

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

**Title 8
HEALTH AND SAFETY**

Chapters:

- 8-04 Health Regulations Generally
- 8-06 Solid Waste Collection and Disposal
- 8-08 Nuisances
- 8-10 Tobacco, Cigarettes, and Psycho toxic Chemical Solvents
- 8-12 Public Swimming Pools
- 8-16 Burning Permits

**Chapter 8-04
HEALTH REGULATIONS GENERALLY**

Sections:

ARTICLE I. HEALTH DEPARTMENT

- 8-04-010 Creation--Violation--Penalty.

ARTICLE II. DISEASE CONTROL

- 8-04-020 Physicians--Duty to report to department of health.
- 8-04-030 Persons afflicted with communicable disease--Employment in certain businesses unlawful.
- 8-04-040 Health certificate required for employment in certain businesses.

ARTICLE II. ACCUMULATIONS OF REFUSE NEAR BUSINESSES

- 8-04-050 Unlawful--Definitions.

ARTICLE IV. RESTRICTED DISTRICTS

- 8-04-060 Definitions.
- 8-04-070 Animal wastes--Disposal.
- 8-04-080 Structures for livestock and fowl--Duty to maintain cleanliness--Notice.
- 8-04-090 Chickens running at large--Unlawful.
- 8-04-100 Potato pit maintenance.
- 8-04-110 Cesspools.

ARTICLE V. PENALTY

- 8-04-120 Violation--Penalty.

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

ARTICLE I. HEALTH DEPARTMENT

8-04-010 CREATION--VIOLATION--PENALTY.

- A. County Health Department. The governing body of each county shall create and maintain a local health department.
- B. City-county Health Departments. The governing body of each municipality shall join with the governing body of the county in which it is located to create and maintain a local city-county health department.
- C. Penalty. Any person violating the provisions of this chapter or the rules and regulations of the department of health adopted hereunder, shall be punished by a fine in any sum less than five thousand dollars or by imprisonment not to exceed six months in the City jail, or by both such fine and imprisonment. (Ord. 88-7-22 (part), 1988: prior code §§180, 181)

ARTICLE II. DISEASE CONTROL

8-04-020 PHYSICIANS--DUTY TO REPORT TO DEPARTMENT OF HEALTH.

It shall be the duty of every physician or other person caring for the sick within the City of Enterprise to make a report to the department of health immediately. (Ord. 88-7-22 (part), 1988: prior code §182)

8-04-030 PERSONS AFFLICTED WITH COMMUNICABLE DISEASE--EMPLOYMENT IN CERTAIN BUSINESSES UNLAWFUL.

It is unlawful for any person afflicted with tuberculosis, syphilis or any communicable disease to be employed in any bakery, hotel or restaurant, store, butcher shop or other place where foods are prepared, kept, sold or stored; and any employee of such establishment who may be suspected of being so affected shall be reported to the manager of such establishment and to the department of health. (Ord. 88-7-22 (part), 1988: prior code §183)

8-04-040 HEALTH CERTIFICATE REQUIRED FOR EMPLOYMENT IN CERTAIN BUSINESSES.

It is unlawful for any person to work in any capacity which has to do with the preparation, serving or handling of foods or drinks, or in the handling of any dishes or utensils used in the preparation, storage or serving of foods or drinks in any cafe, restaurant, hotel, beer parlor, candy kitchen, bakery or other place where foods or drinks are prepared, stored or served to the public, without having first obtained a certificate from the department of health. The health certificate must be obtained before any such person commences work in any new employment. (Ord. 88-7-22 (part), 1988: prior code §184)

ARTICLE III. ACCUMULATIONS OF REFUSE NEAR BUSINESSES

8-04-050 UNLAWFUL--DEFINITIONS.

- A. It is unlawful for any person upon or near any premises used for business purposes to permit the accumulation of garbage, waste matter or refuse upon such premises.
- B. For the purpose of this section:
 - 1. **"Ashes"** includes and means the residue of materials burned.

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

2. **"Garbage"** includes and means kitchen and table refuse and offal, swill and also every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowls, birds, fruits or vegetables, saving and excepting that dead animals and offal of slaughterhouse are not included within the meaning of "garbage" as defined in this section.
3. **"Street sweepings, earth and stone"** as used herein, does not mean or include street sweepings, earth and stone under public control and removed by other agencies of the City, either by public contract or by the street department.
4. **"Waste matter"** includes and means broken crockery, broken bottles, broken bricks, tin vessels, trimmings from lawns and flower gardens, paste board boxes, berry boxes, paper, straw, sawdust, packing materials, shavings, bones, natural soil, street sweepings, earth and stone, and all noncombustible waste matter. (Ord. 88-7-22 (part), 1988: prior code §185)

ARTICLE IV. RESTRICTED DISTRICTS

8-04-060 DEFINITIONS.

In this article, unless the context otherwise requires:

- A. **"Hog raising"** or **"pig raising"** upon a commercial basis within the City limits of Enterprise means the keeping of more than two hogs over the age of eight weeks within the City of Enterprise, regardless of whether the hogs are kept or sold or consumed by the family.
- B. **"Restricted district"** includes all the area lying within the corporate limits of the City of Enterprise.
- C. **"Turkey farm"** or **"turkey raising"** means any place or premises where more than twelve turkeys are kept after the turkeys have attained the age of eight weeks. (Ord. 88-7-22 (part), 1988: prior code §186)

8-04-070 ANIMAL WASTES--DISPOSAL.

Any person maintaining turkeys or other fowl in pens or yards, when permitted so to do under this chapter shall remove and dispose of all dirt, droppings and refuse from the pens and yards at least twice a week. (Ord. 88-7-22 (part), 1988: prior code §187)

8-04-080 STRUCTURES FOR LIVESTOCK AND FOWL--DUTY TO MAINTAIN CLEANLINESS--NOTICE.

Any person within the City limits of the City of Enterprise who maintains any corrals, pens, coops or other structures where livestock and fowl are kept, unless otherwise provided for by the City ordinances of the City of Enterprise, shall be required to keep the corrals, coops, pens and buildings in a clean and sanitary condition, and shall be required to clean and remove all droppings, refuse or foul and decaying matter from the corrals, coops and other buildings within five days from the time of receiving the written notice from the City. (Ord. 88-7-22 (part), 1988: prior code §189)

8-04-090 CHICKENS RUNNING AT LARGE--UNLAWFUL.

It is unlawful for any person to permit chickens to run at large within the City limits of the City of Enterprise, or to trespass upon the property of others between the first day of January and the thirty-first day of December each year. (Ord. 88-7-22 (part), 1988: prior code §191)

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

8-04-100 POTATO PIT MAINTENANCE.

Any person who constructs, maintains, or operates a potato pit within the City limits of the City of Enterprise, shall be required to keep the pit clean and free from all decaying, spoiling, and rotting potatoes, refuse or other waste. (Ord. 88-7-22 (part), 1988: prior code §188)

8-04-110 CESSPOOLS.

It is unlawful for any person to build or maintain a cesspool within the City limits of the City of Enterprise. Before commencing the building of a cesspool, the builder shall first secure a written permit and approval from the City of Enterprise. (Ord. 88-7-22 (part), 1988: prior code §190)

ARTICLE V. PENALTY

8-04-120 VIOLATION--PENALTY

Any person convicted of violating any provision of this chapter shall be punished by a fine in any sum not exceeding one thousand dollars or by imprisonment in the City jail for not more than six months, or by both such fine and imprisonment. (Ord. 88-7-22 (part), 1988: prior code §192)

**Chapter 8-06
SOLID WASTE COLLECTION AND DISPOSAL**

Sections:

- 8-06-010 Definitions.
- 8-06-020 Use of Washington County Landfill.
- 8-06-030 Collection and Disposal of Residential Solid Waste.
- 8-06-040 Mandatory Use of Service.
- 8-06-050 Mandatory Use of Automated/Semi automated Containers.
- 8-06-060 Residential Waste Collection Procedures.
- 8-06-070 Establishment of Residential Fees.
- 8-06-080 Residential Fee Established for Availability of Service.
- 8-06-090 Monthly Billing.
- 8-06-100 Transportation of Waste.
- 8-06-110 Collection Vehicles.
- 8-06-120 Commercial or Private Haulers.
- 8-06-130 Collection of Commercial Waste.

Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16

8-06-010 DEFINITIONS.

For purposes of this Ordinance, the following terms shall have the following meanings:

"Allied Waste" shall mean Allied Waste Transportation, Inc.

"District/Allied Waste Agreement" shall mean that certain agreement, and any amendments thereto, between Washington County Special Service District No. 1 and Allied Waste Transportation, Inc. dated November 25, 2008, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

"Automated or Semi Automated" shall mean a particular method or system, including all necessary vehicles and equipment, for collection of solid waste through the use of either or both of the following:

1. automated/semi-automated containers requiring mechanical pick up, and
2. manual containers, bags, bundles or other containers requiring pickup by hand.

"Bags" shall mean plastic bags specifically designed to store refuse, with sufficient strength and thickness to contain garbage, rubbish, trash or refuse without tearing or ripping under normal handling.

"District" shall mean Washington County Special District No. 1, its Administrative Control Board, or it's District Manager.

"District/Enterprise Agreement" means the Agreement between District and Enterprise dated July 23, 2008.

"Commercial Property" shall mean any premises or property

1. used primarily in connection with the supply of goods or services on a regular basis or in the regular course of business, or for which a business license is required by any state law or local ordinance, or
2. containing a structure hooked to power and water and used for human habitation on an overnight or other temporary rental basis of less than thirty (30) consecutive days, or
3. containing a structure with more than eight (8) dwelling units which is hooked to power and water and used for human habitation on a rental basis. Commercial shall include, but shall not be limited to business establishments, hotels, motels, recreational vehicle developments and apartment

"Commercial Hauler" shall mean any person or entity who in the regular course of business or for a fee collects, transports and disposes of commercial waste.

"Commercial Waste" shall mean any garbage, rubbish, trash, etc., produced by businesses or resulting from normal activities on or use of commercial property or premises.

"Dumpster" shall mean any container constructed of metal, of two yards volume or more, and designed to be compatible with mechanical collection equipment.

"Manual Container" shall mean a receptacle designed for hand pick up, having a capacity of greater than 20 gallons, but less than 35 gallons, constructed of plastic, metal or fiberglass, with handles of adequate strength for lifting and a tight-fitting lid capable of preventing entrance into the container by vectors. The mouth of a manual container shall have a diameter greater than or equal to that of the base. The weight of any manual container and its contents shall not exceed 60 pounds.

"Private Hauler" shall mean

1. any person or entity who, as the owner, tenant or other occupant of property or premises classified as commercial, collects and disposes of solid waste generated by the use of said property, and
2. any person or entity who collects and disposes of construction debris.

"Residential Property" shall mean or refer to any property or premises containing a structure which is hooked to culinary water and power and intended or used for human habitation, but excluding:

1. property or premises containing a structure hooked to power and water and used for human habitation on an overnight or other temporary rental basis of less than thirty (30) consecutive days, and
2. property or premises containing a structure with more than eight (8) dwelling units, which is hooked to power and water and used for human habitation on a rental basis.

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

"Residential" shall include, but shall not be limited to, single homes, mobile homes, town homes, condominiums and apartments not contained in or a part of an apartment complex of more than eight (8) units, but shall exclude hotels, motels, recreational vehicle developments and apartment complexes with structures containing more than eight (8) dwelling units. Except as may be specified hereinafter, each unit of a structure on property or premises classified as residential shall be considered a separate residence for the purpose of billing and collection.

"Residential Waste" shall mean garbage, rubbish, trash, bulky waste, and other waste produced by or resulting from the normal activities on or use of residential property or premises. Residential waste does not include hazardous waste, special waste, or stable matter.

"Semi-Automated/Automated Container" shall mean a waste receptacle which is approved by District, with a capacity of 60 or 94 gallons and is equipped with a tight-fitting, permanently attached lid and wheels for easy movement, and which is specifically designed for automated or semi-automated pickup.

"Solid Waste" shall have the same meaning as specified in Section 19-6-502(7), Utah Code Annotated, 1953, as amended. (Ord. 2009-04, 2009)

8-06-20 USE OF WASHINGTON COUNTY LANDFILL.

All solid waste generated within the corporate limits of Enterprise, except as otherwise provided in District's rules and regulations, shall be transported to and disposed of at the Washington County Landfill. (Ord. 2009-04, 2009)

8-06-030 COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE.

Pursuant to the District/Enterprise Agreement, Enterprise shall provide automated residential waste collection and disposal service once each week to residences located within the boundaries of Enterprise in accordance with the District/Allied Waste Agreement. (Ord. 2009-04, 2009)

8-06-040 MANDATORY USE OF SERVICE.

The use by all residents of said automated residential waste collection and disposal service is hereby declared to be mandatory, provided that an owner or occupant of residential property or premises may, in addition to utilizing said service, haul his or her own residential solid waste to the Washington County Landfill in accordance with District's rules and regulations. (Ord. 2009-04, 2009)

8-06-050 MANDATORY USE OF AUTOMATED/SEMI AUTOMATED CONTAINERS.

Each residence or residential unit within the incorporated areas of Enterprise shall be required to utilize an automated/semi-automated container(s) which has (have) been approved and delivered to the property by District, except that collection of residential waste may be accomplished by use of dumpsters in:

- a. Condominium or townhome developments already utilizing dumpsters prior to the date of this ordinance, and
- b. Condominium, townhome or other high density developments established after January 1, 2010, where use of dumpsters is approved by District and Enterprise.

Any waste in excess of that placed in the automated/semi-automated container(s) may be placed for collection in bags or manual containers located in close proximity to the automated/semi-automated container(s). (Ord. 2009-04, 2009)

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

8-06-060 RESIDENTIAL WASTE COLLECTION PROCEDURES.

All residential solid waste shall be placed for collection by 6:00 a.m. of the day scheduled for collection. Automated/semi-automated containers shall be placed within three (3) feet of the curbside, blacktop, or other roadway surface, with three (3) feet clearance on either side of the container from parked cars or other objects, and at other locations readily accessible to collection vehicles and personnel. All empty waste containers shall be removed from the street as soon as reasonably practicable but not later than 24 hours after being emptied. (Ord. 2009-04, 2009)

8-06-070 ESTABLISHMENT OF RESIDENTIAL FEES.

There is hereby established a monthly residential solid waste collection and disposal fee for each residence or residential unit in Enterprise, consisting of the following amounts:

(a) The amount to be paid to Allied Waste pursuant to the following schedule:

From 1/1/2010 - 12/31/2011	\$5.65 per month per residence
From 1/1/2012 - 12/31/2013	5.95 per month per residence
From 1/1/2014 - 12/31/2015	6.20 per month per residence
From 1/1/2016 - 12/31/2017	6.45 per month per residence
From 1/1/2018 - 12/31/2019	6.70 per month per residence

(b) the amount of \$4.45, increased by ten cents (\$.10) every two years, or such other amount as may be specified by a resolution approved by the affirmative vote of 75% of the members of District's Administrative Control Board, for operation of the Washington County Landfill and District's administrative expenses, or the City's actual costs billed to the City by the District, and

(c) The amount of \$2.45 to offset the cost of billing and collection by Enterprise. (Ord. 2009-04, 2009)

8-06-080 RESIDENTIAL FEE ESTABLISHED FOR AVAILABILITY OF SERVICE.

The residential fee established hereby is for the availability of residential solid waste collection and disposal service provided by Enterprise through District and its authorized agent, Allied Waste Transportation, Inc., and said fee shall be due and owing when said service is available, regardless of whether said service is actually utilized. (Ord. 2009-04, 2009)

8-06-090 MONTHLY BILLING.

Fees for residential waste collection and disposal services provided by Enterprise shall be paid on a monthly basis, and shall be included in any billing for other municipal services supplied by Enterprise, including water, power, sewer, etc. All payments for residential solid waste collection and disposal services not received on or before the 15th day of the month following the month for which services were provided shall be deemed delinquent and shall thereafter bear interest at the rate of 18 per cent per annum until paid in full, and shall be subject to all collection practices or procedures as may be established from time to time by ordinance. (Ord. 2009-04, 2009)

8-06-100 COLLECTION OF COMMERCIAL WASTE.

Nothing in this ordinance shall preclude the owner or lessee of any commercial property or premises from transporting his or her own commercial waste to the landfill, or contracting for its removal with a commercial hauler properly licensed by District and authorized to conduct business within the City of Enterprise. (Ord. 2009-04, 2009)

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

8-06-110 COMMERCIAL OR PRIVATE HAULERS.

No private or commercial hauler shall be allowed to collect or dispose of commercial solid waste generated by businesses or through the use of commercial property within Enterprise without having first obtained from District a license to operate as a private or commercial hauler. (Ord. 2009-04, 2009)

8-06-120 COLLECTION VEHICLES.

All trucks or other vehicles used by any private or commercial hauler to collect or transport solid waste within Enterprise shall:

- (a) Be maintained in a good mechanical condition,
- (b) Be equipped with fully enclosed sides and bottom and otherwise constructed as to prevent the contents of the vehicle from spilling or blowing while the vehicle is in motion,
- (c) Clearly bear on the outside of the body of the vehicle the name and telephone number of the hauler, and
- (d) Comply with all provisions of all applicable state or federal regulations or laws concerning the collection, transportation, or disposal of solid waste. (Ord. 2009-04, 2009)

8-06-130 TRANSPORTATION OF WASTE.

All solid waste transported by any private or commercial hauler shall be contained, tied or enclosed in such a manner that leaking, spilling or blowing are prevented during transportation. (Ord. 2009-04, 2009)

**Chapter 8-08
NUISANCES**

Sections:

- 8-08-010 Defined.
- 8-08-020 Reporting--City marshal duty.
- 8-08-030 Abatement--Notice--Health officer authority.
- 8-08-040 Abatement--City inspector--Duties.
- 8-08-050 Abatement--Failure to comply--Removal by City.
- 8-08-060 Abatement--Costs--Lien.
- 8-08-070 Abatement--Unlawful to maintain nuisance--Violation--Penalty.
- 8-08-080 Violation of Sections 8-08-090 through 8-08-170 deemed nuisance.
- 8-08-090 Manure--Accumulation prohibited.
- 8-08-100 Dead animals--Removal by owner.
- 8-08-110 Carcasses--Removal by City marshal.
- 8-08-120 Offensive matter in streets.
- 8-08-130 Places where fowl or animals are kept.
- 8-08-140 Rags and other offensive materials.
- 8-08-150 Slaughterhouse.
- 8-08-160 Unclean drains and other receptacles.
- 8-08-170 Reserved.
- 8-08-180 Reserved.
- 8-08-190 Reserved.

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

- 8-08-200 Sound Amplifiers and Speakers.
- 8-08-210 Refuse in Public Streets.
- 8-08-220 Offensive Condition or Refuse on Private Property.
- 8-08-230 Water Pollution.
- 8-08-240 Breeding Places for Flies, etc.
- 8-08-250 Barking Dogs.
- 8-08-260 Noises.
- 8-08-270 Garbage; Improper Placement.
- 8-08-280 All Terrain and Recreational Vehicles in Specified Areas.

- 8-08-290 Garbage Collection Station.
- 8-08-300 Miscellaneous acts.
- 8-08-310 Citations--Issuance by City officials.
- 8-08-320 Violation--Penalty.

8-08-010 DEFINED.

- A. A nuisance is a crime against the order and economy of the City and consists in unlawfully doing any act or omitting to perform any duty, which act or omission:
 - 1. Annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons;
 - 2. Offends public decency;
 - 3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway;
 - 4. In any way renders three or more persons insecure in life or the use of property.
- B. An act which affects three or more persons in any of the ways specified in this section is still a nuisance regardless of the extent of annoyance or damage inflicted on individuals is unequal. (Ord. 8.08.011 §1, 1994: Ord. 88-7-26 (part), 1988: prior code §294(part))

8-08-020 REPORTING--CITY MARSHAL DUTY.

It shall be the duty of the City marshal to observe the sanitary conditions of the City and report to the health officer promptly any nuisance or accumulated filth or any condition detrimental to the public health found in any portion of the City. (Ord. 88-7-26 (part), 1988: prior code §304)

8-08-030 ABATEMENT--NOTICE--HEALTH OFFICER AUTHORITY.

In order to better carry out the provisions of this chapter, the health officer may serve a notice in writing upon the owner, occupant or agent of any lot, building or premises, in or upon which any nuisance declared to be such in this chapter may be found, or upon him who may be the cause of such nuisance, requiring him to abate

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

the same in such manner as the health officer may direct, and within a reasonable time, to be fixed in the notice; but failure to give notice of any nuisance as provided in this chapter shall not relieve the author of any nuisance from the obligation to abate such nuisance or from the penalty provided for the maintenance thereof. (Ord. 88-7-26 (part), 1988: prior code §305)

8-08-040 ABATEMENT--CITY INSPECTOR--DUTIES.

It shall be the duty of the City inspector for the purpose set forth in UCA Section 10-11-1 et seq., and any amendments thereto, and in furtherance thereof, to make careful examination and investigation of all property in the City of Enterprise as to whether noxious or injurious weeds, garbage, refuse or other deleterious objects or structures are accumulating therein; and upon the discovery of the same, it shall be the further duty of such inspector to ascertain the names of the owners and description of the respective premises so affected, and to serve notices in writing upon the owner or occupant of the land either personally or by registered mail, postage prepaid, addressed to the owner or occupant at the last known post office address as disclosed by the books and records of the county assessor, and to order and require such owner or occupant as the case may be of the land so affected to eradicate, destroy or remove the weeds, garbage, refuse, deleterious objects or structures within such time as the inspector may designate, which shall not be less than ten days from date of service of the notice. One notice shall be deemed sufficient on any lot or property for the entire season of weed growth during the calendar year in which the notice is served. The inspector shall make proof service of the notice under oath and file the same in the office of the Recorder, City of Enterprise. (Ord. 88-7-26 (part) , 1988: prior code §290)

8-08-050 ABATEMENT--FAILURE TO COMPLY--REMOVAL BY CITY.

If any owner or occupant of the lands described in the notice so served shall fail or neglect to cut, destroy or eradicate the weeds or remove and abate the garbage, refuse or deleterious objects or structures upon the premises, in accordance with the notice, it shall be the duty of the inspector, at the expense of the City of Enterprise to employ necessary assistance and to cause such weeds, garbage, refuse and deleterious objects or structures to be removed or destroyed. He shall thereupon make, in triplicate, itemized statements of all expenses incurred in the removal and destruction of the same and shall deliver the three copies of the statement to the City of Enterprise within ten days after the date of the completion of the work of removing the weeds, garbage, refuse, deleterious objects or structures. (Ord. 88-7-26 (part), 1988: prior code §291)

8-08-060 ABATEMENT--COSTS--LIEN.

Upon the receipt of the copies of the statements, the City clerk shall proceed as provided by UCA Section 10-11-4 or any amendments there-to, and the cost and expense of so removing such weeds, deleterious object or structures, refuse or garbage shall be billed and/or added to the taxes and become a lien upon the premises and shall be collected as provided by law. (Ord. 88-7-26 (part), 1988: prior code §292)

8-08-070 ABATEMENT--UNLAWFUL TO MAINTAIN NUISANCE--VIOLATION--PENALTY.

It is unlawful for any person, firm or corporation to maintain or permit to remain or be maintained upon his premises any nuisance as is in this chapter defined or designated. Every such nuisance shall be removed or abated as provided for in this chapter. Any person or persons who shall be the author or keeper of a nuisance or otherwise guilty of a violation of any of the provisions of this chapter shall be punished by a fine in a no sum less than one thousand dollars or by imprisonment in the City jail not to exceed sixty days, or by both such fine and imprisonment. Each day any nuisance is permitted to remain by the author or keeper thereof, the same shall be deemed a separate offense. (Ord. 88-7-26 (part), 1988: prior code §293)

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

8-08-080 VIOLATION OF SECTIONS 8-08-090 THROUGH 8-08-290 DEEMED NUISANCE.

Every act of thing done or made, permitted, allowed or continued in violation of Sections 8-08-090 through 8-08-290 of this chapter shall be deemed a nuisance. (Ord. 88-7-26 (part), 1988: prior code §294(part))

8-08-090 MANURE--ACCUMULATION PROHIBITED.

It is unlawful for any person having charge of any stable, corral, stall, shed or yard in which any animal is kept, or any place within the boundaries of the City of Enterprise in which manure or liquid discharges of any animal accumulates or collects, to permit such stable, corral, stall, shed or yard to be kept in an unclean or unsanitary condition, and whenever any stable, corral, stall, shed or yard shall be kept in an unclean and unsanitary condition within the City limits the same shall be deemed a nuisance. (Ord. 88-7-26 (part), 1988: prior code §295)

8-08-100 DEAD ANIMALS--REMOVAL BY OWNER.

All horses, cattle, sheep or other animals that die in or within one-half mile of the City limits of the City of Enterprise shall be buried, burned, or otherwise suitably disposed of within twenty-four hours from the death of such animal, by the owner thereof or the person having them in charge at the time of death. If the person or persons fails to bury, burn, or otherwise suitably dispose of any dead animal within twenty-four hours after the death of the animal, the same shall be deemed a nuisance. (Ord. 88-7-26 (part), 1988: prior code §296)

8-08-110 CARCASSES--REMOVAL BY CITY MARSHAL.

Whenever the carcass of any dead animal or other offensive substance injurious to the health of the public or persons in the vicinity is found upon any ground or in any place, for the removal or abatement of which no person can be found liable, it shall be the duty of the City marshal to remove or abate the same. (Ord. 88-7-26 (part), 1988: prior code §297)

8-08-120 OFFENSIVE MATTER IN STREETS.

Any stale, putrid or noisome fat, grease or other offensive matter, which is kept, collected or used in any manner detrimental to the public health, and any wrapping paper, handbills, old clothes, boots, shoes, hats, tin cans, broken dishes, ashes or any combustible material or any rubbish whatsoever thrown into or upon any street, alley, sidewalk, gutter, ditch, aqueduct or canal, or vacant lot, shall be deemed a nuisance. (Ord. 88-7-26 (part), 1988: prior code §298)

8-08-130 PLACES WHERE FOWL OR ANIMALS ARE KEPT.

Any pigsty, privy, coop, corral, barnyard, offal yard, or place where fowls or animals are kept erected, continued or maintained nearer than twenty-five feet of the street line of any lot in the City, or within one hundred feet of the residence of any other person than the owner of such pigsty, privy, coop, corral, barnyard, offal yard or place where fowls or animals are kept, without the consent of such other person, or which is kept in an unclean or unsanitary condition is declared to be a nuisance and may be abated as in this code provided for the abatement of nuisances. (Res. R-8.08.130, 1990; Ord. 88-7-26 (part), 1988: prior code §299)

8-08-140 RAGS AND OTHER OFFENSIVE MATERIALS.

Whenever there shall be found, in or about any lot or piece of ground within the limits of this City, any rags, damaged merchandise, wet, broken or leaking barrels, casks or boxes, or any materials which are offensive or

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

tend to decay, become putrid, or to render the atmosphere impure and unwholesome, or which tend to create a fire hazard, the same shall be deemed a nuisance. (Ord. 88-7-26 (part), 1988: prior code §300)

8-08-150 SLAUGHTERHOUSE.

If any owner or occupant of any slaughterhouse or other place wherein any swine, beef, sheep or other animals are slaughtered, shall permit the same to remain unclean to the unnecessary annoyance of the citizens of the City, or any of them, or in any state or condition detrimental to the public health, the same shall be deemed a nuisance. (Ord. 88-7-26 (part), 1988: prior code §301)

8-08-160 UNCLEAN DRAINS AND OTHER RECEPTACLES.

If any person causes or permits, within the City limits, any unclean, stinking, foul, infective or filthy ditch, tank or gutter, or any leaking or broken sloop, garbage or manure box, or receptacle of similar character, to remain on his premises, the same shall be deemed a nuisance. (Ord. 88-7-26 (part), 1988: prior code §302)

**8-08-170 RESERVED.8-08-180 RESERVED.8-08-190 RESERVED.8-08-200 SOUND
AMPLIFIERS AND SPEAKERS.**

- A. Prohibited Conduct: It is unlawful for any person on or adjacent to a city street or road to operate a sound amplifier or speaker which emits noise which can be heard more than two hundred feet (200') from the sound amplifier or speaker.
- B. Exemptions:
 - 1. The operation of sound amplifiers or speakers used by law enforcement or emergency personnel in the performance of their official duties; and
 - 2. The operation of horns or other warning devices required or permitted by Utah Code Annotated section 41-6-146.
 - 3. The operation of sound amplifiers and speakers used for school or holiday functions such as outdoor sports or parades on Enterprise City streets.
 - 4. The operation of farm equipment under normal circumstances such as night time hay baling, etc. (Ord. 2007-12, 2007)

8-08-210 REFUSE IN PUBLIC STREETS.

It shall be unlawful for any person intentionally or carelessly to throw, cast, put into, drop or leave in any street, gutter, sidewalk or public place any stones, gravel, sand, dirt, debris, garbage, leaves, lawn or tree clippings, paper material, handbills, ashes, rubbish of any kind, or any other item, material or substance which shall either constitute a nuisance, as designated herein, shall interfere with the free and unobstructed use and movement of either traffic on a public street or right-of-way, in the opinion of the City Marshal, or shall constitute a fire hazard in the opinion of the Fire Chief. (Ord. 2007-12, 2007)

8-08-220 OFFENSIVE CONDITION OR REFUSE ON PRIVATE PROPERTY.

Whenever there shall be found on or about any lot or parcel of property, whether vacant or occupied, any garbage, refuse, junk, used materials and merchandise, effluvia, kitchen waste, trash, inoperable motor vehicles, broken machinery, rank and noxious weeds, or other unsightly or deleterious objects or conditions that are offensive to the order and economy of the City as designated in Section 8-08-010 of this chapter, they shall be deemed a nuisance. (Ord. 2007-12, 2007)

8-08-230 WATER POLLUTION.

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

Any pollution of the waters of this city, as defined in Utah Code Annotated section 19-5-102, shall constitute a nuisance within the meaning of this chapter. (Ord. 2007-12, 2007)

8-08-240 BREEDING PLACES FOR FLIES, ETC.

It shall be unlawful for any person to maintain a condition within the City which unreasonably promotes or encourages the breeding of flies, mosquito, rats or other forms of animal life which may be disease carriers or which otherwise constitutes a nuisance, as designated in Section 8-08-010 of this chapter. (Ord. 2007-12, 2007)

8-08-250 BARKING DOGS.

It shall be unlawful for any person to keep any dog which by barking, howling, or yelping, or by any other action constitutes a nuisance within the designation of Section 8-08-010 of this chapter. (Ord. 2007-12, 2007)

8-08-260 NOISES.

It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary, or unusual noise, or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the City. The following acts when prolonged, unusual and unnatural in their time, place and use, may be a deterrent to the public health, comfort, convenience, safety, welfare and prosperity: horns, radios, stereos, loudspeakers; yelling or shouting, exhausts, motor vehicles, drums or musical instruments, construction equipment, airplanes or blasting. Farm equipment noise under normal farm use will be exempt. (Ord. 2007-12, 2007)

8-08-270 GARBAGE; IMPROPER PLACEMENT.

Placement of garbage at curbside or in other than a protected area shall be considered a nuisance within the meaning of this chapter, except during the period of twenty-four (24) hours preceding scheduled collection of such garbage. On garbage collection days, garbage and waste placed at curbside must be contained within county approved containers, unless the trash material is of such size and nature that it would not be practical to fully enclose it. (Ord. 2007-12, 2007)

8-08-280 ALL TERRAIN AND RECREATIONAL VEHICLES IN SPECIFIED AREAS.

Consistent with those definitions and provisions of Utah Code Annotated, section 41-22-1 et seq., the operation by any person of an all terrain or recreational vehicle within six hundred feet (600') of an inhabited dwelling is determined to be harmful to the environment because of excessive mechanical noise and dust pollution, unless it is on an improved public or private roadway designated for vehicular traffic. Each instance or such operation shall be unlawful and shall constitute an infraction and, upon conviction, subject to penalty as provided in Section 8-08-190 of this code. (Ord. 2007-12, 2007)

8-08-290 GARBAGE COLLECTION STATION.

It shall be unlawful for any person intentionally or carelessly to throw, cast, put into, drop or leave garbage, junk, refuse, yard waste; including branches, weeds, leaves, and grass; or any other unwanted material in or around the Enterprise Collection Station, except in authorized containers and areas, as per the Enterprise Collection Station Rules.

8-08-300 MISCELLANEOUS ACTS.

Every act done, permitted, or allowed or continued on any property, public or private, by any person or corporation, his agents or servants, detrimental to health or to damage or injury of three or more of the

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

inhabitants of the City, not hereinbefore specified, shall be deemed a nuisance. (Ord. 88-7-26 (part), 1988: prior code §303)

8-08-310 CITATIONS--ISSUANCE BY CITY OFFICIALS.

A nuisance ordinance violation citation may be issued by the City marshal, law enforcement personnel, code enforcement employee, or the dog ordinance administrator, upon personal knowledge of the foregoing regulations, or upon receipt of a signed, notarized affidavit form, provided by the City for the purpose of processing a citizen's legal complaint. (Ord. 88-7-26 (part), 1988: prior code §307)

8-08-320 VIOLATION--PENALTY.

Any person violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine in any sum not exceeding one thousand dollars. (Ord. 88-7-26 (part), 1988: prior code §306)

**Chapter 8-10
TOBACCO, CIGARETTES AND PSYCHO TOXIC CHEMICAL SOLVENTS**

Sections:

- 8-10-010 Definitions.
- 8-10-020 Cigarettes and tobacco--Advertising restrictions.
- 8-10-030 Permitting minors to use tobacco in place of business.
- 8-10-040 Furnishing cigars, cigarettes, or tobacco to minors.
- 8-10-050 Buying or possession of cigars, cigarettes or tobacco by minors.
- 8-10-060 Sale of clove cigarettes prohibited.
- 8-10-070 Sale or gift of tobacco to minors prohibited.
- 8-10-080 Smoking in public place or at public meeting prohibited--Exceptions--Application to places of employment.
- 8-10-090 Abuse of psycho toxic chemical solvents.
- 8-10-100 Designation of smoking areas.
- 8-10-110 Duties of proprietor of public place.
- 8-10-120 Classification of offenses.
- 8-10-130 Smokeless tobacco.

8-10-010 DEFINITIONS.

"Bar" means any establishment or portion of an establishment where one can consume alcoholic beverages and hors d'oeuvres, but excluding any such establishment or portion of the establishment with tables or seating facilities where, in consideration of payment, meals are served.

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

"Place of business" means any and all such places as shops, stores, factories, public garages, offices, theaters, recreation and dance halls, pool rooms, cafes, cafeterias, cabarets, restaurants, hotels, lodging houses, streetcars, buses, inter-urban and railway passenger coaches and waiting rooms.

"Public meeting" means all meetings open to the public.

"Public place" means any enclosed, indoor area which:

1. Is used by the general public; or
2. Is a place of employment.

"Public place" includes, but is not limited to restaurants, cafes, cafeterias, commercial kitchens, retail stores, and other commercial establishments, auditoriums, theaters, arenas, airport terminals, bus station and railway terminals, elevators, meeting rooms, offices, factories, public conveyances, buses, railway passenger cars, hospitals, medical or dental clinics, nursing homes, and buildings constructed, maintained or supported, in whole or in part, by tax revenues. Additionally, any enclosed indoor area in which the proprietor or person in charge has posted a conspicuous sign indicating "no smoking" or "thank you for not smoking" shall be considered a "public place."

"Smoking" includes, but is not limited to, carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment. (Ord. 8.10.000 (part)1 1991)

8-10-020 CIGARETTES AND TOBACCO--ADVERTISING RESTRICTIONS.

- A. It is a Class B misdemeanor for any person to display on any billboard, streetcar sign, streetcar, bus, placard, or on any other object or place of display, any advertisement of cigarettes, cigarette papers, tobacco or cigars, or their substitutes, may have a sign on the front of his place of business stating that he is a dealer in the articles; provided that nothing in this section shall be construed to prohibit the advertising of cigarettes, cigarette papers, chewing tobacco or smoking tobacco, or any substitute of either, in any newspaper, magazine or periodical printed or circulating in this municipality.
- B. Any advertisement for smokeless tobacco placed in a newspaper, magazine or periodical published in this municipality must bear a warning which states: "Use of smokeless tobacco may cause oral cancer and other mouth disorders and is addictive." This warning must be in a conspicuous location and in conspicuous and legible type, in contrast with the typography, layout, and color of all other printed material in the advertisement. For purposes of this subsection, "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity or nasal passage. In the event the United States Congress or the state of Utah passes legislation which requires warnings in advertisements of smokeless tobacco, the specific language required to be placed in advertisements by that legislation shall take precedence over this subsection. (Ord. 8.10.000 (part), 1991)

8-10-030 PERMITTING MINORS TO USE TOBACCO IN PLACE OF BUSINESS.

It is a Class C misdemeanor for the proprietor of any place of business to knowingly permit persons under age nineteen to frequent a place of business while they are using tobacco. (Ord. 8.10.000 (part), 1991)

8-10-040 FURNISHING CIGARS, CIGARETTES OR TOBACCO TO MINORS.

Any person who sells, gives or furnishes any cigars, cigarette or tobacco in any form, to any person under nineteen years of age, is guilty of a Class C misdemeanor. (Ord. 8.10.000 (part), 1991)

8-10-050 BUYING OR POSSESSION OF CIGARS, CIGARETTES, OR TOBACCO BY MINORS.

Any person under the age of nineteen years, who buys, accepts or who has in his possession any cigar, cigarette, or tobacco in any form is guilty of a Class C misdemeanor, or may be subject to the jurisdiction of the juvenile court. (Ord. 8.10.000 (part), 1991)

Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16

8-10-060 SALE OF CLOVE CIGARETTES PROHIBITED. It is unlawful for any person to knowingly sell, offer for sale, give, or furnish any clove cigarette in this state. For purposes of this section, "***clove cigarette***" means any cigarette which contains more than ten percent, by weight, or raw *Eugenia Caryophyllus*, commonly known as clove. Any person who violates this section is guilty of a Class B misdemeanor. (Ord. 8.10.000 (part), 1991)

8-10-070 SALE OR GIFT OF TOBACCO TO MINORS PROHIBITED.

- A. Any person who:
 - 1. maintains in the person's place of business a tobacco vending machine accessible to persons under nineteen years old; or
 - 2. Provides any method of self-help for the disposition to persons under nineteen years old by gift, sale or otherwise of any cigarette or cigarette paper or wrapper, or any paper made or prepared for the purpose of making cigarettes or tobacco in any form whatsoever, is guilty of a Class B misdemeanor.
- B. Cigarette vending machines shall be deemed accessible to persons under nineteen years old, except:
 - 1. Where persons under nineteen years old are prohibited;
 - 2. Where the machine can be operated only by the owner or his employee, either directly or through a remote control device which is inaccessible to the customer and operated for each sale;
 - 3. In private industrial locations where only adult employees are customarily allowed, if the locations are inaccessible to persons under nineteen years old; and
 - 4. In adult private clubs, if the locations are inaccessible to persons under nineteen years old.
- C. Every person, firm, or corporation which sells, gives, or in any way furnishes to another person who is in fact under nineteen years old, any tobacco, cigarette, or cigarette papers or any other preparation of tobacco in violation of this section shall, upon conviction, be punished:
 - 1. For the first offense by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment for not more than sixty days;
 - 2. For the second offense by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not more than ninety days; and
 - 3. For each subsequent offense by fine of not less than one hundred dollars nor more than the maximum fine for a Class B misdemeanor or by imprisonment for not less than ninety days, or both.
- D. Every person, firm or corporation which owns a tobacco products machine operating within the state of Utah shall, within ninety days after this act becomes effective, post and maintain on each machine a decal of not less than six inches by three inches, which contains the following:
- E. "WARNING: PURCHASE BY, or POSSESSION BY, or SALE TO a person UNDER 19 YEARS OF AGE, of tobacco products is a violation of:
- F. Penal Code, 76-10-104, Utah Code Annotated, 1953;
- G. Penal Code, 76-10-105, Utah Code Annotated, 1953 and
- H. Penal Code, 76-10-105.5, Utah Code Annotated, 1953."
- I. Any person violating subsection A, B, or D of this section is guilty of keeping and maintaining a nuisance, and that person may be enjoined from maintaining the nuisance. (Ord. 8.10.000 (part), 1991)

8-10-080 SMOKING IN PUBLIC PLACE OR AT PUBLIC MEETING PROHIBITED--EXCEPTIONS--APPLICATION TO PLACES OF EMPLOYMENT.

- A. The City Council finds that tobacco smoke, or smoke from any other plant, in enclosed places is harmful to the health of nonsmokers with allergies or respiratory or cardiovascular disease; that there is strong evidence that tobacco smoke in enclosed places is harmful to the health of nonsmokers even without allergies or respiratory or cardiovascular disease; that tobacco smoke, or smoke from any other plant in

Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16

enclosed public places is a public health nuisance and a cause of material annoyance, discomfort, and physical irritation to nonsmokers; that nonsmokers have no adequate means to protect themselves from the damages or discomfort inflicted upon them when they involuntarily inhale tobacco smoke or smoke from other plants; and that regulation of smoking in public places is necessary to protect the health, safety, welfare, comfort and environment of nonsmokers.

- B. No person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition does not apply in cases where an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place.
- C. With regard to public places which are places of employment and which are not frequented by the general public, the City may enforce this section, Sections 8-10-100 and 8-10-110, and if it is determined that the proximity of employees or the inadequacy of ventilation causes smoke pollution detrimental to the health or comfort of nonsmoking employees, the City may restrict or prohibit smoking in that place.
- D. Portable or table-top ash trays may not be made available in areas of public places which are designated as no-smoking areas. Ash tray stands or permanent ash trays may be used at or near the entrance of a no-smoking area. (Ord. 8.10.000 (part), 1991)
- E. Smoking is hereby prohibited in city parks, and within fifty (50) feet of mass gatherings. A violation of this ordinance is a Class "C" Misdemeanor punishable by a fine not to exceed twenty-five dollars (\$25.00) but not by imprisonment. Police officers shall have the discretion to issue a "warning" if they deem it is in the best interests of the City for the first offense. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every city park. (Ord. 2008-02, 2008)

8-10-090 ABUSE OF PSYCHO TOXIC CHEMICAL SOLVENTS.

- A. A person is guilty of abuse of psycho toxic chemical solvents if:
 - 1. For the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction or the dulling of his brain or nervous system, he intentionally:
 - a. Smells or inhales the fumes of any psycho-toxic chemical solvent, or
 - b. Possesses, purchases or attempts to possess or any psycho toxic chemical solvent;
 - c. Knowing or believing that a purchaser or another intends to use a psycho toxic chemical in violation of subsection (A) (1) (a) or (b), sells or offers to sell any psycho toxic chemical solvent.
- B. This section shall not apply to the prescribed use, distribution, or sale of those substances for medical or dental purposes.
- C. Abuse of psycho toxic chemical solvents is a Class B misdemeanor.
- D. As used in this section, "psycho toxic chemical solvent" includes any glue, cement or other substance containing one or more of the following chemical compounds:
- E. acetone and acetate, amyl nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl nitrite, butyl nitrate, or their isomers, ethyl alcohol, ethyl nitrite or ethyl nitrate or, ethylene dichloride, isobutyl alcohol, methyl alcohol, methyl ethyl ketone, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl nitrite or propyl nitrate or their isomers, toluene or xylene, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance. Nothing in this section shall be construed to include any controlled substance regulated by the provisions of Chapter 37, Title 58 of Utah Code Annotated 1953, as amended. (Ord. 8.10.000 (part), 1991)

Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16

8-10-100 DESIGNATION OF SMOKING AREAS.

- A. Appropriate smoking areas may be designated by proprietors, employers, or other persons in charge of public places, except where smoking is prohibited by the fire marshal or by other law, ordinance, or regulation. Designated smoking areas may be areas such as, but not limited to, private enclosed offices occupied exclusively by smokers. The place designated for smoking in a public place shall be proportionate to the preference of its customers, clients, or employees, as determined by the proprietor or employer of that public place. A bar may be designated as a smoking area in its entirety. This section does not require a proprietor, employer, or other person in charge of a public place to provide a smoking area.
- B. Where smoking areas are designated, existing physical barriers and ventilation systems, and seating arrangements shall be used to prevent the toxic effects of smoke in adjacent nonsmoking areas. In the case of public places consisting of a single room, the provisions of this section shall be considered met if one side of the room is reserved and posted as a nonsmoking area and the ventilation of the room is sufficient to prevent the smoke pollution from becoming either a health hazard or discomfort to nonsmokers. (Ord. 8.10.000 (part), 1991)

8-10-110 DUTIES OF PROPRIETOR OF PUBLIC PLACE.

- A. An employer or other person in charge of a public place which is a place of employment shall make efforts to prevent violation of Sections 8-10-080 and 8-10-100 by:
 - 1. Conspicuously posting appropriate signs;
 - 2. Arranging employee work stations, where possible, so that the proximity of employees and existing ventilation will prevent smoke pollution detrimental to the health or comfort of nonsmoking employees;
 - 3. Asking individuals who are smoking in an area designated as "no smoking" to refrain from smoking in that area; and
 - 4. Allowing an employee who has a defined, individual work area in the workplace to designate his immediate work area as a "no smoking" area and to post it with appropriate signs. With regard to this subsection, the employee shall give precedence to the rights of a nonsmoking employee when attempting to reach agreements between the preferences of smoking and nonsmoking employees.
- B. A proprietor or person in charge of a public place other than a place of employment shall make efforts to prevent violations of Sections 8-10-080 and 8-10-100 by:
 - 1. Conspicuously posting appropriate signs;
 - 2. Arranging seating to provide a "no smoking" area in accordance with Sections 8-10-080 and 8-10-100; and
 - 3. Arranging existing ventilation, where possible, to provide a "no smoking" area in accordance with Sections 8-10-080 and 8-10-100.
- C. In addition to the responsibilities listed in subsection B of this section, a proprietor, or person in charge of an airport terminal, bus station, train depot, arena, convention center, special events center, or similar public place shall make efforts to prevent violations of Sections 8-10-080 and 8-10-100 by providing announcements on a public address system, if such a system is available, that smoking is allowed only in designated areas, consistent with Sections 8-10-080 and 8-10-100.
- D. None of the requirements listed in this section prohibit an employer or proprietor of a public place from designating an entire public place as a "no smoking" area.

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

- E. No employer or person in charge of a public place which is a place of employment shall discriminate against any employee who expresses concern about smoke pollution in the place of employment which is detrimental to his health or comfort. (Ord. 8.10.000 (part), 1991)

8-10-120 CLASSIFICATION OF OFFENSES.

- A. It shall be an infraction for any person to violate Section 8-10-080.
B. It shall be an infraction for any person to violate Section 8-10-110.
C. The executive director of the Department of Health or local health departments or the City may institute an action, in a court of appropriate jurisdiction, to enjoin repeated violations of Section 8-10-100. (Ord. 8.10.000 (part), 1991)

8-10-130 SMOKELESS TOBACCO.

- A. The City Council finds that smokeless tobacco, or chewing tobacco, is harmful to the health of individuals who use those products because research indicates that they may cause mouth or oral cancers; that the use of smokeless tobacco among juveniles in this municipality is increasing rapidly; and that it is necessary to restrict the gift of these products in the interest of the health of the citizens of this City.
B. It is unlawful for a manufacturer, wholesaler, and retailer to give or distribute without charge any smokeless tobacco or chewing tobacco in this City. Any person who violates this section is guilty of a Class C misdemeanor for the first offense, and is guilty of a Class B misdemeanor for any subsequent offense. (Ord. 8.10.000 (part), 1991)

**Chapter 8-12
PUBLIC SWIMMING POOLS**

Sections:

- 8-12-010 License required.
8-12-020 Operation requirements.
8-12-030 Violation--Penalty.

8-12-010 LICENSE REQUIRED.

It is unlawful for anyone to operate, conduct, manage, or maintain any natatorium or swimming pool within the City limits of the City of Enterprise without first obtaining a license from the City as provided by ordinance. (Ord. 88-7-30 (part), 1988: prior code §355)

8-12-020 OPERATION REQUIREMENTS.

It is unlawful for any person to conduct, manage, or maintain any natatorium, swimming pool, or tank in or within any building or structure in the City of Enterprise, or for any person to bathe in or use any such natatorium, swimming pool, or tank without complying with all the following requirements:

All such pools or tanks shall be operated in compliance with Utah State Health Department Regulations (Ord. 88-7-30 (part), 1988: prior code §356)

8-12-030 VIOLATION--PENALTY.

**Enterprise Municipal Code
Title 8 – Health and Safety
Chapters 04-16**

Any person violating any of the provisions of this chapter shall be guilty of an offense, and upon conviction thereof shall be punished by a fine of not to exceed one thousand dollars, or by imprisonment in the City jail for a period of not exceeding thirty days, or by both such fine and imprisonment. (Ord. 88-7-30 (part), 1988: prior code §357)

**Chapter 8-16
BURNING PERMITS**

Sections:

- 8-16-010 Required
- 8-16-020 Conditions for issuance.
- 8-16-030 Fire prevention.
- 8-16-040 Liability.

8-16-010 REQUIRED.

All persons shall be required to obtain a burning permit before starting a fire on any land within the boundaries of the City of Enterprise other than those exempted by Utah Code Annotated, 11-7-1 (2) (a) from the City of Enterprise fire chief or other designees. (Ord. 2.44.9.95 §1, 1995)

8-16-020 CONDITIONS FOR ISSUANCE.

Burning permits shall be issued in compliance with the State Fire Marshal's burning schedule and shall be restricted as necessary by the City fire chief and City Council. Duplicate copies of the burning permits shall be given to the fire department twenty-four hours prior to the time of burning. (Ord. 2.44.9.95§2, 1995)

8-16-030 FIRE PREVENTION.

Proper fire prevention cautions shall be taken and normal equipment for controlling fires shall be on hand. (Ord. 2.44.9.95 §3, 1995)

8-16-040 LIABILITY.

Permit applicant shall be liable for spread of fire intentionally set for legitimate purpose and citations and/or fines may be issued for negligence. (Ord. 2.44.9.95 §4, 1995)