

CHAPTER 2
NUISANCES

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4-2-1: **DEFINITION; NUISANCES ENUMERATED:** For the purpose of this chapter, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises is located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

- A. Lumber, junk, trash or debris.
- B. Abandoned, inoperable, discarded or unused objects or equipment such as automobiles, implements and/or equipment or machinery and personal property for which it was manufactured; furniture, stoves, refrigerators, freezers, cans and containers.
- C. Any compost pile or liquid waste 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; provided, that the presence of earthworms in a compost pile shall not constitute a nuisance.
- D. Keeping unsanitary matter on premises. It is unlawful for any person to keep, or permit another to keep, upon any premises, deleterious or septic material unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents and animals. (1985 Code § 8.16.010)

4-2-2: **PRIVATE PROPERTY MAINTENANCE REQUIRED:** No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises is located. (1985 Code § 8.16.020)

4-2-3: **EXTERIOR STORAGE OF NONOPERATING, JUNKED VEHICLES AND EQUIPMENT¹:** No person in charge or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle, machinery, implement, and/or equipment and personal property of any kind, which is no longer safely usable for the purpose for which it was manufactured, to remain on such property longer than fourteen (14) days; and no person shall leave any such vehicle or any property within the city for a longer time than fourteen (14) days; except, that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or any other public agency or entity. (1985 Code § 8.16.030)

4-2-4: **ABATEMENT PROCEDURES:**

A. Abatement By Owners:

1. The owners, tenants, lessees and/or occupants of any lot within the corporate limits of the city upon which such storage is made, and also the owners and/or lessees of such personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate such nuisance by the prompt removal of such personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the city, or otherwise to remove such

1. See also section 9-1-5 of this code, definition of "automobile wrecking yard".

personalty to a location outside the corporate limits. (1985 Code § 8.16.040)

2. If such owners allow the nuisance to exist or fail to abate the nuisance, they, and each of them, upon conviction thereof, shall be fined not less than twenty five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each offense, and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist. (1985 Code § 8.16.050; amd. 2010 Code)

B. Abatement By City: Whenever such owners fail to abate the nuisance, then the city shall remove such personalty to a location of its selection, the expenses therefor to be billed to the owners, jointly and severally; such bill to be recoverable in a suit at law.

C. Sale Of Personalty:

1. When the personalty has been removed and placed in storage by the city, as provided herein, the personalty shall be sold by the city after the lapse of such time as is provided by law.

2. If the proceeds of such sale are insufficient to pay the costs of abatement, the owners shall be liable to the city for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to the owners or deposited in the city treasury for their use. (1985 Code § 8.16.060)

