

ARTICLE VIII: NUISANCES

Section 11-8 PUBLIC NUISANCES PROHIBITED.

It shall be unlawful for any person to erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

Section 11-8.1 ENUMERATION OF PUBLIC NUISANCES AFFECTING HEALTH

Public nuisances affecting public health shall include, but not be limited to the following acts, omissions, conditions or things:

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public
2. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
3. Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed. (Reference Sec. 11-3.3.6, Sec. 11-3.3.7, 11-3.3.9, Sec. 11-3.3.11, Sec. 11-3.3.13, Sec. 11-3.3.14, and Sec. 11-3.3.15)
4. All stagnant water in which mosquitoes, flies or other insects can breed and multiply. (Reference Sec. 11-3.3.9)
5. All noxious weeds and other rank growth or vegetation. (Reference Sec. 11-3-3.6, Sec. 14-5)
6. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City or within one (1) mile therefrom in such quantities as to endanger the health of persons or ordinary sensibilities or to threaten or cause substantial damage to property;
7. The pollution of any public well or cistern, stream, lake, canal, or body or water by sewage, creamery, or industrial wastes or other substances;
8. Any use of property, substances or things that greatly offends the morals or decency of individuals or substantially annoys, injures, or endangers the comfort, health repose or safety of the individual by; emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number or persons within the City.

Section 11-8.2 PUBLIC NUISANCES AFFECTING PUBLIC SAFETY

Public nuisances affecting public safety shall include, but not be limited to the following:

1. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety;

2. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
3. All limbs of trees which project over a public sidewalk or roadway less than eight (8) feet above the surface of a public sidewalk or less than fourteen and one half (14.5') feet above the surface of a public roadway;
4. All wires over streets, alleys, public grounds which are strung less than fifteen (15) feet above the surface of street or ground;
5. All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City or which although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after purpose thereof has been accomplished;
6. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
7. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed (Reference Sec. 11-5.3.1) or which are not equipped with a device for opening from the inside;
8. Any unauthorized or unlawful use of property abutting on a public street, alley, or sidewalk, or of a public street or alley, or sidewalk, which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

DIVISION 2. ABATEMENT

Section 11-8.3

COMPLAINT BY CITIZENS; REPORT BY OFFICERS

(a) Any citizen or resident of the City may complain of and report to any duly authorized representative of the City any nuisance, or other matter or thing detrimental to the public's health.

(b) The authorized representative shall promptly notify the Public Works Director or Code Enforcement Officer, who shall inspect or cause to be inspected the premises, and make a written report of the findings to the City Administrator. Whenever practicable, the inspecting Officer shall cause photographs to be made of the premises, and shall be retained for future reference.

Section 11-8.4

NOTICE TO ABATE NUISANCE.

(a) If the Code Enforcement Officer determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Code Enforcement Officer shall serve notice on the owner or, if the owner cannot be found, notice shall be served on the occupant or person causing, permitting or maintaining such nuisance and shall post a copy of the notice on the premises.

(b) Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty-four (24) hours. The notice shall state that unless such nuisance is so abated, the City will cause

it to be abated and will charge the costs to the owner, occupant or person causing, permitting or maintaining the nuisance.

Any person refusing or neglecting to abate a nuisance after having been directed to do so shall be guilty of a misdemeanor. (Code 1073, 11-32, 15-69, 15-73)

Section 11-8.5
ABATEMENT BY CITY

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Code Enforcement Officer, in case of health nuisances, and the Chief of Police in other cases, shall cause the abatement or removal of such public nuisance. (Code 1973, 15-70)

Section 11-8.6
ABATEMENT BY COURT ACTION

If the Code Enforcement Officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, morals or decency, such Officer shall file a written report of findings, and cause an action to abate such nuisance to be commenced in the name of the City in a court of competent jurisdiction in accordance with the provisions of the State Statutes. (Code 1973, 15-71)

Section 11-8.7
COST OF ABATEMENT

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. If notice to abate the nuisance has been give to the owner, such cost shall be assessed against the real estate as other special taxes. (Code 1973, 11-31, 15-72)