

ARTICLE III. NUISANCES

Sec. 54-61. Acts constituting nuisances designated.

- (a) A "nuisance" is anything that works hurt, inconvenience or damage to another, and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinarily reasonable man.
- (b) The following conditions, among others, may be declared to be nuisances:
- (1) Stagnant water on premises;
 - (2) Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;
 - (3) The generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the city;
 - (4) The pollution of public water or the injection of matter into the sewage system which would be damaging thereto;
 - (5) Maintaining a dangerous or diseased animal or fowl;
 - (6) Obstruction of a public street, highway or sidewalk without a permit;
 - (7) Loud or unusual noises which are detrimental or annoying to the public, including without limitation, unusual loud disturbances in or around churches or multiple family complexes such as loud music and other activities in swimming pool and clubhouse areas;
 - (8) All walls, trees and buildings that may endanger persons or property;
 - (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;
 - (10) Unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed;
 - (11) Any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city;
 - (12) Junked motor vehicles as defined in section 42-131 et seq.;
 - (13) Any person who possesses, harbors or is in charge of any animal who does not immediately remove excrement deposited by the animal on any property other than their own property. It shall be the duty of any person having custody and control of any animal, while not on their own property, to

have in their possession a means for the picking up and removal of animal excrement. The provisions of this section shall not apply to any animal aiding the handicapped (e.g. guide dogs) or to an animal when in police or rescue activities; and

(14) Any other condition constituting a nuisance under the City Code or state law.

(Ord. No. 130, § 3, 1-8-02; Ord. No. 257, §§ 1, 2, 11-14-06)

Sec. 54-62. Abatement of nuisances; municipal court authority.

The municipal court shall have full jurisdiction to try and dispose of all questions of nuisance affecting the public health or welfare, and shall also have jurisdiction to try and, in case of conviction, to punish persons failing to abate nuisances, as prescribed in section 1-11 of this Code.

(Ord. No. 130, § 4, 1-8-02)

Sec. 54-63. Complaints of nuisance; investigation and abatement order

(a) Any official or inhabitant of the city may direct a complaint of nuisance to the city police precinct, who shall investigate and may place the complaint on the municipal court docket for a hearing upon the basis of the investigation. The municipal court after a ten-day notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the recorder shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.

(b) Animal control officers, license and building inspectors shall and may also receive complaints, investigate the same and place on the court docket such complaints in the same manner as police officers.

(c) Any reference to the city in this article shall be deemed to include the city or its designee, including the county department of code enforcement.

(Ord. No. 130, § 5, 1-8-02)

Sec. 54-64. Abatement by city when; billing for costs.

(a) In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the municipal court that it must be immediately abated, the municipal court may issue an order to appropriate law enforcement officials directing the nuisance to be abated. Law enforcement officials in such case, shall keep a record of the expenses and cost of abating same, and the costs shall be billed against the owner, agent or tenant for collection as for city revenues.

(b) Other city departments shall assist law enforcement officials as is necessary in abating nuisances hereunder.

(Ord. No. 130, § 6, 1-8-02)

Sec. 54-65. Summary abatement authorized when.

Nothing contained in this article shall prevent the mayor from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

Sec. 54-66. Nuisance deemed offense; penalty.

It is declared to be an offense for any owner, agent, or tenant to maintain or allow a nuisance to exist. Each day a nuisance is continued shall constitute a separate offense. Anyone committing a nuisance shall be guilty of a petty offense and, upon conviction, punished by a fine not to exceed \$1,000.00, imprisonment for no more than six months, or a combination thereof.