

TITLE 4
HEALTH, SANITATION AND ENVIRONMENT

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CHAPTER 1
NUISANCES

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4-1-1: **NUISANCE DEFINED:** The term "nuisance", as used in this chapter, is defined as anything which is injurious to health or morals, or is indecent or offensive to the senses or an obstruction to the free use of property so far as to interfere with the comfortable enjoyment of life or property. (Ord. 163, 7-2-1962)

4-1-2: **MAINTAINING PROHIBITED:** It shall be unlawful for any person, as owner, lessee, or manager of property within the corporate limits of the city, to create, maintain, or cause to exist any "nuisance" as defined in this chapter or permit the same to exist on the property or premises owned by any person or under his control. (Ord. 163, 7-2-1962)

4-1-3: **NUISANCES ENUMERATED:** The following are hereby specifically declared to be nuisances when created, maintained, or caused to exist within the corporate limits of the city:

- A. **Unwholesome Or Injurious Substances:** The depositing of any filth or any foul, offensive, unwholesome, nauseous, or injurious substances upon any public thoroughfare or other public place or upon any private property.

- B. Depositing Debris Into Gutters, Public Ways: Sweeping or depositing of any paper, trash, ashes, rubbish or debris into any drain or gutter, or onto any public thoroughfare.
- C. Burning Substances Causing Odor, Smoke: The burning of any hair, leather, rags or other substances of any kind which may cause or produce an offensive smell, smoke, or odor which annoys or is offensive to persons living in the vicinity or to persons passing by on any public thoroughfare.
- D. Chemicals For Spraying Trees, Other Vegetation: The mixing of or using of chemicals or mixtures of substances used in the spraying of trees and other vegetation on property where the spray of the mixtures or the odors therefrom are offensive to the senses and are permitted to drift out over adjoining property or other property and come in contact with trees or vegetation or people thereon to the injury thereof, or so as to become offensive to the senses or an obstruction to the free use of such property, or so as to interfere with the comfortable enjoyment of life or property so affected.
- E. Defecating Or Urinating Upon Public Ways: Defecating or urinating upon the streets, alleys, or public places or any other place that may be seen from private residences or by any person passing along the public thoroughfares.
- F. Defacing Public Toilets: Public toilets whereon appear filthy or indecent writings or caricatures; provided, that public toilets shall be all toilets resorted to or used not only by the owners or proprietors of the building in which the same are located, but also by renters, lessors or other persons or by the public.
- G. Open Cellar Or Trap Doors: Keeping or leaving open or unprotected after the necessity for the opening has ceased, of any cellar or trap door or the grating of any vault in or upon any sidewalk.
- H. Offensive Pools, Cesspools, Privies: All cellars, vaults, drains, pools, cesspools, privies, sewers, yards, grounds or premises which for any cause have become foul, nauseous or injurious to health or a menace to health, or which give forth odors which are offensive to adjacent residents or to persons passing by.
- I. Carcasses, Other Unwholesome Substances: All carcasses, decaying flesh, fish, fowl, or vegetables and all deposits of manure or other unwholesome substances and all filthy or offensive water or slops in any private yard or premises or when thrown or conducted

into or upon any street, alley, public ground or any enclosure so as to be unwholesome or offensive or liable to become unwholesome or offensive. (Ord. 163, 7-2-1962)

4-1-4: **UNINVITED PEDDLING:** The practice of going in and upon private residences in the city by itinerant merchants, transient vendors, solicitors, peddlers, and hawkers of merchandise, not having been requested or invited so to do by the owner or occupant of said private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of and/or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor. (Ord. 133, 6-20-1949; amd. 2011 Code)

4-1-5: **ABATEMENT PROCEDURE:**

- A. Property Owner Responsibility: It shall be the duty of the owner of any lot, building, or premises whereon any nuisance exists, or the lessee, manager, or person in charge thereof, to remove, abate, or destroy any existing nuisance without delay.
- B. Abatement By City; Cost A Lien:
1. In the event the owner of any lot, building, or premises, or the lessee, manager, or person in charge thereof, fails to remove, abate or destroy the nuisance without delay, the city may take immediate steps to abate said nuisance, remove the same, or destroy such nuisance, and charge the property owner, lessee, manager, or person in charge thereof with the reasonable charges incurred in the removal, abatement or destruction of the said nuisance.
 2. The cost of such removal shall become a lien upon the property on which the nuisance existed.
- C. Notice To Owner; Exception: The said property owner, lessee, manager or person in charge thereof shall be given reasonable notice to abate the nuisance unless the same constitutes an immediate threat to the health, safety or welfare of the citizens of, or the property within, the city. (Ord. 206, 9-10-1984)

4-1-6: **PENALTY:** Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to penalty

as provided in section 1-4-1 of this code. (Ord. 163, 7-2-1962; amd. 2011 Code)

