

CHAPTER 25

NUISANCES*

Sec. 25-1. Definitions.

For the purpose of this chapter, the word “nuisance” is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health or safety of others; or
- (2) Offends decency; or
- (3) Is offensive to the senses; or
- (4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- (5) In any way renders other persons insecure in life or the use of property; or
- (6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others. (Gen. Code 1946, Ch. 3, 101.1; Code 1972, 9.1)

Cross reference – Definitions and rules of construction generally, 1-2.

Sec. 25-2. Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Noxious weeds and other rank vegetation;
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things;
- (3) Any condition which provides harborage for rats, mice, snakes and other vermin;
- (4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
- (5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;
- (6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches;
- (7) The carcasses of animals or fowl not disposed of within a reasonable time after death;
- (8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances;
- (9) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;
- (10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
- (11) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities. (Gen. Code 1946, Ch. 3, 101.2; Code 1972, 9.1)
- (12) Any accumulation of tree debris, tree waste, tree branches or limbs, lawn waste, or any other debris, trash, or rubbish on private or public property.

Sec. 25.3. Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance. (Gen. Code 1946, Ch. 3, 101.3; Code 1972, 9.1)

Sec. 25.4. Notice to abate.

Whenever a nuisance is found to exist within the city, the city manager or some other duly designated officer of the city manager or some other duly designated officer of the city shall give three (3) days written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. Any nuisance which exists or is placed on any tree lawn shall be abated within twenty four (24) hours of notice.

Sec. 25-5. Contents of notice.

The notice to abate a nuisance issued under the provisions of this chapter shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;
- (2) The location of the nuisance, if the same is stationary;
- (3) A description of what constitutes the nuisance;
- (4) A statement of acts necessary to abate the nuisance;
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city will abate such nuisance and assess the cost thereof against such person.

Sec. 25-6. Abatement by city.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, the city manager or other duly designated officer of the city shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof. (Gen. Code 1946, Ch. 3, 101.4; Code 1972, 9.1; Ord. of 11-4-74)

Sec. 25.7. Emergency abatement by city.

When, in the opinion of the city manager or other duly designated officer, there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the city manager or duly designated officer is hereby authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The city manager or other duly designated officer shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof. (Gen. Code 1946, Ch. 3, 101.4; Code 1972, 9.1)

Sec. 25-8. City's costs declared lien.

Any and all costs incurred by the city in the abatement of a nuisance under the provisions of this chapter shall be collected as a special assessment under section 36-8. (Gen. Code 1946, Ch. 3, 101.6; Code 1972, 9.1; Ord. of 11-4-74)

Sec. 25-9. Penalty for violations.

Any person violating any provision of this chapter shall be subject to the penalties of section 1-8, except that there shall be a minimum fine of twenty-five dollars (\$25.00) for each violation.

Sec. 25-10. Requirements and Specifications for boarding unoccupied property.

- (a) The property owner of any unoccupied structure shall secure the doors and windows so as to prevent unauthorized entry. Failure to secure the property shall constitute a nuisance and shall be deemed a violation of this chapter.
- (b) In the event that the doors and windows have been removed, the owner shall board up the openings of all doors and windows using ½ (one-half) inch plywood. The plywood shall be flush to the

outside of the molding of the window or door opening, and shall be secured using 1 ½ inch drywall screws that are screws in approximately six (6) inches apart. For metal doors and windows, the plywood shall be butted up against band molding and shall be secured with 2 ½ inch drywall screws that are screwed in approximately six (6) inches apart. Failure to board up the openings for all doors and windows of unoccupied structures shall constitute a nuisance and shall be deemed a violation of this chapter.