

ORDINANCE NUMBER 145

An Ordinance defining Nuisances and providing penalties for the commission thereof and repealing inconsistent ordinances.

Part 1. Nuisances

Section 1. Public Nuisances Defined

Whoever by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance.

- (1) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- (2) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (3) is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

Section 2. Public Nuisances Affecting Health

The following are hereby declared to be nuisances affecting health:

- (1) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (2) All diseased animals running at large;
- (3) All ponds or pools of stagnant water;
- (4) Carcasses of animals not buried or destroyed with 24 hours after death;
- (5) Accumulations of manure, refuse, or other debris;
- (6) Privy vaults and garbage cans which are not rodent free or fly tight or which are so maintained as to constitute a health hazard or emit foul or disagreeable odors;
- (7) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- (8) All noxious weeds and other rank growths of vegetation upon public or private property;
- (9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantity;

Section 3. Public Nuisances affecting Peace and Safety

- (1) All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition, has ceased to fall;
- (2) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- (3) All wires, limbs of trees which are so close to the surface of the sidewalk or street as to constitute a danger to pedestrians or vehicles;
- (4) All unnecessary noises and annoying vibrations;
- (5) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;
- (6) Radio aerials or television antennae erected or maintained in a dangerous manner;
- (7) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free uses of the streets or sidewalks;
- (8) All hanging signs, awnings, or other similar structures, over streets and sidewalks, so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- (9) The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- (10) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- (11) All dangerous, unguarded machinery in any public place or so situated or operated on private property as to attract the public;
- (12) Waste Water cast upon or permitted to flow upon streets or other public property;

(13) Accumulations, in the open, of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or to fire, health or safety hazards from such accumulation or from the rank growth of vegetation among the items so accumulated; The accumulation of dirt, litter, or debris, trash, garbage, packing boxes, lumber, junk, salvage materials, broken or discarded furniture, household equipment and furnishings or shopping carts.

(14) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located;

(15) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch, with trash or other materials;

(16) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;

(17) The depositing of garbage or refuse or litter on a public right-of-way or on adjacent private property;

(18) Except for a police officer in the performance of duty, the discharge of any gun, pistol or firearm of any description, or the carrying of any such weapon unless it is dismantled or broken apart or carried in a case in such a manner that it cannot be discharged. This subdivision does not prevent the carrying of a handgun within the City under a permit subject to the restrictions imposed by law;

(19) The shooting of a bow and arrow, except on school property by students of an archery class, provided that an adult instructor is present at all times and that proper discretion is used to insure the safety of all concerned;

~~(20) The keeping of any horses, cattle, sheep, goats, mules, donkeys, turkeys, or any other fowl or any other non-domestic animal. Non domestic animal is defined as any animal other than house cats (Felis Domesticus) dogs (Canis Familiaris) or any living creatures generally referred to as domestic pets and which are capable of being maintained within the residence or in a cage or tank within the residence, including by not limited to birds, hamsters, lizards, snakes, fish, etc.;~~

~~(21) The keeping of an animal of a ferocious or vicious nature, habit or disposition, or any animal wild by nature;~~

(22) The keeping of any dog, cat or other animal in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting, or other noise, or in such a way as to permit the animal to annoy, injure or endanger any person or property;

(23) The keeping of more than 2 dogs or cats over six months of age on any one premises except at a bona-fide commercial kennel;

(24) The failure to provide an animal with sufficient and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment;

(25) All other conditions or things which are likely to cause injury to the person or property of anyone.

Section 4. - Public Nuisances Having a Blighting Effect.

A. It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted or undesirable neighborhoods, so as to be harmful to the public welfare, health and safety.

(1) In any area, the storage or accumulation of Junk, trash, rubbish, or refuse of any kind. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances, stored in the open, remnants of wood; decayed weathered or broken construction materials no longer suitable for sale, approved building materials; metal or other cast off material of any kind, whether or not the same could be put to any reasonable use.

(2) In any area the existance of any structure or part of any structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended.

(3) In any area the existance of any vacant dwelling, garage, or other out-building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up or otherwise protected to prevent entrance thereto by vandals, and buildings which are presently occupied or unoccupied which are unpainted or where the paint on the building exterior is mostly worn off.

(4) Graffiti which remains on the exterior of any building, fence, structure or natural feature for an unreasonable period of time.

20 Amended by ORD # 171  
FCI is deleted by ORD # 171

Part II - Enforcement, Abatement, Recovery of Cost, Penalties

Section 1. Enforcement

The City Council or its members, the Supt. of Streets and Water, City Police Officers, and the City Clerk shall have the authority to enforce the provisions of this Ordinance. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 2 - Abatement

Whenever an officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner and occupant of the premises of such fact and shall order that such nuisance be terminated or abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown or his location is not known, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 15 days, within which the nuisance is to be abated. Additional time may be granted by the enforcement officer when bona-fide efforts to remove or eliminate such nuisance are in progress.

If the notice is not complied with within the time specified, the enforcing officer may provide for abating the nuisance by the City.

Section 3 - Recovery of Cost

The owner of the premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

On or before September 1 of each year, the Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this ordinance. The Council may then spread the charges or any portion thereof against the property involved as a special assessment.

Section 4 - Penalties

Any person violating any provision of this ordinance, or any provision of any statute adopted by the ordinance by reference, shall upon conviction be guilty of a misdemeanor and shall be punished as provided by law.

Section 5 - Repeal

Ordinance Number 6 and Ordinance Number 132, along with all other ordinances or any provisions thereof which are in conflict with this ordinance are hereby repealed.

Section 6 - Effective Date

This ordinance becomes effective upon it's passage and publication, according to law.

Passed by the City Council the 5th day of December, 1989.

By: Stephen Halbecker  
Mayor

Attest:

Dwight Beckstrom  
City Clerk/Treas.