

Chapter 22

Nuisances

Section 22-1 Nuisance prohibited.

No person shall in the city create, maintain, commit or permit to be created, maintained or committed, any nuisance as hereinafter defined.

Section 22-2 Public nuisance defined.

A nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either:

- A. Annoys, injures or endangers the comfort, repose, health or safety of others;
- B. Offends decency;
- C. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway;
- D. In any way renders other persons insecure in life, or in the use of property.

Section 22-3 Acts, conditions and things declared nuisances.

Nuisances shall include, but are not limited to the following specific acts, conditions and things, which are deemed and declared nuisances:

- A. Any imperfect, leaking, unclean or filthy sink, water closet, urinal, or other plumbing fixture in any building used or occupied by human beings;
- B. Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property any animal or vegetable matter which attends the processing, preparation, transportation, cooking, eating, sale, or storage of meat, fish, vegetables, fruit and other food or food products found within the city which are likely to cause or transmit disease, or which may be a hazard to health.
- C. Vegetables, vegetable matters, or other articles that emit or cause an offensive, noxious or disagreeable smell or odor; and any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease carrying pests, animals, or insects.
- D. All slop, foul or chemically polluted water, liquor or beer washings, all filth, refuse or offal, grease, lard, discharged through drains or spouts or otherwise thrown or deposited in or upon any street, alley, sidewalk, public way, lot, park, public square, public enclosure, or any pond or pool of water.
- E. All carcasses of animals remaining exposed one hour after death, excepting legally taken and tagged game, which shall be twenty-four hours; and all green or salted hides left deposited in any open place.

- F. Any accumulation of waste manure or straw resulting from the transportation, housing or confining of animals.
- G. Waste, including, but not limited to, items such as paper, rags, trash, garbage, discarded clothing, shoes, curtains, linen and other apparel, tin cans, aluminum cans, boxes, bales or baled items, plastic containers, glass containers, plastic wrap, cleaning utensils, cooking utensils, and discarded household fixtures, when such items are stored, collected, piled or kept on private or public property, and in view of adjacent properties or public right-of-ways;
- H. Used building materials and waste, including, but not limited to such items as lumber, lath, gypsum board, pallets, plaster, old iron or other metal, concrete, brick and tile, piles of rock, sand, dirt or gravel when not used for landscaping purposes, doors, windows, and scrap or salvage building materials, when such items are stored, collected, piled or kept and are not stored inside a building; except for building materials that are temporarily stored for work on the premises, provided that such building materials and waste shall not remain on the premises for more than thirty days after work on the premises has ceased.
- I. Appliances, fixtures and furniture including, but not limited to, items such as stoves, refrigerators, freezers, sinks, cabinets and other kitchen appliances, bedroom furniture, mattresses, tables, chairs, clothes washing and drying machines, bathroom appliances and fixtures, light fixtures, washtubs, lawn mowers, tillers, chainsaws, snowblowers, and garden equipment when such items are stored, collected, piled or kept and are not stored inside a building; except that patio furniture and other furniture designed for outdoor use shall not constitute a nuisance when kept in view of adjacent properties or public right-of-ways;
- J. Old, unused, stripped, junked, and other motor vehicles, disassembled bicycles and bicycle parts, and other mechanical machines or motors or parts thereof, which is no longer safely usable for the purpose for which it was manufactured, when such items are stored, collected, piled or kept and are not stored inside a building.
- K. Vicious dogs and any dog which has the habit of barking or howling, or one that habitually chases and barks at vehicles disturbing and annoying any person or neighborhood, or one that shall injure or destroy any lawn, garden, shrubbery, flowers or vines.
- L. The open burning of any paper, garbage, leaves, grass, wood, trees, trash or other refuse substance or materials of any kind or nature, at any time, within the city limits.

Section 22-4 Abatement of nuisances.

The mayor shall give notice to any person creating, permitting, or maintaining any nuisance to abate such nuisance forthwith; and if such person shall neglect or refuse to do so within a reasonable time after such notice, he shall be deemed guilty of a misdemeanor. The mayor may cause to be removed or abated any such nuisance upon the expiration of a reasonable time after the serving of such notice, and the city may recover the reasonable expense incurred from the person maintaining such nuisance in a civil suit instituted for such purposes.

Section 22-5 Distribution of unwholesome food.

No person shall sell or offer for sale in this city any unwholesome food or drink or any food or beverage which has been condemned by a government inspector or by an inspector of the Board of Health.

Section 22-6 Garbage

The Board of Health shall have the power to create garbage collection districts and to provide rules and regulations governing the disposal and collection of garbage and fixing rates for the collection of the same and to provide penalties for the violation of such rules and regulations.

Section 22-7 Garbage accumulation.

It shall be unlawful for any person to allow garbage, dead animals, or other refuse to accumulate upon the premises occupied by such person.

Section 22-8 Vacating premises.

It shall be unlawful for any person upon vacating or removing from dwellings, storerooms or other buildings, situated within the corporate limits of the city, to fail to remove all garbage, rubbish and ashes from such buildings and premises and also the grounds appurtenant thereto; or to fail to place the same in a thoroughly sanitary condition within twenty-four hours after said premises shall be vacated.

Section 22-9 Dumping garbage.

It shall be unlawful for any person to dump, deposit, leave or cause or permit to be dumped, deposited or left, any garbage or offensive material, vegetable waste, market waste, or any other waste food products, animal by-products, ashes, or any other refuse or waste material, except at such times and places as may be designated by the city council.

Section 22-10 Establishment of restricted use site.

The city council may by resolution establish a restricted use site for certain material within the limits of the city or outside the city limits. It shall be unlawful for any person to dump any waste material at any place in the city except in accordance with rules and regulations adopted by the city council. The designated restricted use site shall be for the use of the residents of the city only, and it shall be unlawful for any other person to dump any garbage, waste or other refuse, other than said residents.

Section 22-11 Smoke and dust nuisance.

No person shall construct, maintain or use any chimney unless the same shall be so constructed, operated or used so that the dust, sparks, cinders, coal, ashes, smoke or fumes there from shall not become injurious or dangerous to the health, comfort, or the property of individuals or the public; nor materially impair the comfort of persons within said city. All such stacks now or hereafter used and operated shall be constructed and arranged in such manner and of such material as to be safe from causing fires, and shall be of such height from the ground as not in any manner to cause a violation of this section. Whenever any such stack or chimney is causing or in danger of causing a violation of this Section, the owner or person responsible therefore shall at once cause such stack or chimney to be reconstructed or repaired of proper and safe material or arresting device, or to be raised to such height, or to be arranged within a reasonable time so that such smokestack or chimney will be in compliance with the provisions of this Section. The city may, when any smokestack or chimney is dangerous to the health or safety of the inhabitants, or injurious to such a degree as to be a nuisance, order the same torn down or extended up or otherwise remedied so that it shall comply with this Section. This law shall be operative within the city and within one mile from the city limits, and procedure under this law shall be that provided in the Uniform Building Code.

Section 22-12 Storage of personality.

Unsheltered storage of old, unused, stripped, junked, and other motor vehicles, not in good and safe operating condition, or licensable motor vehicles which do not exhibit current license plates or registration, and of any other vehicles, machinery, implements, or equipment and personal property of any kind, which is no longer safely usable for the purpose for which it was manufactured, which hereinafter are collectively described as "said personality", stored for a period of thirty (30) days or more within the corporate limits of the city, is hereby declared to be a nuisance and dangerous to the public safety.

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this city upon which such storage is made, and also the owner, owners, and/or lessees of said personality involved in such storage (all of whom are hereinafter referred to collectively as owners), shall jointly and severally abate said nuisance by the prompt removal of said personality into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the city, or otherwise to remove it to a location without said corporate limits, after service of notice hereinafter defined.

Service of notice provided for in this ordinance shall be by personal service if the "owners" of "said personality" is a resident of the city. If such "owner" cannot be found in the city or is a non-resident of the city, written notice shall be served by registered mail and by publication at least two consecutive weeks in the official newspaper.

Whenever said owners fail to abate said nuisance then the City shall remove the said personality to a location of its selection, the expenses therefore to be billed to said owners, jointly and severally, said bill to be recoverable in a suit at law.

Section 22-13 Summary abatement of nuisances.

It shall be unlawful for any person or persons, within the limits of the city, to permit or suffer any nuisance involving offensive, foul, or vicious smelling substance whatever to remain on his or their premises, and it shall be the duty of the mayor to give notice to such person or persons to remove such nuisance forthwith; and if any person neglects or refuses to remove said substance within a space of twenty-four hours after such notice, he shall be liable to the penalty hereinbefore prescribed in this Code, and it is hereby made the duty of the chief of police to remove or abate any such nuisance immediately upon the expiration of the twenty-four (24) hour notice hereinbefore mentioned, if requested to do so by the health officer in writing.