

CHAPTER 02-01 GENERAL PROVISIONS

Section 02-01-001	Short Title
Section 02-01-002	Purpose
Section 02-01-003	Intent
Section 02-01-004	Interpretation
Section 02-01-005	Conflict With Private Agreements
Section 02-01-006	Nuisance Abatement
Section 02-01-007	Nuisances Designated
Section 02-01-008	Misdemeanor and Penalty Provisions

Declaration

The Naples City Planning and Land Use Commission and the Naples City Council declare that in creating the zones established and set forth in this ordinance and the permitted and conditional uses established in this ordinance for each zone, the City has exercised its legal and lawful authority as delegated by the constitution statutes of the State of Utah and has done so in recognition of its authority to do such things as are necessary to promote the health, safety, and welfare and economic benefit of the citizens of the City. The Planning and Land Use Commission and the City Council have carefully considered the zones, the location of the zones, and the permitted and conditional uses within said zones and have adopted said terms, conditions, and regulations in the best interests of the City and its citizens and property owners. During the course of adopting the ordinance and the classifications and characteristics of each zone, public input has been considered as well as the present and future economic and development needs of the City, the desire to create pleasant communities and compatible uses as well as law enforcement, public safety, and other concerns and considerations.

It is hereby declared that any use of real property within the boundaries of Naples City which is not specifically permitted or approved as a conditional use is strictly prohibited. Any person desiring any change in the classification of the zone or permitted uses or conditional uses within any zone bears the burden of convincing the Planning and Land Use Commission and the City Council that such a change is reasonable, necessary, appropriate, desirable and consistent with the overall Planning and Land Use scheme adopted by the City in this Land Use ordinance and in the General Plan.

The City, having carefully considered and adopted its Land Use rules and regulations, is under no obligation to justify or reestablish the validity of the classifications and requirements established herein each time a person requests a change. The decision as to whether to make the change requested shall be purely within the judgment and discretion of the Planning and Land Use Commission and City Council acting in the best interests of the citizens and community as a whole and in balancing the various considerations, interests and needs of the community as determined in the best judgment and discretion of the officials charged with this responsibility. The burden of proof rests entirely with the proponent of the person engaging in the use.

Whereas, it is necessary for the general health, safety and welfare of the citizens of Naples, Utah, that the existing Land Use laws and regulations be amended from time to time to accommodate

the needs and requirements created by changes in growth and other circumstances, and the changes set forth herein cover a modification of the existing Land Use laws and requirements of said city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NAPLES, UTAH: THE LAND USE LAWS OF NAPLES, UTAH, ARE HEREBY AMENDED TO READ AS FOLLOWS:

02-01-001 SHORT TITLE

This Title shall be known as the “Naples City Planning and Land Use Ordinance” and may be so cited and pleaded. Said title shall be referred to herein as “This Title” and the chapter and sections hereinafter referred to shall be chapters and sections of this title.

02-01-002 PURPOSE

This Title and the regulations and restrictions contained herein are adopted and enacted for the purpose of promoting the health, safety, morals, and general welfare of the present and future inhabitants of the City; and to encourage and facilitate the orderly growth and development of the City; to provide adequate open space for light and air, to prevent and to reduce congestion on the streets; to secure economy in municipal expenditures, to facilitate provision for transportation, water, sewage, schools, parks and other public facilities and services; to increase the security of home life and preserve and create a more favorable environment for the citizens and visitors of the city; to secure safety from fire and other dangers; to stabilize and improve property values; to enhance the economic and cultural well-being of the inhabitants of the City, and to promote the development of a more wholesome, serviceable and attractive City resulting from an orderly planned use of resources.

02-01-003 INTENT

It is hereby declared to be the intent of Naples City that This Title, and the regulations set forth herein, shall be so constructed as to further the purpose of This Title, and promote the objectives and characteristics of the General Plan and Land Use Ordinances.

02-01-004 INTERPRETATION

In interpreting and applying the provisions of this Title, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

02-01-005 CONFLICT WITH PRIVATE AGREEMENTS

This ordinance shall not nullify the more restrictive provisions of covenants, easements, agreements, deed restrictions, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

02-01-006 NUISANCE ABATEMENT

The City finds that the existence of nuisances within Naples City adversely affects the health, welfare and safety of the residents of the City and others visiting there. Any designated nuisance shall be and the same hereby is, declared to be unlawful and a public nuisance; the city building official and/or city attorney may commence action or proceedings for the abatement or removal of the nuisance. The party violating this ordinance shall pay all costs and attorney fees incurred by Naples City in enforcing this ordinance.

02-01-007 NUISANCES DESIGNATED

A nuisance shall be any one of the following:

- A. Whatever impairs the reasonable and lawful use of property;
- B. Whatever unreasonably or unlawfully affects the health or safety of one (1) or more persons;
- C. Anything which unreasonably or unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage, any public or private street, highway, sidewalk, stream, ditch or drainage way;
- D. Noxious weeds, or weeds more than twelve (12) inches tall or weeds within thirty (30) feet of a structure, or weeds within ten (10) feet of the outer edge of any public street, or weeds in any other location which constitute an unreasonable fire hazard;
- E. Any dwelling, building or structure which is an unreasonable hazard to the health or safety of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located;
- F. Any accumulation of rubbish, trash, refuse, junk, abandoned materials, metals, lumber, or machinery;
- G. Any abandoned vehicle or more than three unlicensed vehicles;
- H. Noxious or unreasonable odors, fumes, gas, smoke, soot or cinders;

I. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provision of the City ordinances, or any use of land, buildings or premises in violation of the Land Use ordinances.

J. Trees planted or allowed to grow by a person or entity having ownership or possessory interest in property and in such a way as to cause damage to sidewalks, curbs, gutter, or streets.

02-01-008 MISDEMEANOR AND PENALTY PROVISIONS

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this title, shall be guilty of a class B misdemeanor and upon conviction thereof shall be punishable by a fine of not more than two hundred ninety-nine dollars (\$299.00) or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this title is committed or continued by such person, firm or corporation and shall be punishable as herein provided. Refer to the "Consolidated Fee Schedule" for additional details.