illuminated billboards; and
- (e) a recreational use that continues after 11:00 PM, but only for so long as such use continues.

(4) The outdoor operation of searchlights, lasers or other high-intensity beams is prohibited.

(5) No lighting fixture or device may be operated in such manner as to constitute a hazard or danger to persons or to safe vehicular operation.

(6) Illuminating fixtures for advertising or other signs shall be such that the illumination is confined to the area of the sign or billboard; no significant direct spill-over is permitted. Under no conditions may signs or billboards be illuminated from below. Any such illuminating fixture shall be placed above its respective sign or billboard such that the secondary or specula reflected light from the surface of the sign or billboard is directed down toward the ground.

(7) No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified in Section 8 - 7.

(8) Outdoor recreational facilities designed for specifically scheduled sporting events are exempt from the specific shielding requirements. Lighting for outdoor recreational facilities shall be so designed, installed and operated as to confine at least 90 percent of the illumination to the recreational area. Recreational facility fixtures shall be on elevated poles or structures so that illumination is directed downward. No significant illumination may extend above a horizontal plane from the lighting fixture. Illumination from recreational facility fixtures shall be shielded to minimize glare extending toward roadways or other places that causes an impairment of motorists' vision. All such recreational facilities shall have either:

- (a) automatic shut-off timer devices; or
- (b) a designated official with responsibility for extinguishing the illumination at close of the recreational activity.

(9) In situations of flags, statues or other top-of-pole mounted objects which cannot be illuminated with down-lighting, upward lighting may be used only in the form of one narrow-cone spotlight which confines the illumination to the object of interest.

(10) Decorator lamps having smaller than 25 watt rating, or strings of up to 25 such lamps, used for holiday decorations are exempt from the requirements of this chapter within 15 days of recognized annually occurring holidays. Decorator lamps smaller than 7.5 watt rating may be used in any desired string length under the same circumstances.