

Notification of Premises Closed To Occupancy

January 27th, 2022

LIFETIME HOLDINGS, LLC
ATTN: JOSHUA RAY NEWBOLD
[REDACTED]
SOUTH JORDAN, UT 84095

EVERGREEN PLACE LLC
ATTN: JORGE GONZALEZ VILLARRUEL
[REDACTED]
SARATOGA SPRINGS UT, 84047

Dear: Mr. Joshua Ray Newbold & Mr. Jorge Gonzales Villarruel

RE:163 E 7800 S

CO #190905

The Salt Lake County Health Department has been referred to the property and business identified above for which you are the owners of record. The facility houses approximately seventeen individuals.

On January 25th & 26th, 2022, Health Department inspections were conducted at 163 E 7800 S. The following conditions were observed:

- A sewer line backup was observed, a plumber was called and was able to clear the sewer line. There were 3 separate occurrences of sewage contamination in the dwelling. Adam of Allstar Services and Repair, camera inspected the sewer lateral and observed the lateral was bellied and needed to be evacuated for repair.
- The kitchen of the food establishment (Evergreen Place: Permit # 35-049843) within the dwelling was still using sinks in the kitchen while the sewer line/lateral was blocked, resulting in wastewater coming up out of toilets.
- There was sewage contaminated flooring and carpets in 3 upstairs rooms (#1,2, and 3) including the hallway.
- The carpet in the stairwell along with flooring/carpet in common areas had sewage tracked onto it from the saturated areas.
- Downstairs rooms and hallways had sewage saturated walls, ceilings, carpet and concrete flooring. No cleanup had been conducted since the sewage flood beyond the fans that had been left running from prior flooding by Mint Restoration
- Both live and dead bedbugs were observed in the facility in numerous quantities.

You are notified that these conditions are in violation of Health Department Regulation #3 *Housing* (Health regulations may be obtained in their entirety at www.saltlakehealth.org or you may contact our office) and these deficiencies render the dwelling unfit for human habitation. The dwelling was posted with a "CLOSED TO OCCUPANCY" placard on January 26th, 2022, in accordance with the following portions of Health Department Regulation #3 *Housing*:

- 4.1.2. **Letting of Unfit Dwelling or Dwelling Unit Unlawful.** No owner, manager, or other person shall let to another person, or permit occupancy of any dwelling or dwelling unit unless it complies with this regulation
- 4.1.3. **Failure to Maintain Dwelling or Dwelling Unit Unlawful.** No owner or manager, of any dwelling or dwelling unit shall permit interior surfaces to become soiled from accumulations of garbage, fecal matter, bodily fluid, or other infectious materials. If the affected area cannot be cleaned and restored to a sanitary condition, the Director may require the owner to repair or replace it before further habitation.
- 4.1.4. **Flood Damage Control and Remediation.** In the event that water or sewage floods a dwelling or dwelling unit and affects any floor, wall, ceiling, or structural component, the owner or manager shall

take action to remove the water or sewage and initiate the drying of all affected surfaces as soon as possible after the occurrence. If the source is potable water and is not dried within 24 hours of the occurrence, or the source is other than potable water, the surfaces shall be cleaned and sanitized. The owner or manager shall make any corrections or repairs required to mitigate the potential recurrence of flooding into the dwelling or dwelling unit.

- 4.1.5. **Maintenance of Common Areas.** An owner or manager of a building or structure containing two or more dwelling units shall maintain the common areas of the premises in a clean and sanitary manner.
- 4.1.6. **Pest Control.** An owner or manager of a dwelling or dwelling unit shall be responsible for the control of vermin on the premises.
- 4.1.7. **Prevention of Pests.** The owner or manager, of a dwelling or dwelling unit shall not accumulate garbage, refuse, or any materials that may serve as food or harborage for vermin.
- 4.1.12. **Responsibilities Upon Vacating.** If any dwelling or dwelling unit is vacant, the owner or manager shall secure and maintain the structure and remove all garbage and refuse from the premises and abate all nuisances within the time specified by the Director and prior to re-occupancy.

4.4. Structural Requirements.

- 4.4.2. **Bathroom Facilities.** Every dwelling unit, except rooming units, shall contain a toilet, handwash sink, and bathtub or shower in good working condition and properly connected to an approved water and sewer system. The handwash sink shall be conveniently located to the toilet. Rooming units shall have either individual or shared bathroom facilities.
- 4.4.4. **Interior Finishes.** Interior surfaces shall be clean and in good repair. Every bathroom and kitchen floor, wall, and ceiling surface shall be constructed of nonabsorbent materials. Floor surfaces within two feet of the toilet shall be smooth and easily cleanable.
- 4.6.6. **Installation and Maintenance of Plumbing Fixtures, Water Pipes, and Waste Pipes.** Every plumbing fixture, waste pipe, water pipe, and appurtenance shall be properly constructed, installed, and maintained in accordance with applicable plumbing codes. No plumbing fixture, water pipe, waste pipe, or other device shall be connected or arranged in a such a way that it would be possible for nonportable, used, unclean, polluted, or contaminated water or other substances to enter the potable water system under any condition.

4.8. Closing and Vacating of Unfit Dwellings.

- 4.8.1. **Closing Unfit Dwellings.** Any dwelling or dwelling unit 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 human habitation, 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.
- 4.8.2. **Vacating Required Upon Closing to Occupancy.** Any dwelling or dwelling unit which is closed to occupancy shall be vacated within a reasonable time as ordered by the Director.
- 4.8.3. **Closed-to-Occupancy Placard.** Closed-to-occupancy placards shall be conspicuously posted on entryways to the respective dwelling unit(s). The placard shall state the address of the dwelling, the date of closure, name, and phone number of the Director, and may denote the hours of permitted entry of authorized persons for the express purpose of abating noted violations.
- 4.8.4. **Tampering with Placard Prohibited.** No person, other than the Director, shall deface or authorize the removal of a closed-to-occupancy placard.
- 4.8.5. **Approval Required Prior to Occupancy of Closed Dwelling.** It shall be unlawful for any person to occupy any dwelling or dwelling unit that has been closed to occupancy until approval

of the Director is given and all placards are removed.

4.8.6. Securing of Unoccupied Structures. If a vacant building or any part of a building has become a nuisance or unfit for human habitation, 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 within a reasonable time. If the owner, lessee, or occupant fails to secure the building, or its part as required, the Director may proceed to secure it and charge the costs against the owner, lessee, or occupant. If a building or any part thereof is vacant and not secure, or is accessible to the public, this may be considered prima facie evidence it is a nuisance and securing may be required.

4.8.7. Occupying Closed Dwelling Unlawful. It shall be unlawful for any person to occupy, prepare food, or sleep in any structure, dwelling, or other place that is currently closed to occupancy. Authorized persons may be allowed entry by the Director during the prescribed hours for violation abatement as specified in 4.8.3.

8.3. Recovery of Investigation & Abatement Costs.

8.3.1. The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.

8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

You are notified that these conditions are in violation of Health Department Regulation #5 *Food* (Health regulations may be obtained in their entirety at www.saltlakehealth.org or you may contact our office)

4.5.13 Approved System and Cleanable Fixtures. 1 (i) A plumbing system shall be designed, constructed, and installed as required by Utah Admin. Code R156-56 International Plumbing Code and R156-56 amendments to the International Plumbing Code.

4.5.30 System Maintained in Good Repair. 1 A plumbing system shall be: (i) Repaired according to law; and (ii) Maintained in good repair.

4.6.40 Repairing – Physical Facilities. The physical facilities shall be maintained in good repair.

You are notified that these conditions are in violation of Health Department Regulation #7 *General Sanitation* (Health regulations may be obtained in their entirety at www.saltlakehealth.org or you may contact our office)

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

4.18. 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.

These deficiencies render the dwelling, unfit for human habitation. The dwelling including the kitchen at Evergreen Place (Health Permit # 35-049843) will remain posted "Closed to Occupancy" until the Health Department confirms that the violations have been corrected. The dwelling is not to be rented or otherwise occupied. Please be aware that representatives of the Salt Lake County Health Department, zoning, and law enforcement agencies may periodically check that the dwelling is unoccupied and that the placard remains posted.

You have the right to appeal this action. To do so, you must request a departmental conference, departmental hearing, or departmental appeal within 10 days of receipt of this notice. We recommend a departmental conference followed by a departmental hearing or appeal if you desire. The request to appeal must be filed in writing with the Environmental Health Division, 788 E. Woodoak Lane, Suite 140, Murray, Utah 84107-6379. Failure to request or attend a scheduled conference, hearing, or appeal may render the Department's action as described herein, final. A copy of the Salt Lake County Health Department's adjudicative procedures is available upon request or at <https://slco.org/health/regulations/>.

Your cooperation in this matter will be appreciated.

Sincerely,



Gerry Bourke, L.E.H.S.
Sanitation & Safety
385-468-3788

GB/sd

Certified Mail #7020 3160 0002 1759 8449